

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

The Planning Commission Zoning Hearing was held on Tuesday, November 7, 2023, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

Stephen Vault, Chairman
Michael Hughes, Vice Chair
David Anderson
Fred Beloin – left the hearing at 2:30 p.m.
Deborah Dance

CALL TO ORDER – CHAIRMAN VAULT

Chairman Vault called the hearing to order at 9:05 a.m.

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

- Z-50** **CIVF VII - GA1M01 & GA1M02, LLC** (R. Britt Harris, Jr.; Cityview Grove, LLC; Edith W. Lee Trust, owners) requesting rezoning from **NS, TS, and RM-12** to **LI** for a warehouse and distribution facility in land lots 592, 593, 594, 603, and 604 of the 18th district. Property is located on the south side of Cityview Drive, on the north side of I-20, northeast of Riverside Parkway (Cityview Drive). *(Continued by Staff from the November 7, 2023, Planning Commission (PC) hearing until the December 5, 2023, PC hearing). WITHDRAWN WITHOUT PREJUDICE*
- Z-40** **ATLANTA REMEDIATION GROUP, LLC** (Vanessa Pichardo, owner) requesting rezoning from **R-20** to **LI** for specialty contractor, parking of RVs & boats in land lot 204 of the 16th district. Property is located on the south side of Shallowford Road, east of Canton Road (1018 Shallowford Road). *(Previously continued by Staff from the October 3, 2023, and November 7, 2023, Planning Commission (PC) hearings until the December 5, 2023, PC hearing; therefore, was not considered at this hearing).*
- Z-43** **SUHEL KAZANI** (Global Finvest L.L.C., owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales and retail in land lots 180 of the 17th district and 42 of the 18th district. Property is located on the southeast side of Cooper Lake Road, on the northeast side of Veterans Memorial Highway (8 and 5699 Cooper Lake Road and Veterans Memorial Highway). *(Previously continued by Staff from the October 3, 2023, Planning Commission (PC) hearing until the December 5, 2023, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-48 **OSCAR FACTORY** (Neal T. Radford, owner) requesting rezoning from **PSC** to **PSC** for an office in land lot 677 of the 17th district. Property is located on the south side of Main Street, west of Lois Street (1880 Main Street). *(Continued by Staff from the November 7, 2023, Planning Commission (PC) hearing until the December 5, 2023, PC hearing; therefore, was not considered at this hearing).*

Z-49 **DG EAST COBB GUTHRIES, LLC** (DG East Cobb Guthries, LLC, owner) requesting rezoning from **PSC** to **NRC** for a restaurant in land lot 69 of the 1st district. Property is located on the south side of Lower Roswell Road, west of Johnson Ferry Road (4774 Lower Roswell Road).

Mr. Pederson presented the Applicant's request to continue Z-49; thereafter, the following motion was made:

MOTION: Motion by Anderson, second by Hughes, to **continue** Z-49 until the December 5, 2023, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Z-47 **BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP** (Bentley Residential Properties, LLC; Summerour Properties, LLLP, owners) requesting rezoning from **R-20** and **R-15** to **LI** for a landscaping and tree service in land lot 1137 of the 16th district. Property is located north of Gresham Road and east of Fairview Street (0, 1306, and 1330 Gresham Road).

Due to the Applicant of Z-47 having an emergency and not in attendance, Mr. Pederson made the request that Z-47 be pulled off the Consent Agenda and added to the Regular Agenda in its numerical order (see page 9 of these minutes); thereafter, the following motion was made:

MOTION: Motion by Dance, second by Anderson, to **move** Z-47 from the Consent Agenda to the Regular Agenda.

VOTE: **ADOPTED 5-0**

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.

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CONSENT AGENDA

MOTION: Motion by Beloin, second by Hughes, to **approve** the Consent Agenda, *as revised*.

Z-44 **GINA SULLIVAN** (200 Village Parkway, LP, owner) requesting rezoning from **CF** and **R-40** to **NRC** for a personal care home in land lot 73 of the 1st district. Property is located on the north side of Paper Mill Road and on the east side of Village parkway (200 Village Parkway).

To recommend **approval** of Z-44 to the **NRC** zoning district, subject to:

1. Site Plan received by the Zoning Division on August 16, 2023 (on file in the Zoning Division), with the District Commissioner approving minor modifications
2. Use of the property be both *use* specific and *Site Plan* specific for use only as a personal care home for senior living under the permitted NRC use of *Group Home*
3. Any future exterior modifications to the existing building be approved by the Paper Mill Village Architectural Control Committee, with final approval by the Cobb County District Commissioner
4. District Commissioner shall have the authority to approve minor modifications to this rezoning as the development proposal proceeds through the Design Review Process and thereafter, *except for those that:*
 - A. reduce the size of an approved buffer adjacent to a property which is zoned in a more restrictive zoning district
 - B. relocate the structure closer to the property line to an adjacent property which is zoned in a more restrictive zoning district
 - C. increase the height of a building adjacent to a property which is zoned in a more restrictive zoning district
 - D. change access location to different roadways
5. Variances as stated in the Zoning comments
6. Planning Division comments and recommendations
7. Fire Department comments and recommendations
8. Water and Sewer Division comments and recommendations
9. Department of Transportation comments and recommendations
10. Stormwater Management Division comments and recommendations
11. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on November 21, 2023

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CONSENT AGENDA (CONT.)

Z-45 MICHAEL S. PRIEST AND TARA P. PRIEST (Michael S. Priest and Tara P. Priest, owners) requesting rezoning from **TS** to **R-30** for an undeveloped lot in land lot 1 of the 20th district. Property is located on the north side of Rutledge Drive and on the west side of Black Acre Trail (Rutledge Drive).

To recommend **approval** of Z-45 to the **R-30** zoning district, subject to:

- 1. Single-family use *only***
- 2. No access from Black Acre Trail**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on November 21, 2023**

Z-51 BRIAN DORSEY WHITE AND SAMANTHA H. PATTILLO (Brian Dorsey White and Samantha H. Pattillo, owners) requesting rezoning from **R-20/OSC** to **R-30** for a single-family residence in land lot 527 of the 19th district. Property is located on the south side of Gaydon Road, east of Florence Road (5225 Gaydon Road).

To recommend **approval** of Z-51 to the **R-30** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on September 7, 2023 (on file in the Zoning Division)**
- 2. Fire Department comments and recommendations**
- 3. Water and Sewer Division comments and recommendations**
- 4. Stormwater Management Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**
- 6. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on November 21, 2023**

At the call for Z-53 (Past Properties, LLC), the Applicant was present and there was opposition present; therefore, Z-53 was pulled off the Consent Agenda and added to the Regular Agenda to be heard in its numerical order (see page 10 of these minutes).

Z-54 Alan Norman Taylor, as Executer of the Estate of Barbara Brickley Taylor; Arthur H. Sundquist and Melanie A. Sundquist (Barbara Brickley Taylor, Arthur H. Sundquist and Melanie A. Sundquist, owners) requesting rezoning from **RSL** and **R-20** to **R-20** for single-family residences in land lots 605 and 606 of the 19th district. Property is located on the east side of Old Lost Mountain Road, north of Meek Road (2727, 2785, and 2801 Old Lost Mountain Road).

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CONSENT AGENDA (CONT.)

Z-54 **Alan Norman Taylor, as Executer of the Estate of Barbara Brickley Taylor; Arthur H. Sundquist and Melanie A. Sundquist (CONT.)**

To recommend **approval** of Z-54 to the **R-20** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on September 12, 2023 (on file in the Zoning Division), with the District Commissioner approving minor modifications**
- 2. Variances as stated in the Zoning analysis**
- 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. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on November 21, 2023**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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 a mixed-use development consisting of townhomes, multifamily residential, 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 September 5, 2023, Planning Commission (PC) hearings until the October 3, 2023, PC hearing; held by the PC from the October 3, 2023, PC hearing until the November 7, 2023, PC hearing).*

The public hearing was opened; Kevin Moore and Tullan Avard addressed the Planning Commission. Following the presentation and discussion, Chairman Vault called for a ten-minute recess. After the recess, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to **hold** Z-15 until the December 5, 2023, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

- Z-30** **QUIKTRIP CORPORATION** (BK Canton, LLC, owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales in land lot 60 of the 16th district. Property is located on the south side of Jamerson Road, and the west side of Canton Road (4815 Canton Road). *(Previously held by the Planning Commission (PC) from the September 5, 2023, and October 3, 2023, PC hearings until the November 7, 2023, PC hearing).*

The public hearing was opened; Kevin Moore, Lawton Jordan, Carol Brown, and Ronak Patel addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Anderson, to **hold** Z-30 until the December 5, 2023, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

- Z-32** **TOLL SOUTHEAST LP COMPANY, INC** (Cameron Farms, LLC, owner) requesting rezoning from **RR** to **RA-6** for a single-family residential subdivision in land lots 736 and 777 of the 16th district. Property is located on the northwest side of Ross Road, north of Sandy Plains Road (1901 Ross Road, 4299 Farmbrook Lane). *(Previously continued by Staff from the September 5, 2023, Planning Commission (PC) hearing until the October 3, 2023, PC hearing; held by the PC from the October 3, 2023, PC hearing until the November 7, 2023, PC hearing).*

The public hearing was opened; Kevin Moore, Carol Brown, and James Neidlinger addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to recommend **deletion** of Z-32 to the **RA-5** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated October 30, 2023 (on file in the Zoning Division), with the following changes:
 - A. Reflect the driveway agreement separation issue and the Applicant's agreement to negotiate with DOT on that at the appropriate time
2. If the Applicant cannot meet the 40% impervious requirement, then the Applicant would agree that any overage of the impervious amount is to be accounted for in the Stormwater Plan and detention pond and needs to make a showing thereof
3. Staff comments and recommendations

VOTE: **ADOPTED** 4-1, Beloin opposed

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REGULAR AGENDA (CONT.)

Chairman Vault called for lunch recess at 12:00 p.m. The hearing reconvened at 1:05 p.m.

By general consensus, companion cases, Z-42 and SLUP-7 (William and Lydia Tiku), were heard concurrently, but voted on separately.

Z-42 **WILLIAM AND LYDIA TIKU** (William Tiku and Lydia Tiku, owners) requesting rezoning from **CF** to **NRC** for a climate-controlled self-storage facility in land lot 583 of the 18th district. Property is located on the south side of Blair Bridge Road, east of Thornton Road (Blair Bridge Road). *(Previously held by the Planning Commission from the October 3, 2023, Planning Commission (PC) hearing until the November 7, 2023, PC hearing).*

SLUP-7 **WILLIAM AND LYDIA TIKU** (William Tiku and Lydia Tiku, owners) requesting a **Special Land Use Permit** for a climate-controlled self-storage facility in land lot 583 of the 18th district. Property is located on the south side of Blair Bridge Road, east of Thornton Road (Blair Bridge Road). *(Previously held by the Planning Commission from the October 3, 2023, Planning Commission (PC) hearing until the November 7, 2023, PC hearing).*

The public hearing was opened; David Meyer and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motions were made:

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of Z-42 to the **NRC** zoning district, subject to:

1. Letter of agreeable conditions from David Meyer dated October 29, 2023 (on file in the Zoning Division), with the following change:
 - A. Item No. 2 – The Rezoning Plat and Conceptual Landscape Plan prepared by DGM Land Planning Consultants, Inc., are dated October 29, 2023
2. Letter from the Mableton Improvement Coalition dated November 1, 2023 (on file in the Zoning Division)
3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on November 21, 2023
4. Staff comments and recommendations

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

SLUP-7 WILLIAM AND LYDIA TIKU (CONT.)

After the vote for Z-42, the following motion was made for companion case, SLUP-7:

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of SLUP-7, subject to:

- 1. Same stipulations as stated in companion case Z-42**

VOTE: **ADOPTED 5-0**

LUP-23 ALFREDO DIAZ (Alfredo Diaz Camargo, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 485 of the 18th district. Property is located on the northwest side of Grinder Court, north of Ling Way (7058 Grinder Court).

The public hearing was opened; Sammy Ngalame (interpreter for the Applicant, Alfredo Diaz) 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 **approval** of LUP-23 for **12 months**, subject to:

- 1. Schematic dated November 6 7, 2023, and shown at today's hearing (on file in the Zoning Division)**
- 2. From the schematic, the *proposed parking* area shall be constructed of either cement or paver (temporary) type materials**
- 3. The Applicant shall provide visual screening around the *proposed parking* area, subject to approval by the District Commissioner**
- 4. Applicant to proceed with attaining the proper building permits for the structure currently under construction**
- 5. Code Enforcement Staff to meet with the Applicant quarterly during the 12-month period to assess ongoing circumstances at the property**

VOTE: **ADOPTED 5-0**

Clerk's Note: The schematic was dated today's date of November 7, 2023.

Z-46 MORRISON BUILDING & INVESTMENT, LLC (Morrison Building & Investment, LLC, owner) requesting rezoning from **R-20** to **NRC** for an office in land lot 42 of the 18th district. Property is located on the south side of Veterans Memorial Highway, north of Lee Road (259 Veterans Memorial Highway).

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REGULAR AGENDA (CONT.)

Z-46 MORRISON BUILDING & INVESTMENT, LLC (CONT.)

The public hearing was opened; Rodney Morrison and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motions were made:

MOTION: Motion by Hughes, second by Beloin, to recommend **deletion** of Z-46 to the **LRO** zoning district, subject to:

- 1. Staff comments and recommendations**
- 2. Letter from the Mableton Improvement Coalition dated October 31, 2023 (on file in the Zoning Division)**

VOTE: **ADOPTED 5-0**

Z-47 BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP (Bentley Residential Properties, LLC; Summerour Properties, LLLP, owners) requesting rezoning from **R-20** and **R-15** to **LI** for a landscaping and tree service in land lot 1137 of the 16th district. Property is located north of Gresham Road and east of Fairview Street (0, 1306, and 1330 Gresham Road).

George Bentley, the Applicant for Z-47, presented the request to continue his case to next month; thereafter, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to **continue** Z-47 until the December 5, 2023, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Z-52 1054 INVESTMENT GROUP L.L.C. (1054 Investment Group, LLC; James Vincent Manley, owners) requesting rezoning from **R-20** to **LI** for contractor offices and parking of vehicles on land lot 204 of the 16th district. Property is located on the south side of Shallowford Road, east of Old Shallowford Road (1022, 1028, and 1054 Shallowford Road).

The public hearing was opened; Kevin Moore, Carol Brown, and Janice Duck Love addressed the Planning Commission. Following the presentation and discussion, the following motions were made:

MOTION: Motion by Dance, second by Beloin, to **hold** Z-52 until the December 5, 2023, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

Chairman Vault called for a brief recess from 2:24 p.m. until 2:34 p.m. Mr. Beloin left the hearing during the recess.

Z-53 **PAST PROPERTIES, LLC** (Estate of Etta Jean Goss, owner) requesting rezoning from **R-20** to **RA-5** for a single-family subdivision in land lot 594 of the 16th district. Property is located on the south and west side of Brown Circle and on the north side of Fairview Drive (1671 Fairview Drive).

The public hearing was opened; Kevin Moore and Maureen Rittner 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 Z-53 to the **RA-5** zoning district, subject to:

1. **Stormwater Management comments and recommendations to be revised to include information regarding the detention pond as discussed during the hearing**
2. **Applicant to provide a revised stipulation letter to contain the following:**
 - A. **Facades of the homes as shown during the hearing (on file in the Zoning Division)**

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

LUP-24 **KENDY PIERRE** (Sonata Exavier, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 83 of the 17th district. Property is located on the northeast side of Bertram Lane and on the southwest side of Cunningham Road, northwest of Hatteras Drive (1714 Bertram Lane).

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

MOTION: Motion by Hughes, second by Anderson, to recommend **denial** of LUP-24, subject to:

1. **Applicant to remove three vehicles from the property by December 31, 2023**

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

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REGULAR AGENDA (CONT.)

LUP-25 **ANNA MARIE IBARRA** (Enrique Ibarra, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 284 of the 17th district. Property is located on the north side of Carruth Drive, and on the east side of Myers Avenue (241 Carruth Drive).

The public hearing was opened, and Anna Marie Ibarra 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-25, subject to:

- 1. Applicant approved for five vehicles; vehicles shall be parked on a hardened surface**
- 2. Applicant to remove two of the current seven vehicles from the property within six months**

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

LUP-26 **MIELKE WAY MANOR, LLC** (Gordy Property Group, LLC, owner) requesting a **Temporary Land Use Permit** to allow a family farm, wildlife sanctuary, event center, and educational facility in land lot 710 of the 19th district. Property is located on the south side of Pair Road, east of Sasanqua Lane (1901 Pair Road).

The public hearing was opened; Adam Rozen and Ian Mielke 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-26 for **12 months**, subject to:

- 1. Letter of agreeable conditions from Adam Rozen dated October 30, 2023 (on file in the Zoning Division)**
- 2. Shared parking agreement with Trinity Fellowship Church for off-site parking; agreement to be provided prior to the November 21, 2023, Board of Commissioners' Zoning Hearing**
- 3. Staff comments and recommendations**

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

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APPROVAL OF MINUTES

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

October 3, 2023 – Planning Commission Zoning Hearing

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

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

October 30, 2023 – Special Called Meeting/Agenda Review Work Session

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

ADJOURNMENT

The hearing adjourned at 3:53 p.m.



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