

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 6, 2022
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, December 6, 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:

Stephen Vault – Chairman
David Anderson
Fred Beloin
Deborah Dance

Michael Hughes – not present

CALL TO ORDER – CHAIRMAN VAULT

Chairman Vault called the hearing to order at 9:01 a.m.

***Clerk's Note:** Due to the absence of Planning Commissioner Hughes, Chairman Vault handled the District 4 cases during the hearing.*

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

- 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 December 6, 2022, PC hearing). WITHDRAWN WITHOUT PREJUDICE***
- Z-80** **RENATA DINIZ** (Patricia A. Glore, Michael B. Allen, owners) requesting rezoning from **GC** and **CRC** to **PVC** for a mixed-use development in land lots 1294 and 1297 of the 19th district. Property is located on the north side of Veterans Memorial Highway, east of Vonda Lane (Veterans Memorial Highway). ***WITHDRAWN WITHOUT PREJUDICE***
- Z-85** **AMERICAN CONTRACTORS SUPPLY, LLC** (Commercial Properties, Inc., owner) requesting rezoning from **R-20** to **HI** for an outside storage of construction materials and equipment parking in land lot 258 of the 18th district. Property is located east of Maxham Road, and west of Timothy Lane (Timothy Lane). ***WITHDRAWN WITHOUT PREJUDICE***

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WITHDRAWN AND CONTINUED CASES (CONT.)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 December 6, 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 December 6, 2022, Planning Commission (PC) hearings until the February 7, 2023, 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, through the December 6, 2022, Planning Commission (PC) hearings until the February 7, 2023, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-77** **LIDL US OPERATIONS, LLC - DEBORAH PYBURN** (Canton Village Associates, L.P., owner) requesting rezoning from **NS** and **CRC** to **CRC** for a grocery store in land lots 565 and 566 of the 16th district. Property is located on the south side of Piedmont Road, and on the west side of Canton Road (2833 Canton Road, 740 Piedmont Road). *(Continued by Staff from the December 6, 2022, Planning Commission (PC) hearing until the February 7, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-81** **PRIME PROPERTIES 9, LLC** (John C. Joiner, III, M.D., owner) requesting rezoning from **O&I** to **NRC** for a convenience store with fuel sales in land lot 858 of the 19th district. Property is located on the north side of Mulkey Road, west of Lipson Drive (1810 Mulkey Road). *(Continued by Staff from the December 6, 2022, Planning Commission (PC) hearing until the February 7, 2023, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

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).*

Mr. Pederson presented the Applicant's request for a continuance of Z-71; thereafter, the following motion was made:

MOTION: Motion by Dance, second by Anderson, to **continue** Z-71 until the February 7, 2023, Planning Commission Zoning Hearing.

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

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 Beloin, to **approve** the Consent Agenda, *as revised*:

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 from the September 6, 2022, Planning Commission (PC) hearing until the October 4, 2022, PC hearing; held by the PC from the October 4, 2022, and November 1, 2022, PC hearings until the December 6, 2022, PC hearing).*

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CONSENT AGENDA (CONT.)

Z-56 ISSAN CHETTY (CONT.)

To recommend **approval** of Z-56 to the **R-20** zoning district, subject to:

- 1. District Commissioner to approve the final Site Plan**
- 2. Applicant must provide an updated Site Plan to Stormwater Management showing water quality calculations and construction details for stormwater collection and treatment system as an express condition before issuance of building permit**
- 3. Fire Department comments and recommendations**
- 4. Water and Sewer Division comments and recommendations**
- 5. Stormwater Management Division comments and recommendations**
- 6. Department of Transportation comments and recommendations**
- 7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

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). *(Previously continued by Staff from the November 1, 2022, Planning Commission (PC) hearing until the December 6, 2022, PC hearing).*

To recommend **approval** of Z-74 to the **CRC** zoning district, subject to:

- 1. District Commissioner to approve the final Site Plan**
- 2. Variance as stated in the Zoning comments**
- 3. Adherence to landscape enhancement strip regulations**
- 4. Fire Department comments and recommendations**
- 5. Water and Sewer Division comments and recommendations**
- 6. Stormwater Management Division comments and recommendations**
- 7. Department of Transportation comments and recommendations**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

Z-79 7 OAKS STABLES, LLC (7 Oaks Stables, LLC, owner) requesting rezoning from **R-15 with stipulations** to **R-15 with stipulations** for amending previous zoning conditions to allow an equestrian facility in land lots 257 and 320 of the 17th district. Property is located on the southeast side of Cooper Lake Road, west of Civitania Road (300 and 320 Cooper Lake Road).

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CONSENT AGENDA (CONT.)

Z-79 7 OAKS STABLES, LLC (CONT.)

To recommend **approval** of Z-79 to the **R-15** zoning district **with stipulations**, subject to:

- 1. District Commissioner to approve the final Site Plan**
- 2. District Commissioner to approve riding stable elevations**
- 3. County Arborist to approve landscape buffer plan**
- 4. All horses shall be maintained at least 10 feet from all property lines**
- 5. Variances as stated in the Zoning comments**
- 6. Fire Department comments and recommendations**
- 7. Water and Sewer Division comments and recommendations**
- 8. Stormwater Management Division comments and recommendations**
- 9. Department of Transportation comments and recommendations**
- 10. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

Later in the hearing and prior to approving the Consent Agenda, Chairman Vault announced that with agreement by the Applicant, additional stipulations from the Mableton Improvement Coalition (MIC) needed to be added to Z-79. Mr. Pederson read the additional stipulations into the record, and the above motion was amended to include the additional stipulations.

MOTION: Motion by Dance, second by Anderson, to **amend** the motion for Z-79 to include the following stipulations as previously read in by Mr. Pederson:

- 1. Additional buildings for equipment storage and for hay storage will be of the same materials and architecture as the barn; any other buildings greater than 750 square feet require approval by the BOC through an Other Business item**
- 2. Elevations for the barn as provided by Mr. Swarthout, with the color being brown or gray, and the roof of a similar color and non-reflective coating**
- 3. Maximum of 12 stalls in the barn**
- 4. Maximum of four events annually; events defined as attendance of more than 25 people**
- 5. Landscape Review Committee for the Cooper Lake Road frontage to include fencing and shrubbery intended to adequately safeguard horses while providing an attractive viewshed from the road; the committee would be composed of the Applicant, the Mableton Improvement Coalition, and the Cobb County Community Development Department**

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CONSENT AGENDA (CONT.)

Z-79 7 OAKS STABLES, LLC (CONT.)

- 6. Pavement for the first 60 feet of each driveway; gravel is acceptable past that point**
- 7. Lighting designed so as not to impact neighbors with appropriate shielding to ensure light does not escape property**
- 8. Use is specific for this applicant and use *only*; any change in either requires a new zoning application**

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

Z-82 ALICIA SCOTT (Dorothy Igbonagwam and Veronica E. Ani, owners) requesting rezoning from **NS** to **NRC** for a daycare in land lot 630 of the 19th district. Property is located on the south side of Milford Church Road, and on the north side of Old Milford Church Road (910 Milford Church Road).

To recommend **approval** of Z-82 to the **NRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on October 25, 2022 (on file in the Zoning Division), with the District Commissioner approving the final plan**
- 2. Fire Department comments and recommendations**
- 3. Stormwater Management Division comments and recommendations**
- 4. Water and Sewer Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**
- 6. Site Plan Review Arborist comments and recommendations**
- 7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

Z-83 WHITE ROAD LLC (White Road LLC, David Wine and Debbie Wine, owners) requesting rezoning from **LI** and **R-20** to **LI** for an office and warehouse in land lots 682 and 683 of the 18th district. Property is located on the southeast side of Factory Shoals Road, and on the northeast side of White Road (785 and 7520 Factory Shoals Road, White Road).

To recommend **approval** of Z-83 to the **LI** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on October 6, 2022 (on file in the Zoning Division), with the District Commissioner to approve minor modifications**
- 2. Letter of agreeable conditions from Kevin Moore dated November 28, 2022 (on file in the Zoning Division)**

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CONSENT AGENDA (CONT.)

Z-83 WHITE ROAD LLC (CONT.)

- 3. Building architecture to be approved by the District Commissioner**
- 4. Fire Department comments and recommendations**
- 5. Stormwater Management Division comments and recommendations**
- 6. Water and Sewer Division comments and recommendations**
- 7. Department of Transportation comments and recommendations**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

Z-84 **JEFF JENSEN** (Kerkinbo II, LLC, Estate of James E. Freeman, owner) requesting rezoning from **GC** to **LI** for an office, parking, and equipment storage in land lot 285 of the 17th district. Property is located on the south side of South Cobb Drive, west of the terminus of Henry Street (805 South Cobb Drive).

To recommend **approval** of Z-84 to the **LI** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on October 6, 2022 (on file in the Zoning Division), with the District Commissioner to approve minor modifications**
- 2. Setback variances as stated in the Zoning comments as they pertain to existing building footprint; any new buildings to meet the Zoning Code building setbacks**
- 3. Areas used for parking and/or maneuvering of vehicles and/or equipment to be paved to the extent or if recommended by Cobb DOT or Stormwater Management**
- 4. Code compliant 50-foot landscaped screening buffer to be installed *only* where site abuts a property which is both residentially zoned and there currently exists a residential structure**
- 5. Access to the site from Henry Street, a local roadway, to be prohibited or restricted, if recommended by Cobb DOT**
- 6. Fire Department comments and recommendations**
- 7. Stormwater Management Division comments and recommendations**
- 8. Water and Sewer Division comments and recommendations**
- 9. Department of Transportation comments and recommendations**
- 10. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

LUP-25 **LIVING HOPE LUTHERAN CHURCH** (Living Hope Lutheran Church, Inc., owner) requesting a **Temporary Land Use Permit** for an early childhood learning center in land lot 201 of the 20th district. Property is located on the west side of Mack Dobbs Road, the north side of Stilesboro Road, northwest of the intersection of Mack Dobbs Road and Stilesboro Road (3450 Stilesboro Road).

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CONSENT AGENDA (CONT.)

LUP-25 LIVING HOPE LUTHERAN CHURCH (CONT.)

To recommend **approval** of LUP-25 for **24 months**, subject to:

- 1. Site Plan received by the Zoning Division on October 5, 2022 (on file in the Zoning Division)**
- 2. Department of Transportation comments and recommendations**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

LUP-27 SHOREY MOSS (Jonah Deion Moss, owner) requesting a Temporary Land Use Permit for cat breeding in land lot 692 of the 19th district. Property is located on the north side of Chauncey Lane, at the terminus of Oak Leaf Court (2466 Chauncey Lane).

To recommend **approval** of LUP-27 for **24 months**, subject to:

- 1. No customers**
- 2. No signs**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

SLUP-18 Pat Spencer/U-Haul Company of Atlanta West (Repwest Insurance Company, LLC, owner) requesting a Special Land Use Permit for a self-storage and truck and trailer rental and retail in land lots 564 and 565 of the 16th district. Property is located on the south side of Piedmont Road, east of Canton Road (2800 Canton Road).

To recommend **approval** of SLUP-18, subject to:

- 1. Special Land Use Permit is *only* for the GC zoned property**
- 2. Final Site Plan to be approved by the District Commissioner**
- 3. Building architecture to be approved by the District Commissioner**
- 4. Hours of operation to be approved by the District Commissioner**
- 5. Canton Road Design Guidelines must be met**
- 6. Any trucks or vans for rent must be parked within the building setbacks and only within the property that is zoned GC**
- 7. Any work to automobiles related to installing hitches must be done inside the building**
- 8. Fire Department comments and recommendations**
- 9. Stormwater Management Division comments and recommendations**
- 10. Water and Sewer Division comments and recommendations**
- 11. Department of Transportation comments and recommendations**
- 12. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

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

REGULAR AGENDA

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; held by the PC from the November 1, 2022, PC hearing until the December 6, 2022, PC hearing).*

The public hearing was opened; Garvis L. Sams, Jr., Naveed Jaffar, Jeff Smith, Lori Herrin, and Travis McComb addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Vault, second by Anderson, to **hold** Z-65 until the February 7, 2023, Planning Commission Zoning Hearing.

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

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 (PC) hearing; held by the PC until the December 6, 2022, PC 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 (PC) hearing; held by the PC until the December 6, 2022, PC hearing).*

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

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REGULAR AGENDA (CONT.)

**Z-66 & ADP - TERRELL MILL LLC (CONT.)
SLUP-14**

MOTION: Motion by Anderson, second by Beloin, to recommend **denial** of Z-66.

VOTE: **ADOPTED** 3-1, Dance opposed and Hughes 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 recommend **denial** of SLUP-14.

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

Chairman Vault called for a brief recess from 10:21 a.m. until 10:30 a.m.

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).*

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

MOTION: Motion by Beloin, second by Dance, to **hold** Z-72 until the February 7, 2023, Planning Commission Zoning Hearing.

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

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).*

The public hearing was opened; Elijah Tutt and Ron Jedlicka addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-76 VAZCO PROPERTIES, LLC (CONT.)

MOTION: Motion by Beloin, second by Dance, to recommend **denial** of Z-76.

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

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).*

At the call for LUP-21, the Applicant was not present and there was no opposition present. By general consensus, the Planning Commission decided to continue the case; thereafter, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to **continue** LUP-21 until the February 7, 2023, Planning Commission Zoning Hearing.

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

LUP-23 Koyman Eladio Mazariegos Reyes (Koyman Eladio Mazariegos Reyes, owner) requesting a **Temporary Land Use Permit** to allow a landscape business and related 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).*

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

MOTION: Motion by Vault, second by Beloin, to **hold** LUP-23 until the February 7, 2023, Planning Commission Zoning Hearing.

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

***Clerk's Note:** Chairman Vault encouraged the Applicant to provide pictures of the surface parking and the new fencing that has been installed since the original application was submitted.*

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REGULAR AGENDA (CONT.)

Z-78 **TODD WOODRUFF** (Lee Jaraysi, owner) requesting rezoning from **NS, GC, and R-20** to **NRC** for a car wash in land lots 157 and 204 of the 16th district. Property is located on the south side of Shallowford Road, on the east side of Canton Road, and at the terminus of Old Shallowford Road (4400 Shallowford Road, 4360 Canton Road).

The public hearing was opened; Todd Woodruff, Blake Cody, Robert Moore, and Carol Brown addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to **hold** Z-78 until the February 7, 2023, Planning Commission Zoning Hearing.

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

***Clerk's Note:** Ms. Dance directed the Applicant to meet with the neighbors and submit complete renderings and stipulations including noise mitigation for the next Planning Commission hearing.*

By general consensus, companion cases, Z-86 and SLUP-17 (Cumberland Used Auto Parts LLC), were heard concurrently, but voted on separately.

Z-86 **CUMBERLAND USED AUTO PARTS LLC** (Bentley Commercial Properties, LLC; Summerour Properties LLLP; Lynn Bentley Taylor and Justin Ottinger, owners) requesting rezoning from **HI** and **R-15** to **HI** for an auto salvage and storage, used auto parts sales, and used auto sales in land lot 1137 of the 16th district. Property is located on the North side of Gresham Road, east of Fairview Street (1471 Gresham Road).

SLUP-17 **CUMBERLAND USED AUTO PARTS LLC** (Bentley Commercial Properties, LLC; Bentley Farm Properties, LLLP; Summerour Properties LLLP; Lynn Bentley Taylor and Justin Ottinger, owners) requesting a **Special Land Use Permit** for an auto salvage and storage, used auto parts sales, and used auto sales in land lot 1137 of the 16th district. Property is located on the north side of Gresham Road, east of Fairview Street (1471 Gresham Road).

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

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REGULAR AGENDA (CONT.)

**Z-86 & CUMBERLAND USED AUTO PARTS LLC (CONT.)
SLUP-17**

MOTION: Motion by Dance, second by Beloin, to recommend **approval** of Z-86 to the **HI** zoning district, subject to

- 1. Letter of agreeable conditions from Kevin Moore dated November 28, 2022 (on file in the Zoning Division)**
- 2. The existing access and entrance drive are to be maintained subject to Department of Transportation (DOT) comments**
- 3. The existing tree line on Gresham Road to remain in place as a buffer as it concerns that portion of the property**
- 4. No storage of vehicles to occur in the subject area of the rezoned tract**
- 5. There is to be no intensified use or expansion of operations, even those permitted under HI, that will occur in the subject area of the rezoned tract**
- 6. Any improvements or additions in the rezoned tract would need to be submitted pursuant to a site and landscape plan to be approved by the District Commissioner**
- 7. All Staff comments and recommendations**

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

After the vote for Z-86, the following motion was made for companion case, SLUP-17:

MOTION: Motion by Dance, second by Beloin, to recommend **approval** of SLUP-17, subject to:

- 1. The restrictions and conditions contained in the approval of Z-86**
- 2. Letter of agreeable conditions from Kevin Moore dated November 28, 2022 (on file in the Zoning Division)**
- 3. The existing tree line on Gresham Road along the entire side of the property remain in place as a buffer**
- 4. All Staff comments and recommendations**

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

Following the vote, discussion ensued, and an additional stipulation was added to both Z-86 and SLUP-17.

MOTION: Motion by Dance, second by Anderson, to **amend** the previous motion for Z-86 to include the following stipulation:

- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022**

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

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REGULAR AGENDA (CONT.)

**Z-86 & CUMBERLAND USED AUTO PARTS LLC (CONT.)
SLUP-17**

MOTION: Motion by Dance, second by Anderson, to **amend** the previous motion for SLUP-17 to include the following stipulation:

5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 20, 2022

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

Chairman Vault called for a lunch recess at 12:08 p.m. The hearing reconvened at 1:15 p.m.

LUP-24 ELOIDA ESCOBAR (Elaida Escobar, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 60 of the 17th district. Property is located on the east side of Kurt Drive, north of County Services Parkway (693 Kurt Drive).

At the call for LUP-24, the Applicant was not present and there was no opposition present. By general consensus, the Planning Commission decided to continue the case; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to **continue** LUP-24 until the February 7, 2023, Planning Commission Zoning Hearing.

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

LUP-26 ANTHONY KOSTECKI (Anthony Kostecki and Linda Kostecki, owners) requesting a **Temporary Land Use Permit** to allow occupancy of an accessory structure in land lot 304 of the 20th district. Property is located on the east side of Hiram Acworth Highway, and on the north side of Wiscasset Parkway (Wiscasset Parkway).

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

MOTION: Motion by Beloin, second by Anderson, to **allow** LUP-26 to be *withdrawn without prejudice*.

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

SLUP-16 HILLELS OF GEORGIA, INC. (Barry Balint, owner) requesting a **Special Land Use Permit** for a Jewish Faith Student Center in land lot 97 of the 20th district. Property is located on the west side of Frey Lake Road, west of Campus Loop Road, south of the intersection of Frey Lake Road and Campus Loop Road (3561 Frey Lake Road).

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REGULAR AGENDA (CONT.)

SLUP-16 HILLELS OF GEORGIA, INC. (CONT.)

The public hearing was opened; Kevin Moore, Phil Anzalone, and Wayne Keil addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to **hold** SLUP-16 until the February 7, 2023, Planning Commission Zoning Hearing.

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

***Clerk's Note:** Ms. Dance suggested that the Applicant submit in writing documents pertaining to items such as, "What is the Code of Conduct?", "What are the Guiding Principles?", etc., that will be made a part of the record and also for the Applicant to continue with more community outreach in which the community can weigh in and allow them to be more informed.*

OTHER BUSINESS

O.B. 1 To adopt a resolution which establishes the dates, time, and place of the Planning Commission Zoning Hearings for the 2023 calendar year.

The Planning Commission Zoning Hearings for the 2023 calendar year shall be held in the Public Meeting Room on the second floor of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia, on the 1st Tuesday of each month at 9:00 a.m., *with the exception of the month of January*, when no hearing will be held; and the month of July, when the hearing will be held on the 1st Wednesday of the month. The Planning Commission Zoning Hearing dates are as follows:

Planning Commission Zoning Hearing Dates for 2023

January (no hearing)	May 2	September 5
February 7	June 6	October 3
March 7	July 5 (1 st Wednesday)	November 7
April 4	August 1	December 5

MOTION: Motion by Anderson, second by Beloin, to **adopt** a resolution which establishes the dates, time, and place of the Planning Commission Zoning Hearings for the 2023 calendar year (attached and made a part of these minutes).

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

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APPROVAL OF MINUTES

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

November 1, 2022 – Planning Commission Zoning Hearing

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

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

November 28, 2022 – Special Called Meeting/Agenda Review Work Session

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

ADJOURNMENT

The hearing adjourned at 2:32 p.m.



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

**COBB COUNTY PLANNING COMMISSION
RESOLUTION FOR ESTABLISHMENT OF
DATES, TIME, AND PLACE OF
PC ZONING HEARINGS FOR 2023**

BE IT RESOLVED, the Cobb County Planning Commission, in accordance with guidelines set forth in the Cobb County Zoning Ordinance, does hereby designate the following dates, time, and place of its Zoning Hearings for the calendar year 2023:

1st Tuesday of each month at 9:00 a.m., with the exception of the month of January, when no hearing will be held; and the month of July, when the hearing will be held on the 1st Wednesday of the month.

BE IT FURTHER RESOLVED, the meeting place for the Zoning Hearings shall be in the Public Meeting Room on the second floor of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia.

BE IT FURTHER RESOLVED, the County Clerk, or her designee, is hereby directed to publish this Resolution in the newspaper in which the Sheriff's advertisements are published, once a week for two (2) weeks during the thirty (30) day period immediately following its passage and is further directed to post and maintain a copy of this Resolution on the County's official bulletin board located on the second floor of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia.

So adopted this 6th day of December 2022.

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

PC ZONING HEARING DATES FOR 2023

January (no hearing)
February 7
March 7
April 4

May 2
June 6
July 5 (1st Wednesday)
August 1

September 5
October 3
November 7
December 5