

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
SEPTEMBER 3, 2024
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, September 3, 2024, in the second-floor public meeting room of the David Hankerson Building, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

Stephen Vault, Chairman
David Anderson
Fred Beloin
Christine Lindstrom
Michael Hughes

CALL TO ORDER – CHAIRMAN VAULT

Chairman Vault called the hearing to order at 9:00 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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

- LUP-27** **SCOTT D. SMITH** (Scott D. Smith, individually, and as Trustee of the Scott D. Smith Revocable Trust 1, owner) requesting a **Temporary Land Use Permit** for an assembly hall for private events in land lot 1260 of the 16th district. Property is located on the north side of Paper Mill Road, across from Atlanta Country Club Drive (4465 Paper Mill Road). ***WITHDRAWN WITHOUT PREJUDICE***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 September 3, 2024, Planning Commission (PC) hearings until the November 5, 2024, PC hearing; therefore, was not considered at this hearing).***
- Z-39** **ASHER HOMES, INC.** (Apple Investments, Inc., owner) requesting rezoning from **R-20** to **R-15** for a single-family residence in land lots 219 and 286 of the 17th district. Property is located on the north side of Hill Street, northwest of Garrison Road (151 Hill Street). ***(Continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).***

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-40 **ELITE ENGINEERING** (Aarish Group of Investment, LLC, owner) requesting rezoning from **GC** and **NS** to **GC** for a convenience store with fuel sales in land lot 296 of the 20th district. Property is located on the southwest side of Due West Road, northwest of Lisas Drive (3807 Due West Road). *(Continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*

Z-44 **MANOR RESTORATIONS, LLC** (Zoe Christian Fellowship, Inc.; Dabney Partners, LLC, owners) requesting rezoning from **NRC** and **R-20** to **RM-8** for a townhome community in land lots 165, 166, and 180 of the 18th district. Property is located on the south side of Veterans Memorial Highway, on the west side of Queen Mill Road, and on the northwest and southeast side of Hickory Trail south of Veterans Memorial Highway and on the south side of Blackhawk Trail (922 Veterans Memorial Highway, Queen Mill Road, 6001 Hickory Trail). *(Continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*

Z-51 **BELMONTE FINE HOMES, LLC** (Clara Bell Rucker, owner) requesting rezoning from **R-30** to **R-15** for single-family residences in land lots 533 and 548 of the 16th district. Property is located on the east side of Hembree Road, north of Greencastle Chase (2760, 2830 Hembree Road).

Mr. Pederson presented the Applicant's request to withdraw Z-51; thereafter, the following motion was made:

MOTION: Motion by Lindstrom, second by Beloin, to **allow** Z-51 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 5-0

LUP-25 **DAVID GATTI** (David Anthony Gatti, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 354 of the 16th district. Property is located on the north side of Parkwood Drive, east of Bells Ferry Road (75 Parkwood Drive).

Mr. Pederson presented the Staff's request to continue LUP-25; thereafter, the following motion was made:

MOTION: Motion by Lindstrom, second by Hughes, to **continue** LUP-25 to the October 1, 2024, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

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WITHDRAWN AND CONTINUED CASES (CONT.)

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 northwest corner of Veterans Memorial Highway and 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; held by the PC from the August 6, 2024, PC hearing until the September 3, 2024, PC hearing).*

Mr. Pederson presented the Applicant's request to continue Z-9; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **continue** Z-9 to the October 1, 2024, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

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 Hughes, to **approve** the Consent Agenda, *as presented.*

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). *(Previously continued by Staff from the July 2, 2024, Planning Commission (PC) hearing until the August 6, 2024, PC hearing; continued by the PC from the August 6, 2024, PC hearing until the September 3, 2024, PC hearing).*

To recommend **approval** of Z-32 to the **NRC** zoning district, subject to:

- 1. District Commissioner to approve the final Site Plan**
- 2. District Commissioner to approve the final use**
- 3. Parking to meet the code requirements**
- 4. No outdoor storage**
- 5. No automotive or warehouse uses; however, showroom use is permitted**

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CONSENT AGENDA (CONT.)

Z-32 EMILY G. DUNN (CONT.)

- 6. Variances as stated in the Zoning comments and recommendations**
- 7. Fire Department comments and recommendations**
- 8. Water and Sewer Division comments and recommendations**
- 9. Stormwater Management 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 September 17, 2024**

Z-43 CAMPUS REALTY ADVISORS, LLC (Glenn Chastain, LLC, owner) requesting rezoning from OS to RRC for purpose-built student housing in land lot 430 of the 16th district. Property is located at the terminus of Chastain Center Boulevard, south of Chastain Road (500 Chastain Center Boulevard). *(Previously continued by Staff from the August 6, 2024, Planning Commission (PC) hearing until the September 3, 2024, PC hearing).*

To recommend **approval** of Z-43 to the RRC zoning district, subject to:

- 1. Site Plan *last revised on August 22, 2024*, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- 2. Letter of agreeable conditions from Kevin Moore dated August 26, 2024 (on file in the Zoning Division)**
- 3. District Commissioner to approve the final building architecture and elevations that demonstrate considerations designed to minimize the transfer of noise prior to permitting**
- 4. Applicant shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED) and District Commissioner approval (security plan shall be reviewed and updated annually thereafter)**
- 5. On-site management shall be required 24 hours per day, seven days per week**
- 6. Variances 1, 5, and 6 as stated in the Zoning comments and recommendations to be approved**
- 7. Fire Department comments and recommendations**
- 8. Water and Sewer Division comments and recommendations**
- 9. Stormwater Management 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 September 17, 2024**

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CONSENT AGENDA (CONT.)

Z-45 **JEFF KWAN** (Jeff Kwan and Christy Kwan, owner) requesting rezoning from **R-80** to **R-30** for a single-family residence in land lot 463 of the 19th district. Property is located on the north side of Macland Road, west of Gus Robinson Road (Macland Road SW).

To recommend **approval** of Z-45 to the **R-30** zoning district, subject to:

- 1. Single-family use *only***
- 2. Adherence to the Macland Road Design Guidelines**
- 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**
- 7. Inclusion on the Consent Agenda for the Board of Commissioners’
Zoning Hearing on September 17, 2024**

Z-46 **CHARLES MELO** (Gene Eidson, owner) requesting rezoning from **GC** to **TS** for automobile paint and body repair in land lot 422 of the 17th district. Property is located on the northwest corner of Ledford Street and Atlanta Road (791 and 801 Ledford Street).

To recommend **approval** of Z-46 to the **TS** zoning district, subject to:

- 1. Final Site Plan to be approved by the District Commissioner**
- 2. All vehicles must be parked in striped parking spaces**
- 3. No outdoor storage or outdoor display of merchandise**
- 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 September 17, 2024**

Z-48 **KENNESTONE HOSPITAL, INC.** (Kennestone Hospital, Inc., owner) requesting rezoning from **LRC** to **O&I** for an urgent care clinic in land lots 216 and 241 of the 20th district. Property is located at the southeast intersection of Kennesaw Due West Road and Stilesboro Road (1550 Kennesaw Due West Road NW).

To recommend **deletion** of Z-48 to the **LRC** zoning district, subject to:

- 1. Site Plan *revised* on July 24, 2024, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- 2. Urgent Care Clinic *use* would be permitted under the LRC zoning district**

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CONSENT AGENDA (CONT.)

Z-48 KENNESTONE HOSPITAL, INC. (CONT.)

- 3. District Commissioner to approve the final elevations, signage, and landscaping**
- 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. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 17, 2024**

Z-50 A-1 AUTO CORES, LLC (Rabhandra Ramessar and Julio Magana, owners) requesting rezoning from R-20 to LI for automotive repair in land lot 292 of the 17th district. Property is located on the south side of Pearl Street, east of South Cobb Drive (310 Pearl Street).

To recommend **deletion** of Z-50 to the TS (Tourist Services) zoning district, subject to:

- 1. Site Plan received by the Zoning Division on July 9, 2024, with District Commissioner approving minor modifications (on file in the Zoning Division)**
- 2. Letter of agreeable conditions from Kevin Moore dated August 26, 2024 (on file in the Zoning Division)**
- 3. Variances 1 and 3 as stated in the Zoning comments and recommendations to be approved**
- 4. All vehicles to be parked in paved striped parking spaces; no vehicles to be parked on grass, dirt, or gravel**
- 5. No outdoor storage or outdoor display of merchandise**
- 6. 40-foot landscape buffer to be installed/maintained on the southern property line**
- 7. The property to be cleaned up and not lived in by the time of construction or business license**
- 8. Fire Department comments and recommendations**
- 9. Stormwater Management Division comments and recommendations**
- 10. Water and Sewer Division comments and recommendations**
- 11. Department of Transportation comments and recommendations**
- 12. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 17, 2024**

SLUP-9 CAMPUS REALTY ADVISORS, LLC (Glenn Chastain, LLC, owner) requesting a Special Land Use Permit for purpose-built student housing in land lot 430 of the 16th district. Property is located at the terminus of Chastain Center Boulevard, south of Chastain Road (500 Chastain Center Boulevard). *(Previously continued by Staff from the August 6, 2024, Planning Commission hearing until the September 3, 2024, Planning Commission hearing).*

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CONSENT AGENDA (CONT.)

SLUP-9 CAMPUS REALTY ADVISORS, LLC (CONT.)

To recommend **approval** of SLUP-9, subject to:

- 1. Site Plan *last revised* on August 22, 2024, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- 2. Letter of agreeable conditions from Kevin Moore dated August 26, 2024 (on file in the Zoning Division)**
- 3. District Commissioner to approve the final building architecture and elevations that demonstrate considerations designed to minimize the transfer of noise prior to permitting**
- 4. Applicant shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED) and District Commissioner approval (security plan shall be reviewed and updated annually thereafter)**
- 5. On-site management shall be required 24 hours per day, seven days per week**
- 6. Variances 1, 5, and 6 as stated in the Zoning comments and recommendations to be approved**
- 7. Fire Department comments and recommendations**
- 8. Water and Sewer Division comments and recommendations**
- 9. Stormwater Management 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 September 17, 2024**

Prior to voting on the Consent Agenda, Chairman Vault recused himself from Z-48.

CONSENT VOTE: **ADOPTED** 5-0, Chairman Vault recused from Z-48

REGULAR AGENDA

At the call for Z-35 (Chuck Owuzo), the Applicant was not present. This case was put on hold and heard later in the hearing when the Applicant arrived (see page 8 of these minutes).

Z-37 BOSCO IKEAKANAM (Sunrise GA Inc., owner) requesting rezoning from **R-20** to **O&I** for a doctor's office in land lot 1006 of the 19th district. Property is located on the west side of Austell Road, north of Drennon Avenue (4470 Austell Road).

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

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REGULAR AGENDA (CONT.)

Z-37 BOSCO IKEAKANAM (CONT.)

MOTION: Motion by Hughes, second by Beloin, to **hold** Z-37 until the October 1, 2024, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

Z-35 CHUCK OWUZO (Chukwuma Chuck Owuzo, owner) requesting rezoning from **RA-6** and **NRC** to **RSL** for residential senior living, supportive units in land lots 621, 638, and 639 of the 19th district. Property is located on the east side of Powder Springs Road, on the northeast side of Pair Road (Powder Springs Road).

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

MOTION: Motion by Hughes, second by Lindstrom, to recommend **approval** of Z-35 to the **RSL (supportive)** zoning district, subject to:

1. **Maximum of 66 units**
2. **Construction hours shall be Monday through Friday, 7:00 a.m. until 8:00 p.m.; Saturday, 9:00 a.m. until 6:00 p.m.; and no work on Sunday**
3. **Final Site Plan to be approved by the District Commissioner**
4. **Final architectural elevations to be approved by the District Commissioner**
5. **Maximum impervious surface not to exceed 70% for NRC**
6. **For the NRC portion, *prohibited uses* to include: no billiards or pool halls, no drive-thru restaurants, no vape shops, and no light auto repair**
7. **Staff comments and recommendations**
8. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 17, 2024**

VOTE: **ADOPTED** 5-0

Z-47 AMERICAN DREAM HOMES, LLC AND KATHERINA EKEJI (Katherina Ekeji and American Dream Homes, LLC, owners) requesting rezoning from **R-20** to **RA-6** for a townhome community in land lot 383 of the 18th district. Property is located on the south side of South Gordon Road, east of Timber Trail (1001 South Gordon Road).

The public hearing was opened; John Okooboh, Clemente Quinones, Robin Meyer, and Carol Thompson addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-47 AMERICAN DREAM HOMES, LLC AND KATHERINA EKEJI (CONT.)

MOTION: Motion by Hughes, second by Anderson, to **hold** Z-47 until the October 1, 2024, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

Clerk's Note: Mr. Hughes requested the Applicant provide a revised Site Plan that shows compliance with the Future Land Use, to meet with the community to discuss and address their concerns regarding the development request, and to provide a stipulation letter that outlines HOA covenants particularly around townhome rental and funding for private road maintenance in perpetuity.

Z-49 BLUE RIVER DEVELOPMENT, LLC (Tyler Chandler Homes, LLC, owner) requesting rezoning from **R-30** to **RM-8** for a townhome community in land lot 671 of the 19th district. Property is located on the south side of C H James Parkway, west of Sterlingbrooke Drive (C H James Parkway).

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 Anderson, to recommend **approval** of Z-49 to the **RM-8** zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated August 26, 2024 (on file in the Zoning Division)**
- 2. Maximum of 7.5 units/acre**
- 3. Applicant to provide a revised Site Plan to include an amenity area**
- 4. Staff comments and recommendations**

VOTE: **ADOPTED** 4-1, Beloin opposed

LUP-26 LUCAS RUBIO LOVATON (Lucas Rubio Lovaton and Gladiana Reyes Jimenez, owners) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 705 of the 19th district. Property is located at the southwest intersection of Amelia Drive and Lyle Lane (1151 Amelia Drive).

At the call for LUP-26, the Applicant was not present, but there was opposition present. The Planning Commission wanted to hear from the opposition; Mike Hughes addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

LUP-26 LUCAS RUBIO LOVATON (CONT.)

MOTION: Motion by Hughes, second by Beloin, to **hold** LUP-26 until the October 1, 2024, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

LUP-28 EDDIE ALVAREZ (Eddie Alvarez, owner) requesting a **Temporary Land Use Permit to allow more vehicles and adults than the code allows in land lots 773 and 782 of the 19th district. Property is located on the north side of Whippoorwill Drive, west of Castle Way (1586 Whippoorwill Drive).**

The public hearing was opened; Steve Carruth, John Munn, and Bruce Brown 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-28 for **12 months**, subject to:

- 1. Code Enforcement Staff to make quarterly visits to ensure compliance with code provisions**
- 2. No outdoor storage**
- 3. Work vehicle to be removed from the property and parked at the place of business**
- 4. Applicant to comply with the noise ordinance; no loud music**

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

August 6, 2024 – Planning Commission Zoning Hearing

VOTE: **ADOPTED 5-0**

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

August 26, 2024 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

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ADJOURNMENT

The hearing adjourned at 10:52 a.m.



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