

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
MAY 2, 2023
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, May 2, 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 9:06 a.m.

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

CONTINUED CASES

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 April 4, 2023, Planning Commission (PC) hearings until the May 2, 2023, PC hearing; continued by Staff 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).*

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CONTINUED CASES (CONT.)

- 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 April 4, 2023, PC hearings until the May 2, 2023, PC hearing; continued by Staff until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).*
- 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, Planning Commission (PC) hearing until the May 2, 2023, PC hearing; continued by Staff 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-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 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).*

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CONTINUED CASES (CONT.)

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).*

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).

Mr. Pederson presented the Applicant's request for a continuance of Z-13; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to **continue** Z-13 until the June 6, 2023, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

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).

Mr. Pederson presented the Applicant's request for a continuance of SLUP-4; thereafter, Mr. Beloin denied the request for a continuance, and SLUP-4 was heard in its numerical order (see page 7 of these minutes).

Mr. Pederson made the following announcements and then read in 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.

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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 Anderson, second by Hughes, to **approve** the Consent Agenda, *as revised*:

At the call for Z-10 (Joseph & Jennette Gunderson), opposition was present; therefore, Z-10 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 6 of these minutes).

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 recommend **approval** of LUP-7 for **24 months**, subject to:

1. **No signs**
2. **No on-street parking**
3. **No outdoor storage**
4. **Two seasonal employees *only***
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 16, 2023**

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 recommend **approval** of 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**
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 16, 2023**

CONSENT VOTE: **ADOPTED 5-0**

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REGULAR AGENDA

Z-55^{'22} **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, PC until the May 2, 2023, PC hearing).*

The public hearing was opened; Parks Huff, Jimi Richards, Trevor Beeman, Leonard Greski, Richard Grome, and Joseph Oubey addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to **hold** Z-55^{'22} until the June 6, 2023, Planning Commission Zoning Hearing, subject to:

- 1. Applicant to provide a third-party analysis of the location of the graves and historical structures**
- 2. Applicant to account for limitations identified by Stormwater Management**
- 3. Applicant to meet with the community (Clary Lakes) and the Preservation Commission to get a mutual understanding of where the assets are located on site**

VOTE: **ADOPTED 5-0**

Chairman Vault called for a brief recess from 10:02 a.m. until 10:11 a.m.

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).

The public hearing was opened; Maya Radovic, Taylor Stooks, Steve Jungk, and Sonya Wheatley addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **hold** Z-9 until the June 6, 2023, Planning Commission Zoning Hearing, subject to:

- 1. Applicant to provide a revised Site Plan to include the following: signage, specifics on where the buffers will be located, dumpster enclosures, if a detention pond is needed, where it will be located**
- 2. Applicant to meet with the Mableton Improvement Coalition (MIC) representative(s) regarding the project in order to address concerns**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

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; Jennette Gunderson, Jane Turnipseed, and Larry DiBiase addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to recommend **approval** of Z-10 to the **LRO** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on April 16, 2023 (on file in the Zoning Division), 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**

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, Sonya Wheatley, and Steve Jungk addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of SLUP-3, subject to:

- 1. Site Plan received by the Zoning Division on February 27, 2023 (on file in the Zoning Division)**
- 2. All cars to be parked in marked parking spaces**
- 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. No junk or inoperative vehicles on site**

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REGULAR AGENDA (CONT.)

SLUP-3 ALEXANDRIA HOLDINGS GROUP INC. (CONT.)

- 8. No repossessed vehicles kept on site**
- 9. No outdoor storage (except for used vehicles)**
- 10. No parking or unloading of vehicles on the right-of-way**
- 11. All vehicle repairs to be done inside the building**
- 12. All exterior lighting to be designed to eliminate any stray light onto adjacent properties**
- 13. No outdoor speakers or pagers**
- 14. Granted for a 12-month period**
- 15. During the 12-month period, Code Enforcement Staff to provide quarterly updates to the Board of Commissioners and Staff to ensure the Applicant is complying with the above stated stipulations**

VOTE: ADOPTED 5-0

SLUP-4 RAY MURPHY (Ray Murphy, owner) requesting a Special Land Use Permit (Renewal) for an automobile storage yard and wrecker service 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).

The public hearing was opened; Ray Murphy, Vickie M. Norris, and Alberto Marez addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to **hold** SLUP-4 until the June 6, 2023, Planning Commission Zoning Hearing, subject to:

- 1. Applicant to submit a Landscape Plan, fencing to be included, by 12:00 p.m. on May 30, 2023, to the Zoning Office; Landscape Plan is to be in compliance with the Board of Commissioners' requirements**
- 2. Maximum number of vehicles on the property to be 180 by May 30, 2023**
- 3. Applicant to submit a Parking Plan to the Zoning Office prior to the May 22, 2023, Planning Commission Agenda Review Work Session**
- 4. When the Applicant is contacted by Code Enforcement Staff or Site Inspectors that within two hours of being contacted by phone they shall be granted full access to the property**
- 5. The tenant, Alberto Marez, to meet with Code Enforcement Staff by May 30, 2023, to discuss and report back at the June 6, 2023, Planning Commission Zoning Hearing regarding the sufficiency of the millings**

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REGULAR AGENDA (CONT.)

SLUP-4 RAY MURPHY (CONT.)

- 6. Code Enforcement Staff to visit the property by May 31, 2023, to see that the Applicant has come into compliance with the above stated stipulations**

VOTE: **ADOPTED 5-0**

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.

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

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of O.B. 17, subject to:

- 1. Allowance of 16-foot, 18-foot, and 20-foot-wide townhome units**
- 2. Allowance of two-story and three-story townhome units**
- 3. All previous stipulations and conditions to remain in effect**
- 4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 16, 2023**

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

April 4, 2023 – Planning Commission Zoning Hearing

VOTE: **ADOPTED 4-0**, Beloin abstained due to not attending the hearing

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APPROVAL OF MINUTES (CONT.)

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

April 24, 2023 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 12:55 p.m.



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