



Cobb County...Expect the Best!

## COBB COUNTY BOARD OF COMMISSIONERS

### ZONING HEARING SUMMARY AGENDA

December 19, 2023

| District | Case      | Withdrawn without prejudice case                                                                                                                                                            |
|----------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4        | Z-43-2023 | <b>SUHEL KAZANI</b> (Continued by staff from the October 3, 2023 Planning Commission hearing until the December 5, 2023 Planning Commission hearing).<br><b>withdrawn without prejudice</b> |

| District | Case        | Held and Continued cases (will not be heard)                                                                                                                                                                                                                                                                                                 |
|----------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4        | Z-36-2023   | <b>MICHESTER INC.</b> (Held by the Board of Commissioners from the October 17, 2023 Board of Commissioners hearing until the November 21, 2023 Board of Commissioners hearing; Continued by Staff from the November 21, 2023 and December 19, 2023 Board of Commissioners hearings until the March 19, 2024 Board of Commissioners hearing). |
| 3        | Z-40-2023   | <b>ATLANTA REMEDIATION GROUP, LLC</b> (Continued by staff from the October 3, 2023 and through December 5, 2023 Planning Commission hearings until the February 6, 2024 Planning Commission hearing).                                                                                                                                        |
| 3        | Z-52-2023   | <b>1054 INVESTMENT GROUP L.L.C.</b> (Held by the Planning Commission from the November 7, 2023 Planning Commission hearing until the December 5, 2023 Planning Commission hearing; Continued by Staff until the February 6, 2024 Planning Commission hearing).                                                                               |
| 4        | Z-57-2023   | <b>GORDON TODD SPENCER .</b> (Held by the Planning Commission from the December 5, 2023 Planning Commission until the February 6, 2024 Planning Commission hearing).                                                                                                                                                                         |
| 1        | Z-59-2023   | <b>SS DEVELOPERS, LLC</b> (Continued by Staff from the December 5, 2023 Planning Commission hearing until the February 6, 2024 Planning Commission hearing).                                                                                                                                                                                 |
| 3        | Z-60-2023   | <b>MRE-CANTON, LLC .</b> (Held by the Planning Commission from the December 5, 2023 Planning Commission until the February 6, 2024 Planning Commission hearing).                                                                                                                                                                             |
| 3        | Z-61-2023   | <b>DAVID PEARSON COMMUNITIES, INC.</b> (Continued by Staff from the December 5, 2023 Planning Commission hearing until the February 6, 2024 Planning Commission hearing).                                                                                                                                                                    |
| 4        | Z-64-2023   | <b>CEDAR REAL ESTATE GROUP IV, LLC</b> (Continued by Staff from the December 5, 2023 Planning Commission hearing until the February 6, 2024 Planning Commission hearing).                                                                                                                                                                    |
| 1        | Z-66-2023   | <b>41 PARK A TOY &amp; SELF STORAGE, INC.</b> (Held by the Planning Commission from the December 5, 2023 Planning Commission until the February 6, 2024 Planning Commission hearing).                                                                                                                                                        |
| 4        | LUP-30-2023 | <b>DONALD PERRY</b> (Held by the Planning Commission from the December 5, 2023 Planning Commission until the February 6, 2024 Planning Commission hearing).                                                                                                                                                                                  |
| 1        | LUP-32-2023 | <b>JULIA WELTON</b> (Held by the Planning Commission from the December 5, 2023 Planning Commission until the February 6, 2024 Planning Commission hearing).                                                                                                                                                                                  |

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| District | Case        | Held and Continued cases (will not be heard) (continued)                                                                                                                                                                                                                                                                                                                  |
|----------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | SLUP-8-2023 | <b>41 PARK A TOY &amp; SELF STORAGE, INC. .</b> <i>(Held by the Planning Commission From the December 5, 2023 Planning Commission until the February 6, 2024 Planning Commission hearing).</i>                                                                                                                                                                            |
| 4        | OB-40-2023  | <b>KERLEY FAMILY HOMES, LLC</b> <i>(Continued by the Board of Commissioners from the September 19, 2023 Board of Commissioners hearing until the October 17, 2023 Board of Commissioners hearing; Continued by Staff from the October 17, 2023 through December 19, 2023 Board of Commissioners hearings until the February 20, 2024 Board of Commissioners hearing).</i> |
| 2        | OB-68-2023  | <b>NOBLE STORAGE, LLC, ESTATE OF DOTY, AND DONALD K. NIX</b> <i>(Continued by Staff from the December 19, 2023 Board of Commissioners hearing until the February 20, 2024 Board of Commissioners hearing).</i>                                                                                                                                                            |

| District | Case        | Consent Agenda cases                                                                                                                                                                                                                           |
|----------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3        | Z-47-2023   | <b>BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP CORPORATION</b> <i>(Continued by the Planning Commission from the November 7, 2023 Planning Commission hearing until the December 5, 2023 Planning Commission hearing).</i> |
| 2        | Z-48-2023   | <b>OSCAR FACTORY</b> <i>(Continued by staff from the November 7, 2023 Planning Commission hearing until the December 5, 2023 Planning Commissioner hearing).</i>                                                                               |
| 2        | Z-49-2023   | <b>DG EAST COBB GUTHRIES, LLC</b> <i>(Continued by the Planning Commission from the November 7, 2023 Planning Commission hearing until the December 5, 2023 Planning commission hearing).</i>                                                  |
| 4        | Z-55-2023   | <b>JUSCELIO TOLEDO CRUZ</b>                                                                                                                                                                                                                    |
| 4        | Z-56-2023   | <b>JOSEPH FIDELIS</b>                                                                                                                                                                                                                          |
| 2        | Z-58-2023   | <b>CHRISTIAN BROTHERS AUTOMOTIVE CORPORATION</b>                                                                                                                                                                                               |
| 2        | Z-62-2023   | <b>RACETRAC, INC.</b>                                                                                                                                                                                                                          |
| 3        | Z-63-2023   | <b>MARTIN HUERTA</b>                                                                                                                                                                                                                           |
| 3        | Z-65-2023   | <b>THE PKWY 750 KENNESAW, LLC; THE PKWY 760 KENNESAW, LLC</b>                                                                                                                                                                                  |
| 3        | LUP-27-2023 | <b>MARLENE GRAHAM</b>                                                                                                                                                                                                                          |
| 4        | LUP-28-2023 | <b>KAREN GOODEN</b>                                                                                                                                                                                                                            |
| 1        | LUP-31-2023 | <b>THIAGO SANTOS</b>                                                                                                                                                                                                                           |
| 1        | OB-56-2023  | <b>JUSTIN K. WILLIS</b> <i>(Continued by Staff from the November 21, 2023 Board of Commissioners hearing until the December 19, 2023 Board of Commissioners hearing).</i>                                                                      |
| 4        | OB-62-2023  | <b>MELISSA JONES</b>                                                                                                                                                                                                                           |
| 3        | OB-64-2023  | <b>GABE HRIB</b>                                                                                                                                                                                                                               |

| District | Case      | Held and continued cases - to be heard                                                                                                                                                                                                                                                                                                     |
|----------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3        | Z-15-2023 | <b>SDP ACQUISITIONS, LLC</b> <i>(Continued by staff from the May 2, 2023 through September 5, 2023 Planning Commission hearings until the October 3, 2023 Planning Commission hearing; Held by the Planning Commission from the October 3, 2023 and November 7, 2023 Planning Commission hearings until the December 5, 2023 hearing).</i> |
| 3        | Z-30-2023 | <b>QUIKTRIP CORPORATION</b> <i>(Held by the Planning Commission from the September 5, 2023 through November 7, 2023 Planning Commission hearings until the December 5, 2023 Planning Commission hearing).</i>                                                                                                                              |

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| District | Case        | Regular case          |
|----------|-------------|-----------------------|
| 4        | LUP-29-2023 | <b>JAMES A. FRANK</b> |

| District | Case       | Other Business cases                                                                                                                                                  |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4        | OB-52-2023 | <b>EMILY SIDNER</b> <i>(Continued by Staff from the November 21, 2023 Board of Commissioners hearing until the December 19, 2023 Board of Commissioners hearing).</i> |
| 4        | OB-60-2023 | <b>ENOCH APPIAH</b>                                                                                                                                                   |
| 4        | OB-61-2023 | <b>LEOPARD PINESTRAW</b>                                                                                                                                              |
| 2        | OB-63-2023 | <b>DANNY J. FULEIHAN</b>                                                                                                                                              |
| 1        | OB-65-2023 | <b>POAG SHOPPING CENTERS, LLC</b>                                                                                                                                     |
| 4        | OB-66-2023 | <b>CHICK-FIL-A INC.</b>                                                                                                                                               |
| 2        | OB-67-2023 | <b>NPS VENTURES</b>                                                                                                                                                   |



Cobb County...Expect the Best!

## COBB COUNTY BOARD OF COMMISSIONERS

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### ZONING HEARING CONSENT AGENDA

December 19, 2023

#### Zoning Cases

**Z-47<sup>(2023)</sup>** **BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP** (Bentley Residential Properties, LLC; Summerour Properties, LLLP, owners) requesting rezoning from **R-20, R-15** to **LI** for a landscaping and tree service in Land Lot 1137 of the 16<sup>th</sup> District. Located north of Gresham Road and east of Fairview Street (0, 1306, 1330 Gresham Road). *(Previously continued by the Planning Commission from the November 7, 2023 Planning Commission hearing until the December 5, 2023 Planning Commission hearing)*. The Planning Commission recommends approval of Z-47 to the **LI** zoning district, subject to:

1. Site plans received by the Zoning Division on September 6, 2023 (on file in the Zoning Division), with the District Commissioner to approve the Final Plan
2. Letter from George E. Bentley dated November 29, 2023 (on file in the Zoning Division)
3. Variances as stated in the Zoning Division comments and recommendations
4. Reduction of the buffer from the required minimum 50-feet to 20-feet adjacent to the residentially zoned property
5. Applicant to install a 10-foot landscape buffer and/or fencing along the public roads to provide screening
6. Fire Department comments and recommendations
7. Department of Transportation comments and recommendations
8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023

**Z-48<sup>(2023)</sup>** **OSCAR FACTORY** (Neal T. Radford, owner) requesting rezoning from **PSC** to **NRC** for an office and retail in Land Lot 677 of the 17<sup>th</sup> District. Located on the south side of Main Street, west of Lois Street (1880 Main Street). *(Previously continued by Staff from the November 7, 2023 Planning Commission hearing until the December 5, 2023 Planning Commission hearing)*. The Planning Commission recommends approval of Z-48 to the **NRC** zoning district, subject to:

1. Staff comments and recommendations
2. Variances as stated in the Zoning Analysis to be approved
3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023

**Z-49<sup>(2023)</sup>**      **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 1<sup>st</sup> District. Located on the south side of Lower Roswell Road, west of Johnson Ferry Road (4774 Lower Roswell Road). *(Previously continued by the Planning Commission from the November 7, 2023 Planning Commission hearing until the December 5, 2023 Planning Commission hearing)*. The Planning Commission recommends approval of Z-49 to the **NRC** zoning district, subject to:

1. Applicant to prepare submittal #2 Traffic Study
2. Staff comments and recommendations
3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023

**Z-55<sup>(2023)</sup>**      **JUSCELIO TOLEDO CRUZ** (JP Realty Investments, LLC, owner) requesting rezoning from **NS** to **R-15** for a single-family residence in Land Lot 131 of the 17<sup>th</sup> District. Located on the north side of Zelma Street, west of Pinetree Lane (322 Zelma Street). The Planning Commission recommends approval of Z-55 to the **R-15** zoning district, subject to:

1. Construction hours limited to Monday through Friday from 7:00 a.m. until 6:00 p.m.; Saturday and Sunday from 8:00 a.m. until 5:00 p.m.
2. District Commissioner to approve the final architectural elevations
3. Fire Department comments and recommendations
4. Department of Transportation comments and recommendations
5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023

**Z-56<sup>(2023)</sup>**      **JOSEPH FIDELIS** (Joseph Fidelis, owner) requesting rezoning from **R-30** to **R-20** for a Single-family subdivision in Land Lot 1173 of the 19<sup>th</sup> District. Located on the west side of Holloman Road and on the south side of Hiram Lithia Springs Road (5052 Hiram Lithia Springs Road). The Planning Commission recommends approval of Z-56 to the **R-20** zoning district, subject to:

(continued on the next page)

**Z-56<sup>(2023)</sup> JOSEPH FIDELIS (continued)**

1. Site Plan received by the Zoning Division dated July 21, 2023 (on file in the Zoning Division)
2. Minimum house size shall be 2,200 square-feet for homes in the proposed development of heated and cooled living space and shall have a minimum two-car garage
3. Homes in the proposed development shall contain exterior materials of brick, stone, stacked stone, cedar shake, board and batton, traditional lap-siding, hardie plank, or any combination thereof
4. Construction hours limited to Monday through Friday from 7:00 a.m. until 6:00 p.m.; Saturday and Sunday from 8:00 a.m. until 5:00 p.m.
5. Fire Department comments and recommendations
6. Water and Sewer Division comments and recommendations
7. Stormwater Management Division comments and recommendations
8. Department of Transportation comments and recommendations
9. Site Plan Review comments and recommendations
10. Planning Division comments and recommendations
11. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023

**Z-58<sup>(2023)</sup> CHRISTIAN BROTHERS AUTOMOTIVE CORPORATION** (WB Holdings-Delk Road, LLC, owner) requesting rezoning from **GC** to **LI** for heavy automotive repair in Land Lot 869 of the 17<sup>th</sup> District. Located on the north side of Delk Road, west of Powers Ferry Road (2739 Delk Road). The Planning Commission recommends approval of Z-58 to the **CRC** zoning district, subject to:

1. Site Plan received by the Zoning Division on October 5, 2023 (on file in the Zoning Division), with the District Commissioner approving minor modifications
2. Letter of agreeable conditions from Kevin Moore dated November 27, 2023 (on file in the Zoning Division)
3. All vehicles to be parked in striped parking spaces
4. Any heavy automotive repair be done inside the building
5. No outdoor storage of vehicle parts
6. No outdoor display of merchandise
7. Variances as stated in the Zoning Division comments and recommendations
8. Fire Department comments and recommendations
9. Stormwater Management Division comments and recommendations
10. Planning Division comments and recommendations
11. Water and Sewer Division comments and recommendations
12. Department of Transportation comments and recommendations
13. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023

**Z-62<sup>(2023)</sup>**      **RACETRAC, INC.** (B&N RT Partners, LLC, owner) requesting rezoning from **GC, NS** to **CRC** for a convenience store with fuel sales in Land Lots 948 and 949 of the 17<sup>th</sup> District. Located on the south side of Cobb Parkway, on the east side of Akers Mill Road, at the southeast intersection of Cobb Parkway and Akers Mill Road (2952 Cobb Parkway). The Planning Commission recommends approval of Z-62 to the **CRC** zoning district, subject to:

1. Site Plan received by the Zoning Division on October 5, 2023 (on file in the Zoning Division), with the District Commissioner approving the final Site Plan
2. Variance as stated in the Zoning Division comments and recommendations
3. Fire Department comments and recommendations
4. Stormwater Management Division 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 December 19, 2023
8. Landscape Plan to be approved by the District Commissioner

**Z-63<sup>(2023)</sup>**      **MARTIN HUERTA** (Martin Huerta, owner) requesting rezoning from **R-20, GC** to **GC** for a contractor (special), tree/landscaping, parking and storage in Land Lot 211 of the 17<sup>th</sup> District. Located on the east side of Sandtown Road, north of Gann Road (1119 Sandtown Road). The Planning Commission recommends approval of Z-63 to the **GC** zoning district, subject to:

1. Site Plan received by the Zoning Division on October 5, 2023 (on file in the Zoning Division)
2. District Commissioner to approve the final building elevations
3. Tree service and landscaping contractor *only*; any other *use* to be approved as an Other Business Item
4. Applicant and/or owner to install a 10-foot landscape buffer with a six-foot solid wooden privacy fence along the road frontage
5. Variances as state in the Zoning Division comments and recommendations
6. Fire Department comments and recommendations
7. Site Plan Review comments and recommendations
8. Department of Transportation comments and recommendations
9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023

**Z-65<sup>(2023)</sup>** **THE PKWY 750 KENNESAW, LLC; THE PKWY 760 KENNESAW, LLC** (The Inn at Lithia Springs LLC; The Lodge in Kennesaw, LLC, owners) requesting rezoning from **CRC** to **RRC** for a mixed use development consisting of apartments and hotel in Land Lots 651 and 718 of the 16<sup>th</sup> District. Located at the terminus of Cobb Place Boulevard, east of Ernest Barrett Parkway (745, 755, 765 Cobb Place Boulevard). The Planning Commission recommends approval of Z-65 to the **RRC** zoning district, subject to:

1. **No rentals of 30 days or less permitted for the apartments**
2. **Staff comments and recommendations**
3. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023**

**LUP-27<sup>(2023)</sup>** **MARLENE GRAHAM** (Marlene Graham and Clenton Dayes, owners) requests a Temporary Land Use Permit (**Renewal**) for a personal care home in Land Lot 561 of the 16<sup>th</sup> District. Located on the north side of Piedmont Road, west of Shaw Road (1371 Piedmont Road). The Planning Commission recommends approval of LUP-27 for 24 months subject to:

1. **Site Plan received by the Zoning Division on September 25, 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. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023**

**LUP-28<sup>(2023)</sup>** **KAREN GOODEN** (Edward J. Gooden and Karen L. Gooden, owners) requests a Temporary Land Use Permit (**Renewal**) for a hair salon in Land Lots 622 and 637 of the 19<sup>th</sup> District. Located at the terminus of Foxcroft Court, east of Valley Brook Drive (1910 Foxcroft Court). The Planning Commission recommends approval of LUP-28 for 24 months subject to:

1. **Hours of operation to be from 10:00 a.m. until 7:00 p.m., Monday, Thursday, and Friday *only***
2. **All parking to be on a hardened surface**
3. **Applicant to be the *only* employee; no independent contractors**
4. **Staff comments and recommendations, *not otherwise in conflict***
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023**

**LUP-31<sup>(2023)</sup> THIAGO SANTOS** (Thiago Santos and Kellyta Santos, owners) requests a Temporary Land Use Permit **(Renewal)** to allow outdoor photography in Land Lots 103 and 126 of the 20<sup>th</sup> District. Located on the north side of Old 41 Highway, west of Kimberly Road (3178 Old 41 Highway). The Planning Commission recommends approval of LUP-31 for 24 months subject to:

1. **Final Site Plan received by the Zoning Division on October 4th, 2023 (on file in the Zoning Division)**
2. **Maximum of two employees**
3. **One sign up to six square feet**
4. **Clients by appointment *only*, with the maximum of three clients per day**
5. **Fire Department comments and recommendations**
6. **Department of Transportation comments and recommendations**
7. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023**

### **Other Business Cases**

#### **ITEM OB-56-2023**

To consider a reduction of public road frontage from 75-feet to zero-feet for Tracts 2, 3, and 5, to waive the impervious buffer on tract 2, and allow setback and location variances for the existing sheds on Tracts 4 and 6 for Justin K. Willis for property located on the north side of Turnstone Drive in Land Lot 145 of the 20<sup>th</sup> District (4060 Turnstone Drive). *(Previously continued by Staff from the November 21, 2023 Board of Commissioners hearing until the December 19, 2023 Board of Commissioners hearing)*. Staff recommends approval subject:

1. **Stipulation letter from Ernest J. Campbell, III dated December 13, 2023, which includes the site plan dated September 27, 2023, with the District Commissioner approving minor modifications;**
2. **No further subdivision of this property;**
3. **The request for the impervious setback buffer reduction on Tract 2 is removed from this request;**
4. **Stormwater management comments contained in the Other Business packet;**
5. **Site Plan review comments contained in the Other Business packet;**
6. **Fire Department comments contained in the Other Business packet; and**
7. **Cobb DOT comments contained in the Other Business packet.**

**ITEM OB-62-2023**

To consider a reduction of public road frontage from 75-feet to 50-feet for Tract 3 for Melissa Jones for property located at the southern end of Leah Lane in Land Lots 109, 110, and 123 of the 18<sup>th</sup> District (5500 Connally Trail). Staff recommends approval subject:

- 1. Tract 3 approved for 50-feet of public frontage;**
- 2. Cobb DOT comments.**

**ITEM OB-64-2023**

To consider amending the site plan and the stipulations for Gabe Hrib regarding rezoning application Z-35 of 2009, for property located on the north side of Laura Lake Drive and on the west side of Bells Ferry Road in Land Lot 713 of the 16<sup>th</sup> District (193 Laura Lake Drive). Staff recommends approval subject:

- 1. The approved site plan is the 1999 plan titled “Laura Lake Subdivision”, contained in the Other Business packet;**
- 2. Maximum of nine-lots that are a minimum of 20,000 square-feet each;**
- 3. All homes are to be “For Sale” with no rentals, and be owner occupied for single-family use only;**
- 4. Homes to be 1,800 square-feet to 2,200 square-feet, or greater;**
- 5. Maximum of 35% impervious per lot;**
- 6. Fire Department comments contained in the Other Business packet;**
- 7. Cobb DOT comments contained in the Other Business packet; and**
- 8. All previous stipulations from the 2005 Settlement of Litigation (Other Business #1) not in conflict with this amendment to remain in effect.**