

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
MAY 7, 2024
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, May 7, 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
Christine Lindstrom – not present

CALL TO ORDER – VICE CHAIRMAN HUGHES

Vice Chairman Hughes called the hearing to order at 9:02 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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES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-59²³ **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, through the April 2, 2024, Planning Commission (PC) hearings until the May 7, 2024, PC hearing).*
WITHDRAWN WITHOUT PREJUDICE

Z-19 **JELEN HOLDINGS, INC** (JeLen Holdings, Inc., owner) requesting rezoning from **GC** to **NRC** for an office, retail, and restaurant in land lot 297 of the 18th district. Property is located on the west side of Mableton Parkway, north of South Gordon Road (Mableton Parkway). *(Previously held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing).*

Mr. Pederson presented the Applicant's request to withdraw Z-19 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **allow** Z-19 to be *withdrawn without prejudice*.

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

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-40²³** **ATLANTA REMEDIATION GROUP, LLC** (Vanessa Pichardo, owner) requesting rezoning from **R-20** to **LI** for a specialty contractor and parking of RVs and 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 May 7, 2024, Planning Commission (PC) hearings until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-52²³** **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 December 5, 2023, and February 6, 2024, PC hearings until the March 5, 2024, PC hearing; held by the PC from the March 5, 2024, PC hearing until the April 2, 2024, PC hearing; continued by Staff from the April 2, 2024, and May 7, 2024, PC hearings until the June 4, 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). *(Previously continued by Staff from the February 6, 2024, through the May 7, 2024, Planning Commission (PC) hearings until the July 2, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-9** **THOMAS OROK** (Florence Odang Okonta, owner) requesting rezoning from **CRC** and **R-20** to **RM-8** for a townhome community in land lot 1300 of the 19th district. Property is located on the north side of Veterans Memorial Highway and on the west side of Burrus Road (1558 Veterans Memorial Highway). *(Previously continued by Staff from the March 5, 2024, through the May 7, 2024, Planning Commission (PC) hearings until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-15** **DILLON INVESTMENTS, LLC** (Dillon Investments, LLC, owner) requesting rezoning from **LRO** and **R-80** to **LRO** and **R-80** for a professional office and single-family residence in land lot 428 of the 19th district. Property is located on the north side of Macland Road and on the west side of Villa Rica Road (2080 Villa Rica Road). *(Previously held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; continued by Staff from the May 7, 2024, PC hearing until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-17** **RESIBUILT** (Techsoft Consulting, LLC, owner) requesting rezoning from **PVC** to **PVC** for a townhome community in land lots 25, 26, 47, and 48 of the 17th district. Property is located on the east side of Hicks Road, on the south side of the East-West Connector, and on the west side of Barnes Meadow Road (4061 and 4085 Hicks Road). *(Previously continued by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; continued by Staff from the May 7, 2024, PC hearing until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-18** **SUG REAL ESTATE, LLC** (SUG Real Estate, LLC, owner) requesting rezoning from **GC** to **LI** for a contractor (special) in land lot 733 of the 16th district. Property is located on the east side of Canton Road, north of Dorsey Road (2024 Canton Road). *(Previously continued by Staff from the April 2, 2024, and May 7, 2024, Planning Commission (PC) hearings until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-25** **LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC** (Townpark Renaissance, LLC, owner) requesting rezoning from **OMR** to **RRC** for purpose-built student housing in land lots 358 and 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (112 Townpark Drive). *(Continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-26** **NGC Holdings, LLC** (BK Canton, LLC, owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales and retail 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). *(Continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*
- SLUP-5** **SUG REAL ESTATE, LLC** (SUG Real Estate, LLC, owner) requesting a **Special Land Use Permit** for a waste transfer station for special contractor in land lot 733 of the 16th district. Property is located on the east side of Canton Road, north of Dorsey Road (2024 Canton Road). *(Continued by Staff from the April 2, 2024, and May 7, 2024, Planning Commission (PC) hearings until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

SLUP-6 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC (Townpark Renaissance, LLC, owner) requesting a **Special Land Use Permit** for purpose-built student housing in land lots 358 and 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (112 Townpark Drive). *(Continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 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 Anderson, second by Beloin, to **approve** the Consent Agenda, *as revised.*

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, through the April 2, 2024, PC hearings until the May 7, 2024, PC hearing).*

To recommend **approval** of Z-60^{'23} to the **NRC** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated April 29, 2024, which includes the Site Plan (on file in the Zoning Division)
2. District Commissioner to approve the final building architecture and final Site Plan
3. Variances as stated in the Zoning Division comments and recommendations
4. Adherence to the Canton Road Design Guidelines
5. Fire Department comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Water and Sewer Division comments and recommendations

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CONSENT AGENDA (CONT.)

Z-60²³ MRE-CANTON, LLC (CONT.)

- 8. Department of Transportation comments and recommendations *last revised April 29, 2024***
- 9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 21, 2024**

Z-24 WILLIAMSON PROPERTIES, LLC (Williamson Properties, LLC, owner) requesting rezoning from **GC** to **NRC** for auto detailing in land lot 85 of the 16th district. Property is located on the west side of Canton Road and on the north side of Ecton Drive (4700 Ecton Drive).

To recommend **approval** of Z-24 to the **NRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division dated March 19, 2024 (on file in the Zoning Division)**
- 2. Variances stated in the Zoning comments and recommendations**
- 3. No outdoor storage of vehicle parts**
- 4. No outdoor display of merchandise**
- 5. Parking lot to be striped and all vehicles to be parked in striped parking spaces**
- 6. Fire Department comments and recommendations**
- 7. Stormwater Management Division comments and recommendations**
- 8. Planning Division comments and recommendations**
- 9. Water and Sewer Division comments and recommendations**
- 10. Department of Transportation comments and recommendations**
- 11. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 21, 2024**

LUP-13 JAYCEE ALLEN II (Raesita Allen and Jaycee L. Allen, owners) requesting a **Temporary Land Use Permit** for a speech clinic in land lot 460 of the 17th district. Property is located on the east side of King Valley Drive, north of Cooper Lake Road (4415 King Valley Drive).

To recommend **approval** of LUP-13 for **12 months**, subject to:

- 1. Maximum of five clients per day**
- 2. One employee**
- 3. Department of Transportation comments and recommendations**
- 4. Fire Department comments and recommendations**
- 5. Stormwater Management Division comments and recommendations**
- 6. All clients are by appointment *only***
- 7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 21, 2024**

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CONSENT AGENDA (CONT.)

LUP-15 **MARIA CLAUDIA ORTEGA** (Jesus Maria Silva and Maria Claudia Ortega, owners) requesting a **Temporary Land Use Permit (Renewal)** for a daycare in land lots 949 and 950 of the 16th district. Property is located on the east side of Allgood Road, north of Camellia Drive (1096 Allgood Road).

To recommend **approval** of LUP-15 for **24 months**, subject to:

1. **Maximum of 20 children**
2. **Maximum of six employees**
3. **No more than four vehicles parked on-site overnight**
4. **No signs**
5. **No parking in the right-of-way**
6. **Department of Transportation comments and recommendations**
7. **Use as an in-home daycare to cease at the time the Applicant no longer operates the business**
8. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 21, 2024**

Prior to approving the Consent Agenda, Mr. Beloin requested that Z-23 (Michael L. Davis) be added to the Consent Agenda. Mr. Pederson read in the case and the stipulations, and the motion was made to add Z-23 to the Consent Agenda.

Z-23 **MICHAEL L. DAVIS** (Michael L. Davis, owner) requesting rezoning from **R-30** to **R-20** for a single-family subdivision in land lot 341 of the 20th district. Property is located on the east side of Antioch Road, south of Due West Road (50 Antioch Road).

To recommend **approval** of Z-23 to the **R-20** zoning district, subject to:

1. **Letter of agreeable conditions from Kevin Moore dated April 29, 2024 (on file in the Zoning Division)**
2. **District Commissioner to approve the final Site Plan and final elevations**
3. **No variance to the Zoning code**
4. **Fire Department comments and recommendations**
5. **Water and Sewer Division comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Department of Transportation comments and recommendations**
8. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 21, 2024**

MOTION: Motion by Beloin, second by Anderson, to **add** Z-23 to the Consent Agenda, as previously read in.

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

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CONSENT AGENDA (CONT.)

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

REGULAR AGENDA

Z-10 **PAUL A EDJUA (POPOL LLC)** (POPOL, LLC, owner) requesting rezoning from **GC** and **R-15** to **NRC** for a retail center in land lot 1140 of the 19th district. Property is located on the west side of Austell Road and on the south side of Warren Drive (4878 Austell Road, Warren Drive). *(Previously held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing).*

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

MOTION: Motion by Hughes, second by Anderson, to **hold** Z-10 until the June 4, 2024, Planning Commission Zoning Hearing.

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

Z-11 **SALT SPRINGS LLC** (Salt Springs, LLC, owner) requesting rezoning from **NS** to **LI** for an office and warehouse in land lot 35 of the 17th district. Property is located on the west side of Old Floyd Road and on the north side of Center Street (5420 Old Floyd Road). *(Previously held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing).*

The public hearing was opened; Thomas Miller 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 **hold** Z-11 until the June 4, 2024, Planning Commission Zoning Hearing.

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

LUP-12 **REGINALD A. RUTHERFORD** (Reginald Allen Rutherford, owner) requesting a **Temporary Land Use Permit** to allow a business and related vehicle parking in land lots 1244, 1245, 1272, 1273, and 1319 of the 19th district. Property is located on the south side of Hiram Lithia Springs Road, east of Holloman Road (5280 Hiram Lithia Springs Road). *(Previously held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing).*

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REGULAR AGENDA (CONT.)

LUP-12 REGINALD A. RUTHERFORD (CONT.)

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

MOTION: Motion by Hughes, second by Beloin, to **hold** LUP-12 until the July 2, 2024, Planning Commission Zoning Hearing.

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

Vice Chairman Hughes called for a brief recess from 10:45 a.m. until 10:55 a.m.

Z-21 CO2 CREATIVE GROUP, LLC (CO2 Creative Group, LLC, owner) requesting rezoning from **R-30** to **R-20** for single-family residences in land lots 1045 and 1076 of the 17th district. Property is located on the east side of Huntsman Way and on the west side of Spring House Court, north of Lamplighter Lane (391 Huntsman Way).

The public hearing was opened; Simon Holt, Jacquelyn Betfadapur, Judith Scheve, Jim Nee, Richard Mauch, and Troy Spencer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to recommend **deletion** of Z-21 to the **R-30** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on February 5, 2024 (on file in the Zoning Division)**
- 2. Approval of the lot size variances as shown on the submitted Site Plan**
- 3. Consistency with all R-30 required setbacks, building heights, and landscape buffers to apply to both properties**
- 4. Architectural style and Site Plan to be compatible with surrounding homes and to be subject to final approval by the District Commissioner**
- 5. On the east side of the new lot, there shall be a 10-foot landscape buffer subject to County Arborist approval; along the remaining sides of the new lot (lot to the north), there shall be a 10-foot undisturbed buffer (this would be on the south and eastern boundaries of both lots)**
- 6. Letter of agreeable conditions from Simon and Yvette Holt dated April 29, 2024 (on file in the Zoning Division)**
- 7. Fire Department comments and recommendations**
- 8. Water and Sewer Department comments and recommendations**

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REGULAR AGENDA (CONT.)

Z-21 CO2 CREATIVE GROUP, LLC (CONT.)

9. Stormwater Management Department comments and recommendations, *including the directive to divert or minimize any run-off that occurs*

10. Department of Transportation comments and recommendations

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

Z-22 LOUNGE234 (Jose R. Medina, owner) requesting rezoning from **LI** to **NRC** for a restaurant in land lots 370 and 423 of the 17th district. Property is located on the west side of Atlanta Road, north of Mozley Drive (1782 Atlanta Road).

The public hearing was opened; Martins Nwangwu and Alshat Bedsoelda addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to recommend **deletion** of Z-22 to the **TS** zoning district, subject to:

1. Site Plan received by the Zoning Division on March 4, 2024 (on file in the Zoning Division)
2. Applicant to stripe parking area to meet parking regulations
3. Variances as stated in the Zoning Analysis necessary for the existing structure to remain; any new development to meet code regulations without any additional variances
4. Restaurant use *only*
5. Hours limited from 7:00 a.m. until 10:00 p.m., seven days a week
6. Fire Department comments and recommendations
7. Water and Sewer Division comments and recommendations
8. Stormwater Management Division comments and recommendations
9. Department of Transportation comments and recommendations

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

LUP-14 FLORA ESMERALDA GONZALEZ (Flora Esmeralda Gonzalez, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 55 of the 20th district. Property is located on the south side of Hickory Cove, west of Hickory Chase (1607 Hickory Cove).

At the call for LUP-14 (*Flora Esmeralda Gonzalez*), the Applicant was not present, and there was no opposition present. Discussion ensued; thereafter, the following motion was made:

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REGULAR AGENDA (CONT.)

LUP-14 FLORA ESMERALDA GONZALEZ (CONT.)

MOTION: Motion by Beloin, second by Hughes, to **continue** LUP-14 until the June 4, 2024, Planning Commission Zoning Hearing.

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

LUP-16 STEVEN DUNCAN (Steven Daniel Duncan and Brandy Jean Duncan, owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 1106 of the 19th district. Property is located on the south side of Meghan Way, southwest of Chanta Lane (4705 Meghan Way).

The public hearing was opened, and Steve Duncan 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-16 for **12 months**, subject to:

- 1. Code Enforcement Staff to visit the property quarterly to determine compliance**
- 2. All vehicles to be parked on a hardened surface, *preferably* in the driveway**
- 3. No on-street parking allowed**

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

APPROVAL OF MINUTES

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

April 2, 2024 – Planning Commission Zoning Hearing

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

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

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

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

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ADJOURNMENT

The hearing adjourned at 12:08 p.m.



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