

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 2, 2024
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, July 2, 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:

Stephen Vault, Chairman – arrived at 9:05 a.m.
Michael Hughes, Vice Chairman
David Anderson – left at 2:13 p.m.
Fred Beloin
Christine Lindstrom

CALL TO ORDER – VICE CHAIRMAN HUGHES

Vice Chairman Hughes called the hearing to order at 9:00 a.m., and Chairman Vault arrived at the hearing at 9:05 a.m.

Mr. Terry Martin, Zoning Division Planner III, reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

- Z-34** **DRIVEN COLLISION, LLC** (Greer Holdings 2.0, LLC and Driven Collision LLC, owner) requesting rezoning from **GC** to **LI** for automotive paint shops and body repair shops in land lot 175 of the 20th district. Property is located on the east side of Cobb Parkway and on the west side of Old 41 Highway (2196 Cobb Parkway). ***WITHDRAWN WITHOUT PREJUDICE***
- 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 August 6, 2024, Planning Commission (PC) hearings until the September 3, 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 July 2, 2024, Planning Commission (PC) hearings until the August 6, 2024, PC hearing; therefore, was not considered at this hearing).***

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-32 **EMILY G. DUNN** (Larimore Holdings, LLC, owner) requesting rezoning from **GC** to **NRC** for retail and a warehouse in land lot 60 of the 16th district. Property is located on the west side of Canton Road, north of Jamerson Road (4925 Canton Road). *(Continued by Staff from the July 2, 2024, Planning Commission hearing until the August 6, 2024, PC hearing; therefore, was not considered at this hearing).*

Mr. Martin 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 Hughes, second by Anderson, to **approve** the Consent Agenda, *as revised.*

At the call for Z-30 (Bentley Residential Properties, LLC; Summerour Properties, LLLP, Estate of James W. Bentley, James W. Bentley, Jr.), opposition was present; therefore, Z-30 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 8 of these minutes).

At the call for Z-31 (CarMax Auto Superstore, Inc.), opposition was present; therefore, Z-31 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 8 of these minutes).

LUP-20 **ST. ANDREW UMC** (St. Andrew U.M.C. of Marietta, Inc., owner) requesting a **Temporary Land Use Permit** to allow a farmers' market in land lots 371, 372, 421, and 422 of the 16th district. Property is located on the west side of Canton Road and on the south side of Blackwell Circle (3455 Canton Road, Blackwell Circle).

To recommend **approval** of LUP-20 for **24 months**, subject to:

- 1. Letter of agreeable conditions from Blackwell Farmers Market received by the Zoning Division on April 18, 2024 (on file in the Zoning Division)**
- 2. Hours of operation shall be from 8:30 a.m. until 1:00 p.m., Saturday only**

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CONSENT AGENDA (CONT.)

LUP-20 ST. ANDREW UMC (CONT.)

- 3. All parking shall be in the church parking lot**
- 4. Total square footage of proposed signs not to exceed 20 square feet**
- 5. Site Plan Review comments and recommendations**
- 6. Fire Department comments and recommendations**
- 7. Department of Transportation comments and recommendations**
- 8. Staff comments and recommendations, *not otherwise in conflict***
- 9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 16, 2024**

At the call for SLUP-7 (CarMax Auto Superstore, Inc.), opposition was present; therefore, SLUP-7 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 8 of these minutes).

CONSENT VOTE: ADOPTED 5-0

REGULAR AGENDA

By general consensus, companion cases, Z-25 and SLUP-6 (LCD Acquisitions, LLC; Townpark Renaissance, LLC), were heard concurrently but voted on separately.

Z-25 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC (Townpark Renaissance, LLC, owner) requesting rezoning from **OMR** to **RRC** for a purpose-built student housing development 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). *(Previously continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 2024, PC hearing; held by the PC from the June 4, 2024, PC hearing until the July 2, 2024, PC hearing).*

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). *(Previously continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 2024, PC hearing; held by the PC from the June 4, 2024, PC hearing until the July 2, 2024, PC hearing).*

The public hearing was opened; Parks Huff, Tullan Avar, Robin Grajeda, and Harris Moye addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

**Z-25 & SLUP-6 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC
(CONT.)**

MOTION: Motion by Lindstrom, second by Beloin, to recommend denial of Z-25.

VOTE: FAILED 2-3, Vault, Anderson, and Hughes opposed

Following the vote for Z-25, the following motion was made for companion case, SLUP-6:

MOTION: Motion by Lindstrom, second by Beloin, to recommend denial of SLUP-6.

VOTE: FAILED 2-3, Vault, Anderson, and Hughes opposed

Due to the failed motions for Z-25 and SLUP-6, Mr. Anderson made the following alternative motions:

MOTION: Motion by Anderson, second by Hughes, to hold Z-25 and SLUP-6 until the July 2, 2024, Planning Commission Zoning Hearing.

VOTE: ADOPTED 5-0

See page 5 for the final recommendation of Z-25 and SLUP-6.

Chairman Vault called for a brief recess from 11:01 a.m. until 11:13 a.m.

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; held by the PC from the June 4, 2024, PC hearing until the July 2, 2024, PC hearing).*

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

MOTION: Motion by Lindstrom, second by Beloin, to recommend approval of Z-26 to the **NRC** zoning district, subject to:

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REGULAR AGENDA (CONT.)

Z-26 NGC Holdings, LLC (CONT.)

1. Letter of agreeable stipulations from Canton Road Neighbors dated May 20, 2024 (on file in the Zoning Division)
2. List of *prohibited uses* include the following:
 - A. Billiards or pool halls
 - B. Vape and smoke shops
 - C. Automotive uses
 - D. Convenience stores with fuel sales
 - E. Gun shops
 - F. Pawn and title shops
 - G. Massage parlors
 - H. Recycling collection location
3. Two speed bumps to be added: one entering Jamerson Road, and another one along the border line of the shopping center and the old Rite Aid property
4. Hours of operation shall be Monday through Sunday, from 6:00 a.m. until 11:00 p.m.
5. Staff comments and recommendations, *not otherwise in conflict with the stated stipulations*

VOTE: **ADOPTED** 5-0

Z-27 RICHARD BOROWIEC, RICHIE BS LLC (Richie B's, LLC, owner) requesting rezoning from **O&I** to **NRC** for a professional office (contractor) and warehouse in land lot 493 of the 16th district. Property is located on the southwest side of Chance Road and on the north side of Shaw Park Road (Chance Road). *(Continued by Staff from the June 4, 2024, Planning Commission (PC) hearing until the July 2, 2024, PC hearing.)*

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

MOTION: Motion by Lindstrom, second by Hughes, to recommend **denial** of Z-27.

VOTE: **ADOPTED** 5-0

Chairman Vault called for a lunch recess at 11:58 a.m. The hearing reconvened at 1:05 p.m.

Reconsideration of Z-25 and SLUP-6

Following the lunch recess, Chairman Vault requested a motion to reconsider Z-25 and SLUP-6; thereafter, the following motions were made:

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REGULAR AGENDA (CONT.)

Z-25 & SLUP-6 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC (CONT.)

MOTION: Motion by Anderson, second by Lindstrom, to **reconsider** Z-25.

VOTE: **ADOPTED** 5-0

MOTION: Motion by Anderson, second by Lindstrom, to **reconsider** SLUP-6.

VOTE: **ADOPTED** 5-0

MOTION: Motion by Lindstrom, second by Anderson, to **move** Z-25 forward to the Board of Commissioners *with no recommendation*.

VOTE: **ADOPTED** 5-0

MOTION: Motion by Lindstrom, second by Hughes, to **move** SLUP-6 forward to the Board of Commissioners *with no recommendation*.

VOTE: **ADOPTED** 5-0

Z-29 CREATOR'S GROUP INVESTMENTS 1, LLC (The Henson Family Trust, Connie Petty, Stanley Henson, James Max Henson, Linda Baggett, owners) requesting rezoning from **R-20** to **RSL** for residential senior living, non-supportive residential units in land lot 18 of the 20th district. Property is located on the east side of Wade Green Road, north of Meadow Oaks Drive (4856 Wade Green Road). *(Continued by the Planning Commission (PC) from the June 4, 2024, PC hearing until the July 2, 2024, PC hearing).*

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 Lindstrom, second by Beloin, to recommend **approval** of Z-29 to the **RSL** zoning district, subject to:

- 1. Approval for 39 homes**
- 2. All other RSL requirements apply**
- 3. A tire washing station available at all times**
- 4. All construction vehicles to be parked on the site**
- 5. There shall be no stacking of cars or trucks on Wade Green Road**
- 6. All trash to be removed each evening**
- 7. Once paved, the streets are to be reviewed for loose nails**
- 8. All garages shall be two-car garages**

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REGULAR AGENDA (CONT.)

Z-29 CREATOR'S GROUP INVESTMENTS 1, LLC (CONT.)

9. A hard surface walkway shall be available to use between the sidewalk and covered pavilion
10. Landscaping including shade trees and shrubs to be approved by the County Arborist with final approval by the District Commissioner
11. Water sprinkler system to be installed at the front entrance
12. Include a minimum of two benches along the walkway
13. Letter of agreeable conditions from Kevin Moore dated June 24, 2024 (on file in the Zoning Division)
14. Staff comments and recommendations, *not otherwise in conflict with the stated stipulations*

VOTE: **ADOPTED** 5-0

Chairman Vault called for a brief recess from 1:28 p.m. until 1:34 p.m.

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, through the June 4, 2024, PC hearings until the July 2, 2024, PC hearing).*

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

1. **For this Applicant *only***
2. **Quarterly inspections by Code Enforcement**
3. **Height of the fence shall be eight feet to ensure screening of equipment from adjoining property owners**
4. **Equipment stored on the property shall be the following (total of eight):**
 - A. **Two single-axle dump trucks**
 - B. **Two bucket trucks**
 - C. **Two landscape trucks**
 - D. **Two Bobcats**
5. **No more than five employees**

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

Z-30 **BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP, ESTATE OF JAMES W. BENTLEY, JAMES W. BENTLEY, JR.** (Bentley Residential Properties, LLC; Summerour Farm LLLP; Lynn Bentley Taylor and Justin Ottinger, owners) requesting rezoning from **CF** and **R-20** to **RA-4** for single-family residences in land lot 224 of the 17th district. Property is located on the south side of Rebecca Drive, west of Pair Street (106 Rebecca Drive).

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

MOTION: Motion by Lindstrom, second by Beloin, to recommend **approval** of Z-30 to the **RA-4** zoning district, subject to:

1. Staff comments and recommendations

VOTE: **ADOPTED 5-0**

By general consensus, companion cases, Z-31 and SLUP-7 (CarMax Auto Superstore, Inc.), were heard concurrently but voted on separately.

Mr. Anderson left the hearing at 2:13 p.m.

Z-31 **CARMAX AUTO SUPERSTORE, INC.** (Huey Allen Hobgood and Melissa G. Hobgood, owners) requesting rezoning from **R-20** to **CRC** for used auto sales in land lot 208 of the 20th district. Property is located on the south side of Quarry Road, west of Greers Chapel Road (1878 Quarry Road).

SLUP-7 **CARMAX AUTO SUPERSTORE, INC.** (Huey Allen Hobgood and Melissa G. Hobgood, owners) requesting a **Special Land Use Permit** for used auto sales in land lot 208 of the 20th district. Property is located on the south side of Quarry Road, west of Greers Chapel Road (1878 Quarry Road).

The public hearing was opened; David Kirk and Consuela Davis addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Lindstrom, second by Hughes, to recommend **approval** of Z-31 to be **CRC** zoning district, subject to:

- 1. The following stipulations previously read in by Mr. Martin:**
 - A. Letter of agreeable conditions from David C. Kirk dated June 24, 2024 (on file in the Zoning Division)**
 - B. District Commissioner to approve the final Site Plan**
 - C. Buffer to be a 20-foot landscape buffer**
 - D. No outdoor storage of vehicle parts**

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REGULAR AGENDA (CONT.)

**Z-31 & CARMAX AUTO SUPERSTORE, INC. (CONT.)
SLUP-7**

- E. Fire Department comments and recommendations**
- F. Water and Sewer Division comments and recommendations**
- G. Stormwater Management Division comments and recommendations**
- H. Department of Transportation comments and recommendations**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 16, 2024**

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

Following the vote for Z-31, the following motion was made for companion case, SLUP-7:

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

- 1. Same stipulations as stated in companion case Z-31**

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

Z-33 O'DWYER PROPERTIES, LLC (ADP Old Bankhead Highway, LLC, owner) requesting rezoning from NS and R-20 to RA-4 for a townhome community in land lots 1296 and 1297 of the 19th district. Property is located on the southeast side of Old Bankhead Highway, west of Brenda Drive, and north of Haggard Drive (1035 Old Bankhead Highway).

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 Hughes, second by Beloin, to recommend **approval** of Z-33 to the **RA-4** zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated June 24, 2024 (on file in the Zoning Division)**
- 2. District Commissioner to approve the final elevations of the units**
- 3. District Commissioner to approve the final Landscape Plan; Landscape Plan shall include areas under the power lines that will be maintained by the HOA (Homeowners Association), with a minimum of landscaping, i.e., grass, mulch, as well as fencing, all of this shall be subject to Georgia Power's regulations**
- 4. No short-term rentals permitted**

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REGULAR AGENDA (CONT.)

Z-33 O'DWYER PROPERTIES, LLC (CONT.)

5. Staff comments and recommendations included in the Zoning Analysis, with the following changes:
A. Delete Item No. 3 – No variances
B. Delete Item No. 4 – No stream buffer variance

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

LUP-21 EDWIN STAFFORD (Olabisi Muibat Adeyi, owner) requesting a **Temporary Land Use Permit** for an antique store and yard sales in land lots 1019 and 1054 of the 19th district. Property is located on the east side of Austell Powder Springs Road, south of Furr Avenue (4509 Austell Powder Springs Road).

The public hearing was opened, and Edwin Stafford 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-21.

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

APPROVAL OF MINUTES

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

June 4, 2024 – Planning Commission Zoning Hearing

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

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

June 24, 2024 – Special Called Meeting/Agenda Review Work Session

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

ADJOURNMENT

The hearing adjourned at 2:52 p.m.



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