

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2023
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Wednesday, July 5, 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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES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-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). (*Previously continued by Staff from the May 2, 2023, and June 6, 2023, Planning Commission (PC) hearings until the July 5, 2023, PC hearing*). **WITHDRAWN WITHOUT PREJUDICE**

Z-19 KENNETH G. CLARK (Kenneth G. Clark and Thomas P. Aikens., owners) requesting rezoning from **CRC** and **PSC** to **CRC** for a hotel in land lot 43 of the 18th district. Property is located on the north side of Veterans Memorial Highway, east of Dodgen Road (140 Veterans Memorial Highway). **WITHDRAWN WITHOUT PREJUDICE**

Z-22 MRE PROPERTIES & INVESTMENTS, LLC (Mt. Bethel Church, Inc., owner) requesting rezoning from **RA-4** to **LRO** for an office in land lots 9 and 10 of the 1st district. Property is located on the south side of Lower Roswell Road, west of Woodlawn Drive (4608 Lower Roswell Road).

Mr. Pederson presented the Applicant's request to withdraw Z-22 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to **allow** Z-22 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

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WITHDRAWN AND CONTINUED CASES (CONT.)

- 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 July 5, 2023, PC hearings until the August 1, 2023, PC 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). *(Previously continued by Staff from the May 2, 2023, through the July 5, 2023, Planning Commission (PC) hearings until the August 1, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-23** **MIKE NORTON** (M&D Chastain Corner, LLC, owner) requesting rezoning from **LRO** and **R-20** to **NRC** for a beauty salon in land lot 371 of the 16th district. Property is located on the south side of Chastain Corner Road, west of Canton Road (750 Chastain Corner Road). *(Previously continued by Staff from the July 5, 2023, Planning Commission (PC) hearing until the August 1, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-24** **SWI INVESTMENTS, LLC** (SWI Investments, LLC, owner) requesting rezoning from **R-20** to **NRC** for a convenience store with fuel sales in land lot 637 of the 16th district. Property is located on the east side of Canton Road, south of Rosedale Drive (2546 Canton Road). *(Previously continued by Staff from the July 5, 2023, Planning Commission (PC) hearing until the August 1, 2023, PC hearing; therefore, was not considered at this hearing).*
- LUP-11** **RICK KUHLMAN** (Rick Kuhlman and Amanda Kuhlman, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow firewood storage in land lot 874 of the 17th district. Property is located on the east side of Leland Drive, north of Windy Hill Road (1885 Leland Drive). *(Previously held by the Planning Commission (PC) from the June 6, 2023, PC hearing until the July 5, 2023, PC hearing; continued by Staff from the July 5, 2023, PC hearing until the August 1, 2023, PC hearing; therefore, was not considered at this hearing).*

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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.

INFORMATION REGARDING ZONING CASES

All information regarding zoning cases must be turned in to the Zoning Office on the Monday 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.*

Z-20 **JACOB LEE** (Jacob Lee and Taylor McLendon, owners) requesting rezoning from **R-20** to **R-15** for single-family residences in land lot 699 of the 17th district. Property is located on the southeast side of Ridge Road, across from Ivy Ridge Road (3581 Ridge Road).

To recommend **approval** of Z-20 to the **R-15** zoning district, subject to:

- 1. District Commissioner to approve the final Site Plan**
- 2. Variances as stated in the Zoning Division comments and recommendations**
- 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. Site Plan Review comments and recommendations**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 18, 2023**

LUP-13 **DONNA JORDAN** (Mildred Sharlene Mahaffey, Willie Gene Abernathy and Donna Marie Jordan, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow two houses on one lot in land lot 42 of the 18th district. Property is located on the north side of Lee Road, west of Veterans Memorial Highway (264 Lee Road).

To recommend **approval** of LUP-13 for **24 months**, subject to:

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

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CONSENT AGENDA (CONT.)

LUP-13 DONNA JORDAN (CONT.)

2. For this Applicant and current family use *only*
3. If the property is sold to another party, or the applicant or their family cease use of the second house, then the second house shall be converted to a storage building
4. Second house not to be used as a rental unit
5. Code Enforcement Staff shall be granted full access to inspect the property on a quarterly basis to ensure compliance during the 24-month period
6. All vehicles shall be parked in the driveway on a hardened surface and shall have current registrations
7. No vehicles shall be parked in the backyard for any length of time or for any reason
8. The use of campers or recreational vehicles for living space is prohibited
9. Items stored on the property shall be stored in an enclosed structure
10. Applicant must contact Cobb County Code Enforcement and schedule a follow-up visit every six months, with the first visit no later than December 2023
11. All Staff comments and recommendations, *not otherwise in conflict*
12. All vehicles must have current registrations and be in running order and remain uncovered by tarps
13. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 18, 2023

LUP-15 BURNT HICKORY CHURCH OF CHRIST, INC. (Burnt Hickory Church of Christ, Inc., owner) requesting a **Temporary Land Use Permit (Renewal)** for a daycare and preschool facility in land lot 291 of the 20th district. Property is located on the north side of Burnt Hickory Road, west of New Salem Road (2330 Burnt Hickory Road).

To recommend approval of LUP-15 for **24 months**, subject to:

1. Site Plan received by the Zoning Division on May 4, 2023 (on file in the Zoning Division), with the District Commissioner approving minor modifications
2. Daycare related banner sign to be no larger than three feet by five feet
3. Department of Transportation comments and recommendations
4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 18, 2023

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CONSENT AGENDA (CONT.)

Prior to approving the Consent Agenda, Mr. Beloin requested that Z-13 (Matthew C. Flournoy) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read in the case, Mr. Beloin read in the stipulations, and the motion was made to add the case to the Consent Agenda.

Z-13 **MATTHEW C. FLOURNOY** (Robert E, Fournoy, III, Matthew C. Flournoy, Gwynn Flournoy Ross and Natalie Flournoy 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). *(Previously continued by the Planning Commission (PC) from the May 2, 2023, and June 6, 2023, PC hearings until the July 5, 2023, PC hearing).*

To recommend **approval** of Z-13 to the **R-20** zoning district, subject to:

1. All Staff comments and recommendations shall apply and supersede any other conditions or stipulations including those in the June 26, 2023, stipulation letter; subject only to the superseding conditions stated below.
2. Site Plan dated June 6, 2023 (on file in the Zoning Division) is to be revised and submitted for Board of Commissioners' approval, with review by the neighbors the Applicant's representative has been meeting with, with final approval by the District Commissioner
3. Letter of agreeable conditions from Kevin Moore dated June 26, 2023 (on file in the Zoning Division), with the following changes:
 - A. Item No. 1 – revise to read: *“All Staff comments shall apply and govern.”*
 - B. Item No. 2 – revise to read: *“Site Plan is to be revised to incorporate the following comments in a letter from Richard Hintze:*
 - a. *Plant hedgerow trees along the property line on the Sonnebogen's and Coomb's properties leaving a construction buffer around the perimeter of the subject property*
 - b. *Position the homes towards the center of the lots thereby creating larger rear yards*
 - c. *Change the plan to include cul-de-sacs in lieu of the original 'loop' plan*
 - d. *Construction of homes to be at least three-sides brick, stone, and hardy-board*
 - e. *Plant hedgerow trees along Antioch Road as a view shed with respect to the detention pond and the rear of the houses”*
 - C. Item No. 4 – add to the end: *“Specifying the use of certain materials, those materials must appear/cover a minimum of three sides on each building built on the tract.”*

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CONSENT AGENDA (CONT.)

Z-13 MATTHEW C. FLOURNOY (CONT.)

- D. Item No. 7 – add to the end: *“The Covenants referenced should include a prohibition against having more than 10% of the units in rental.”*
- E. Item No. 14 – deleted in its entirety
- F. Items No. 18 & 19 – add to the end: *“Submission of the proposed plan to the County Arborist, with the District Commissioner to have final approval over the placement of the planting of the trees.”*
- G. Item No. 21 – add to the end: *“The mailbox kiosk should be constructed with the same materials as those indicated in Item No. 4.”*
- 4. Entrance and landscaping appearance shall appear per the attachment to the email dated June 26, 2023, from Carolyn Cook on behalf of Kevin Moore (on file in the Zoning Department)
- 5. If gravity flow sewer is not available to service all lots, then any lot not serviced by gravity flow sewer, must be a minimum of 80,000 square feet
- 6. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing on July 18, 2023

MOTION: Motion by Beloin, second by Anderson, to add Z-13 to the Consent Agenda as previously read in.

VOTE: **ADOPTED 5-0**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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 June 6, 2023, Planning Commission (PC) hearings until the July 5, 2023, PC hearing).*

The public hearing was opened; Kevin Moore, Merg Hoffman, Bill Millkey, and Jennifer Burbine addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-60²² BRANCH ACQUISITION COMPANY, LLC (CONT.)

MOTION: Motion by Anderson, second by Hughes, to **hold** Z-60²² until the August 1, 2023, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Chairman Vault called for a brief recess from 10:22 a.m. until 10:32 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; Maja Radovic, Mike Crawford, Steve Jungk, and Sherry Van Velsor 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 Z-9 to the **R-20** zoning district, subject to:

1. **Stipulations Agreement from Johenny Mendez dated June 25, 2023 (on file in the Zoning Division), with the following changes:**
 - A. **Item No. 1 – revise to read: “District Commissioner to approve final site and landscape plans.”**
 - B. **Item No. 5 - revise to read: “Applicant will submit final architectural elevations to the District Commissioner for approval.”**
 - C. **Item No. 6 – revise to read: “The structure will be limited to 5000 square feet. Any addition to that will require an Other Business Item to come back before the Board of Commissioners.”**
 - D. **Item No. 7 – revise to read: “The minimum number of parking spaces will be provided as required by Code.”**
 - E. **Item No. 8 – revise to read: “No school or daycare uses will be operated on this site.”**
 - F. **Add Item No. 19 – “All Staff comments and recommendations, not otherwise in conflict.”**

VOTE: **ADOPTED 5-0**

Z-18 ICON RENOVATIONS, LLC (ICON Renovations, LLC, owner) requesting rezoning from **R-20** to **RA-6** for a townhome subdivision in land lots 770 and 769 of the 19th district. Property is located on the east side of Shadyside Road, on the north side of Hurt Road (2040 Hurt Road). *(Previously continued by Staff from the June 6, 2023, Planning Commission (PC) hearing until the July 5, 2023, PC hearing).*

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REGULAR AGENDA (CONT.)

Z-18 ICON RENOVATIONS, LLC (CONT.)

The public hearing was opened; Corey Fields and Bob Corn addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **denial** of Z-18.

VOTE: **ADOPTED 5-0**

By general consensus, companion cases, Z-21 and SLUP-6 (Clarkdale Ventures, LLC), were heard concurrently but voted on separately.

Z-21 CLARKDALE VENTURES, LLC (Clarkdale Ventures LLC, owner) requesting rezoning from **GC, NS** and **R-20** to **GC** and **R-20** for used auto sales in land lot 1055 of the 19th district. Property is located on the south side of Austell Powder Springs Road, at the terminus of Eugenia Place (4622 Austell Powder Springs Road).

SLUP-6 CLARKDALE VENTURES, LLC (Clarkdale Ventures LLC, owner) requesting a **Special Land Use Permit** for used auto sales in land lot 1055 of the 19th district. Property is located on the south side of Austell Powder Springs Road, at the terminus of Eugenia Place (4622 Austell Powder Springs Road). *(Previously continued by Staff from the June 6, 2023, Planning Commission (PC) hearing until the July 5, 2023, PC hearing).*

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

MOTION: Motion by Hughes, second by Beloin, to recommend **deletion** of Z-21 to the **CRC** and **R-20** zoning districts, subject to:

1. Staff comments and recommendations

VOTE: **ADOPTED 5-0**

Following the vote for Z-21, the following motion was made for companion case, SLUP-6:

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of SLUP-6, subject to:

1. Staff comments and recommendations

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

LUP-14 **MIGUEL MACIEL** (Victoria O. Maciel and Miguel Maciel Nieto, owners) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 75 of the 16th district. Property is located at the terminus of Tate Creek Court, west of Bells Ferry Road (568 Tate Creek Court).

The public hearing was opened; Georgina Castillo, Darrall Salter, and David Reynolds addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of LUP-14, subject to:

1. Allowance of the parking of five vehicles at the residence representing the five drivers at the house
2. Applicant to remove the three additional vehicles within 60 days
3. No parking of vehicles on Tate Creek Court

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

June 26, 2023 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

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

June 6, 2023 – Planning Commission Zoning Hearing

VOTE: **ADOPTED 5-0**

ADJOURNMENT

The hearing adjourned at 12:21 p.m.



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