

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

The Planning Commission Zoning Hearing was held on Tuesday, December 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:

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

- 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 lot 180 of the 17th district and land lot 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). WITHDRAWN WITHOUT PREJUDICE*
- Z-40** **ATLANTA REMEDIATION GROUP, LLC** (Vanessa Pichardo, owner) requesting rezoning from **R-20** to **LI** for a specialty contractor and 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, through the December 5, 2023, Planning Commission (PC) hearings until the February 6, 2024, PC hearing; therefore, was not considered at this hearing).*
- 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). *(Previously held by the Planning Commission (PC) from the November 7, 2023, PC hearing until the December 5, 2023; continued by Staff until the February 6, 2024, PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 2**

WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-59** **SS DEVELOPERS, LLC** (Samir K. Barman and Sujata Barman, owners) requesting rezoning from **R-20** to **RA-5** and **LRO** for a single-family subdivision and professional office in land lots 124, 125, 142, and 143 of the 20th district. Property is located on the west side of Jim Owens Road at the terminus of New Rutledge Road (3049 Jim Owens Road). *(Continued by Staff from the December 5, 2023, Planning Commission (PC) hearing until the February 6, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-61** **DAVID PEARSON COMMUNITIES, INC.** (Land Acquisition Investments, LLC; Parklane Capital II. LLC, owners) requesting rezoning from **RM-12, R-20, CRC,** and **NS** to **RM-12** for a townhome community in land lots 421, 422, 443, and 444 of the 17th district. Property is located on the west side of Atlanta Road, north of Daniell Drive (1972 Atlanta Road). *(Continued by Staff from the December 5, 2023, Planning Commission (PC) hearing until the February 6, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-64** **CEDAR REAL ESTATE GROUP IV, LLC** (Randall R. Osborne, owner) requesting rezoning from **R-20** to **LI** for a freight terminal in land lots 497, 504, and 505 of the 18th district. Property is located on the north side of Six Flags Parkway, west of Queensferry Drive (439 Six Flags Parkway). *(Continued by Staff from the December 5, 2023, Planning Commission (PC) hearing until the February 6, 2024, 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 Anderson, second by Beloin, to **approve** the Consent Agenda, *as revised.*

- 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). *(Continued by the Planning Commission (PC) from the November 7, 2023, PC hearing until the December 5, 2023, PC hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 3**

CONSENT AGENDA (CONT.)

Z-47 BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP (CONT.)

To recommend **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-55 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 17th district. Property is located on the north side of Zelma Street, west of Pinetree Lane (322 Zelma Street).

To recommend **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 JOSEPH FIDELIS (Joseph Fidelis, owner) requesting rezoning from R-30 to R-20 for a single-family subdivision in land lot 1173 of the 19th district. Property is located on the west side of Holloman Road and on the south side of Hiram Lithia Springs Road (5052 Hiram Lithia Springs Road).

To recommend **approval** of Z-56 to the **R-20** zoning district, subject to:

- 1. Site Plan received by the Zoning Division dated July 21, 2023 (on file in the Zoning Division)**

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 4**

CONSENT AGENDA (CONT.)

Z-56 JOSEPH FIDELIS (CONT.)

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 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 17th district. Property is located on the north side of Delk Road, west of Powers Ferry Road (2739 Delk Road).

To recommend deletion 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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 5**

CONSENT AGENDA (CONT.)

Z-62 **RACETRAC, INC.** (B&N RT Partners, LLC, owner) requesting rezoning from **GC** and **NS** to **CRC** for a convenience store with fuel sales in land lots 948 and 949 of the 17th district. Property is 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).

To recommend **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. Variances 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**

Prior to approving the Consent Agenda, Mr. Anderson made the following motion to include an additional stipulation to Z-62:

MOTION: Motion by Anderson, second by Beloin, to **add** the following stipulation to Z-62:

8. Landscape Plan to be approved by the District Commissioner

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

Z-63 **MARTIN HUERTA** (Martin Huerta, owner) requesting rezoning from **R-20** and **GC** to **GC** for a contractor (special), tree/landscaping, parking and storage in land lot 211 of the 17th district. Property is located on the east side of Sandtown Road, north of Gann Road (1119 Sandtown Road).

To recommend **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**

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 6**

CONSENT AGENDA (CONT.)

Z-63 MARTIN HUERTA (CONT.)

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

Mr. Pederson announced that Z-65 (The Pkwy 750 Kennesaw, LLC; The Pkwy 760 Kennesaw, LLC) would be pulled off the Consent Agenda and heard on the Regular Agenda its numerical order (see page 11 of these minutes).

LUP-27 MARLENE GRAHAM (Marlene Graham and Clenton Dayes, owners) requesting a **Temporary Land Use Permit (Renewal)** for a personal care home in land lot 561 of the 16th district. Property is located on the north side of Piedmont Road, west of Shaw Road (1371 Piedmont Road).

To recommend **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 KAREN GOODEN (Edward J. Gooden and Karen L. Gooden, owners) requesting a **Temporary Land Use Permit (Renewal)** for a hair salon in land lots 622 and 637 of the 19th district. Property is located at the terminus of Foxcroft Court, east of Valley Brook Drive (1910 Foxcroft Court).

To recommend **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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 7**

CONSENT AGENDA (CONT.)

LUP-31 **THIAGO SANTOS** (Thiago Santos and Kellyta Santos, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow outdoor photography in land lots 103 and 126 of the 20th district. Property is located on the north side of Old 41 Highway, west of Kimberly Road (3178 Old 41 Highway).

To recommend **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**

Prior to approving the Consent Agenda, Mr. Anderson requested that Z-49 (DG East Cobb Guthries, LLC) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read in the case, Mr. Anderson read in his stipulations, and the motion was made to add the case to the Consent Agenda.

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). ***(Previously continued by the Planning Commission (PC) from the November 7, 2023, (PC) hearing until the December 5, 2023, PC hearing).***

To recommend **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**

MOTION: Motion by Anderson, second by Beloin, to **add** Z-49 to the Consent Agenda, as previously read in.

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

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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 8**

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, office, retail, and wholesale distribution 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, and November 7, 2023, PC hearings until the December 5, 2023, PC hearing).*

The public hearing was opened; Kevin Moore, Tullan Avar, Joe Ingram, and JR Wright addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to recommend **approval** of the following two alternative recommendations to the Board of Commissioners for their consideration for the rezoning of Z-15:

First Alternative: To recommend deletion of the entire tract to the PVC zoning district, with the following stipulations:

- 1. A new specific site plan be presented to the Board of Commissioners for consideration, subject to Staff analysis of the new recommendations and requirements.**
- 2. Minimum landscape buffers of 40-feet shall be required on Chastain Road, the western side of the property adjacent to I-575, and the southern boundary of the property. With respect to the western side of the property adjacent to I-575, at least 20-feet of the 40-foot landscape buffer would remain as undisturbed tree buffer.**
- 3. As to the property, the Applicant shall show that all reasonable options have been considered to preserve a maximum amount of existing forest cover and green space and shall submit a landscape plan showing tree removal, mitigation, and plantings that shall be finally approved by the District Commissioner prior to any disturbances.**
- 4. Applicant shall also provide usable and functional open space permanently protected by easement or covenant as required by Code.**
- 5. Final approval shall be subject to all Staff comments and recommendations, *not in conflict with these recommendations.***

REGULAR AGENDA (CONT.)

Z-15 SDP ACQUISITIONS, LLC (CONT.)

6. For clarity, the Applicant shall restate other applicable stipulations, *not in conflict with these recommendations*, even though previously articulated.

Second Alternative: To recommend approval of the rezoning request involving the PVC and OS tracts, with certain restrictions. **However, subject to the County Attorney's further review, there is the question related to the compliance of an OS designation within a CAC pursuant to Code Section 134-223.** If the Board is inclined to approve a proposal involving the PVC and OS tracts, then such proposal should be subject to the following stipulations, in addition to any others approved by the Board of Commissioners:

1. A corrected site plan shall be submitted by the Applicant, with staff verifying all details of the site plan and ensuring that the site plan and the stipulations recited by the Applicant are correct.
2. As to the PVC tract, there shall be a maximum of 135 townhomes. The final specific site plan containing the exact number of townhomes shall be subject to the approval of the District Commissioner.
3. As to the entire property, minimum landscape buffers of 40-feet shall be required on Chastain Road, the western side of the property adjacent to I-575, and the southern boundary of the property. With respect to the western side of the property adjacent to I-575, at least 20-feet of the 40-foot landscape buffer would remain as undisturbed tree buffer.
4. As to the PVC tract, no variances shall be permitted.
5. As to both tracts, the Applicant shall be required to show that all reasonable options have been considered to preserve a maximum amount of existing forest cover and green space and shall submit a landscape plan showing tree removal, mitigation, and plantings that shall be finally approved by the District Commissioner prior to any disturbances.
6. As to the OS tract of the project, if permitted, no more than one loading dock per 6,000 square feet shall be allowed, and structures shall be further limited as to square footage.
7. All staff comments and recommendations, not inconsistent with these stipulations, shall apply to both the PVC and OS portions of the project.

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 10**

REGULAR AGENDA (CONT.)

Z-15 SDP ACQUISITIONS, LLC (CONT.)

8. All inconsistencies in the Applicant's site plans and stipulations, if any, shall be corrected and reconciled prior to final presentation. Applicant's corrected stipulations shall be subject to consideration by the Board of Commissioners.
9. Should the zoning request be approved, approval shall be subject to all comments and recommendations of staff, *not in conflict with these stipulations.*

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

Vice Chairman Hughes called for a brief recess from 10:45 a.m. until 10:56 a.m.

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, through the November 7, 2023, PC hearings until the December 5, 2023, PC hearing).*

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

MOTION: Motion by Dance, second by Anderson, to recommend **approval** of Z-30 to the **NRC** zoning district, subject to:

1. The referenced Easement and Parking Agreement to be included in the stipulation letter; Applicant to present to the Board of Commissioners in the presentation the effect of the traffic flow on the site with reference to the conditions of said Agreement
2. Staff comments and recommendations

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

At the call for Z-48 (Oscar Factory), the Applicant was not present, and there was no opposition present. The case was put on hold until later in the hearing when the Applicant returned to the hearing (see page 12 of these minutes for the recommendation).

Z-57 GORDON TODD SPENCER (Atlanta Secure Care Services, Inc., owner) requesting rezoning from **GC** and **CF** to **NRC** for a laundromat (self- and full-service) in land lot 775 of the 19th district. Property is located on the east side of Austell Road, north of Amy Lane (3377 Austell Road).

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 11**

REGULAR AGENDA (CONT.)

Z-57 GORDON TODD SPENCER (CONT.)

The public hearing was opened; Gordon Todd Spencer, Jill Gordon Evans, Nikki Teague, and Awanna Denise Simmons addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **hold** Z-57 until the February 6, 2024, Planning Commission Zoning Hearing.

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

Z-60 MRE-CANTON, LLC (MRE-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 east side of Canton Road and the north side of Jamerson Road (4852 Canton Road).

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

MOTION: Motion by Dance, second by Beloin, to **hold** Z-60 until the February 6, 2024, Planning Commission Zoning Hearing.

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

Vice Chairman Hughes called for a lunch recess from 11:52 a.m. until 1:01 p.m.

Z-65 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 16th district. Property is located at the terminus of Cobb Place Boulevard, east of Ernest Barrett Parkway (745, 755, and 765 Cobb Place Boulevard).

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

MOTION: Motion by Dance, second by Beloin, to recommend **approval** of Z-65 to the **RRC** zoning district, subject to:

- 1. No rentals of 30 days or less permitted**
- 2. Staff comments and recommendations**

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 12**

REGULAR AGENDA (CONT.)

Z-65 THE PKWY 750 KENNESAW, LLC; THE PKWY 760 KENNESAW, LLC (CONT.)

3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on December 19, 2023

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

Z-48 OSCAR FACTORY (Neal T. Radford, owner) requesting rezoning from **PSC** to **NRC** 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). *(Previously continued by Staff from the November 7, 2023, Planning Commission (PC) hearing until the December 5, 2023, PC hearing).*

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

MOTION: Motion by Anderson, second by Beloin, to recommend **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**

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

By general consensus, companion cases, Z-66 and SLUP-8 (41 Park A Toy & Self Storage, Inc.), were heard concurrently, but voted on separately.

Z-66 41 PARK A TOY & SELF STORAGE, INC. (41 Park A Toy & Self Storage, Inc., owners) requesting rezoning from **GC** and **R-20** to **LI** for a climate-controlled self-storage facility in land lots 2 and 37 of the 20th district. Property is located on the east side of Cobb Parkway, south of Third Army Road (4820 Cobb Parkway).

SLUP-8 41 PARK A TOY & SELF STORAGE, INC. (41 Park A Toy & Self Storage, Inc., owner) requesting a **Special Land Use Permit** for a climate controlled self-storage facility in land lots 2 and 37 of the 20th district. Property is located on the east side of Cobb Parkway, south of Third Army Road (4820 Cobb Parkway).

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 13**

REGULAR AGENDA (CONT.)

**Z-66 & 41 PARK A TOY & SELF STORAGE, INC. (CONT.)
SLUP-8**

The public hearing was opened; Parks Huff, Gail Willman, and Darren Willman addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to **hold** Z-66 until the February 6, 2024, Planning Commission Zoning Hearing.

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

After the vote for Z-66, the following motion was made for companion case, SLUP-8:

MOTION: Motion by Beloin, second by Anderson, to **hold** SLUP-8 until the February 6, 2024, Planning Commission Zoning Hearing.

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

LUP-29 JAMES A. FRANK (James Frank, owner) requesting a **Temporary Land Use Permit** for firearm manufacturing in land lot 291 of the 18th district. Property is located on the east side of Queen Mill Road, north of Mableton Parkway (6585 Queen Mill Road).

The public hearing was opened; James Frank 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 LUP-29.

VOTE: **ADOPTED** 3-1, Dance opposed and Vault not present

LUP-30 DONALD PERRY (Sandra Galloway and Donald Perry, Sr., owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 559 of the 19th district. Property is located on the southeast side of Farmington Drive at the terminus of Angus Trail (2639 Farmington Drive).

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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 14**

REGULAR AGENDA (CONT.)

LUP-30 DONALD PERRY (CONT.)

MOTION: Motion by Hughes, second by Beloin, to **hold** LUP-30 until the February 6, 2024, Planning Commission Zoning Hearing, subject to:

1. Applicant shall not park any vehicles in the public right-of-way during this 60-day period
2. At the next Planning Commission Zoning Hearing (February 6, 2024), the Applicant shall present a Site Plan showing where the carport is going to be placed on the property
3. Applicant shall present a record of the arrangement with the neighbors authorizing the Applicant to park vehicles on the neighbor's property

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

LUP-32 JULIA WELTON (Julia D. Welton, LLC, owner) requesting a **Temporary Land Use Permit** to allow dog boarding and daycare in land lot 148 of the 20th district. Property is located on the northeast side of Hill Road and on the northwest side of Mars Hill Road (4990 Hill Road).

The public hearing was opened; Julia Welton and Mallory Welton addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to **hold** LUP-32 until the February 6, 2024, Planning Commission Zoning Hearing.

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

OTHER BUSINESS

O.B. 1 To adopt a resolution which establishes the dates, time, and place of the Planning Commission Zoning Hearings for the 2024 calendar year.

The Planning Commission Zoning Hearings for the 2024 calendar year shall be held in the Public Meeting Room on the second floor of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia, on the 1st Tuesday of each month at 9:00 a.m., *with the exception of the month of January*, when no hearing will be held. The Planning Commission Zoning Hearing dates for 2024 are as follows:

January (no hearing)	May 7	September 3
February 6	June 4	October 1
March 5	July 2	November 5
April 2	August 6	December 3

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
DECEMBER 5, 2023
PAGE 15**

OTHER BUSINESS (CONT.)

O.B. 1 (CONT.)

MOTION: Motion by Hughes, second by Dance, to **adopt** a resolution which establishes the dates, time, and place of the Planning Commission Zoning Hearings for the 2024 calendar year (attached and made a part of these minutes).

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

APPROVAL OF MINUTES

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

November 7, 2023 – Planning Commission Zoning Hearing

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

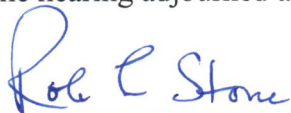
MOTION: Motion by Dance, second by Beloin, to **approve** the following minutes, *as submitted*:

November 27, 2023 – Special Called Meeting/Agenda Review Work Session

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

ADJOURNMENT

The hearing adjourned at 2:46 p.m.



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

THIS
PAGE
INTENTIONALLY
LEFT
BLANK

**COBB COUNTY PLANNING COMMISSION
RESOLUTION FOR ESTABLISHMENT OF
DATES, TIME, AND PLACE OF
PC ZONING HEARINGS FOR 2024**

BE IT RESOLVED, the Cobb County Planning Commission, in accordance with guidelines set forth in the Cobb County Zoning Ordinance, does hereby designate the following dates, time, and place of its Zoning Hearings for the calendar year 2024:

1st Tuesday of each month at 9:00 a.m., with the exception of the month of January, when no hearing will be held.

BE IT FURTHER RESOLVED, the meeting place for the Zoning Hearings shall be in the Public Meeting Room on the second floor of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia.

BE IT FURTHER RESOLVED, the County Clerk, or her designee, is hereby directed to publish this Resolution in the newspaper in which the Sheriff's advertisements are published, once a week for two (2) weeks during the thirty (30) day period immediately following its passage and is further directed to post and maintain a copy of this Resolution on the County's official bulletin board located on the second floor of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia.

So adopted this 5th day of December 2023.

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

PC ZONING HEARING DATES FOR 2024

January (no hearing)	May 7	September 3
February 6	June 4	October 1
March 5	July 2	November 5
April 2	August 6	December 3