

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
NOVEMBER 1, 2022
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, November 1, 2022, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

Michael Hughes – Vice Chairman
David Anderson
Fred Beloin
Deborah Dance

Stephen Vault – Chairman – not present

CALL TO ORDER – VICE CHAIRMAN HUGHES

Vice Chairman Hughes called the hearing to order at 9:03 a.m.

Mr. John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

- Z-69** **BEAZER HOMES, LLC** (Diversified Trust Company, Successor Trustee under instrument dated May 1, 1981, for the benefit of Nancy T. [Montgomery] and grandchildren of George A. Montgomery, owners) requesting rezoning from **R-20** to **RA-6** for a single-family detached and townhome community in land lots 655, 656, 713, 714, 715, 725, 726, 727, 787, and 788 of the 16th district. Property is located on the west side of Bells Ferry Road, on the east side of I- 75 and I-575 (2247 Bells Ferry Road; 150, 151, and 154 Laurel Lake Road). *(Previously continued by the Planning Commission (PC) until the December 6, 2022, PC hearing). WITHDRAWN WITHOUT PREJUDICE*
- Z-70** **DAVID LADNAK, MUST MINISTRIES** (Ministries United for Service and Training, Inc., owner) requesting rezoning from **RM-12** to **RRC** for multi-family residential in land lot 224 of the 17th district. Property is located on the south side of Osborne Road, west of Austell Road (34 Osborne Road). *WITHDRAWN WITHOUT PREJUDICE*
- SLUP-5** **PARALLEL TOWERS III, LLC aka PARALLEL INFRASTRUCTURE, LLC** (FDP Properties, LLC, owner) requesting a **Special Land Use Permit** for a cellular tower in land lots 131 and 132 of the 16th district. Property is located on the east side of Canton Road, across from the terminus of Shallowford Road (4648 Canton Rd). *(Previously continued by Staff until the May 3, 2022, Planning Commission (PC) hearing; held by the PC until the June 7, 2022, PC hearing; continued by Staff until the July 5, 2022, PC hearing; continued by Staff until the August 2, 2022, PC hearing; continued by the PC until the September 6, 2022, PC hearing; continued by Staff from the September 6, 2022, and October 4, 2022, PC hearings until the November 1, 2022, PC hearing). WITHDRAWN WITHOUT PREJUDICE*

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-75 **ADP - MARS HILL ROAD LLC** (Anthony J. Gatti Living Trust, owner) requesting rezoning from **NS, LRO, and R-20** to **NRC and R-20** for a climate-controlled self-storage in land lots 231 and 264 of the 20th district. Property is located on the west side of Mars Hill Road, north of Fords Road (Mars Hill Road).

Mr. Pederson presented the Applicant's request to withdraw without prejudice Z-75; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to **allow** Z-75 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 4-0, Vault not present

SLUP-13 **WH STORAGE, LLC** (Kofer Properties, Inc., owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage in land lots 15 and 58 of the 17th district. Property is located on the south side of Windy Hill Road, on the west side of Arkose Drive (749 Windy Hill Road, 2410 Arkose Drive). *(Continued by Staff until the November 1, 2022, Planning Commission hearing).*

Mr. Pederson presented the Applicant's request to withdraw without prejudice SLUP-13; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to **allow** SLUP-13 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 4-0, Vault not present

SLUP-15 **ADP - MARS HILL ROAD LLC** (Anthony J. Gatti Living Trust, owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage in land lots 231 and 264 of the 20th district. Property is located on the west side of Mars Hill Road, north of Fords Road (Mars Hill Road).

Mr. Pederson presented the Applicant's request to withdraw without prejudice SLUP-15; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to **allow** SLUP-15 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 4-0, Vault not present

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-55** **KENNETH B. CLARY** (Kenneth B. Clary, owner) requesting rezoning from **R-30** to **R-15** for a single-family subdivision in land lots 25, 54, and 55 of the 1st district. Property is located on the north side of Post Oak Tritt Road, west of McPherson Road (4701 Post Oak Tritt Road). *(Previously continued by Staff from the September 6, 2022, through the November 1, 2022, Planning Commission (PC) hearings until the February 7, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-60** **BRANCH ACQUISITION COMPANY, LLC** (Branch Atlanta Road Associates II, L.P.; SJ Georgia Investor, LLC; Michael Howarth and Christine Howarth, owners) requesting rezoning from **HI** to **RRC** for a mixed-use development in land lots 894 and 900 of the 17th district. Property is located on the south side of Atlanta Road, north of Plant Atkinson Road (4874 and 4888 Atlanta Road, 2840 Plant Atkinson Road). *(Previously continued by Staff from the September 6, 2022, through the November 1, 2022, Planning Commission (PC) hearings until the December 6, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-67** **S&B INVESTMENTS, INC.** (S&B Investments, Inc., owner) requesting rezoning from **GF** and **R-80** to **NRC** for a retail coffee shop in land lots 73 and 81 of the 1st district. Property is located on the west side of Johnson Ferry Road, and on the north side of Paper Mill Road (31 Johnson Ferry Road). *(Previously continued by Staff from the October 4, 2022, and November 1, 2022, Planning Commission (PC) hearings until the December 6, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-71** **HAMILTON HOMES HOLDINGS LLC** (Hamilton Homes Holdings LLC, owner) requesting rezoning from **R-20** to **RM-8** for a townhome community in land lot 29 of the 17 district and 1073 of the 19th district. Property is located on the southwest side of Floyd Road, on the northwest side of Glore Road, and at the terminus of Anjul Drive (4598 Glore Road, Floyd Road). *(Continued by Staff until the December 6, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-72** **BROCK BUILT HOMES LLC** James R. Groover, owner) requesting rezoning from **R-30** to **R-20/OSC** for a single-family subdivision in land lot 129 of the 19th district. Property is located on the west side of Friendship Church Road, across from Wellsley Drive (880 Friendship Church Road). *(Continued by Staff until the December 6, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-74** **BUILDING NEW PATHWAYS, LLC** (Building New Pathways, LLC, owner) requesting rezoning from **O&I** to **CRC** for office and retail in land lot 804 of the 17th district. Property is located on the northwest side of North Park Place, on the north side of Windy Hill Road (1977 North Park Place). *(Continued by Staff until the December 6, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-76** **VAZCO PROPERTIES, LLC** (Alci Vaz Da Costa, Jr. and Mirian Costa, owners) requesting rezoning from **R-30** to **O&I** for an assembly hall in land lot 12 of the 19th district. Property is located on the north side of Dallas Highway, west of Midway Road (4796 Dallas Highway). *(Continued by Staff until the December 6, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- LUP-21** **ROGER ALEXANDER** (Roger Alexander, owner) requesting a **Temporary Land Use Permit** for vehicle parking in land lot 235 of the 16th district. Property is located on the west side of Keheley Road, north of Myrtle Drive (4175 Keheley Road). *(Continued by Staff until the December 6, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- LUP-23** **JOSE LAFLARE** (Koyman Eladio Mazariegos Reyes, owner) requesting a **Temporary Land Use Permit** for vehicle parking in land lot 626 of the 19th district. Property is located on the south side of Milford Church Road, across from Farmington Drive (1487 Milford Church Road). *(Continued by Staff until the December 6, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-58** **PULTE HOME COMPANY** (Marie F. Johnson, owner) requesting rezoning from **R-30** to **R-20/OSC** for a single-family subdivision in land lots 62 and 87 of the 19th district. Property is located on the west side of Midway Road, south of Dallas Highway (636 Midway Road). *(Previously held by the Planning Commission (PC) until the October 4, 2022, PC hearing; continued by the PC until the November 1, 2022, PC hearing).*

Mr. Pederson presented the Applicant's request for a continuance of Z-58; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to continue Z-58 to the December 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0, Vault not present

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Mr. Pederson made the following announcements and then read in the cases for the Consent Agenda.

CAMPAIGN DISCLOSURE

All speakers who have made a campaign contribution totaling \$250.00 or more, within the last two years, to a local government official considering a zoning case are required to complete the "Campaign Disclosure Form" prior to speaking.

INFORMATION REGARDING ZONING CASES

All information regarding zoning cases must be turned in to the Zoning Office on the Wednesday prior to the zoning hearing for consideration. If said information is turned in past the deadline, then it is at the Board's discretion as to whether the information will be considered.

CONSENT AGENDA

MOTION: Motion by Dance, second by Anderson, to **approve** the Consent Agenda, *as presented*:

Z-73 REALTICORP/THORNTON, LLC (Realticorp/Thornton, LLC, owner) requesting rezoning from **R-20** to **LI** for light industrial in land lot 583 of the 18th district. Property is located on the south side of I-20, on the north side of Interstate West Parkway, east of Thornton Road (Interstate West Parkway).

To recommend **approval** of Z-73 to the **LI** zoning district, subject to:

1. **Site Plan received by the Zoning Division on September 1, 2022, with District Commissioner approving minor modifications (on file in the Zoning Division)**
2. **Final elevation to be approved by the District Commissioner**
3. **Fire Department comments and recommendations**
4. **Stormwater Management Division comments and recommendations**
5. **Water and Sewer Division comments and recommendations**
6. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on November 15, 2022**

LUP-20 CHELSEA HURST (Wade Hurst and Chelsea Hurst, owners) requesting a **Temporary Land Use Permit** for produce sales in land lot 535 of the 16th district. Property is located on the west side of Missy Drive, north of Shelby Lane (2917 Missy Drive).

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CONSENT AGENDA (CONT.)

LUP-20 CHELSEA HURST (CONT.)

To recommend **approval** of LUP-20 for **24 months**, subject to:

- 1. No sales from this location**
- 2. No exterior signs**
- 3. Department of Transportation comments and recommendations**
- 4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on November 15, 2022**

CONSENT VOTE: **ADOPTED** 4-0, Vault not present

REGULAR AGENDA

Z-56 ISSAN CHETTY (Issan Chetty, owner) requesting rezoning from **R-30** to **R-20** for single-family residences in land lot 321 of the 19th district. Property is located on the west side of W. Sandtown Road, north of Friendship Church Road (1534 W. Sandtown Road). *(Previously continued by Staff until the October 4, 2022, Planning Commission (PC) hearing; held by the PC until the November 1, 2022, PC hearing).*

The public hearing was opened; Roald Chetty and Issan Chetty addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to **hold** Z-56 until the December 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0, Vault not present

Z-65 DRAPAC INVESTMENTS, LLC (DRAPAC Group 3, LLC, owner) requesting rezoning from **RA-5** to **RA-5** for a single-family attached and detached subdivision in land lots 87 and 88 of the 18th district. Property is located on the west side of Michael Road, south of Vanesa Circle, at the terminus of Linda Drive, and at the terminus of Oak Hill Drive (Maxham Road). *(Previously continued by the Planning Commission (PC) from the October 4, 2022, PC hearing until the November 1, 2022, PC hearing).*

The public hearing was opened; Garvis L. Sams, Jr., Lori Herrin, Patricia Orr, Mike Bowen, and Travis McComb addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **hold** Z-65 until the December 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0, Vault not present

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REGULAR AGENDA (CONT.)

By general consensus, companion cases, Z-66 and SLUP-14 (ADP - Terrell Mill LLC), were heard concurrently, but voted on separately.

Z-66 **ADP - TERRELL MILL LLC** (The Estate of Ruby Inez Fridell, owner) requesting rezoning from **R-80** to **CRC** for a climate-controlled self-storage facility in land lot 936 of the 17th district. Property is located on the west side of Terrell Mill Road, and on the south side of Delk Road (1140 and 1150 Terrell Mill Road). *(Previously continued by Staff until the November 1, 2022, Planning Commission hearing).*

SLUP-14 **ADP - TERRELL MILL LLC** (The Estate of Ruby Inez Fridell, owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage facility in land lot 936 of the 17th district. Property is located on the west side of Terrell Mill Road, and on the south side of Delk Road (1140 and 1150 Terrell Mill Road). *(Previously continued by Staff until the November 1, 2022, Planning Commission hearing).*

The public hearing was opened; Kevin Moore and Rudolph Arnstein addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to **hold** Z-66 until the December 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0, Vault not present

After the vote for Z-66, the following motion was made for companion case, SLUP-14:

MOTION: Motion by Anderson, second by Beloin, to **hold** SLUP-14 until the December 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0, Vault not present

Vice Chairman Hughes called for a brief recess from 10:47 a.m. until 10:57 a.m.

Z-68 **THE REVIVE LAND GROUP, LLC** (Estate of Hazel Elizabeth Cash, Estate of Mildred A. Reeves, Estate of Mary Ruth Allen, L.P.; SJ Georgia Investor, LLC; Michael Howarth and Christine Howarth, owners) requesting rezoning from **GC** to **FST** for a townhome community in land lot 45 of the 18th district. Property is located on the south side of Veterans Memorial Highway, west of Allen Road (220, 230, 240, 250, 260, 262, 272, and 280 Veterans Memorial Highway). *(Previously continued by the Planning Commission (PC) from the October 4, 2022, PC hearing until the November 1, 2022, PC hearing).*

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REGULAR AGENDA (CONT.)

Z-68 THE REVIVE LAND GROUP, LLC (CONT.)

The public hearing was opened; Kevin Moore, Robin Meyer, and Louis Deluca addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **deletion** of Z-68 to the **RM-8** zoning district, subject to:

1. ***Revised Site Plan dated 10-21-2022 (on file in the Zoning Division), which reflects the reduction in units from 67 to 65; this Site Plan shall be modified on the western boundary of the property to include an enhanced 25-foot landscape buffer in order to mitigate any possible negative impacts to the property owner on the west side***
2. ***Letter of agreeable conditions from Kevin Moore dated October 24, 2022 (on file in the Zoning Division), with the change to the stipulation regarding “wooden” fencing; fencing shall be “wrought iron” fencing***
3. **Staff comments and recommendations**

VOTE: **ADOPTED** 4-0, Vault not present

LUP-22 MARIA ALEJANDRA SILVA ORTEGA (Maria Alejandra Silva Ortega and Maria Claudia Ortega Artunduaga, owners) requesting a **Temporary Land Use Permit** to allow occupancy of an accessory structure in land lots 555 and 598 of the 16th district. Property is located on the north side of Post Oak Tritt Road, east of Post Oak Drive (2329 Post Oak Tritt Road).

The public hearing was opened, and Maria Silva addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes to recommend **approval** of LUP-22 for **12 months**, subject to:

1. **For family use *only***
2. **For this Applicant *only***
3. **Detached garage *cannot* contain a kitchenette; Applicant can have any two of the following three items: a refrigerator, a stove with an oven, and/or a sink, but cannot have all three items**
4. **Staff comments and recommendations**
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on November 15, 2022**

VOTE: **ADOPTED** 4-0, Vault not present

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APPROVAL OF MINUTES

MOTION: Motion by Anderson, second by Dance, to **approve** the following minutes, *as submitted*:

October 4, 2022 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 4-0, Vault not present

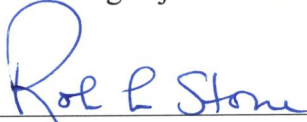
MOTION: Motion by Anderson, second by Dance, to **approve** the following minutes, *as submitted*:

October 24, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 4-0, Vault not present

ADJOURNMENT

The hearing adjourned at 11:57 a.m.



Robin L. Stone, Deputy County Clerk
Cobb County Planning Commission