

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
FEBRUARY 6, 2024
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, February 6, 2024, 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

Stephen Vault, Chairman – not present
Deborah Dance – not present

CALL TO ORDER – VICE CHAIRMAN HUGHES

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

Clerk's Note: Due to the absence of Planning Commissioner Dance, Planning Commissioner Beloin handled the District 3 cases during the hearing.

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

CONTINUED CASES

Z-40^{'23} **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 February 6, 2024, Planning Commission (PC) hearings until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*

Z-52^{'23} **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, PC hearing; continued by Staff from the February 6, 2024, PC hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*

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CONTINUED CASES (CONT.)

- Z-59^{'23}** **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). *(Previously continued by Staff from the December 5, 2023, and February 6, 2024, Planning Commission (PC) hearings until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-60^{'23}** **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). *(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing; continued by Staff from the February 6, 2024, PC hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-61^{'23}** **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). *(Previously continued by Staff from the December 5, 2023, and February 6, 2024, Planning Commission (PC) hearings until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-64^{'23}** **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). *(Previously continued by Staff from the December 5, 2023, and February 6, 2024, Planning Commission (PC) hearings until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-2** **FLOURNOY DEVELOPMENT GROUP, LLC** (Cobb County, owner) requesting rezoning from **GC** to **RRC** for a multifamily residential building in land lots 763 and 764 of the 17th district. Property is located on the west side of Atlanta Road and on the east side of I-285, south of the intersection of I-285 and Atlanta Road (4600 Atlanta Road). *(Continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*

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CONTINUED CASES (CONT.)

- Z-3** **ASHWANI KUMAR KAURA** (Ashwani Kaura, owner) requesting rezoning from **R-20** to **FST** for a townhome community in land lots 35 and 38 of the 16th district. Property is located on the east side of Alabama Road and on the north and south sides of Lindsey Way (Alabama Road, 4721 Lindsey Way). *(Continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-4** **BIG GYM THERAPY, LLC** (Cynthia B. Bickman, owner) requesting rezoning from **NS** to **NRC** for a gym and fitness facility and administrative offices in land lot 278 of the 16th district. Property is located on the west side of Canton Road, north of Kensington Drive (4005 Canton Road). *(Continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-6** **INLINE COMMUNITIES, LLC** (Grace A. Bennett, Trustee U/I Grace A. Bennett dated August 30, 1995; James H. Bennett and Joy Ann Bennett Declaration of Trust dated January 28, 1992, and restated on August 3, 2011, owners) requesting rezoning from **R-20** and **R-30** to **R-20** for a single-family home subdivision in land lots 1248, 1249, 1250, 1268, 1269, and 1322 of the 19th district. Property is located on the east side of Brown Road, north of Stout Parkway (5270 Brown Road, 5613 Holloman Road). *(Continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 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 Wednesday 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 Beloin, second by Anderson, to **approve** the Consent Agenda, as revised.

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CONSENT AGENDA (CONT.)

Z-66^{'23} **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). *(Previously held by the Planning Commission from the December 5, 2023, Planning Commission (PC) hearing until the February 6, 2024, PC hearing).*

To recommend **deletion** of Z-66^{'23} to the NRC zoning district, subject to:

- 1. Letter of agreeable conditions from Parks Huff dated January 31, 2024 (on file in the Zoning Division), which includes the *revised* Site Plan**
- 2. Fire Department comments and recommendations**
- 3. Water and Sewer Department comments and recommendations**
- 4. Stormwater Management Division comments and recommendations**
- 5. Cobb DOT comments and recommendations**
- 6. Any and all changes to go back to the Board of Commissioners for approval**
- 7. No on-site servicing or repairs of boats, RVs, four-wheelers, or other “Toys”, as they are called, parked there; and specifically, no oil changes**
- 8. All other stipulations, *not otherwise in conflict*, including those stated in the September 11, 2003, stipulation letter from Garvis Sams, Jr. (on file in the Zoning Division), will apply**
- 9. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing on February 20, 2024**

LUP-4 **CONGREGATION ETZ CHAIM** (Congregation Etz Chaim, Inc., owner) requesting a **Temporary Land Use Permit (Renewal)** for a daycare in land lot 969 of the 16th district. Property is located on the south side of Roswell Road and on the north side of Fairfield Drive, east of Indian Hills Parkway (1190 Indian Hills Parkway).

To recommend **approval** of LUP-4 for **24 months**, subject to:

- 1. Site Plan received by the Zoning Division on November 15, 2023 (on file in the Zoning Division)**
- 2. Fire Department comments and recommendations**
- 3. Department of Transportation comments and recommendations**
- 4. All previous stipulations from LUP-10 of 2010 and LUP-12 of 2012, including letter of agreeable conditions from Park Huff dated March 15, 2010 (on file in the Zoning Division)**
- 5. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing on February 20, 2024**

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CONSENT AGENDA (CONT.)

LUP-6 **EARLY EDUCATION, LLC** (Early Education, LLC, owner) requesting a **Temporary Land Use Permit (Renewal)** for a daycare in land lots 50, 51, 94, and 95 of the 17th district. Property is located on the west side of Hurt Road, north of Plantation Road (488 Hurt Road).

To recommend **approval** of LUP-6 for **24 months**, subject to:

- 1. The maximum number of students permitted by state and fire codes**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 20, 2024**

SLUP-8'²³ **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). *(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing).*

To recommend **approval** of SLUP-8'²³, subject to:

- 1. Letter of agreeable conditions from Parks Huff dated January 31, 2024 (on file in the Zoning Division), which includes the revised Site Plan**
- 2. Fire Department comments and recommendations**
- 3. Water and Sewer Department comments and recommendations**
- 4. Stormwater Management Division comments and recommendations**
- 5. Cobb DOT comments and recommendations**
- 6. Any and all changes to go back to the Board of Commissioners for approval**
- 7. No on-site servicing or repairs of boats, RVs, four-wheelers, or other "Toys", as they are called, parked there; and specifically, no oil changes**
- 8. All other stipulations, *not otherwise in conflict*, including those stated in the September 11, 2003, stipulation letter from Garvis Sams, Jr. (on file in the Zoning Division), will apply**
- 9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 20, 2024**

Prior to approving the Consent Agenda, Mr. Anderson requested that Z-5 (Marianna Kovitch) 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 amend the Consent Agenda to include Z-5.

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CONSENT AGENDA (CONT.)

Z-5 **MARIANNA KOVITCH** (Mt. Bethel Church, Inc., owner) requesting rezoning from **RA-4** to **LRO** for a medical office in land lots 9 and 10 of the 1st district. Property is located on the south side of Lower Roswell Road, west of Woodlawn Drive (4608 Lower Roswell Road).

To recommend **deletion** of Z-5 to **LPSP (Limited Professional Services Permit)**, subject to:

1. Site Plan dated January 2, 2024, with District Commissioner approving minor modifications (on file in the Zoning Division)
2. Health practitioner or professional office use *only*, with specific users subject to District Commissioner approval
3. Landscape Plan, which includes a 10-foot buffer adjacent to existing residential properties, to be approved by the District Commissioner
4. Department of Transportation comments and recommendations
5. Fire Department comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Water and Sewer Division comments and recommendations
8. Letter of agreeable conditions from Kevin Moore dated January 29, 2024 (on file in the Zoning Division)
9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 20, 2024

MOTION: Motion by Beloin, second by Anderson, to **amend** the Consent Agenda to include Z-5, as previously read in.

VOTE: **ADOPTED** 3-0, Dance and Vault not present

CONSENT VOTE: **ADOPTED** 3-0, Dance and Vault not present

REGULAR AGENDA

Z-57'²³ **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).

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

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of Z-57'²³ to the **NRC** zoning district, subject to:

1. Stipulation letter from Todd Spencer dated January 19, 2024 (on file in the Zoning Division)

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REGULAR AGENDA (CONT.)

Z-57'²³ GORDON TODD SPENCER (CONT.)

2. *Revised Site Plan* dated January 19, 2024 (on file in the Zoning Division)
3. Variances as stated in the Zoning comments
4. Fire Department comments and recommendations
5. Site Plan Review comments and recommendations
6. Planning Division comments and recommendations
7. Stormwater Management Division comments and recommendations
8. Water and Sewer Division comments and recommendations
9. Department of Transportation comments and recommendations
10. The non-brick parts of building to be painted an earth-tone color approved by the District Commissioner
11. No outdoor storage or outdoor display of merchandise
12. Hours of operation are limited to 6:00 a.m. to 10:00 p.m. *only*
13. Applicant/owner/developer to install a six-foot solid wooden privacy fence along north property line from Austell Road to the dumpster location
14. Final architectural elevations to be approved by the District Commissioner
15. The final Security Plan and Landscape Plan be reviewed and approved by the District Commissioner based on the January 19, 2024, *Preliminary Plans* submitted by the Applicant
16. This is a cashless operation and staff will be on-site during operating hours

VOTE: **ADOPTED** 3-0, Dance and Vault not present

LUP-30'²³ 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; Donald Perry and Sandra Galloway addressed the Planning Commission. Following discussion, the Applicant requested to *withdraw without prejudice*. Thereafter, following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **allow** LUP-30'²³ to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 3-0, Dance and Vault not present

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REGULAR AGENDA (CONT.)

LUP-32'²³ **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 recommend **approval** of LUP-32'²³ for **12 months**, subject to:

- 1. Maximum number of dogs to be boarded is 10**
- 2. Hours of operation for doggy daycare (for non-boarding activities) to be Monday through Friday from 8:00 a.m. until 6:00 p.m.**
- 3. There shall be no unattended dogs on the site**
- 4. Fire Department 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 February 20, 2024**

VOTE: **ADOPTED** 3-0, Dance and Vault not present

Z-1 **MIRNA ARACELY TORRES CASTRO** (Luis G. Escobar Torres and Mirna A. Torres Castro, owner) requesting rezoning from **RA-5** and **PSC** to **LRC** for an office in land lot 189 of the 18th district. Property is located on the east side of Mableton Parkway and on the north side of Community Road (6265 Mableton Parkway).

The public hearing was opened; Darrell Johnson 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 Z-1 to the **LRC** zoning district, subject to:

- 1. Revised Site Plan dated January 25, 2024, with minor modifications to be approved by the District Commissioner**
- 2. Variances as stated in the Zoning comments**
- 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**

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REGULAR AGENDA (CONT.)

Z-1 MIRNA ARACELY TORRES CASTRO (CONT.)

7. Professional office use *only*
8. District Commissioner to approve the final landscape plan, architectural plan, and signage plan
9. The structure will comply with the Mableton Parkway Design Guidelines

VOTE: **ADOPTED** 3-0, Dance and Vault not present

Vice Chairman Hughes called for a brief recess from 10:15 a.m. until 10:20 a.m.

LUP-1 CHRISTEL Y. HERRERA, JR. (Christel Y. Herrera, Jr., owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 216 of the 20th district. Property is located on the south side of Hood Circle and on the east side of Kennesaw Due West Road (2562 Hood Circle).

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

MOTION: Motion by Beloin, second by Anderson, to recommend **approval** of LUP-1 for **24 months**, subject to:

1. The car that has its wheels removed is to be moved into the garage within 30 days from the approval date by the Board of Commissioners
2. There is to be a maximum of four vehicles parked in the driveway on a regular basis
3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 20, 2024

VOTE: **ADOPTED** 3-0, Dance and Vault not present

LUP-2 RONALD MCDOWELL (Ronald Bernard McDowell, Sr and Kim Denise McDowell, owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 365 of the 16th district. Property is located on the north side of Lakeside Drive, northwest of Chastain Lakes Drive (158 Lakeside Drive).

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

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REGULAR AGENDA (CONT.)

LUP-2 RONALD MCDOWELL (CONT.)

MOTION: Motion by Beloin, second by Anderson, to recommend **denial** of LUP-2.

VOTE: **ADOPTED** 3-0, Dance and Vault not present

LUP-3 FASILAT ADESINA (Fasilat Adesina, owner) requesting a **Temporary Land Use Permit** to allow more adults than the code allows in land lot 645 of the 19th district. Property is located on the west side of Ridgecrest Circle, north of Ridgecrest Drive (2871 Ridgecrest Circle).

The public hearing was opened, and Fasilat Adesina 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-3 for **12 months**, subject to:

- 1. Code Enforcement to make quarterly inspections of the property during the 12-month period**
- 2. Applicant to remove all the items documented in the photographs from the property by February 29, 2024**

VOTE: **ADOPTED** 3-0, Dance and Vault not present

LUP-5 YOLANDA CASTILLO (Yolanda Castillo, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 64 of the 17th district. Property is located on the south side of Lowell Drive, east of Cunningham Road (689 Lowell Drive).

The public hearing was opened; Yolanda Castillo and Ganile Rodriguez addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to recommend **approval** of LUP-5 for **24 months**, subject to:

- 1. No parking of vehicles on the right-of-way on an overnight basis**
- 2. All vehicles owned by the permanent residents be parked in the driveway**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 20, 2024**

VOTE: **ADOPTED** 3-0, Dance and Vault not present

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APPROVAL OF MINUTES

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

December 5, 2023 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 3-0, Dance and Vault not present

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

January 3, 2024 – Special Called Meeting/Agenda Review Work Session for Comprehensive Plan Amendments

VOTE: **ADOPTED** 3-0, Dance and Vault not present

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

January 3, 2024 – Planning Commission Comprehensive Plan Hearing

VOTE: **ADOPTED** 3-0, Dance and Vault not present

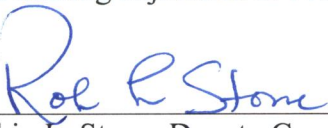
MOTION: Motion by Anderson, second by Beloin, to **approve** the following minutes, *as submitted*:

January 29, 2024 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 3-0, Dance and Vault not present

ADJOURNMENT

The hearing adjourned at 11:23 a.m.



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