

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
MARCH 7, 2023
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, March 7, 2023, 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

CALL TO ORDER – CHAIRMAN VAULT

Chairman Vault called the hearing to order at 9:02 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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES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-81²² **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). *(Previously continued by Staff from the December 6, 2022, and February 7, 2023, Planning Commission (PC) hearings until the March 7, 2023, PC hearing).*
WITHDRAWN WITHOUT PREJUDICE

Z-55²² **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 March 7, 2023, Planning Commission (PC) hearings until the April 4, 2023, PC hearing; therefore, was not considered at this hearing).*

Z-60²² **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 March 7, 2023, Planning Commission (PC) hearings until the April 4, 2023, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-65^{'22}** **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 February 7, 2023, PC hearing; continued by Staff from the February 7, 2023 and March 7, 2023, PC hearings until the April 4, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-67^{'22}** **S&B INVESTMENTS, INC.** (S&B Investments, Inc., owner) requesting rezoning from **CF** 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 March 7, 2023, Planning Commission (PC) hearings until the April 4, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-2** **SWI INVESTMENTS, LLC** (SWI Investments, LLC, owner) requesting rezoning from **GC** to **PVC** for a mixed-use; retail and multifamily in land lot 207 of the 17th district. Property is located on the southeast side of Austell Road, northeast of Sandtown Road, and on the north side of Parker Drive (1715 Austell Road, 141 and 143 Parker Drive). *(Previously continued by Staff from the February 7, 2023, and March 7, 2023, Planning Commission (PC) hearings until the April 4, 2023, PC hearing; therefore, was not considered at this hearing).*

Mr. Pederson made the following announcements:

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.

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REGULAR AGENDA

LUP-23'²² **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). *(Previously continued by Staff from the November 1, 2022, Planning Commission (PC) hearing until the December 6, 2022, PC hearing; held by the PC from the December 6, 2022, PC hearing until the February 7, 2023 PC hearing; held by the PC until the March 7, 2023, PC hearing).*

The public hearing was opened, and Michael Monterroso (translator on behalf of the Applicant) addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to recommend **approval** of LUP-23'²² for **12 months**, subject to:

- 1. Applicant allowed to park two trucks and one trailer inside the fenced area**
- 2. Applicant allowed to have two employees**
- 3. Hours of operation to be from 8:00 a.m. until 5:30 p.m. during the weekdays; no weekend hours**
- 4. Employees' parking shall be behind the fenced area *only***
- 5. No landscape debris or other materials stored or contained on the trucks overnight**
- 6. No outdoor storage**
- 7. No chipping or grinding of any landscape materials on-site**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on March 21, 2023**

VOTE: **ADOPTED 5-0**

Z-3 **CYNTHIA JONES AND CINDYNASH ENTERPRISES LLC** (Cindynash Enterprise LLC and Cynthia Jones, owners) requesting rezoning from **R-20** and **PSC** to **NRC** for retail in land lot 413 of the 18th district. Property is located on the south side of South Gordon Road, east of Factory Shoals Road (674 South Gordon Road). *(Continued by Staff until the March 7, 2023, Planning Commission hearing).*

At the call for Z-3, the Applicant was not present, but there was opposition present. After discussion, the Applicant was contacted, and the decision was made to hear from the opposition. Steve Jungk and Lynita Mitchell-Blackwell addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-3 CYNTHIA JONES AND CINDYNASH ENTERPRISES LLC (CONT.)

MOTION: Motion by Hughes, second by Dance, to recommend **approval** of Z-3 to the NRC zoning district, subject to:

1. Use as a *convenience store with fuel sales* is prohibited
2. All *automotive* uses are prohibited
3. Permitted uses are *Neighborhood Retail Uses and Professional Offices*
4. Final Site Plan and building architecture to be approved by the District Commissioner
5. Install 20-foot landscape buffer along all residentially used property, County Arborist to approve final Landscape Plan
6. Install eight-foot landscape enhancement strip as required on South Gordan Road
7. Fire Department comments and recommendations
8. Stormwater Management Division comments and recommendations
9. Water and Sewer Division comments and recommendations
10. Department of Transportation comments and recommendations
11. Existing sheds and storage building to be demolished within 90 days of the Board of Commissioners' decision

VOTE: **ADOPTED 5-0**

By general consensus, companion cases, Z-4 and SLUP-2 (Noble Storage LLC), were heard concurrently, but voted on separately.

Z-4 NOBLE STORAGE LLC (Donald K. Nix, Fred Doty, owner) requesting rezoning from **LRO** to **NRC** for a climate-controlled self-storage facility in land lot 539 of the 16th district. Property is located on the south side of Freeman Road, east of Johnson Ferry Road (4290 Freeman Road). *(Continued by Staff until the March 7, 2023, Planning Commission hearing).*

SLUP-2 NOBLE STORAGE LLC (Donald K. Nix, Fred Doty, owners) requesting a **Special Land Use Permit** for a climate-controlled self-storage facility in land lot 539 of the 16th district. Property is located on the south side of Freeman Road, east of Johnson Ferry Road (4290 Freeman Road). *(Continued by Staff until the March 7, 2023, Planning Commission hearing).*

The public hearing was opened; Adam Rozen, Clifford Goodman, Richard Grome, and Brad Noble addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

**Z-4 & NOBLE STORAGE LLC (CONT.)
SLUP-2**

MOTION: Motion by Anderson, second by Dance, to recommend **denial** of Z-4.

VOTE: **ADOPTED** 5-0

After the vote for Z-4, the following motion was made for companion case, SLUP-2:

MOTION: Motion by Anderson, second by Dance, to recommend **denial** of SLUP-2.

VOTE: **ADOPTED** 5-0

Chairman Vault called from a brief recess from 10:17 a.m. until 10:27 a.m.

Z-6 SOVEREIGN PACIFIC, LLC (Sovereign Pacific, LLC, owners) requesting rezoning from **GC** to **LI** for storage and parking for Light Industrial uses in land lots 422 and 423 of the 17th district. Property is located on the southwest side of Atlanta Road, south of Mozley Drive (1806 Atlanta Road).

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

MOTION: Motion by Dance, second by Hughes, to recommend **deletion** of Z-6 to the **TS** zoning district, subject to:

- 1. All Staff comments and recommendations, *with the exception*, to delete item #3 (pertaining to parking and storage permissions) listed in the Zoning Division comments**
- 2. Parking shall be permitted *only* in areas designated on an approved Site Plan**
- 3. Such parking must be on an impervious surface and striped**
- 4. No outdoor storage of landscaping or other materials shall be permitted**
- 5. A solid fence shall be installed on the rear of the property line with a 20-foot landscape buffer**
- 6. A 10-foot landscape buffer shall be installed along Atlanta Road and fencing to enclose the property shall be required**
- 7. Security measures including lighting, not to interfere with adjacent properties, shall be required**

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REGULAR AGENDA (CONT.)

Z-6 SOVEREIGN PACIFIC, LLC (CONT.)

8. Applicant shall be required to provide a stormwater pond, if necessary, based on an approved Site Plan

VOTE: **ADOPTED 5-0**

LUP-6 ANTONIO RODRIGUEZ (Antonio Rodriguez, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 155 of the 17th district. Property is located on the east side of Austell Circle, southeast of Austell Road (1837 Austell Circle).

At the call for LUP-6, the Applicant was not present, but there was opposition present. After discussion, the Applicant was contacted, and the decision was made to hear from the opposition. Dianne Ehmann addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **denial without prejudice** of LUP-6.

VOTE: **ADOPTED 5-0**

Clerk's Note: Mr. Hughes requested that Staff consider revisiting this code section knowing that other variables should be considered when determining the adequacy of parking on people's property.

APPROVAL OF MINUTES

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

February 7, 2023 – Planning Commission Zoning Hearing

VOTE: **ADOPTED 5-0**

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

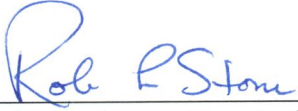
February 27, 2023 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

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ADJOURNMENT

The hearing adjourned at 11:11 a.m.



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