

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
AUGUST 1, 2023
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, August 1, 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:

Michael Hughes, Vice Chairman
David Anderson
Fred Beloin
Deborah Dance

Stephen Vault, Chairman – not present

CALL TO ORDER – VICE CHAIRMAN HUGHES

Vice Chairman Hughes called the hearing to order at 9:03 a.m.

Mr. John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following case which was *continued*.

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 August 1, 2023, Planning Commission (PC) hearings until the September 5, 2023, PC hearing; therefore, was not considered at this hearing).*

Mr. Pederson made the following announcement and then read in the Consent Agenda.

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 Dance, second by Anderson, to **approve** the Consent Agenda, *as presented*.

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CONSENT AGENDA (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).*

To recommend **approval** of Z-67²² to the **NRC** zoning district, subject to:

- 1. Revised stipulation letter from Parks Huff dated July 20, 2023 (on file in the Zoning Division)**
- 2. District Commissioner to approve the final elevations**
- 3. Adherence to the Johnson Ferry Road Design Guidelines**
- 4. Fire Department comments and recommendations**
- 5. Water and Sewer Division comments and recommendations**
- 6. Department of Transportation comments and recommendations**
- 7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 15, 2023**

Z-26 **BERCHER HOMES, LLC** (Bercher Homes, LLC, owner) requesting rezoning from **R-20** to **R-15** for single-family residences in land lots 330 and 331 of the 16th district. Property is located on the east side of Cochran Lake Road and north side of Fricks Road (3640 Cochran Lake Road).

To recommend **approval** of Z-26 to the **R-15** zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated July 24, 2023 (on file in the Zoning Division)**
- 2. Site plan received by the Zoning Division on May 31, 2023, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- 3. Two driveways on Cochran Lake Road and one driveway on Frick's Road**
- 4. Residences shall have a minimum of 3,000 square feet of heated space and shall consist of traditional architecture; letter from David Meyer dated December 20, 2016, (on file in the Zoning Division), striking number 13**
- 5. Stormwater Management Division comments and recommendations**
- 6. Water and Sewer Division comments and recommendations**
- 7. Department of Transportation comments and recommendations**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 15, 2023**

Clerk's Note: When reading in stipulation #4, Mr. Pederson did not state that the letter dated December 20, 2016, was from David Meyer.

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CONSENT AGENDA (CONT.)

LUP-17 **CAROL J. HICKS-VARGAS, MICHAEL E. VARGAS** (Carol Hicks-Vargas and Michael Vargas, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow more adults and vehicles than the code allows in land lot 80 of the 16th district. Property is located on the southwest side of the Rocky Top Court, north of Watkins Glenn Drive (230 Rocky Top Court).

To recommend **approval** of LUP-17 for **24 months**, subject to:

- 1. Maximum of seven related adults to reside in the house**
- 2. Allow a maximum of five cars**
- 3. All cars must be parked in the driveway, no parking in the street**
- 4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 15, 2023**

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

REGULAR AGENDA

Z-60'²² **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; held by the PC from the July 5, 2023, PC hearing until the August 1, 2023, PC hearing).*

The public hearing was opened; Kevin Moore, Bert Smith, Jennifer Burbine, Jack Head, Tony Waybright, and Nick Telesca addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Dance, to recommend **denial** of Z-60'²².

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

Vice Chairman Hughes called for a brief recess from 10:29 a.m. until 10:39 a.m.

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REGULAR AGENDA (CONT.)

- 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).*

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

MOTION: Motion by Dance, second by Anderson, to recommend **deletion** of Z-23 to the **NRC** and **R-20** zoning districts, subject to:

- 1. Staff comments and recommendations**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 15, 2023**

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

- 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).*

The public hearing was opened; Jonathan Fallin, Sobhi Boktor, Wendy McGar, and Carol Brown addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to recommend **deletion** of Z-24 to the **LRC** zoning district, subject to:

- 1. All Staff comments and recommendations, *limiting all fuel sales and automotive uses***

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

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REGULAR AGENDA (CONT.)

- 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).*

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

MOTION: Motion by Anderson, second by Beloin, to recommend **denial** of LUP-11, subject to:

- 1. Code Enforcement to not visit the site until after December 31, 2023**
- 2. Applicant to remove all wood and debris from the area by the December 31, 2023**
- 3. Department of Transportation (DOT) to confirm the site distance requirement compliance with the fence**

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

- Z-25** **TANER HAMZAWI** (Taner Samer Hamzawi and Fawzi Jalal Hamzawi, owners) requesting rezoning from **R-20** to **RM-12** for townhomes in land lot 745 of the 17th district. Property is located on the east side of Lee Road and on the south side of East Lee Road (3975 Atlanta Road).

The public hearing was opened; Taner Hamzawi, Paige Riverstreet, Taylor Stootes, Dave Miller, Ed Novellas, and Victoria Rixey addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Dance, to recommend **denial** of Z-25.

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

Vice Chairman Hughes called for a brief recess from 12:12 p.m. until 12:21 p.m.

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REGULAR AGENDA (CONT.)

Z-27 **IMPACT WORSHIP CENTER** (Impact Worship Center, Inc, owner, owner) requesting rezoning from **GC** and **R-20** to **NRC** for retail in land lots 405, 406, 497, and 498 of the 18th district. Property is located on the west side of Queen Mill Road and on the north side of Mableton Parkway (Mableton Parkway).

The public hearing was opened; Arthur Jones and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to recommend **approval** of Z-27, subject to:

- 1. Staff comments and recommendations**
- 2. Letter from the Mableton Improvement Coalition dated July 26, 2023 (on file in the Zoning Division)**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 15, 2023**

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

Z-28 **HERNAN GUERRERO** (VAMANI LLC, owner) requesting rezoning from **GC** to **NRC** for commercial in land lot 109 of the 17th district. Property is located on the northside of Veterans Memorial Highway and on the west side of Beaver Drive (330 Veterans Memorial Highway).

The public hearing was opened; Louisa Tovar and Robin Meyer 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-28.

Prior to the vote, Mr. Johnson, Senior Associate County Attorney, recommended to the Planning Commission that they consider assigning a Zoning classification to the parcel that would make it better suited for the area. Mr. Pederson explained that the property is currently zoned General Commercial in a Neighborhood Activity Center, so there is no use that the property owner has entitlements to; therefore, the property needs to be put in a category that the property owner can use so they have constitutional use of the property. As a result, Mr. Hughes withdrew his previous motion for Z-28 and made the following motion:

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REGULAR AGENDA (CONT.)

Z-28 HERNAN GUERRERO (CONT.)

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of Z-28 to the **NRC** zoning district, subject to:

1. Staff comments and recommendations, with the following additional prohibited uses added to recommendation #8:

A. Adult entertainment; liquor stores; sales of sexually explicit or drug related items; pawn shops; title pawn shops; gold and precious metal dealers; video arcades as a primary use; check cashing business; discount sales; auto sales; auto parts; auto services; used tire sales; taxi dispatching services; wholesale only establishments; gun, knife, weapon sales; shooting ranges; thrift stores; second-hand stores; flea markets

2. No drive-thru windows

3. No outdoor speakers

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

LUP-16 GIOVANNI R. LUCERO (Giovanni Raul Lucero and Gloriabel Lucero Gil, owners) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 564 of the 19th district. Property is located on the southwest side of Sebring Court, west of Goodwood Drive (2327 Sebring Court).

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

MOTION: Motion by Hughes, second by Dance, to recommend **approval** of LUP-16 for **12 months**, subject to:

1. Code Enforcement to make quarterly visits to the property to ensure compliance

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

LUP-18 HALEY LOPEZ (Javier Lopez Garcia, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 261 of the 18th district. Property is located on the north side Creveis Road, at the terminus of Wanda Lane (1740 Creveis Road).

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REGULAR AGENDA (CONT.)

LUP-18 HALEY LOPEZ (CONT.)

At the call for LUP-18 (Haley Lopez), the Applicant was not present, but opposition was present. By general consensus, the Planning Commission decided to continue the case until next month; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **continue** LUP-18 until the September 5, 2023, Planning Commission Zoning Hearing.

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

APPROVAL OF MINUTES

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

July 5, 2023 – Planning Commission Zoning Hearing

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

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

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

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

ADJOURNMENT

The hearing adjourned at 1:07 p.m.



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