

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, May 16, 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 Board were:

Lisa Cupid, Chairwoman
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:03 a.m.

The following statement that Commissioner Gambrill read in at the February 21, 2023, BOC Zoning Hearing was attached to each vote taken at today's hearing (attached and made a part of these minutes):

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Boards Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

As stated and recorded in previous minutes, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Federal Court in Georgia have ruled that the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties.

The county has received letters from the Georgia State Attorney General, Chris Carr, stated that the Cobb County Commissions move to amend its electoral redistricting map is "inappropriate and not legally binding."

C. Ryan Germany, General Counsel for the Office of the Secretary of State, "You should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to be a comment on whether the Amendment is allowable under state law or a proper exercise of authority by the Cobb County Commission, nor should you rely on it to attempt to establish the validity of the Amendment." "In fact," he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply with Georgia Law or the state Constitution.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 2**

Commissioner Gambrell's statement (cont.)

Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

On January 10, 2023, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein.

The following statement that Commissioner Birrell read in at the February 21, 2023, BOC Zoning Hearing was attached to each vote taken at today's hearing (attached and made a part of these minutes):

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map 3 times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022, under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Cobb Board of Elections on November 15, 2022. Thank you.

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

WITHDRAWN, HELD, AND CONTINUED CASES

O.B. 18 To consider a stipulation amendment for Johnson Ferry Rd, LLC in land lots 470 and 471 of the 16th district. Property is located on the south side of Shallowford Road, the west side of Johnson Ferry Road, the north and south sides of Waterfront Drive, and the east side of Waterfront Circle (multiple addresses).

Mr. Pederson presented the Applicant's request to withdraw O.B. 18 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Richardson, second by Birrell, to **allow** O.B. 18 to be *withdrawn without prejudice*.

Prior to the vote, Chairwoman Cupid announced that due to a conflict of interest, she would be abstaining from voting on this matter.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 3**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 18 (CONT.)

VOTE: **ADOPTED** 4-0, Cupid abstained *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

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; held by the PC from the April 4, 2023, and May 2, 2023, PC hearings until the June 6, 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 May 2, 2023, Planning Commission (PC) hearings until the June 6, 2023, PC hearing; therefore, was not considered at this hearing).*

Z-65²² **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, and December 6, 2022, PC hearings until the February 7, 2023, PC hearing; continued by Staff from the February 7, 2023, through the May 2, 2023, PC hearings until the June 6, 2023, PC hearing; therefore, was not considered at this hearing).*

Z-67²² **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 May 2, 2023, PC hearings until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 4**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-8** **TOMMY'S EXPRESS BY NORTHGATE** (The Medford Family Limited Partnership, owners) requesting rezoning from **PSC** to **NRC** for a car wash in land lot 583 of the 17th district. Property is located on the northwest corner of the intersection of Bells Ferry Road and Ernest Barrett Parkway (2595 Bells Ferry Road). *(Previously continued by Staff from the April 4, 2023, and May 2, 2023, Planning Commission (PC) hearings until the June 6, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-9** **AGUAS VIVAS CENTRO FAMILIAR DE ADORACION INC.** (Can Van Nguyen, owner) requesting rezoning from **R-20** to **R-20** for a church in land lots 386 and 412 of the 18th district. Property is located on the north side of South Gordon Road, east of Starling Drive (540 South Gordon Road). *(Previously held by the Planning Commission (PC) from the April 4, 2023, and May 2, 2023, PC hearings until the June 6, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-11** **JOSE LUIS CARDENAS** (Christian Bakery 2. Inc., owner) requesting rezoning from **GC** to **NRC** for a bakery in land lot 34 of the 18th district. Property is located on the southwest corner of the intersection of Veterans Memorial Highway and Powell Drive (1411 Veterans Memorial Highway). *(Continued by Staff from the May 2, 2023, Planning Commission (PC) hearing until the June 6, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-12** **FERNANDO CHAVARRIA** (Fernando Chavarria, owner) requesting rezoning from **R-20** to **RM-8** for a townhome subdivision in land lots 388 and 389 of the 18th district. Property is located on the south side of Mableton Parkway, southeast of South Gordon Road (Mableton Parkway). *(Continued by Staff from the May 2, 2023, Planning Commission (PC) hearing until the June 6, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-13** **MATTHEW C. FLOURNOY** (Robert E. Fournoy, III, Matthew C. Fournoy, Gwynn Fournoy Ross and Natalie Fournoy Boss, owners) requesting rezoning from **R-30** to **R-20** for a single-family subdivision in land lot 341 of the 20th district. Property is located on the east side of Antioch Road, at the terminus of Armor Drive (Antioch Road). *(Continued by the Planning Commission (PC) from the May 2, 2023, PC hearing until the June 6, 2023, PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 5**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-14** **BRAND PROPERTIES, LLC** (Helen Hair Stamps, as Trustee under the Helen Hair Stamps Revocable Trust, owner) requesting rezoning from **HI** and **R-20** to **RRC** for mixed use; retail, and multifamily development in land lots 175, 176, 283, and 284 of the 18th district. Property is located on the east and west sides of River View Road, northeast of Veterans Memorial Highway (6324, 6330 River View Road). *(Continued by Staff until the June 6, 2023, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-15** **SDP ACQUISITIONS, LLC** (McCamy Investments, L.P.; McCamy Properties, LLC; BK Properties, L.P.; VKEP-B, LLC owners) requesting rezoning from **R-20, RA-4, GC, O&I, NS**, and **OS** to **PVC** and **OS** for mixed use; townhomes, multifamily, office, retail, and warehouse in land lots 364, 365, 428, and 429 of the 16th district. Property is located on the south side of Chastain Road, on the west side of Chastain Meadows Parkway (Chastain Road, Chastain Meadows Parkway). *(Continued by Staff until the June 6, 2023, Planning Commission hearing; therefore, was not considered at this hearing).*
- SLUP-4** **RAY MURPHY** (Ray Murphy, owner) requesting a **Special Land Use Permit (Renewal)** for an automobile storage yard and wrecker services for damaged or confiscated vehicles in land lots 154 and 155 of the 17th district. Property is located on the northwest side of Austell Road, at the terminus of Austell Circle (1818 and 1830 Austell Road). *(Held by the Planning Commission (PC) from the May 2, 2023, PC hearing until the June 6, 2023, PC hearing; therefore, was not considered at this hearing).*
- O.B. 13** To consider a reduction of public road frontage from 50-feet to 20-feet, and a rear setback variance from 35-feet to 24-feet for Edward M. Glancy, Jr. The property is located on the east end of Lakeside Court, east of Lake Drive in land lot 35 of the 20th district (5447 Lakeside Court). *(Previously held by the Board of Commissioners (BOC) from the April 18, 2023, BOC Zoning hearing until the May 16, 2023, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request to continue O.B. 13; thereafter, the following motion was made:

MOTION: Motion by Gambrell, second by Richardson, to **continue** O.B. 13 until the June 20, 2023, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0** *(Statements read in by Commissioner Gambrell and Commissioner Birrell are attached and made a part of these minutes.)*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 6**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 23 To consider amending the site plan and stipulations for Iglesia Misionera Roca de Salvacion regarding rezoning application Z-13 of 2020, for property located at the southwest intersection of Mableton Parkway and Boggs Road in land lot 190 of the 18th district (6170 and 6190 Mableton Parkway, and 529 Boggs Road).

Mr. Pederson presented the Applicant's request to continue O.B. 23; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** O.B. 23 until the June 20, 2023, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0** (*Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.*)

O.B. 25 To consider amending the site plan and stipulations for CMC Custom Homes, LLC regarding rezoning application Z-37 of 2007, for property located on the west side of Acworth Due West Road, south of McClure Road in land lot 122 of the 20th district (3141 Acworth Due West Road).

Mr. Pederson presented the Applicant's request to continue O.B. 25; thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **continue** O.B. 25 until the June 20, 2023, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0** (*Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.*)

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.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 7**

CONSENT AGENDA

MOTION: Motion by Cupid, second by Birrell, to **approve** the following cases on the Consent Agenda, *as revised*:

LUP-7 **SANDY CLOUGH** (Sandra L. Clough and Richard C. Clough, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow an artist's studio and the storage of art prints in land lot 336 of the 20th district. Property is located on the west side of Trail Road, north of the intersection of Trail Road and Midway Road (25 Trail Road).

To **approve** LUP-7 for **24 months**, subject to:

- 1. No signs**
- 2. No on-street parking**
- 3. No outdoor storage**
- 4. Two seasonal employees *only***

LUP-8 **ANDREW BECHTOLD** (Andrew Boyd Bechtold, owner) requesting a **Temporary Land Use Permit** to allow a photography studio in land lot 871 of the 17th district. Property is located on the west side of Old Virginia Court, north of Terrell Mill Road (1362 Old Virginia Court).

To **approve** LUP-8 for **24 months**, subject to:

- 1. Customers must park in the driveway**
- 2. By appointment *only***
- 3. No exterior signs**
- 4. Fire Department comments and recommendations**

OTHER BUSINESS

O.B. 17 To consider a variance to the Mableton Form Based Code to allow a three-story building in lieu of a two-story building, and to amend stipulations for Other Business #44 of 2019 to allow 16-foot and 20-foot townhouse widths for Create Homes, LLC regarding property located at the northwest intersection of Fontaine Road and Carol Circle in land lot 35 of the 17th district. *(Previously continued by Staff from the April 18, 2023, Board of Commissioners' (BOC) Zoning hearing until the May 16, 2023, BOC Zoning hearing.)*

To **approve** O.B. 17, subject to:

- 1. Allowance of 16-foot, 18-foot, and 20-foot-wide townhome units**
- 2. Allowance of three-story townhome units**
- 3. All previous stipulations and conditions to remain in effect**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 8**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 17 (CONT.)

- 4. To form a Landscape Review Committee composed of the Applicant, Mableton Improvement Coalition, and County Staff to review the exterior landscaping with particular emphasis on evergreen plantings along the western property line between the new development and the adjacent home at 868 Fontaine Road**
- 5. Water tables on the side of the buildings are to be a minimum of nine feet**
- 6. Final elevations and Landscaping Plan are to be approved by the District Commissioner**
- 7. All other Staff comments and recommendations, *not otherwise in conflict***

O.B. 20 To consider a reduction of minimum lot size from 20,000 square-feet to 14,384 square-feet for NR Deed, LLC, by John E. Ramsey, President. Property is located on the east side of Old Concorde Road in land lot 352 of the 17th district (1605 Old Concorde Road).

To **approve** O.B. 20, subject to:

- 1. Lot size approved to be 14,384 square feet**
- 2. Side setback variance approved to five feet**
- 3. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 4. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

O.B. 21 To consider a reduction of minimum lot size from 40,000 square-feet to 25,480 square-feet, and for existing side setback variances for R. Michael Dupree. The property is located at the southwest corner of Fowler Drive and Pine Manor in land lot 444 of the 16th district (840 Pine Manor Drive).

To **approve** O.B. 21, subject to:

- 1. Lot size reduced to 25,480 square feet**
- 2. Approved for existing variances as shown on the Site Plan received by the Zoning Division on April 6, 2023 (attached and made a part of these minutes)**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 9**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 21 (CONT.)

- 3. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 4. Water and Sewer Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 5. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

O.B. 26 To consider amending the site plan for Sigma Holdings, LLC regarding rezoning application Z-47 of 2008, for property located on the west side of Deen Road, north of Jamerson Road in land lots 59 and 60 of the 16th district (4875 Deen Road).

To **approve** O.B. 26, subject to:

- 1. Site Plan received by the Zoning Division on April 11, 2023 (attached and made a part of these minutes), with the District Commissioners approving minor modifications**
- 2. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 3. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 4. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

Prior to approving the Consent Agenda, Commissioner Gambrill requested that O.B. 3 (Mills Veterinary Property and Rehabilitation Center) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read the case and associated stipulations into the record, and Commissioner Gambrill made the motion to add O.B. 3 to the Consent Agenda.

O.B. 3 To consider amending the site plan for Mills Veterinary Property and Rehabilitation Center regarding rezoning application Z-9 of 2020, for property located on the west side of North Cobb Parkway, south of Third Army Road in land lot 2 of the 20th district (4825 North Cobb Parkway). ***(Previously continued by Staff from the February 21, 2023, and March 21, 2023, Board of Commissioners' (BOC) Zoning hearings until the April 18, 2023, BOC Zoning hearing; held by the BOC from the April 18, 2023, BOC Zoning hearing until the May 16, 2023, BOC hearing).***

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 10**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 3 (CONT.)

To approve O.B. 3, subject to:

1. Site Plan dated May 2, 2023, but received by the Zoning Division on May 5, 2023 (attached and made a part of these minutes); for this use and this use *only*, as stated in O.B. 3'²³
2. Letter from Michelle Mills dated May 3, 2023 (attached and made a part of these minutes)
3. Building shall not exceed 5,481 sq. feet and shall be three-sided brick, stack stone or a combination thereof
4. Deceleration lane shall be constructed to Cobb or Georgia DOT (Department of Transportation) requirements, in addition to DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
5. Water & Sewer Division comment and recommendations contained in the Other Business packet (attached and made a part of these minutes), with use of veterinary clinic for ERU allocations
6. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
7. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
8. Site Plan Review comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
9. Any changes shall come back to the Board of Commissioners for approval
10. District Commissioner to approve final building renderings and landscape plans

MOTION: Motion by Gambrell, second by Richardson, to add O.B. 3 to the Consent Agenda as read in by Mr. Pederson.

VOTE: **ADOPTED** 5-0 (*Statements read in by Commissioner Gambrell and Commissioner Birrell are attached and made a part of these minutes.*)

CONSENT VOTE: **ADOPTED** 5-0 (*Statements read in by Commissioner Gambrell and Commissioner Birrell are attached and made a part of these minutes.*)

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 11**

REGULAR AGENDA

Z-10 JOSEPH & JENNETTE GUNDERSON (Joseph P. Gunderson, owner) requesting rezoning from **R-20** to **LRO** for an office in land lot 82 of the 20th district. Property is located on the northeast side of Kemp Ridge Road, northwest of Mars Hill Road (3700 Kemp Ridge Road).

The public hearing was opened, and Jennette Gunderson addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Birrell, to **approve** Z-10 to the **LRO** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on April 16, 2023 (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
- 2. Variances as detailed in the Zoning comments**
- 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. Hours of operation to be Monday through Friday from 8:00 a.m. until 6:30 p.m.**

VOTE: **ADOPTED 5-0** (*Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.*)

SLUP-3 ALEXANDRIA HOLDINGS GROUP INC. (Lux Homes, LLC, owner) requesting a **Special Land Use Permit** for used auto sales in land lot 37 of the 17th district. Property is located on the south side of Veterans Memorial Highway, west of Puckett Drive (621, 633, and 651 Veterans Memorial Highway).

The public hearing was opened; Goun Hanna and Robin Meyer addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **deny** SLUP-3.

VOTE: **ADOPTED 5-0** (*Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.*)

Chairwoman Cupid called for a brief recess from 10:08 a.m. until 10:12 a.m.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 12**

OTHER BUSINESS

- O.B. 19** To consider a stipulation amendment for Terwilliger Pappas Multi-Family Partners, LLC regarding rezoning application Z-26 of 2007 for property located at the southeast corner of Big Shanty Road and Hidden Forest Court, in land lots 501 and 502 of the 16th district (3064 Hidden Forest Court).

The public hearing was opened; Kevin Moore and Derek Hutchison addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **approve** O.B. 19, subject to:

- 1. Maximum height of 75 feet for the amenity area *only*; remainder of the building shall be a maximum height of 55 feet**
- 2. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 3. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 4. All previous zoning conditions, *not otherwise in conflict*, to remain in effect**
- 5. Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 4-1, Gambrill opposed (*Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.*)

- O.B. 22** To consider a reduction of minimum public road frontage from 75-feet to 25-feet, and to allow a second electrical meter for Berthyne Lauture, for property located at the eastern terminus of Flint Lock Way in land lot 277 of the 20th district (3205 Flint Lock Way).

The public hearing was opened, and Berthyne Lauture addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **approve** O.B. 22, subject to:

- 1. Reduction of minimum public road frontage from 75-feet to 25-feet**
- 2. Meter shall not serve any detached accessory structures, meter for primary structure *only***
- 3. If the garage addition has living quarters, it must be attached per Code with the fully enclosed conditioned breezeway**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2023
PAGE 13

OTHER BUSINESS (CONT.)

O.B. 22 (CONT.)

4. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
5. Any comments and recommendations arising as the application proceeds through Site Plan Review

VOTE: **ADOPTED** 5-0 (*Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.*)

O.B. 24 To consider amending the site plan and stipulations for Robert Michael Shepard regarding rezoning application Z-145 of 1993, for property located on the north side of Bramford Way, west of Bells Ferry Road in land lot 213 of the 16th district (324, 326, 328, 330, 332, 334, and 340 Bramford Way).

The public hearing was opened; Michael Shepard, Larissa Rutzler, Susan Max, Valeria Washington, Melody Chapman, and Christine Seeger addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **deny** O.B. 24.

VOTE: **ADOPTED** 5-0 (*Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.*)

Clerk's Note: Commissioner Birrell requested that Community Development, Code Enforcement, and County Arborist visit the site and let the property owner know what they need to do to come into compliance to restore the 20-foot buffer.

ADJOURNMENT

The hearing adjourned at 11:12 a.m.



Robin L. Stone, Deputy County Clerk
Cobb County Board of Commissioners

THIS
PAGE
INTENTIONALLY
LEFT
BLANK

Min. Bk. 97 Petition No. ALL
Doc. Type Comm. Gambrell's
statement added to each vote
Meeting Date 5-16-2023

From: Commissioner Keli Gambrell

To: Cobb County Clerk

Statement February 21, 2023 to be attached to all agenda items considered.

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

As stated and recorded in previous minutes, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Federal Court in Georgia have ruled that the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties.

The county has received letters from the Georgia State Attorney General, Chris Carr stated that the Cobb County Commissions move to amend its electoral redistricting map is "inappropriate and not legally binding."

C. Ryan Germany, General Counsel for the Office of the Secretary of State, "You should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to be a comment on whether the Amendment is allowable under state law or a proper exercise of authority by the Cobb County Commission, nor should you rely on it to attempt to establish the validity of the Amendment." "In fact," he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply with Georgia Law or the state Constitution.

Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

On January 10, 2023, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein.

Min. Bk. 97 Petition No. ALL
Doc. Type Comm. Birrell's
Statement added to each vote
Meeting Date 5-16-2023

For the record, please add to each vote taken:

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map 3 times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Cobb Board of Elections on November 15, 2022.

JoAnn K. Birrell

District 3 Commissioner

Meeting Date 5-16-2023

"F.E.M.A. OFFICIAL FLOOD HAZARD MAP"
COMMUNITY NO. 130052, PAGE
12H, DATED 10/5/2018,
SHOWS THIS PROPERTY NOT TO BE IN AN
AREA HAVING SPECIAL FLOOD HAZARDS.

FIELD BOOK: N/A, PAGE: N/A, FILE: J4596

- LEGEND:
- 1) U.P.S. - IRON PIN SET (P.R.)
 - 2) I.P.F. - IRON PIN FOUND
 - 3) R. - REINFORCING BAR
 - 4) A. - ARC
 - 5) RAD. - RADIAL
 - 6) R. - RADIUS
 - 7) M.D. - NOT RADIAL
 - 8) D.I. - DRAIN INLET
 - 9) M.N. - MANHOLE
 - 10) B.L. - BUILDING LINE
 - 11) R/W - RIGHT OF WAY
 - 12) J.B. - JUNCTION BOX
 - 13) F.H. - FIRE HYDRANT
 - 14) L.L.L. - LAND LOT LINE
 - 15) C.B. - CIRCULAR BEARING
 - 16) C.D. - CIRCULAR DISTANCE
 - 17) N.P. - NOT OR FORMERLY
 - 18) S.S. - SANITARY SEWER
 - 19) S.S.E. - SANITARY SEWER EASEMENT
 - 20) P.P. - POWER & (OR) PHONE POLE
 - 21) D.E. - DRAINAGE EASEMENT
 - 22) C. - CENTERLINE
 - 23) R. - PROPERTY LINE
 - 24) - OVERHEAD POWER LINE
 - 25) - OVERHEAD PHONE LINE
 - 26) - FENCE (APPROX. LOC.)
 - 27) - C. SINK (APPROX. LOC.)
 - 28) - C. DITCH (APPROX. LOC.)
 - 29) [7/8] - INDICATES STREET NUMBER
 - 30) R.C.P. - REINFORCED CONCRETE PIPE
 - 31) P.O.B. - POINT OF BEGINNING
 - 32) S.F.P. - STEEL FENCE POST
 - 33) C.T. - CRUMP TOP PIPE
 - 34) D.B. - DEED BOOK

REFERENCE PLATS:

- 1) 2 PLATS ENTITLED: "SURVEY FOR: J.W. MARTIN", BY: SOUTHERN SURVEYING & MAPPING CO., INC., DATED: MARCH 17, 1969, RECORDED IN PLAT BOOK 48, PAGE 11.
- 2) 2 PLATS ENTITLED: "SURVEY FOR: LAMAR GRIGGS", BY: THOS. E. WILLIAMS & ASSOC., DATED: 11-23-71, RECORDED IN PLAT BOOK 60, PAGE 42.
- 3) SURVEY FOR: HUGH E. TURNIPSEED AND JANE K. TURNIPSEED, BY: SOUTHERN SURVEYING & MAPPING CO., INC., DATED: DEC. 2, 1996, RECORDED IN PLAT BOOK 165, PAGE 43.
- 4) BOUNDARY SURVEY FOR: JOSEPH P. GUNDERSON & JENNETTE A. GUNDERSON, BY: LMX, INC., DATED: NOVEMBER 16, 2022, RYS2: NOV. 29, 2022, DRAWING NO. 22-4596-27C.

CURRENT ZONING (COBB COUNTY): R-20
PROPOSED ZONING (COBB COUNTY):
LOW RISE OFFICE (L.R.O.)
NOTE: THIS AREA HAS A FUTURE LAND USE OF
NEIGHBORHOOD ACTIVITY CENTER, WHICH IS
COMPATIBLE WITH A SMALL COMMERCIAL BUSINESS.

IMPERVIOUS COVERAGE
EXISTING: 3,285 SQ. FT.
PROPOSED: 4,090 SQ. FT.

BUILDING NOTE:

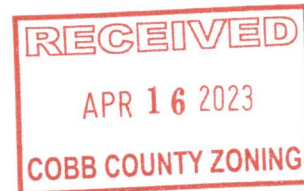
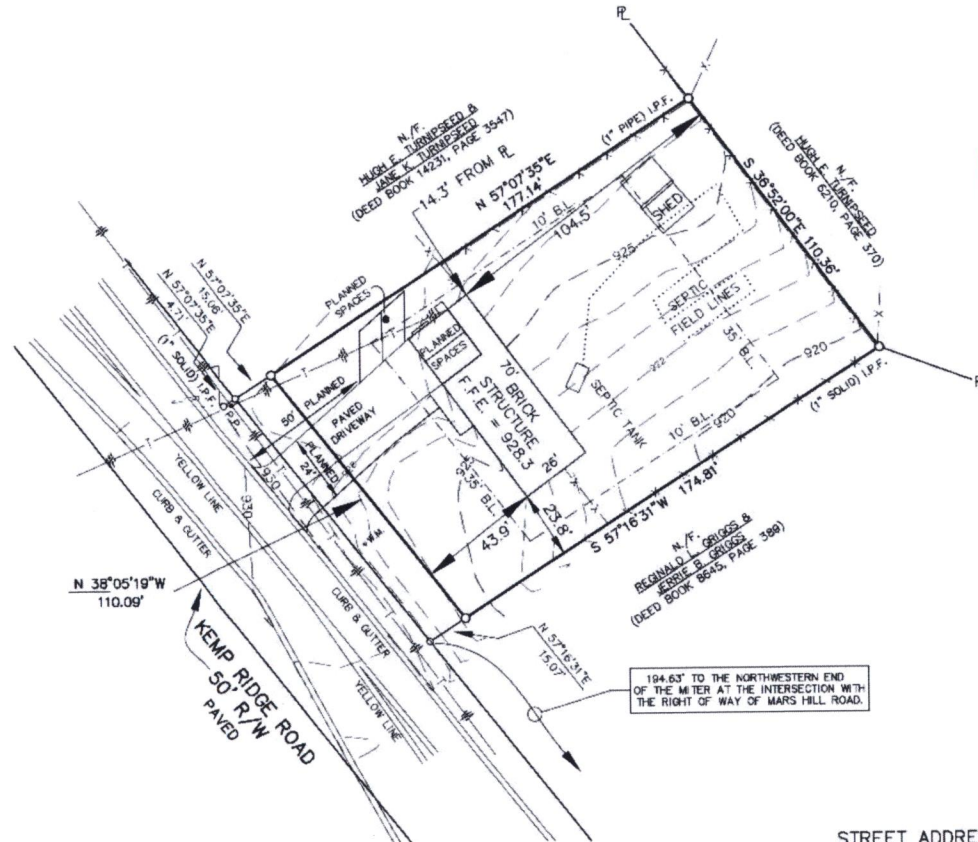
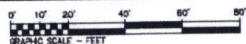
- 1) THE FOOTPRINT OF THE EXISTING STRUCTURE WILL NOT BE CHANGED. COSMETIC REFURBISHMENT MAY BE UNDERTAKEN AS NEEDED.

TOPOGRAPHY NOTE:

THE TOPOGRAPHICAL INFORMATION SHOWN
IS BASED ON A FIELD RUN SURVEY.
DATUM IS TAKEN FROM COBB COUNTY GIS.

NOTES:

- 1) SOME UNDERGROUND UTILITIES MAY NOT BE SHOWN. SEPTIC TANK AND FIELD LINES ARE SHOWN PER ABOVE-GROUND MARKINGS AND ARE NOT CERTIFIED.
- 2) THIS SURVEY IS SUBJECT TO ALL RIGHTS-OF-WAY & EASEMENTS, BOTH RECORDED AND UN-RECORDED.
- 3) SOME IMPROVEMENTS ARE NOT SHOWN.



AREA = 0.44 ACRE



BRETT SISSON
REGISTERED LAND
SURVEYOR NO. 3156

STREET ADDRESS: 3700 KEMP RIDGE ROAD
TAX PIN: 20008200260

ORIGINAL BOUNDARY RECORDED IN
PLAT BOOK 281, PAGE 519.

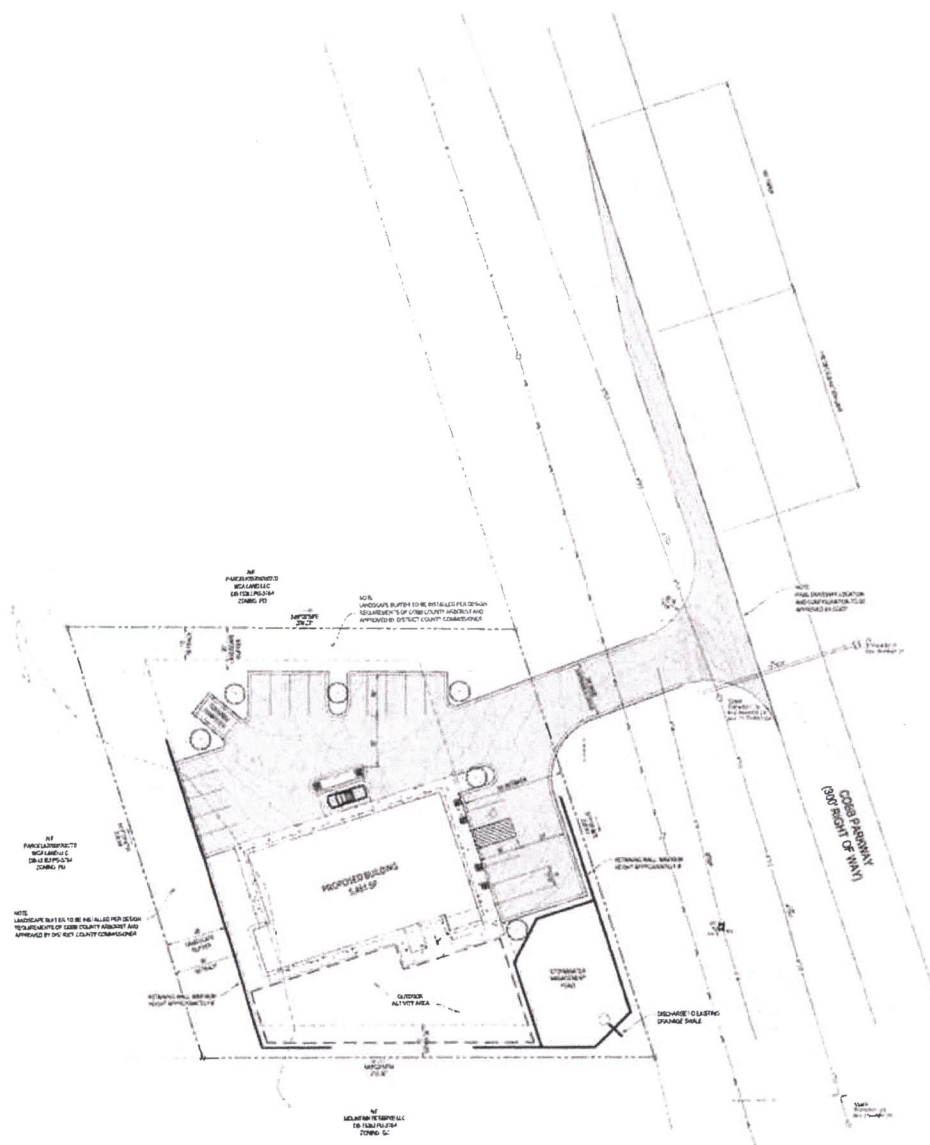


RE-ZONING PLAN

-FOR-
JOSEPH P. GUNDERSON &
JENNETTE A. GUNDERSON

LAND LOT(S) - 62
DISTRICT - 20, SECTION - 2
CITY - COBB COUNTY, GEORGIA
PREPARED: DEC. 19, 2022 SCALE: 1" = 20 FT.
LAST REVISED ON: APRIL 16, 2023
DWG FILE: J4596 ZONING.dwg GA LSF 000080

DRAWING NO. 22-4596



SIDE SETBACK 15
REAR SETBACK 30

RECEIVED
MAY 05 2023
COBB COUNTY ZONING



The above-mentioned letter contains much more information than the others.
 It contains details of the investigation and the results of the investigation.
 It also contains a list of the names of the persons who were interviewed.
 The above-mentioned letter is a very important document in the case.
 It contains a great deal of information which is not contained in the other
 letters. It is a very important document in the case.

[illegible]

CIVILINSIGHTS
CIVIL ENGINEERING & CONSTRUCTION SOFTWARE

CIVILINSIGHTS, INC.
PO BOX 441200
Kensington, MD 20746-1200
Phone: (443) 244-2800 Fax: (443) 244-0888
Email: info@civilsights.com
Website: www.civilsights.com

814757282-00 • Civil and Const • Database Engineering

MILLS ANIMAL CLINIC
4825 NORTH COBB PARKWAY
ALPHARETTA, GEORGIA 30101

Year range	1980-8
Location	USA - N. Carolina
Designers	12
Designers per firm	12
Non-ADR ratings	
Registered firms	12
Location	USA - N. Carolina

C-01

Mills Veterinary property and Rehabilitation center

5/3/2023

Michelle Mills
4514 North Cobb Parkway NW
Acworth, Ga 30101

Cobb County Zoning Division
1150 Powder springs rd
Marietta, Ga 30064



Min. Bk. 97 Petition No. 08-3
Doc. Type Letter
Meeting Date 5-16-2023

To whom it may concern,

Our veterinary clinic has been serving the Acworth community for 6 years, with over 4000 clients and 7000 patients. We operate from a leased space, located at 4514 North Cobb parkway, with hours of operation being Monday through Friday 8:30am to 6pm and Saturdays 8am to 12 pm. These hours will remain the same at our new proposed facility. Our current space is limited, and we are looking for ways to meet the community's growing needs while maintaining a high level of service. We are a high quality, full service animal clinic that tailors our services to meet any client needs. Over the years, we have developed a wonderful reputation within our community. We are direct education partners and sponsors of Pickett's Mill Elementary and Allatoona High School. Our business supports high school students interested in science or animal medicine by providing externships in which they are credited. Every year, we house a free Fall festival for local families to have a fun day that has lasting educational opportunities for children. We developed a feral cat program 5 years ago, partnering with Governors Towne Club, to help decrease the growing feral cat population in our area. Lastly, we are actively involved with a local shelter to help find pets forever homes and provide annual sponsorship. Our ability to provide continued community service and outreach programs will only be expanded at our proposed new location. Our proposed location will better serve the Acworth community, as it will allow more space for us to treat patients and provide more exciting employment opportunities.

At our new facility, we will continue to offer all the great services we currently offer, such as preventative care, radiology, orthopedic and soft tissue surgery, internal medicine, holistic medicine, treatment and minimal boarding. In addition, we will be adding a full service small animal rehabilitation center, a small daytime play-care and a small area in our lobby dedicated to pet adoption. The closest full service rehabilitation center to our area is a 50 minute drive. This new service will provide great value and will bring new revenue to our local community. Our clients have struggled to get rehabilitation for their pets and to accommodate their needs, we have decided to add these services at our new location. In addition, we plan on going to our local shelter and picking one pet each month to sponsor and bring to our new facility to adopt out. Our primary concern will always be to focus on medicine. More of our patients with chronic medical conditions will be able to utilize our short-term boarding service, while their families are on vacation, as they will always be our priority. We will also have the ability to provide daytime play-care and training in the new facility to address behavior problems in our patients. There will be separate outside yards used to walk patients to use the bathroom. There will not be any patients left outside unattended at any time. There will never be any outside runs, as these practices are unsafe and are a liability.

Our clinic is fear free and feline friendly, which means we go above and beyond to minimize stress in our patients. This includes keeping noise levels under control for the safety and emotional well-being of all of our patients. Our new facility is designed to serve the community and eliminate any immediate concerns, such as noise for our neighbors. Our new building will have separate dog and cat entrances, waiting areas and exam rooms. We will have 4 indoor and 2 outdoor exam rooms for our canine patients and 2 indoor exam rooms for our feline patients. There will be a spacious treatment area, a surgical and special procedures suite, ICU and isolation wards, ultrasound and radiology rooms. The exterior will be designed to compliment surrounding buildings, such as Cedarcrest Church and Wellstar Acworth Health park. Our building design will be similar to these buildings as our neutral colors and gorgeous stacked stone will complement them well. We are all very excited as our new location will be amazing, beautiful and a wonderful addition to our local community. Our clients are also excited about our expansion, as they are considered our family, and have repeatedly asked for more space and for these new services. Thank you so much for your consideration and for your time.

Sincerely,

Michelle Mills, DVM

MAY 16, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

Min. Bk. 97 Petition No. OB-3
Doc. Type Cobb DOT, Water & Sewer, Fire Dept, SWM, and
Site Plan Review comments and recommendations
Meeting Date 5-16-2023

ITEM OB-3-2023

To consider amending the site plan for Mills Veterinary Property and Rehabilitation Center regarding rezoning application Z-9 of 2020, for property located on the west side of North Cobb Parkway, south of Third Army Road in Land Lot 2 of the 20th District (4825 North Cobb Parkway). *(Continued by Staff from the February 21, 2023 and March 21, 2023 Board of Commissioners hearings until the April 18, 2023 Board of Commissioners hearing; Held by the Board of Commissioners from the April 18, 2023 Board of Commissioners hearing until the May 16, 2023 Board of Commissioners hearing).*

BACKGROUND

The subject property was rezoned in 2020 to Neighborhood Retail Commercial (NRC) for an office and storage for a carpet and floor cleaning company. It was approved subject to the site plan dated December 2, 2019 and no use restrictions imposed. The applicant came through Plan Review (SPR-2022-00497) this past November and found out they needed Other Business to amend the site plan. The applicant is a veterinarian and would like to demolish the old 1950's house and building a new one-story building for her practice. The applicant states there be no outdoor dog runs for unattended dogs; but the dogs will be walked outside in designated areas. Animals will be boarded inside the building. The applicant currently has an office about ½ mile south on Cobb Parkway she has rented since 2016. The proposed office hours will be Monday through Friday from 8:30 am to 6 pm, and Saturday from 8am to noon. The applicant has agreed to reduce the proposed building size from 8,150 square-feet to 5,481 square-feet to meet sewer allocation limits for this property. If the site plan amendment is approved, all previous stipulations would remain in effect.

STAFF COMMENTS AND RECOMENDATIONS

Water & Sewer Comments: (revised 4/11/2023 to reflect proposed 5,481 ft² veterinary clinic):

The proposed usage and connection to sewer will be impacted by the anticipated wastewater allocation for the NW Cobb area served by Paulding County. A 5,481 ft² medical office has an expected wastewater generation of 3.6 ERUs, which is the allocated maximum for this parcel.

Stormwater Management: Stormwater Management has no objection to this other business item as requested. All current stormwater management codes and regulations will be required at the time land disturbance permitting.

Site Plan Review: Parking lot tree requirements met.

Fire Department: See attached.

Cobb DOT: See attached.

(Continued on next page)

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

ATTACHMENTS

Other Business application and stipulations.

ITE Land Use	Description	Expected Size (KSF)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
640	Animal Hospital	5.48	13	7	20	8	11	19	118

vph = vehicles per hour, vpd = vehicles per day, KSF = 1,000 square feet

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.

Petition No. OB-3
Meeting Date 5-16-2023
Continued

Observations

The above trip generation was revised to match the square footage shown in the site plan dated April 10, 2023. A deceleration lane would be required for this development based on GDOT standards using standard ITE rates. The developer is currently in discussions with GDOT concerning the historical daily trips for the facility and a potential waiver of this turn lane requirement.

Recommendations

1. Recommend applicant address all Plan Review comments for the concurrent application SPR-2022-00497.
2. Recommend one commercial driveway on Cobb Parkway to be installed per Section 402.8, Non-Residential Driveways, of the Cobb County Development Standards. Proposed modifications at this driveway intersection must be approved by GDOT prior to Cobb County DOT Plan Review approval.
3. As necessitated by this development, recommend Cobb Parkway access to include taper, improved radius and/or deceleration lane to address safety because Cobb Parkway is an arterial roadway. The recommended minimum driveway radius would be 35'. The deceleration lane will not be required by Cobb County if waived by GDOT. Documentation showing GDOT approval of the final driveway design should be submitted to Cobb DOT as part of SPR-2022-00497 Plan Review. Recommend final location and design be determined during plan review, subject to GDOT and Cobb DOT approvals.
4. Recommend extending driveway uninterrupted access to a minimum of 100' from the edge of travelled way to allow for vehicle stacking. This distance is shown on the site plan dated April 10, 2023. Recommend final design be determined during plan review, subject to GDOT and Cobb DOT approvals.
5. Recommend installing curb, gutter, and sidewalk along the Cobb Parkway frontage, or fee in lieu of curb, gutter, and sidewalk if constraints exist in meeting GDOT installation

OB-3-2023

DEPARTMENT COMMENTS - DOT

REVISED 4/11/23

(continued)

standards. This recommendation is to address pedestrian accessibility and safety pursuant to Cobb County Development Standard 401.15, Curbs and Gutters (including subsections), Cobb County Development Standard 404 Sidewalks and Pathways, Cobb County Development Standard 405 Accessibility Requirements, and Cobb County Development Standard Detail 106, Concrete Curbs, Medians.

6. Recommend GDOT permits for all work that encroaches upon State right-of-way.
7. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

OTHER BUSINESS

February 2023 Other Business

CCWS

OB Item #3: Mills Animal Clinic

Site: 4825 Cobb Parkway (Z-9 2020)

Water & Sewer Comments (revised 4/11/2023 to reflect proposed 5,481 ft2 veterinary clinic):

The proposed usage and connection to sewer will be impacted by the anticipated wastewater allocation for the NW Cobb area served by Paulding County. A 5,481 ft2 medical office has an expected wastewater generation of 3.6 ERUs, which is the allocated maximum for this parcel.

APPLICANT: Mills Veterinary Property and Rehab Center

PETITION NO.: OB-3

PRESENT ZONING: _____

PETITION FOR: _____

Petition No. OB-3
Meeting Date 5-16-2023
Continued

FIRE COMMENTS:

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

FIRE HYDRANTS:

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

ACCESS:

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side.

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

MAY 16, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 97 Petition No. OB-19
Doc. Type Cobb DOT and Fire Dept
Comments and Recommendations
Meeting Date 5-16-2023

ITEM OB-19-2023

To consider a stipulation amendment for Terwilliger Pappas Multi-Family Partners, LLC regarding rezoning application Z-26 of 2007 for property located at the southeast corner of Big Shanty Road and Hidden Forest Court, in Land Lots 501 and 502 of the 16th District (3064 Hidden Forest Court).

BACKGROUND

The subject property is zoned Planned Village Commercial (PVC) as part of Z-26 of 2007, which is a large mixed-use development. This property was approved by the Board of Commissioners in October 2022 as an Other Business item to revise the site plan and stipulations to allow a 240-unit market-rate apartment community. One of the stipulations limited the height of the building to 55-feet. The main body of the residential building is 55-feet in height. The proposed enclosed portion of the amenity area located on the roof of the parking deck adds approximately 25-feet to the height of the building. This part of the amenity area includes a clubhouse, fitness room, restrooms, and mechanical rooms (see attached elevations and plans). In PVC the maximum building height is 75-feet, unless located in a Regional Activity Center where the Board of Commissioners can consider building heights on a case by case basis. If the stipulation amendment is approved, all previous stipulations would remain in effect.

STAFF COMMENTS AND RECOMENDATIONS

Water and Sewer: No additional comments.

Stormwater Management: Stormwater Management has no objection to this other business item as requested.

Site Plan Review: No comments.

Cobb DOT: See attached.

Fire Department: See attached.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

MAY 16, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3
OB-19
Page 2

Petition No. OB-19
Meeting Date 5-16-2023
Continued

ATTACHMENTS

Other Business application and stipulations.

Cobb DOT Recommendations

1. Cobb County DOT Airport Manager should be provided updated total height information as part of Plan Review. This requirement is triggered by for having a building 40' or taller or is located within 4,000' of a runway for Cobb County International Airport-McCollum Field, Dobbin ARB, or Fulton County Airport – Brown Field.
2. Recommend applicant address all Plan Review comments for the concurrent application SPR-2022-00171.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

APPLICANT: Terwilliger Pappas Multi-Family Partners, LLC PETITION NO.: OB-19
PRESENT ZONING: _____ PETITION FOR: _____

FIRE COMMENTS:

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County.

FIRE HYDRANTS:

Hydrant location within 500 feet of the most remote portion of the structure.* (Additional hydrant may need to be installed.)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

FIRE ENGINE ACCESS: The fire department must be able to access the long side of the building.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 35 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 26 feet maximum of 30 feet from the structure, a minimum of 15 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

Where monument signs are used address numbers shall be installed on both side of the monument sign. Suite and building numbers shall comply with Section 106-2(b)(3) Cobb County Code. Landscaping materials shall not obstruct the street numbers.

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

International Fire Code (IFC) Appendix D

(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

SECTION D106

MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units.

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

D106.2 Projects having more than 200 dwelling units.

Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

MAY 16, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 97 Petition No. OB-20
Doc. Type Stormwater Mngmt + Fire Dept
Comments and recommendations
Meeting Date 5-16-2023

ITEM OB-20-2023

To consider a reduction of minimum lot size from 20,000 square-feet to 14,384 square-feet and a side setback variance from 10-feet to 5-feet for NR Deed, LLC, by John E. Ramsey, President. The property located on the east side of Old Concorde Road in Land Lot 352 of the 17th District (1605 Old Concorde Road).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to Zoning Code Sec. 134-271(7)(a) adopted on February 27, 2018. This request concerns a lot that is required to have 20,000 square-feet. The lot has 14,384 square-feet. Staff researched the property and could not locate a deed or plat that grandfathered the property. The existing house was built in 1950, and the applicant would like to build an addition to that house. A portion of the covered porch on the back of the house is 5-feet into the side setback. If approved all other zoning criteria will be met.

STAFF COMMENTS

Cobb DOT: No comment.

Stormwater Management: Stormwater Management has no objection to this other business item as requested. Any re-development of the property that includes new and/or removed and replaced impervious surface area equal to 5,000 square feet or greater will require stormwater mitigation.

Water & Sewer Comments: No comments.

Site Plan Review: No comments.

Fire Department: See attached.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum lot size and the existing side setback variance.

APPLICANT: NR Deed, LLC, by John E. Ramsey, President

PETITION NO.: OB-20

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

Petition No. OB-20
Meeting Date 5-16-2023
Continued

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

ACCESS:

Driveway must have a minimum 12 foot driving surface width (CCDS 402.07.01) with a minimum 25 foot inside turning radius.

Fully developed landscaping shall be at least 7 feet 0 inches from center of drive (14 foot clear width) and 13 foot 6 inches vertical clearance.

Maximum grade shall not exceed 18%, angle of departure shall not exceed 8.5%.

Driveway must extend within 150 feet of the most remote portion of the structure.

Driveway must support 25 Tons (50,000 lbs.).

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

* An alternative equivalency for the above requirements, subject to the approval by the Cobb County Fire Marshal's Office is one of the following:

- 1.) NFPA 13D sprinkler system.
- 2.) Complete structure (framing and decking materials) treated with a Class A-Fire Retardant spray with a flame spread rating of 25 or less and smoke development of 450 or less.
- 3.) Non-Combustible construction.
(Indicate on the site plan which option will be utilized.)

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

MAY 16, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 97 Petition No. OB-21
Doc. Type Stormwater Mngmt, Water & Sewer, and Fire Dept
Comments and recommendations
Meeting Date 5-16-2023

ITEM OB-21-2023

To consider a reduction of minimum lot size from 40,000 square-feet to 25,480 square-feet, and for existing side setback variances for R. Michael Dupree. The property located at the southwest corner of Fowler Drive and Pine Manor in Land Lot 444 of the 16th District (840 Pine Manor Drive).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to Zoning Code Sec. 134-271(7)(a) adopted on February 27, 2018. This request concerns a lot that is required to have 40,000 square-feet, with a proposed lot size of 25,480 square-feet. The applicant operates a family-owned plumbing business and finds they do not need this part of the property anymore. The applicant would like to sell this piece of property to another commercial user. A portion of the existing building is slightly in the major side setback along Fowler Drive, and the other side of the building is 4.5-feet from the side property line. If approved all other zoning criteria will be met.

STAFF COMMENTS

Cobb DOT: No comment.

Stormwater Management: Stormwater Management has no objection to this other business item as requested. Any re-development of the property that includes new and/or removed and replaced impervious surface area equal to 5,000 square feet or greater will require stormwater mitigation.

Water & Sewer Comments: Parcels will be required to have independent water meters and sewer taps.

Site Plan Review: No comments.

Fire Department: ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition). Single fire line serving both parcels will have to be split up with separate water vaults.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum lot size and the existing side setback variances.

ITEM OB-22-2023

To consider a reduction of minimum public road frontage from 75-feet to 25-feet, and to allow a second electrical meter for Berthyne Lauture. The property located at the eastern terminus of Flint Lock Way in Land Lot 277 of the 20th District (3205 Flint Lock Way).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to Zoning Code Sec. 134-271(7)(a) adopted on February 27, 2018. This request concerns a lot that is required to have 75-feet of road frontage, with a proposed road frontage of 25-feet. The lot appears to have been this way since the early 1980's. The applicant would like to build an attached garage to the western side of their home. Also, the applicant is requesting a second electrical meter to power the garage addition since the existing electrical panel is currently at its maximum output. If approved all other zoning criteria will be met.

STAFF COMMENTS

Cobb DOT: No comment.

Stormwater Management: Stormwater Management has no objection to this other business item as requested. Any re-development of the property that includes new and/or removed and replaced impervious surface area equal to 5,000 square feet or greater will require stormwater mitigation.

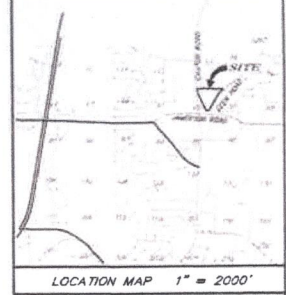
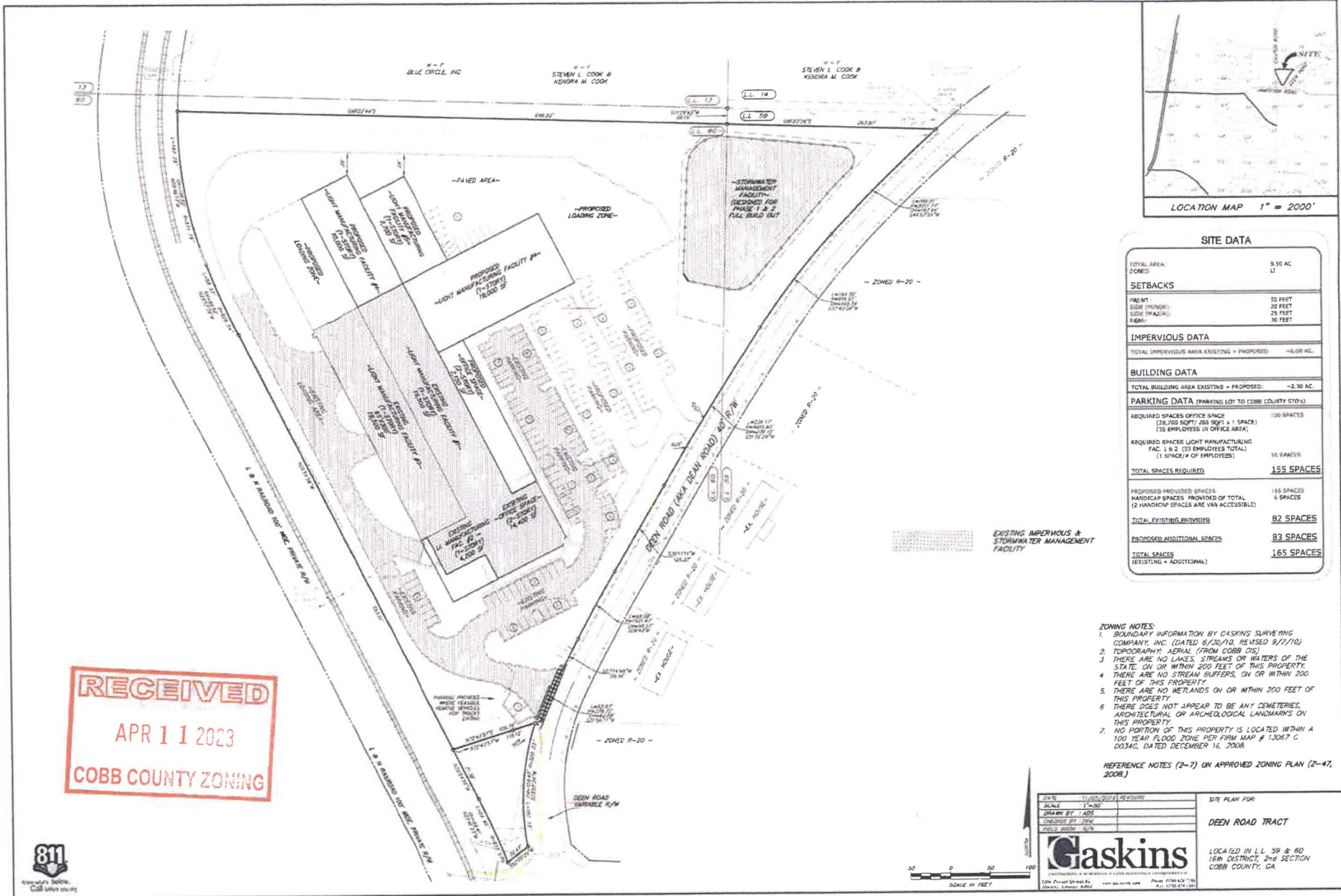
Water & Sewer Comments: Parcels will be required to have independent water meters and sewer taps.

Site Plan Review: No comments.

Fire Department: CCFMO does not have any objections to OB-22-2023 as presented.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum public road frontage and the second electrical meter.



SITE DATA	
TOTAL AREA:	9.56 AC
ZONED:	L1
SETBACKS	
FRONT:	30 FEET
REAR:	30 FEET
SIDE (FRONT):	25 FEET
SIDE (REAR):	25 FEET
IMPERVIOUS DATA	
TOTAL IMPERVIOUS AREA EXISTING + PROPOSED:	~4.08 AC.
BUILDING DATA	
TOTAL BUILDING AREA EXISTING + PROPOSED:	~2.90 AC.
PARKING DATA (PARKING LOT TO COBB COUNTY STD.)	
REQUIRED SPACES OFFICE SPACE (16,700 SQFT. 280 SQFT. & 1 SPACE) (75 EMPLOYEES IN OFFICE AREA)	100 SPACES
REQUIRED SPACES LIGHT MANUFACTURING (FAC. 1 & 2 (55 EMPLOYEES TOTAL) (1 SPACE # OF EMPLOYEES)	55 SPACES
TOTAL SPACES REQUIRED:	155 SPACES
PROPOSED PROVIDED SPACES (HANDICAP SPACES PROVIDED OF TOTAL (2 HANDICAP SPACES ARE VIA ACCESSIBLE))	165 SPACES
TOTAL EXISTING PROVIDED:	82 SPACES
PROPOSED ADDITIONAL SPACES:	83 SPACES
TOTAL SPACES (EXISTING + ADDITIONAL):	165 SPACES

- ZONING NOTES:**
- BOUNDARY INFORMATION BY GASKINS SURVEYING COMPANY, INC. (DATED 6/20/10, REVISED 9/7/10)
 - TOPOGRAPHY: AERIAL (FROM COBB GIS)
 - THERE ARE NO LAKES, STREAMS OR WATERS OF THE STATE ON OR WITHIN 200 FEET OF THIS PROPERTY.
 - THERE ARE NO STREAM BUFFERS, ON OR WITHIN 200 FEET OF THIS PROPERTY.
 - THERE ARE NO WETLANDS ON OR WITHIN 200 FEET OF THIS PROPERTY.
 - THERE DOES NOT APPEAR TO BE ANY CEMETERIES, ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS ON THIS PROPERTY.
 - NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD ZONE PER FIRM MAP # 13067 C 0034G, DATED DECEMBER 16, 2008.
- REFERENCE NOTES (2-7) ON APPROVED ZONING PLAN (2-47, 2008.)**

DATE: 11/16/2023	REVISION:
SCALE: 1"=50'	
DRAWN BY: JAS	
CHECKED BY: JRM	
FILED: 05/16/23	
Gaskins	
1000 Peachtree Street NE, Suite 1000 Atlanta, GA 30309 Phone: (404) 525-7100 Fax: (404) 525-7101	
SITE PLAN FOR:	
DEEN ROAD TRACT	
LOCATED IN L.L. 59 & 60 15th DISTRICT, 2nd SECTION COBB COUNTY, GA	

08-26-2023

Proposed

MAY 16, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 97 Petition No. OB-26
Doc. Type Stormwater Mngmt, Cobb DOT, and Fire Dept
Comments and recommendations
Meeting Date 5-16-2023

ITEM OB-26-2023

To consider amending the site plan for Sigma Holdings, LLC regarding rezoning application Z-47 of 2008, for property located on the west side of Deen Road, north of Jamerson Road in Land Lots 59 and 60 of the 16th District (4875 Deen Road).

BACKGROUND

The subject property is zoned LI (Light Industrial) for office warehouses. In 2008 it was approved for 11 separate warehouse buildings. The site plan was amended to build one large building with three smaller buildings per OB-2-2011 (March). The applicant's business has grown, and they would like to add onto the larger building with a 28,700 square-foot addition on the northwest side of the building. The three smaller buildings approved in 2011 would be deleted from the property. Once completed, the building would be 100,188 square-feet in size. The proposed building addition would match the existing building. If the amendments are approved, all previous stipulations would remain in effect.

STAFF COMMENTS AND RECOMENDATIONS

Water and Sewer: No additional comments.

Stormwater Management: Stormwater Management has no objection to this other business item as requested. The existing stormwater management facility will need to be upgraded to current regulations at the time of the Land Disturbance Permit.

Site Plan Review: No comments.

Cobb DOT: See attached.

Fire Department: See attached.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

ATTACHMENTS

Other Business application and stipulations.

OB-26-2023

DEPARTMENT COMMENTS - DOT

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Deen Road	Local	35	Cobb County	50'

Observations and comments

Deen Road is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification. The site plan submitted on April 11, 2023, shows 40 ft ROW along Deen Road. The recommendation below is based on the site plan information.

Recommendations

1. Recommend consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Deen Road, a minimum of 25' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

APPLICANT: Sigma Holdings, LLC

PETITION NO.: OB-26

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

FIRE HYDRANTS

Hydrant location within 500 feet of the most remote portion of the structure.

Petition No. OB-26
Meeting Date 5-16-2023
Continued

Fire Flow Test from all private hydrants shall be provided and meet the minimum requirements.*
(Required Flow: 1,500 gpm @ 20 psi)

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE

New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

ACCESS

Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 26 feet, maximum of 30 feet from the structure, minimum of 15 feet from the structure, and be positioned parallel to one entire long side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

Access road width with a hydrant:

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.

Petition No. 08-26
Meeting Date 5-16-2023
Continued

Remoteness:

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org