

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 15, 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 Board were:

Lisa Cupid, Chairwoman  
Commissioner Jerica Richardson  
Commissioner JoAnn Birrell  
Commissioner Keli Gambrill  
Commissioner Monique Sheffield

**CALL TO ORDER – CHAIRWOMAN CUPID**

Chairwoman Cupid called the hearing to order at 9:01 a.m.

Commissioner Birrell presented the following *revised* statement dated 8/13/24 to the Clerk which was attached to each vote taken at today's hearing (attached and made a part of these minutes):

*Considering the Supreme Court's ruling in January regarding standing on the Home Rule issue, my position regarding the home rule challenge still stands.*

*I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).*

*I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022, under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022, signed into law by Governor Kemp on March 2, 2022, and certified by the Cobb Board of Elections on November 15, 2022.*

*In addition, I do support the Order on Cross Motions for Summary Judgment (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024, which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.*

*Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense, and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.*

*Follow the Law.*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 2**

Commissioner Gambrell asked that the following *revised* statement she submitted at the 10/8/2024 Board of Commissioners' meeting be attached to each vote taken at today's hearing (attached and made a part of these minutes).

*While the County responded on October 3, 2024 to many allegations made in the recent legal challenge filed in Superior Court on September 18, 2024 – no mention was made that these allegations were irrelevant to the action taken by the Board to provide notice that a Commissioner did not meet the qualifications per Sec. 2-23(b) of our local Enabling Legislation.*

*The Agenda Item #46 for August 25 and September 10, 2024 were only to deem the office vacant and were not included in the County's response. Yet the complaint states the Board voted to fill the vacancy. This is a false statement, as the Agenda's Recommendations clearly stated: "The Board of Commissioners approves notice to the District 2 Commissioner that the office is deemed vacant per Part II, Sec. 2-23(b), Official Code of Cobb County, Georgia; and authorizes the Chairwoman to execute notice pursuant to OCGA 45-5-1 and any other necessary documents for said purpose."*

*Upon careful review of 45-5-1 it is two pronged. (a) addresses vacated offices and (b) state the decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court. The Board of Commissioners did not approve to fill the vacancy nor did we call for an election. Therefore, the complaint should be dismissed.*

*The county provided no equitable estoppel argument advanced as a result of the actions by the Board of Commissioners in moving forward with an ultra vires passage of the Home Rule Map.*

*The Home Rule Board action was precipitated by an illegal action through the act of three Commissioners to confect and move forward with a scheme which was illegal in inception and act which Commissioners now claim their term should extend beyond December 31, 2024.*

*This response coupled with the County Attorney's Office unwillingness to rescind the Home Rule Resolution votes of Oct. 11<sup>th</sup> and 25<sup>th</sup>, 2022 raises continued questions as the representation and advice provided to me as your commissioner and representative in matters pertaining to Home Rule.*

*The County regularly uses outside counsel to represent the interest of the County in matters as simple as motor vehicle accidents. I respectfully request that the Cobb County Attorney's Office be removed from this legal action and outside counsel represent the County in all matters pertaining to Home Rule going forward.*

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-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 19<sup>th</sup> district. Property is located on the south side of

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 3**

**WITHDRAWN AND CONTINUED CASES (CONT.)**

**Z-49 BLUE RIVER DEVELOPMENT, LLC (CONT.)**

C H James Parkway, west of Sterlingbrooke Drive (C H James Parkway). *(Previously continued by Staff from the September 17, 2024, Board of Commissioners' (BOC) Zoning hearing until the October 15, 2024, BOC Zoning hearing). WITHDRAWN WITHOUT PREJUDICE*

**Z-54 BRIAN CONDO** (Bolt Electric Services, LLC, owner) requesting rezoning from **GC** to **NRC** for an office/warehouse in land lot 42 of the 18<sup>th</sup> district. Property is located on the southwesterly side of Veterans Memorial Highway, directly across from Cooper Lake Road (269 Veterans Memorial Highway). **WITHDRAWN WITHOUT PREJUDICE**

**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 18<sup>th</sup> district. Property is located on the south side of South Gordon Road, east of Timber Trail (1001 South Gordon Road). *(Held by the Planning Commission (PC) from the September 3, 2024, PC hearing until the October 1, 2024, PC hearing).*

Mr. Pederson presented the Applicant's request to withdraw Z-47; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to allow Z-47 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0** (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

**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 17<sup>th</sup> 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-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 19<sup>th</sup> 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*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 4**

**WITHDRAWN AND CONTINUED CASES (CONT.)**

**Z-9 THOMAS OROK (CONT.)**

*hearing; held by the PC from the August 6, 2024, PC hearing until the September 3, 2024, PC hearing; continued by the PC from the September 3, 2024, and October 1, 2024, PC hearings until the November 5, 2024, PC hearing; therefore, was not considered at this hearing).*

**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 19<sup>th</sup> district. Property is located on the west side of Austell Road, north of Drennon Avenue (4470 Austell Road). *(Previously held by the Planning Commission (PC) from the August 6, 2024, and September 3, 2024, PC hearings until the October 1, 2024, PC hearing; continued by the PC from the October 1, 2024, PC hearing until the November 5, 2024, PC hearing; therefore, was not considered at this hearing).*

**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 20<sup>th</sup> district. Property is located on the southwest side of Due West Road, northwest of Lisas Drive (3807 Due West Road). *(Previously continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the October 1, 2024, PC hearing; continued by the PC from the October 1, 2024, PC hearing until the November 5, 2024, PC hearing; therefore, was not considered at this hearing).*

**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 16<sup>th</sup> 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; continued by the Board of Commissioners (BOC) from the September 17, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing; continued by Staff from the October 15, 2024, BOC Zoning hearing until the November 19, 2024, BOC Zoning 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 18<sup>th</sup> 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 sides of Hickory Trail, south of Veterans Memorial Highway, and on the south side of Blackhawk Trail (922 Veterans Memorial Highway, Queen Mill Road, and



**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 5**

**WITHDRAWN AND CONTINUED CASES (CONT.)**

**Z-44 MANOR RESTORATIONS, LLC (CONT.)**

6001 Hickory Trail). *(Previously continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the November 5, 2024, PC hearing; therefore, was not considered at this hearing).*

**Z-55 IRMA V. PALACIOS** (Irma Vanessa Palacio Garza, owner) requesting rezoning from **CF** to **R-12** for a single-family residence in land lots 278 and 299 of the 17<sup>th</sup> district. Property is located on the northwest corner of South Cobb Drive and Waldrep Circle, north of Dink Lane (1883 Waldrep Circle). *(Continued by the Planning Commission (PC) from the October 1, 2024, PC hearing until the November 5, 2024, PC hearing; therefore, was not considered at this hearing).*

**OSC-1 POSTON PROPERTIES, INC.** (Luciel Marie F. Murphy, Trustee of the Luciel Marie F. Murphy Living Trust, dated January 3, 2024, owner) requesting rezoning from **R-30** to **R-30/OSC** for single-family residences in land lots 62 and 87 of the 19<sup>th</sup> district. Property is located on the west side of Midway Road, south of Dallas Highway (636 Midway Road). *(Continued by the Planning Commission (PC) from the October 1, 2024, PC hearing until the November 5, 2024, PC hearing; therefore, was not considered at this hearing).*

**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 16<sup>th</sup> 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; continued by the Board of Commissioners (BOC) from the September 17, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing; continued by Staff from the October 15, 2024, BOC Zoning hearing until the November 19, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*

**O.B. 44** To consider amending the stipulations for Hilltop Rufe Snow, LLC and HilltopTIC, LP regarding rezoning application Z-11 of 2016. Property is located at the southeast corner of Veterans Memorial Highway and Powell Drive in land lot 34 of the 18<sup>th</sup> district (1391 Veterans Memorial Highway). *(Previously held by the Board of Commissioners (BOC) from the August 20, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing; continued by Staff from the October 15, 2024, BOC Zoning hearing until the November 19, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 6**

**WITHDRAWN AND CONTINUED CASES (CONT.)**

- O.B. 63** To consider a site plan and stipulation amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. Property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in land lots 599, 600, 625, and 626 of the 16<sup>th</sup> district (2509 Post Oak Tritt Road). *(Continued by Staff from the October 15, 2024, Board of Commissioners' (BOC) Zoning hearing until the November 19, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 64** To consider a site plan approval for KA Marietta, LLC regarding rezoning applications 223 of 1988 and Z-95 of 1990. Property is located on the south side of Gordy Parkway, west of Sandy Plains Road in land lot 334 of the 16<sup>th</sup> district (Gordy Parkway). *(Continued by Staff from the October 15, 2024, Board of Commissioners' (BOC) Zoning hearing until the November 19, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 49** To consider amending the site plan and stipulations for Amanda Bonetti/STNL Development regarding rezoning application Z-20 of 2006. Property is located at the southeast corner of Powder Springs Road and Milford Church Road in land lot 549 of the 19<sup>th</sup> district (1949 Powder Springs Road). *(Previously continued by the Board of Commissioners (BOC) from the August 20, 2024, BOC Zoning hearing until the September 17, 2024, BOC Zoning hearing; continued by Staff from the September 17, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request for a continuance of O.B. 49; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** O.B. 49 to the November 19, 2024, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

Mr. Pederson made the following announcement.

**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.*

Prior to reading in the Consent Agenda, Mr. Pederson announced that LUP-29 (Grechell Chavarria) would be pulled from the Consent Agenda and heard on the Regular Agenda in its numeric order (see page 19 of these minutes).

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 7**

**CONSENT AGENDA**

MOTION: Motion by Cupid, second by Richardson, to **approve** the following cases on the Consent Agenda, *as revised*:

**Z-33 O'DWYER PROPERTIES, LLC** (ADP Old Bankhead Highway, LLC, owner) requesting rezoning from NS and **R-20** to **RM-8** for a townhome community in land lots 1296 and 1297 of the 19<sup>th</sup> 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). *(Previously continued by the Board of Commissioners (BOC) from the July 16, 2024, through the September 17, 2024, BOC Zoning hearings until the October 15, 2024, BOC Zoning hearing).*

To **delete** Z-33 to the **RA-4** zoning district, subject to:

1. Letter of agreeable conditions from Kevin More dated October 8, 2024 (attached and made a part of these minutes)
2. *Revised* Site Plan dated October 7, 2024 (attached and made a part of these minutes), with the District Commissioner approving the final Site Plan, Landscape Plan, and building elevations
3. Mail kiosk to be lighted at night
4. Applicant to build the missing piece of sidewalk between the subject property and 1083 Old Bankhead Highway during their development
5. Landscape Review Committee, consisting of representatives of the Applicant/property owner, the Mableton Improvement Coalition, and appropriate County staff to review all exterior landscaping and fencing, with special attention paid to the sides of units #1 and #9
6. The area beneath the power lines is to be included in the landscape plan and maintained by the HOA (Homeowners Association), with minimum landscaping of grass and mulch, as well as fencing; this condition is subject to Georgia Power's regulations
7. Variances approved as listed in the Zoning Division comments and recommendations
8. *Revised* Department of Transportation comments and recommendations dated October 8, 2024 (attached and made a part of these minutes)
9. Stormwater Management Division comments and recommendations
10. Fire Department comments and recommendations
11. Water and Sewer Division comments and recommendations

**Z-53 MILLS VETERINARY PROPERTY, LLC** (Mody Investments, LLC, owner) requesting rezoning from **R-30** and **TS** to **NRC** for a veterinary clinic in land lots 1 and 2 of the 20<sup>th</sup> district. Property is located on the west side of Cobb Parkway, south of Rutledge Drive (4483 North Cobb Parkway).

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 8**

**CONSENT AGENDA (CONT.)**

**Z-53                    MILLS VETERINARY PROPERTY, LLC (CONT.)**

To **approve** Z-53 to the NRC zoning district, subject to:

- 1. Site Plan received by the Zoning Division on July 29, 2024, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- 2. Architectural finishes plan received by the Zoning Division on July 29, 2024, with the District Commissioner approving the final plans (attached and made a part of these minutes)**
- 3. Veterinary clinic use *only***
- 4. No residential use**
- 5. Accessory structure to be used for storage *only***
- 6. Variance as state in the Zoning comments and recommendations**
- 7. 20-foot undisturbed landscape buffer adjacent to any residentially zoned property**
- 8. Adherence to the allocated parameters of the Paulding County Pumpkinvine Creek Intergovernmental Wastewater Treatment Agreement**
- 9. Fire Department comments and recommendations**
- 10. Stormwater Management Division comments and recommendations**
- 11. Water and Sewer Division comments and recommendations**
- 12. Department of Transportation comments and recommendations**
- 13. The use of the building is to be limited strictly to the Veterinary Clinic**
- 14. District Commissioner to approve the final Site Plan including any additional sound proofing requirements deemed necessary**
- 15. No outdoor kennels allowed**
- 16. All wooded areas currently in existence past the existing house on the property, which is to remain, should remain substantially natural in its present form as a wooded area for sound proofing purposes**
- 17. Maximum limit of 55 indoor kennels, with no more than 40 of those kennels to be used for overnight purposes**
- 18. No additional structures are to be placed on the property beyond the new and proposed building as shown on Plan C-02 (attached and made a part of these minutes) that was submitted with the application packet**
- 19. No additional parking is to be added beyond that shown on the Plan C-02 (attached and made a part of these minutes)**
- 20. The hours of operation shall be Monday through Saturday from 8:00 a.m. until 6:00 p.m. for the public (animal drop off and pick up)**

**Z-56                    ARTEMIS HOTEL GROUP** (AHG Galleria, LLC, owner) requesting rezoning from **O&I** to **RRC** for a multifamily residential development in land lots 949, 978, and 979 of the 17<sup>th</sup> district. Property is located on the southwesterly side of Cobb Parkway, northwest of Riverview Parkway (3200 South Cobb Parkway).

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 9**

**CONSENT AGENDA (CONT.)**

**Z-56                    ARTEMIS HOTEL GROUP (CONT.)**

To **approve** Z-56 to the **RRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on August 1, 2024 (attached and made a part of these minutes), with the District Commissioner approving minor modifications, or if unavailable, the County Chair**
- 2. The final elevations to be approved by the District Commissioner, or if unavailable, the County Chair**
- 3. Variance stated in the Zoning comments and recommendations**
- 4. All dumpsters shall be enclosed and located on separate pads**
- 5. All signage shall be ground based monument signage**
- 6. All units shall be fit out with a standard consistent with neighboring Class A multifamily properties**
- 7. Fire Department comments and recommendations**
- 8. Department of Transportation comments and recommendations**
- 9. Water and Sewer Division comments and recommendations**
- 10. Stormwater Management Division comments and recommendations**

**Z-57                    CAMERON LR DEVELOPMENT, LLC (ANNABEK, LLC, owner)**  
requesting rezoning from **CS** and **LI** to **LI** for a warehouse in land lots 686, 687, 699, and 700 of the 18<sup>th</sup> district. Property is located on the northwest corner of Hartman Road and Lake Careca Road (Lake Careca Road).

To **approve** Z-57 to the **LI** zoning district, subject to:

- 1. Staff comments and recommendations in the Zoning Analysis**
- 2. Applicant to obtain a stream buffer variance from the Georgia Environmental Protection Division (EPD)**
- 3. Applicant to submit for review and approval an Erosion Control Plan leading to the issuance of a Letter of Awareness prior to EPD approval**
- 4. Applicant to grant a storm/sewer easement to carry off the water that would be received from the adjacent property to the north**
- 5. Applicant to submit the undeveloped western portion of property for Other Business for Site Plan approval prior to permitting**
- 6. Parking stalls shall be 19-feet rather than 18-feet as listed in the zoning variance**

*At the call for Z-58 (Deondre Gay), there was opposition present; therefore, Z-58 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 18 of these minutes).*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 10**

**CONSENT AGENDA (CONT.)**

**LUP-32        DATHAN JOHNSON** (Dathan J. Johnson and Marie L. Johnson, owners) requesting a **Temporary Land Use Permit (RENEWAL)** for a pet dealer in land lots 769 and 770 of the 19<sup>th</sup> district. Property is located on the east side of Shadyside Road, north of Hurt Road (3319 Shadyside Road).

To **approve** LUP-32 for **24 months**, subject to:

- 1. Maximum of one customer per week on-site**
- 2. Maximum of 15 dogs on the property**
- 3. Maximum of three litters per year**
- 4. Stormwater Management Division comments and recommendations**

**LUP-33        WORD OF FAITH FAMILY WORSHIP CENTER, INC.** (Word of Faith Family Worship Center, Inc., owners) requesting a **Temporary Land Use Permit (RENEWAL)** for a daycare facility in land lots 697 and 698 of the 18<sup>th</sup> district. Property is located on the west side of Riverside Parkway, and on the north side of The Bluffs (7680 The Bluffs).

To **approve** LUP-33 for **24 months**, subject to:

- 1. Department of Transportation approved traffic circulation plan (attached and made a part of these minutes)**
- 2. Department of Transportation comments and recommendations (attached and made a part of these minutes)**

**LUP-34        MIELKE WAY MANOR, LLC** (Gordy Property Group, LLC, owner) requesting a **Temporary Land Use Permit (RENEWAL)** to allow a family farm, wildlife sanctuary, event center, and educational facility in land lot 710 of the 19<sup>th</sup> district. Property is located on the south side of Pair Road, east of Sasanqua Lane (1901 Pair Road).

To **approve** LUP-34 for **24 months**, subject to:

- 1. Site Plan dated July 25, 2024 (attached and made a part of these minutes)**
- 2. Letter of agreeable conditions from Adam Rozen dated October 30, 2023, *not otherwise in conflict* (attached and made a part of these minutes)**
- 3. Shared parking agreement dated November 19, 2023, with the Trinity Baptist Church of Smyrna, Inc. and Mielke Way, LLC, *not otherwise in conflict* (attached and made a part of these minutes)**
- 4. No parking on the right-of-way; all parking must be on approved parking area**
- 5. No exterior signs**
- 6. Fire Department comments and recommendations**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 11**

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS**

**O.B. 59** To consider amending the site plan and stipulations for Stephen N. Bennett regarding rezoning application 101 of 1982. Property is located at the west side of New South Drive, south of Piedmont Road in land lot 564 of the 16<sup>th</sup> district (2785 New South Drive).

To **approve** O.B. 59, subject to:

- 1. Site Plan received by the Zoning Division on August 22, 2024 (attached and made a part of these minutes)**
- 2. Site Plan Review comments and recommendations**
- 3. Water and Sewer Division comments and recommendations**
- 4. Fire Department comments and recommendations**
- 5. Cobb DOT comments and recommendations**

*At the call for O.B. 61 (Sharon and Reuben Murray), there was opposition present; therefore, O.B. 61 was pulled from the Consent Agenda to be heard on the Regular Agenda. Later in the hearing, the issues were resolved and O.B. 61 was added back to the Consent Agenda (see page 17 of these minutes for the motion).*

**O.B. 62** To consider a reduction of required minimum public road frontage from 75-feet to 40-feet for Scott Baughman. Property is located on the north end of Waits Drive, north of Carol Lane in land lot 184 of the 17<sup>th</sup> district (5241 Waits Drive).

To **approve** O.B. 62, subject to:

- 1. Variance for lot frontage reduction to 40-feet is approved**
- 2. Fire Department comments and recommendations**
- 3. Cobb DOT comments and recommendations, *except recommendation #3***

**O.B. 65** To consider installing more than one EV charging station on a residential property for EnviroSpark Energy Solutions representing Stonewall Condominium Association, Inc. Property is located on the east side of Cumberland Parkway, south of Cumberland Boulevard in land lots 882, 911, 912, 949, and 950 of the 17<sup>th</sup> district (Stonewall Drive).

To **approve** O.B. 65, subject to:

- 1. Applicant may install EV charging stations at a rate of one charging station per building**
- 2. Fire Department comments and recommendations**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 12**

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS (CONT.)**

**O.B. 66** To consider a site plan amendment for Costco Wholesale Corporation regarding rezoning application Z-42 of 1996. Property is located on the south side of Ernest Barrett Parkway, west of Interstate 75, and on the north side of Shiloh Valley Drive in land lots 650, 718, and 719 of the 16<sup>th</sup> district (645 Barrett Parkway).

To **approve** O.B. 66, subject to:

- 1. Site Plan received by the Zoning Division on September 10, 2024 (attached and made a part of these minutes)**
- 2. Fire Department comments and recommendations**

**O.B. 67** To consider a reduction of required minimum public road frontage from 75-feet to 0-feet for Laura Green Born. Property is located on the east side of Old Mountain Road, south of Burnt Hickory Road in land lot 272 of the 20<sup>th</sup> district (826 Old Mountain Road).

To **approve** O.B. 67, subject to:

- 1. Variance for lot frontage reduction to 0-feet is approved**
- 2. Fire Department comments and recommendations**
- 3. Cobb DOT comments and recommendations**

*Prior to approving the Consent Agenda, a request was made to add three more cases, LUP-31 (L. Frank Shirley), O.B. 56 (Mars Hill Community Church), and Z-39 (Asher Homes, INC.), to the Consent Agenda. There was no opposition present for those cases; therefore, Mr. Pederson read in each case, and the stipulations were read in, and the motion was made to add each case to the Consent Agenda.*

**LUP-31** **L. FRANK SHIRLEY** (Frank Shirley, owner) requesting a **Temporary Land Use Permit** for equipment storage for contractor business in land lot 22 of the 20<sup>th</sup> district. Property is located on the northwesterly side of Wade Green Road, north of Hickory Grove Road (4521 Wade Green Road).

To **approve** LUP-31 for **12 months**, subject to:

- 1. Planning Commission (PC) comments and recommendations for LUP-31 from the October 1, 2024 PC Hearing (attached and made a part of these minutes), with the following change:**
  - A. Item #3 - change from "... 10 vehicles..." to "... 15 vehicles..."**

MOTION: Motion by Gambrill, second by Richardson, to **add** LUP-31 to the Consent Agenda as previously read in.

VOTE: **ADOPTED 5-0** (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)



**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 13**

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS (CONT.)**

- O.B. 56** To consider a reduction of required minimum lot size from 5-acres to 4.25-acres and variances for setbacks and landscape buffers for Mars Hill Community Church. Property is located on the west side of Mars Hill Road, north of Dallas Highway in land lots 66 and 67 of the 19<sup>th</sup> district (109 Mars Hill Road). *(Previously continued by the Board of Commissioners (BOC) from the September 17, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing).*

To **approve** O.B. 56, subject to:

**1. Staff comments and recommendations**

MOTION: Motion by Gambrill, second by Richardson, to **add** O.B. 56 to the Consent Agenda as previously read in.

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

- Z-39** **ASHER HOMES, INC.** (Apple Investments, Inc., owner) requesting rezoning from **R-20** to **RD** for two single-family residences in land lots 219 and 286 of the 17<sup>th</sup> district. Property is located on the north side of Hill Street, northwest of Garrison Road (151 Hill Street). *(Previously continued by Staff from the August 6, 2024, and September 3, 2024, PC hearings until the October 1, 2024, PC hearing).*

To **approve** Z-39 to the **RD** zoning district, subject to:

**1. Planning Commission (PC) comments and recommendations for Z-39 from the October 1, 2024 PC Hearing (attached and made a part of these minutes), with the following change:**

- A. Item #4 – change the wording from “... six cars parked”, to “... three parked vehicles outside the garage for both parcels and if the code changes in the future that the Applicant(s) shall abide to what to the code is at that time” (this is to be consistent with County code)**

**2. Staff comments and recommendations, *not otherwise in conflict***

MOTION: Motion by Richardson, second by Cupid, to **add** Z-39 to the Consent Agenda as previously read in.

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

CONSENT VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 14**

**REGULAR AGENDA**

*By general consensus, 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 purpose-built student housing in land lots 358 and 363 of the 16<sup>th</sup> 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; continued by Staff from the July 16, 2024, Board of Commissioners' (BOC) Zoning hearing until the August 20, 2024, BOC Zoning hearing; continued by the BOC from the August 20, 2024, BOC Zoning hearing until the September 17, 2024, BOC Zoning hearing; held by the BOC until the October 15, 2024, BOC Zoning 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 16<sup>th</sup> 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; continued by Staff from the July 16, 2024, Board of Commissioners' (BOC) Zoning hearing until the August 20, 2024, BOC Zoning hearing; continued by the BOC from the August 20, 2024, BOC Zoning hearing until the September 17, 2024, BOC Zoning hearing; held by the BOC until the October 15, 2024, BOC Zoning hearing).*

Prior to the public hearing, Commissioner Richardson announced that a request had been made to extend the presentation time for both sides. Discussion ensued, and the following motion was made:

MOTION: Motion by Richardson, second by Cupid, to **allow** the Applicant and the opposition 20 minutes each of presentation time during the public hearing.

VOTE: **ADOPTED** 3-2, Birrell and Gambrill opposed (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

The public hearing was opened; Parks Huff, Harris Moye, Aaron Stange, Taylor Hawk, Tammy Rubel, and Robin Grajeda addressed the Board. Following the presentation and discussion, the following motion was made:

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 15**

**REGULAR AGENDA (CONT.)**

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

MOTION: Motion by Richardson, second by Sheffield, to **hold** Z-25 until the November 19, 2024, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 3-2, Birrell and Gambrill opposed (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

***Clerk's Note:** Commissioner Richardson requested the following from the Applicant for the next hearing:*

- 1. Provide a plan as to how a lower density (70 units/acre or lower) can be achieved*
- 2. Improved estimation on the circulator; provide an increase in the number of circulators available and what that would look like*
- 3. Provide what the landscaping buffer would look like for the adjacent parcel*

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

MOTION: Motion by Richardson, second by Cupid, to **hold** SLUP-6 until the November 19, 2024, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 3-2, Birrell and Gambrill opposed (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

***Clerk's Note:** See the Clerk's Note for companion case Z-25.*

*Chairwoman Cupid called for a brief recess from 11:42 a.m. until 11:54 a.m.*

**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 16<sup>th</sup> district. Property is located on the north side of Parkwood Drive, east of Bells Ferry Road (75 Parkwood Drive). *(Previously continued by the Planning Commission (PC) from the September 3, 2024, PC hearing until the October 1, 2024, PC hearing).*

The public hearing was opened, and David Gatti addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **deny** LUP-25.

VOTE: **ADOPTED** 4-1, Cupid opposed (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 16**

**REGULAR AGENDA (CONT.)**

**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 19<sup>th</sup> district. Property is located at the southwest intersection of Amelia Drive and Lyle Lane (1151 Amelia Drive). *(Previously continued by the Planning Commission (PC) from the September 3, 2024, PC hearing until the October 1, 2024, PC hearing).*

The public hearing was opened; Lucas Rubio Lovaton and Yazmin Ramirez (translator for the Applicant) addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Richardson, to **approve** LUP-26 for **6 months**, subject to:

- 1. Approval for four vehicles, one of those vehicles is to be parked in the carport; relocation of the work vehicles to be within 30 days**
- 2. Code Enforcement to make monthly inspections during the six-month period**
- 3. Approval for five related adults and one unrelated adult**
- 4. Staff comments and recommendations, *not otherwise in conflict***
- 5. At the end of the six-month period, if the Applicant wants to apply for renewal of the LUP, the Applicant must submit the LUP renewal application prior to the end of the six-month period; if during the six-month period, there are no code violations, (i.e., property remains in compliance), then the application fee for the LUP renewal shall be waived**

VOTE: **ADOPTED** 4-1, Birrell opposed (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

*Chairwoman Cupid called for a lunch recess at 1:07 p.m. The hearing reconvened at 2:10 p.m.*

**Z-52**      **FORTUNELLA INTERNATIONAL COMPANY** (Fortunella International Company, owner) requesting rezoning from **NS** to **NRC** for a daycare center in land lot 470 of the 16<sup>th</sup> district. Property is located on the northwesterly side of Johnson Ferry Road, south of Waterfront Drive (3001 Johnson Ferry Road).

The public hearing was opened; Zi Tang, Jing-Tian Ling, and Richard Grome addressed the Board. Following the presentation and discussion, the following motion was made:

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 17**

**REGULAR AGENDA (CONT.)**

**Z-52 FORTUNELLA INTERNATIONAL COMPANY (CONT.)**

MOTION: Motion by Birrell, second by Sheffield, to **delete** Z-52 to the LRO zoning district, subject to:

- 1. Planning Commission (PC) comments and recommendations for Z-52 from the October 1, 2024 PC Hearing, *not otherwise in conflict* (attached and made a part of these minutes), with the following changes:**
  - A. Item #2 – delete in its entirety**
  - B. Item #4 – delete in its entirety**
- 2. Staff comments and recommendations, *not otherwise in conflict***
- 3. Final Site Plan and Landscape Plan be reviewed by the County Arborist, with final approval by the District Commissioner**

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

*Chairwoman Cupid called from a brief recess from 2:58 p.m. until 3:01 p.m.*

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS (CONT.)**

Following the recess, Mr. Pederson announced that O.B. 61 (Sharon and Reuben Murray) could be added back to the Consent Agenda. After Mr. Pederson read in the case and associated stipulations, the motion was made to add the case back to the Consent Agenda.

- O.B. 61** To consider a reduction of required minimum public road frontage from 75-feet to 0-feet and a reduction of minimum house size from 1350 square-feet to 928 square-feet for Sharon and Reuben Murray. Property is located on the south side of Moon Road, east of Moon Cabin Drive in land lot 603 of the 19<sup>th</sup> district (Behind 4867 Moon Road).

To **approve** O.B. 61, subject to:

- 1. Variances for lot size and house size are approved**
- 2. Water and Sewer Division comments and recommendations**
- 3. Fire Department comments and recommendations**
- 4. Cobb DOT comments and recommendations**
- 5. Stormwater Management Division comments and recommendations to include *the proposed building and driveway must remain outside the floodplain and stream buffers and no fill should be placed within the floodplain***

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 18**

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS (CONT.)**

**O.B. 61 (CONT.)**

MOTION: Motion by Sheffield, second by Birrell, to **add** O.B. 61 to the Consent Agenda as previously read in.

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

MOTION: Motion by Cupid, second by Richardson, to **approve** the Consent Agenda, *as revised*.

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

**REGULAR AGENDA (CONT.)**

**Z-58 DEONDRE GAY** (Atlanta Neighborhood Development Partnership, Inc., owner) requesting rezoning from **R-20** to **RA-6** for townhome condominiums in land lot 189 of the 18<sup>th</sup> district. Property is located on the south side of Community Road, east of Mableton Parkway (351 Community Road).

The public hearing was opened; Kevin Plenge, Deondre Gay, Inell McCrary, and Ronald McCrary addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Richardson, to **delete** Z-58 to the **RA-5** zoning district, subject to:

- 1. No more than 10 units for the proposed development**
- 2. Increase the building height from 35-feet to 41-feet for the pergola only**
- 3. Letter of agreeable conditions from Deondre Gay dated September 13, 2024 (attached and made a part of these minutes)**
- 4. No construction materials or equipment is to be stored on the church's property**
- 5. Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 3-2, Birrell and Gambrill opposed (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 19**

**REGULAR AGENDA (CONT.)**

**LUP-29**      **GRECHELL CHAVARRIA** (Koyman Eladio Mazariegos Reyes, owner) requesting a **Temporary Land Use Permit (RENEWAL)** to allow a landscape business and related vehicle parking in land lot 626 of the 19<sup>th</sup> district. Property is located on the south side of Milford Church Road, across from Farmington Drive (1487 Milford Church Road).

The public hearing was opened, and Grechell Chavarria addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **deny** LUP-29, subject to:

**1. All work equipment to be removed from the property within 45 days**

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

**LUP-30**      **WILLIAM SCHELLMAN AND DEBBIE SCHELLMAN** (William Schellman and Debbie Schellman, owners) requesting a **Temporary Land Use Permit** to allow parking of trucks and trailers in land lot 779 of the 16<sup>th</sup> district. Property is located at the northwest intersection of East Lake Drive and Boyd Road, west of New Kemp Road (1119 Boyd Road).

At the call for LUP-30, the Applicant was not present; however, opposition was present. Mario Abbott, David Rains, and Alfred Abbott addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **deny** LUP-30, subject to:

**1. Applicant to come into compliance within 60 days (remove all the equipment, trucks, and trailers from the property)**

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

**OTHER BUSINESS**

**O.B. 60**      To consider amending the site plan and stipulations for Power Infusion, LLC regarding rezoning application Z-157 of 1998 and Z-23 of 1999. Property is located on the north side of Miller Drive, north of Piedmont Road in land lots 558, 559, 594, and 595 of the 16<sup>th</sup> district (1793 Miller Drive).

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2024  
PAGE 20

OTHER BUSINESS (CONT.)

O.B. 60 (CONT.)

The public hearing was opened, and Damon Halliday addressed the Board. Following the presentation and discussion, the following motion was made:

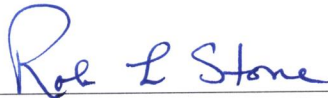
MOTION: Motion by Birrell, second by Sheffield, to approve O.B. 60, subject to:

1. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes), *which includes bringing the road up to County standards*
2. Stormwater Management Division comments and recommendations dated September 26, 2024 (attached and made a part of these minutes)
3. Adding one lot *only*
4. Applicant is agreeable to *for sale only*, no rental
5. Site Plan Review comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
6. Water and Sewer Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
7. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
8. Stormwater Management to approve the Stormwater Plan
9. District Commissioner to approve the final house elevations
10. Staff comments and recommendations, *not otherwise in conflict*

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

ADJOURNMENT

The hearing adjourned at 4:57 p.m.



Robin L. Stone, Deputy County Clerk  
Cobb County Board of Commissioners



Commissioner Birrell's Statement - Revised 8/13/24

Considering the Supreme Court's ruling in January regarding Standing on the Home Rule issue, my position regarding the home rule challenge still stands.

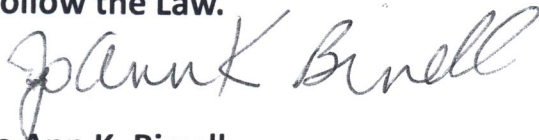
I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022, signed into law by Governor Kemp on March 2, 2022, and certified by the Cobb Board of Elections on November 15, 2022.

In addition, I do support the Order on Cross Motions for Summary Judgement (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024, which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense, and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.



Jo Ann K. Birrell

District 3 Commissioner

October 8, 2024 Statement

While the County responded on October 3, 2024 to many allegations made in the recent legal challenge filed in Superior Court on September 18, 2024 – no mention was made that these allegations were irrelevant to the action taken by the Board to provide notice that a Commissioner did not meet the qualifications per Sec. 2-23(b) of our local Enabling Legislation.

The Agenda Item #46 for August 25 and September 10, 2024 were only to deem the office vacant and were not included in the County's response. Yet the complaint states the Board voted to fill the vacancy. This is a false statement, as the Agenda's Recommendations clearly stated: "The Board of Commissioners approves notice to the District 2 Commissioner that the office is deemed vacant per Part II, Sec. 2-23(b), Official Code of Cobb County, Georgia; and authorizes the Chairwoman to execute notice pursuant to OCGA 45-5-1 and any other necessary documents for said purpose."

Upon careful review of 45-5-1 it is two pronged. (a) addresses vacated offices and (b) state the decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court. The Board of Commissioners did not approve to fill the vacancy nor did we call for an election. Therefore, the complaint should be dismissed.

The county provided no equitable estoppel argument advanced as a result of the actions by the Board of Commissioners in moving forward with an ultra vires passage of the Home Rule Map.

The Home Rule Board action was precipitated by an illegal action through the act of three Commissioners to confect and move forward with a scheme which was illegal in inception and act which Commissioners now claim their term should extend beyond December 31, 2024.

This response coupled with the County Attorney's Office unwillingness to rescind the Home Rule Resolution votes of Oct. 11<sup>th</sup> and 25<sup>th</sup>, 2022 raises continued questions as the representation and advice provided to me as your commissioner and representative in matters pertaining to Home Rule.

The County regularly uses outside counsel to represent the interest of the County in matters as simple as motor vehicle accidents. I respectfully request that the Cobb County Attorney's Office be removed from this legal action and outside counsel represent the County in all matters pertaining to Home Rule going forward.



# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

**MARIETTA, GEORGIA**  
EMERSON OVERLOOK  
325 ROSWELL STREET  
SUITE 100  
MARIETTA, GEORGIA 30060  
TELEPHONE (770) 429-1499

**KNOXVILLE, TENNESSEE**  
408 N. CEDAR BLUFF ROAD  
SUITE 500  
KNOXVILLE, TENNESSEE 37923  
TELEPHONE (865) 692-9039

**JACKSONVILLE, FLORIDA**  
10201 CENTURION PARKWAY N.  
SUITE 401  
JACKSONVILLE, FLORIDA 32256  
TELEPHONE (904) 428-1465

**BRENTWOOD, TENNESSEE**  
12 CADILLAC DRIVE  
SUITE 200  
BRENTWOOD, TENNESSEE 37027  
TELEPHONE (615) 425-7347

**LEXINGTON, KENTUCKY**  
2408 SIR BARTON WAY  
SUITE 375  
LEXINGTON, KY 40509  
TELEPHONE (859) 309-0026

**ORLANDO, FLORIDA**  
390 N. ORANGE AVENUE  
SUITE 825  
ORLANDO, FLORIDA 32801  
TELEPHONE (407) 367-6233

**HARRISBURG, PENNSYLVANIA**  
101 ERFORD ROAD  
SUITE 300  
CAMP HILL, PA 17011  
TELEPHONE (717) 790-2854

October 8, 2024

Via E-mail Only

Min. Bk. 100 Petition No. Z-33

Doc. Type letter

Meeting Date 10-15-2024

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Suite 400  
1150 Powder Springs Road  
Marietta, Georgia 30064

RE: Application for Rezoning - Application No. Z-33 (2024)  
Applicant: O'Dwyer Properties, LLC  
Property Owner: ADP Old Bankhead Highway, LLC  
Property: 4.195 acres, more or less, located on the southeasterly side of Old Bankhead Highway, southerly of Veterans Memorial Highway, being more particularly known as 1035 Old Bankhead Highway, Land Lots 1296 and 1297, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent the Applicant, O'Dwyer Properties, LLC (hereinafter referred to as "Applicant"), and the Property Owner, ADP Old Bankhead Highway, LLC (hereinafter referred to as "Owner" or "Property Owner"), in the above-referenced Application for Rezoning with regard to a total tract of 4.195 acres, more or less, located on the southeasterly side of Old Bankhead Highway, southerly of Veterans Memorial Highway, being more particularly known as 1035 Old Bankhead Highway, Land Lots 1296 and 1297, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings and conferences with Planning and Zoning Staff; as well as, other County Departmental Staff, ongoing communications with area residents and homeowner representatives, reviewing the Departmental Comments and Staff Recommendations, reviewing the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 5  
October 8, 2024

approved, as submitted, shall become a part of the grant of the requested rezoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated and submitted on June 24, 2024. The proposed, revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning classifications of Neighborhood Shopping ("NS") and R-20 to the proposed zoning classification of RA-4, site plan specific to the revised Zoning Plan prepared for Applicant by Paradigm Engineering Services, Inc., dated and last revised October 7, 2024, and submitted as part of this revised stipulation letter. A reduced copy of the revised Zoning Plan is attached as Exhibit "A" for reference.
- (3) The Subject Property consists of 4.195 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of fourteen (14) residences.
- (4) The proposed townhomes shall have a minimum of 1,800 square feet of heated and cooled area; however, a maximum of two (2) homes may have a minimum of 1,400 square feet of heated and cooled area.
- (5) The proposed townhomes shall be Craftsman in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, or combinations thereof, with complementary accents, and shall be substantially similar to the elevations depicted in the rendering attached as Exhibit "B."
- (6) The townhome units shall have two-car garages. No garage areas within the proposed townhome community shall be converted into heated living space for the units. All garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles. Such restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.



Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 5  
October 8, 2024

- (7) Applicant agrees to the recording and enforcement of Declaration of Covenants, Easements, and Restrictions ("Covenants") which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
- (8) Additionally, and in conjunction with the Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the exterior of the units, including roofs, entrance area, signage, all common and amenity areas, open space areas, exterior yard areas, general landscaped areas, mail kiosk, fencing, detention areas, and the like contained within the community.
- (9) All units within the proposed townhome community shall be "for sale" units. There shall be no more than a maximum of twenty (20) percent of the units being leased at any one time, which restriction shall be included in the Covenants.
- (10) Entrance signage shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof. Entrance landscaping shall be professionally designed, implemented, and maintained. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the Covenants.
- (11) The proposed community shall include intentional passive amenity areas; as well as, a community gathering structure.
- (12) The setbacks for the proposed community shall be as shown and reflected on the referenced Zoning Plan.
- (13) The proposed community shall have private streets.
- (14) Applicant agrees the Declaration of Covenants, Easements, and Restrictions shall include a provision the community streets will remain private, in perpetuity.
- (15) Applicant agrees to establish and fund a separate account for the benefit of the future homeowners association for purposes of future private street maintenance. Prior to approval of the initial final plat, Applicant agrees to perform a third-party street maintenance reserve study, subject to review and approval by the Cobb County Department of Transportation, and Applicant shall fund the private street maintenance reserve fund with the prescribed amount as determined in the reserve study.

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 5  
October 8, 2024

- (16) Applicant agrees the construction of the private streets shall be to public street standards with respect to the profile of the pavement sections.
- (17) Minor modifications to the within stipulations, the referenced Zoning Plan, lighting, signage, landscaping, building architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
  - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
  - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
  - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (e) Change an access location to a different roadway;
  - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
  - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
  - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (18) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted with like vegetation.
- (19) Stormwater Management facilities may be located underground, and shall be approved by and comply with Cobb County Stormwater Management requirements.

**MOORE INGRAM JOHNSON & STEELE**

Petition No. 2-33  
Meeting Date 10-15-2024  
Continued

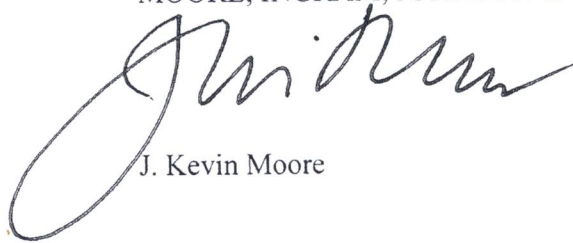
Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 5 of 5  
October 8, 2024

We believe the requested zoning, together with the revised Zoning Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the overall area and existing residential neighborhoods. The proposed residences shall be of the highest quality, shall be compatible with the surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

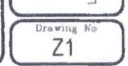
Attachments

c: Cobb County Board of Commissioners:  
Lisa N. Cupid, Chairwoman  
JoAnn Birrell  
Keli A. Gambrill  
Jerica Richardson  
Monique Sheffield  
(With Copies of Attachments)

Mableton Improvement Coalition  
(With Copies of Attachments)

O'Dwyer Properties, LLC  
(With Copies of Attachments)

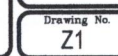














**Z-33-2024**

**DEPARTMENT COMMENTS – CCDOT**

| Roadway              | Roadway classification | Speed limit (mph) | Jurisdictional control | Min. R.O.W. requirements |
|----------------------|------------------------|-------------------|------------------------|--------------------------|
| Old Bankhead Highway | Local                  | 25                | Cobb County            | 50'                      |

| Roadway              | Location | Average daily trips | Level of service |
|----------------------|----------|---------------------|------------------|
| Old Bankhead Highway | N/A      | N/A                 | N/A              |

| ITE Land Use | Description                    | Expected Size (DU) | AM       |           |             | PM       |           |             | Daily (vpd) |
|--------------|--------------------------------|--------------------|----------|-----------|-------------|----------|-----------|-------------|-------------|
|              |                                |                    | In (vph) | Out (vph) | Total (vph) | In (vph) | Out (vph) | Total (vph) |             |
| 215          | Single Family Attached Housing | 16                 | 2        | 6         | 8           | 5        | 4         | 9           | 115         |

vph = vehicles per hour, vpd = vehicles per day, DU = dwelling units, N/A = not available

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11<sup>th</sup> edition.

**Comments and observations**

Old Bankhead Highway is classified as a local roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

In accordance with Cobb County Code 134-121 and based on site plan received May 2, 2024, this development does not require a traffic study submittal.

Cobb DOT received a revised Site Plan and Stipulation Letter dated October 8, 2024. The comments are being revised on October 8, 2024, based on the information received.

**Recommendations**

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Old Bankhead Highway, a minimum of 25' from the roadway centerline. Revised site plan submitted October 8, 2024, shows right of way of 60' along Old Bankhead Road. Recommend this be verified during plan review and if confirmed, this comment would be considered satisfied.
2. Recommend installing curb, gutter, and sidewalk along the property frontage on Old Bankhead Highway to meet Cobb DOT standards. This recommendation is pursuant to Cobb County Development Standard 401.15, Curbs and Gutters (including subsections),

**Z-33-2024**

**DEPARTMENT COMMENTS – CCDOT**

(continued)

Cobb County Development Standard 404 Sidewalks and Pathways, Cobb County Development Standard 405 Accessibility Requirements, and Cobb County Development Standard Detail 106, Concrete Curbs, Medians. Revised site plan submitted October 8, 2024, appears to comply with this comment.

3. All signage and landscaping should be installed off county right-of-way and where it will not impede the line of sight for the driveways or roadways.
4. Recommend a minimum of 50' feet straight-line distance (from end of intersection curb return to start of driveway curb return) between the first residential driveway or parking space and Old Bankhead Highway. This recommendation is pursuant to Cobb County Development Standard 402.7 and Cobb County Development Standard Detail 116R, Residential Driveway Standard. Revised site plan submitted October 8, 2024, appears to comply with this comment. Recommend distance be verified during plan review.
5. Recommend clearly labeling all internal roadways as private. Revised site plan submitted October 8, 2024, complies with this comment. Furthermore, Stipulation letter dated October 8, 2024, addresses this comment in stipulations (13 and 14).
6. Recommend mail kiosk for proposed development be located off the right-of-way and either on the inward traffic flow or adjacent to off-street guest parking. This recommendation is to address safety because of the potential of illegal parking movements crossing opposing traffic. Revised site plan submitted June 24, 2024, does not show location of mail kiosk.
7. Recommend curb and gutter along both sides and sidewalk along one side of proposed private roadway. Because of the tight driveway spacing, interior rollback curb may be considered for implementation in Plan Review, subject to Cobb DOT approval. Revised site plan submitted October 8, 2024, appears to comply with this requirement.
8. Recommend private streets, lighting, and utilities be constructed to the Cobb County Standard Specifications for public streets. Private streets that do not meet Cobb DOT specifications for public streets cannot be considered for potential future transfer to Cobb County. This recommendation is pursuant to Cobb County Development Standard 401, Streets and Access (including subsections) and Cobb County Development Standard Details, including the following: Detail 110A, Typical Section Residential Street; Detail 100B, Residential Street Grading; Detail 104a, Typical Residential Cul-de-sac; Detail 104b, Typical Offset Cul-de-sac; and Detail 113, Sidewalks. Stipulation letter dated October 8, 2024, addresses this comment in stipulations (13)-(16).

**Z-33-2024**

**DEPARTMENT COMMENTS – CCDOT**

**Revised 10/8/24**

(continued)

9. Recommend a minimum of 50 feet straight-line distance (from end of curb return to start of adjacent curb return) between any residential driveways and interior roadways, adjacent curves, on-street parking or driveways. This recommendation is pursuant to Cobb County Development Standard 402.7.1, Residential Driveways and Cobb County Development Standard Detail 116R, Residential Driveway Standard. However, because of the tight home spacing for attached single family homes, Cobb DOT notes that this standard cannot be met for adjacent internal driveways with the proposed site plan received May 2, 2024. The failure to meet this standard for internal driveway spacing is noted because it will preclude the interior roadways from being accepted by the County as public streets at a future date. [Revised site plan submitted October 8, 2024, does not comply with this comment. However, per stipulation \(13\) the roads are to remain private.](#)
10. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.



MINUTES OF ZONING HEARING  
COBB COUNTY PLANNING COMMISSION  
OCTOBER 1, 2024  
PAGE 4

Min. Bk. 100 Petition No. Z-39  
Doc. Type 10-1-24 Planning Commission  
Comments & recommendations for Z-39  
Meeting Date 10-15-2024

CONSENT AGENDA (CONT.)

~~LUP-33 WORD OF FAITH FAMILY WORSHIP CENTER, INC. (CONT.)~~

- ~~3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on October 15, 2024~~

~~LUP-34 MIELKE WAY MANOR, LLC (Gordy Property Group, LLC, owner) requesting a Temporary Land Use Permit (RENEWAL) to allow a family farm, wildlife sanctuary, event center, and educational facility in land lot 710 of the 19<sup>th</sup> district. Property is located on the south side of Pair Road, east of Sasanqua Lane (1901 Pair Road).~~

~~To recommend approval of LUP-34 for 24 months, subject to:~~

- ~~1. Site Plan dated July 25, 2024 (on file with Zoning Division)~~  
~~2. Letter of agreeable conditions from Adam Rozen dated October 30, 2023, not otherwise in conflict (on file in the Zoning Division)~~  
~~3. Shared parking agreement dated November 19, 2023, with the Trinity Baptist Church of Smyrna, Inc. and Mielke Way, LLC, not otherwise in conflict (on file in the Zoning Division)~~  
~~4. No parking on the right-of-way; all parking must be on approved parking area~~  
~~5. No exterior signs~~  
~~6. Fire Department comments and recommendations~~  
~~7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on October 15, 2024~~

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

REGULAR AGENDA

**Z-39 ASHER HOMES, INC.** (Apple Investments, Inc., owner) requesting rezoning from **R-20** to **RD** for a single-family residence in land lots 219 and 286 of the 17<sup>th</sup> district. Property is located on the north side of Hill Street, northwest of Garrison Road (151 Hill Street). *(Previously continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the October 1, 2024, PC hearing).*

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

MOTION: Motion by Anderson, second by Lindstrom, to recommend approval of Z-39 to the **RD** zoning district, subject to:

1. Lot may not be subdivided



REGULAR AGENDA (CONT.)

**Z-39 ASHER HOMES, INC. (CONT.)**

2. No additional dwelling units shall be permitted
3. A maximum of one rental unit shall be permitted
4. A maximum of six residents and six cars parked
5. Site Plan received by the Zoning Division on August 22, 2024 (on file in the Zoning Division)
6. Building architecture style and design to be compatible with or to upgrade the existing neighborhood
7. No use of vinyl siding on the exterior
8. Landscaping Plan to be submitted subject to approval by the County Arborist with review and final approval by the District Commissioner but shall include at a minimum a 10-foot landscaping buffer on the western property line, a landscaping strip along the southern boundary line, at a minimum height of 10-feet, and a landscaping strip along the eastern boundary line
9. Driveways to be paved and wide enough so that no one will be blocked in
10. Setback variance as stated in the Zoning comments and recommendations; that does not include the variance on the landscaping buffer (already addressed)
11. 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
12. Fire Department comments and recommendations
13. Stormwater Management Division comments and recommendations
14. Water and Sewer Division comments and recommendations
15. Department of Transportation comments and recommendations

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

~~**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 18<sup>th</sup> district. Property is located on the south side of South Gordon Road, east of Timber Trail (1001 South Gordon Road). *(Previously held by the Planning Commission (PC) from the September 3, 2024, PC hearing until the October 1, 2024, PC hearing).*~~

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

MINUTES OF ZONING HEARING  
COBB COUNTY PLANNING COMMISSION  
OCTOBER 1, 2024  
PAGE 7

Min. Bk. 100 Petition No. Z-52  
Doc. Type 10-1-24 Planning Commission  
Comments & recommendations for Z-52  
Meeting Date 10-15-2024

REGULAR AGENDA (CONT.)

~~LUP-26 LUCAS RUBIO LOVATON (CONT.)~~

~~3. Approval for two unrelated adults~~

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

**Z-52 FORTUNELLA INTERNATIONAL COMPANY** (Fortunella International Company, owner) requesting rezoning from **NS** to **NRC** for a daycare center in land lot 470 of the 16<sup>th</sup> district. Property is located on the northwesterly side of Johnson Ferry Road, south of Waterfront Drive (3001 Johnson Ferry Road).

The public hearing was opened; Jing-Tian Ling and Richard Grome addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Lindstrom, second by Anderson, to recommend deletion of Z-52 to the **LRO** zoning district for the daycare center *only*, subject to:

1. Reduce the south side buffer from five feet to zero feet
2. Maintain a 20-foot buffer along the western side and a 10-foot buffer along the entire north/northeastern side
3. Additional or new landscaping and/or cleanup be done along the west and northeast property lines; all landscaping to be reviewed and approved by the County Arborist, with final approval by the District Commissioner
4. Any vehicles should be removed
5. All other recommendations by the East Cobb Civic Association and County Staff, *except where in conflict with the above stipulations*

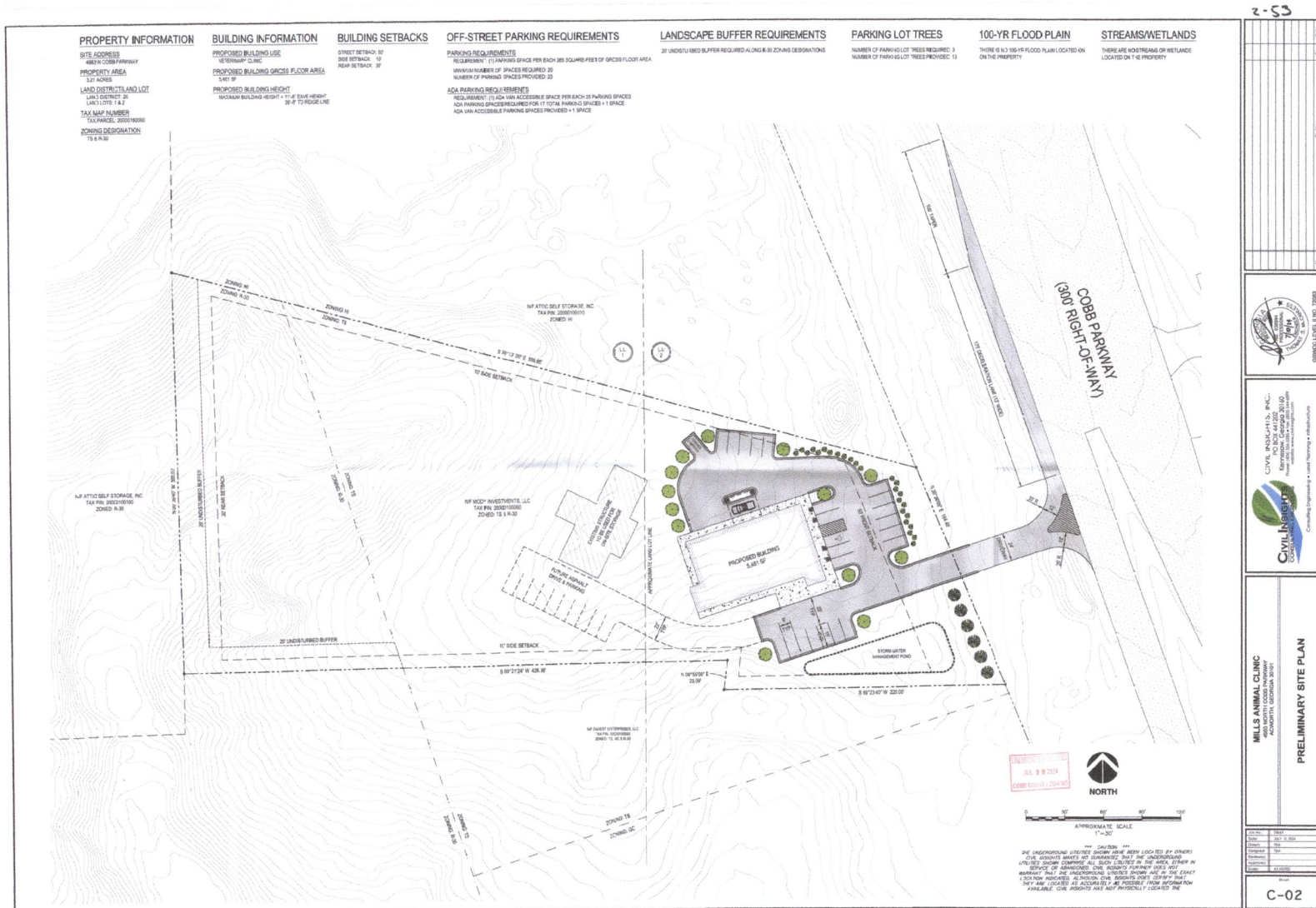
VOTE: ADOPTED 4-0, Vault not present

~~**Z-53 MILLS VETERINARY PROPERTY, LLC** (Mody Investments, LLC, owner) requesting rezoning from **R-30** and **TS** to **NRC** for a veterinary clinic in land lots 1 and 2 of the 20<sup>th</sup> district. Property is located on the west side of Cobb Parkway, south of Rutledge Drive (4483 North Cobb Parkway).~~

~~The public hearing was opened; Michelle Mills and Tom McCanless addressed the Planning Commission. Following the presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Beloin, second by Lindstrom, to recommend approval of Z-53 to the **NRC** zoning district, subject to: (stipulations 1 – 12 previously read in by Mr. Pederson)~~



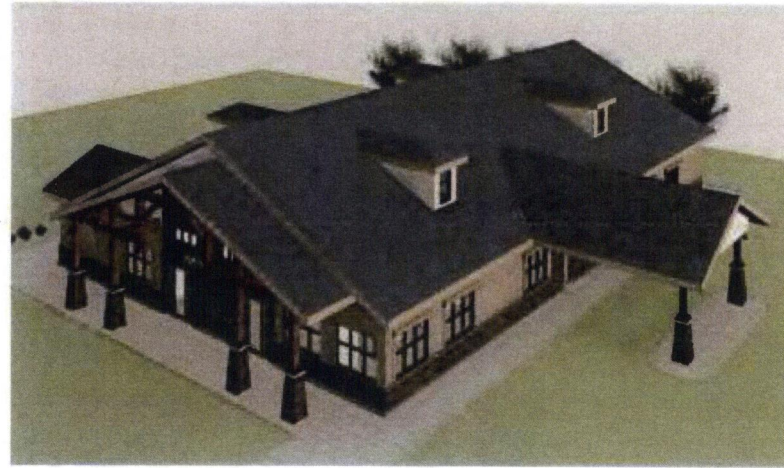




RECEIVED  
 JUL 29 2024  
 COBB COUNTY ZONING



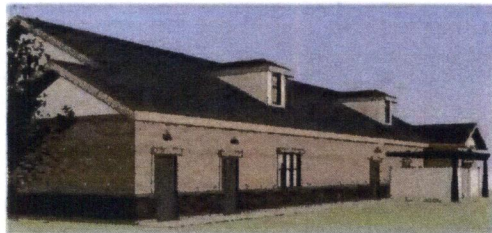
1 3D View 1



3 3D View 3



4 3D View 4



5 3D View 5



2 3D View 2



332 Ansel Drive  
 Panama City Beach  
 Florida 32413  
 423.508.1681 T  
 kavin@kavincgoins.com Email  
 www.kavincgoins.com Website



Kevin C. Goins  
 ARCHITECT, AIA

MILLS ANIMAL HOSPITAL  
 4155 N COBB PARKWAY NW  
 ACWORTH, GEORGIA 30101

|            |                |
|------------|----------------|
| REVISION   |                |
| REVISION   |                |
| DATE       | 08.02.2023     |
| DRAWN BY   | Author         |
| CHECKED BY | Chris          |
| JOB #      | 2227           |
| SHT TITLE  | EXTERIOR VIEWS |

A104

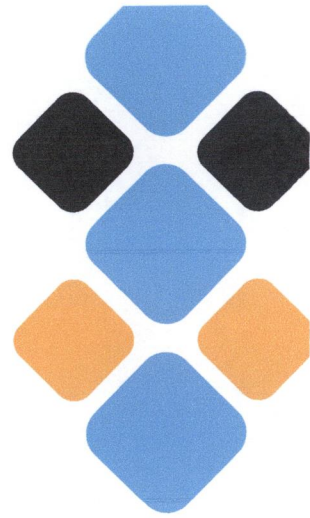






# BAH MANAGEMENT SOLUTIONS

REAL ESTATE



Min. Bk. 100 Petition No. Z-58  
Doc. Type letter

Meeting Date 10-15-2024

09/13/2024

## Letter of Stipulations - Nova Estates Townhome Community

I hope this letter finds you well. In reference to the ongoing discussions regarding the development at 351 Community Rd, Mableton, GA 30126, please find below the key stipulations for the project moving forward:

### 1. HOA Responsibility for Exterior Maintenance

The Homeowners' Association (HOA) will be responsible for all exterior maintenance of the properties, ensuring consistent upkeep and appearance. This responsibility will include the maintenance of private roads and stormwater management systems, ensuring proper functionality and compliance with relevant regulations. Additionally, the HOA will be responsible for collecting HOA dues and adding them to the reserve fund for maintenance purposes.

### 2. Developer-Funded Reserve for Private Road Maintenance

A developer-funded reserve will be established for the maintenance of private roads within the development, with the amount to be determined by a study approved by Cobb County Department of Transportation (Cobb DOT).

### 3. 10% Rental Limitation

A limitation of 10% on rental properties within the development will be implemented to maintain a balance between owner-occupied and rental units.

I also wish to confirm that I accept all staff recommendations and comments related to this agreement. Please feel free to reach out with any questions or if further clarification is required. We look forward to your acknowledgment and approval of these stipulations.

Sincerely,

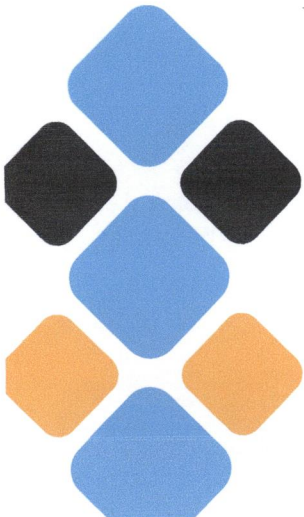
**Deondre Gay**

President of BAH Management and Solutions

+1-470-306-1616 |

rent@bahmanagementsolutions.com |

1926 HOSEA L WILLIAMS DR NE, 170162, |   
ATLANTA, GA 30317-





MINUTES OF ZONING HEARING  
COBB COUNTY PLANNING COMMISSION  
OCTOBER 1, 2024  
PAGE 13

Min. Bk. 100 Petition No. LUP-31  
Doc. Type 10-1-24 Planning Commission  
Comments and recommendations for LUP-31  
Meeting Date 10-15-2024

**REGULAR AGENDA (CONT.)**

**LUP-31**      **L. FRANK SHIRLEY** (Frank Shirley, owner) requesting a **Temporary Land Use Permit** for equipment storage for contractor business in land lot 22 of the 20<sup>th</sup> district. Property is located on the northwesterly side of Wade Green Road, north of Hickory Grove Road (4521 Wade Green Road).

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

MOTION: Motion by Beloin, second by Lindstrom, to recommend **approval** of LUP-31 for **12 months**, subject to:

1. **Time given to the Applicant to prepare and submit plans to redevelop the property and seek the long-term zoning needed**
2. **Property to be kept substantially clear and clean**
3. **At any given time, not more than 10 vehicles (trailers, trucks, cabs, and pieces of heavy construction equipment) are to be kept overnight on the property**

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

**APPROVAL OF MINUTES**

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

September 3, 2024 – Planning Commission Zoning Hearing

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

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

September 23, 2024 – Special Called Meeting/Agenda Review Work Session

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

**ADJOURNMENT**

The hearing adjourned at 3:59 p.m.

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

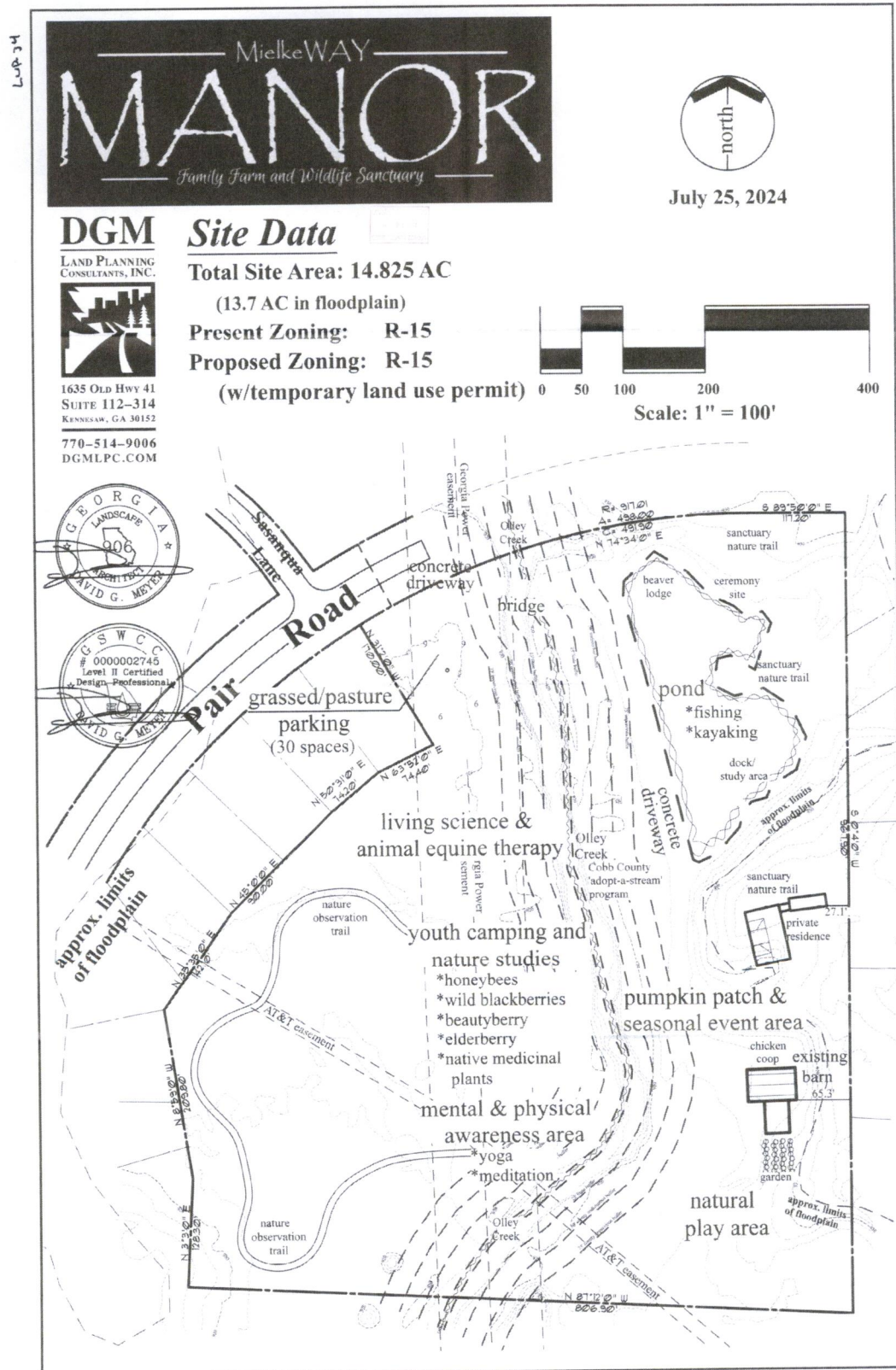




LUP-34-2024

DEPARTMENT COMMENTS – Zoning Division

Meeting Date 10-15-2024





ROZEN, ROZEN & REILLY, LLP  
248 Roswell Street, SE  
Marietta, Georgia 30060  
(770) 427-7004 (T)  
(770) 426-9584 (F)

ROGER J. ROZEN  
[rjrozen@rozenandrozen.com](mailto:rjrozen@rozenandrozen.com)  
ADAM J. ROZEN  
[ajrozen@rozenandrozen.com](mailto:ajrozen@rozenandrozen.com)  
JEFFREY M. REILLY, JR.  
[jreilly@rozenandrozen.com](mailto:jreilly@rozenandrozen.com)

Min. Bk. 90 Petition No. LUP-26  
Doc. Type letter  
Meeting Date 11-21-2023

Min. Bk. 100 Petition No. LUP-34  
Doc. Type letter  
Meeting Date 10-15-2024

Injury, Land Use,  
Criminal Defense,  
Domestic  
& Business

October 30, 2023

**VIA EMAIL DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of Mielke Way Manor, LLC for a Temporary Land Use Permit  
regarding a 14.825 Acre Tract - Land Lot 710, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb  
County, Georgia; LUP 26

Dear John:

This firm represents the Applicant Mielke Way Manor, LLC ("Mielke Way") in LUP 26 which is set to be heard by the Planning Commission on November 7, 2023 and for final action by the Board of Commissioners on November 21, 2023.

This Application seeks a Temporary Land Use Permit ("LUP") to allow a family farm, wildlife sanctuary and an events and educational facility on an approximate 14.825 acre tract of land located at 1901 Pair Road, Marietta, Georgia.

The property ("Subject Property") is presently zoned in the R-15 zoning classification and is identified as Low Density Residential ("LDR") on Cobb County's Future Land Use Map ("FLUM"). The property is a uniquely and rarely preserved approximately 15 acre parcel situated within a residential area. The subject property historically has been utilized for



Petition No. LUP-34  
Meeting Date 10-15-2024  
Continued

Petition No. LUP-26  
Meeting Date 11-21-2023  
Continued

ROZEN, ROZEN & REILLY, LLP

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency

October 30, 2023

Page 2

residential and conservation activities preserving opportunities for farming, agricultural and aquatic recreational and educational activities.

The proposal will preserve the subject property similar to its current and historical state in a manner consistent with and restricted by its current dedication to conservation pursuant to O.C.G.A 48-5-7.4 for agricultural and environmentally sensitive land. The Subject Property is currently bound by the Applicant's existing conservation covenant through 2032.

The proposed uses are less intense and utilize the land in a way that preserves its natural character in a manner that could not be accomplished if developed as currently zoned or as the surrounding residential properties.

Mielke Way is owned and operated by husband-and-wife Ian and Andrea Mielke. The Subject Property is their primary residence. Ian and Andrea are certified educators with Andrea holding a PhD in curriculum, instruction and assessment. Ian and Andrea started a company called Really Fun Science and began their educational journey creating outdoor, science and animal-based curriculum for metro Atlanta schools and created the curriculum for Athens-Clarke County. Ian and Andrea are now focused on bringing similar educational opportunities to their children and children in the Cobb County community in many ways but including partnerships with other home-school children and local City and County private and public schools. Mielke Way provides a great resource for learning in an outdoor environment with animals, plants, Olley Creek and a private pond. Mielke Way is currently partnered with Cobb County's Adopt a Stream Program for the section of Olley Creek running through their Subject Property, the Cobb County Watershed Stewardship Program and is a Certified Wildlife Sanctuary through the Georgia Audubon Society. All of the foregoing provide a foundation and basis for the events and education operations that Mielke Way proposes.

In furtherance of this Application, this letter will serve as the Applicant's expression of agreement with the following stipulations which shall, upon the requested LUP Application being approved, become conditions and a part of the grant of the Application and binding upon the Subject Property thereafter. The referenced stipulations are as follows:

1. The LUP shall be applied to the Subject Property specifically for a family farm, wildlife sanctuary, event center and educational facility and related activities in a manner similar



Petition No. LUP-34  
Meeting Date 10-15-2024  
Continued

Petition No. LUP-26  
Meeting Date 11-21-2023  
Continued

ROZEN, ROZEN & REILLY, LLP

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency

October 30, 2023

Page 3

to the Revised Site Plan dated October 12, 2023 attached hereto and incorporated herein ("Revised Site Plan").

2. The LUP shall be for this Applicant only as Mielke Way, LLC, Mielke Way Manor, LLC or related entity owned by the Applicant.
3. The LUP approval shall be for an initial period of twelve (12) months with the allowance for the Applicant to seek twelve (12) or twenty-four (24) months renewals thereafter.
4. Entrance signage shall be consistent with the signage currently existing inside the entrance to the property and shall remain inside the entrance and gate.
5. Mielke Way's regular days and hours of operation are proposed to be Monday through Sunday with the hours and type of operation being limited to those outlined in the County Noise Ordinance with Sunday through Thursday operations being limited to 8:00 am to 8:00 pm. There shall be no events on National Holidays.
6. The granting of contemporaneous variances to:
  - a. Reduce the side setback for the existing barn to sixty-five feet (65');
  - b. Allow vehicle parking on a non-hardened surface in identified areas on the Revised Site Plan;
  - c. Allow shared parking among the Applicant and other off-street property(ies). The Applicant currently has an agreement with Trinity Fellowship Church for off-site parking when needed.
7. Compliance with the recommendations from Cobb County DOT, Cobb County Fire Department and the Cobb County Water System with respect to the availability of water and sewer to the site (the subject property is already connected to both with sufficient capacity).
8. The District Commissioner shall have the authority to make minor modifications to the site plan and these stipulations/conditions.

Petition No. LUP-34  
Meeting Date 10-15-2024  
Continued

Petition No. LUP-26  
Meeting Date 11-21-2023  
Continued

ROZEN, ROZEN & REILLY, LLP

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency

October 30, 2023

Page 4

---

Please do not hesitate to contact me should you or your staff have any questions or require any additional information or documentation.

Sincerely,

ROZEN, ROZEN & REILLY, LLP

*/s/ Adam J. Rozen*

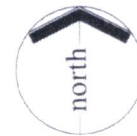
Adam J. Rozen  
[ajrozen@rozenandrozen.com](mailto:ajrozen@rozenandrozen.com)

AJR/  
Enclosures





Petition No. LUP-26  
Meeting Date 11-21-2023  
Continued



October 12, 2023

**DGM**  
LAND PLANNING  
CONSULTANTS, INC.



1635 Old Hwy 41  
SUITE 112-314  
KENNESAW, GA 30152

770-514-9006  
DGM.LP.C.COM

## Site Data

Total Site Area: 14.825 AC

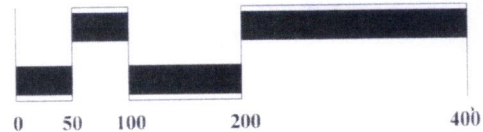
(13.7 AC in floodplain)

Present Zoning: R-15

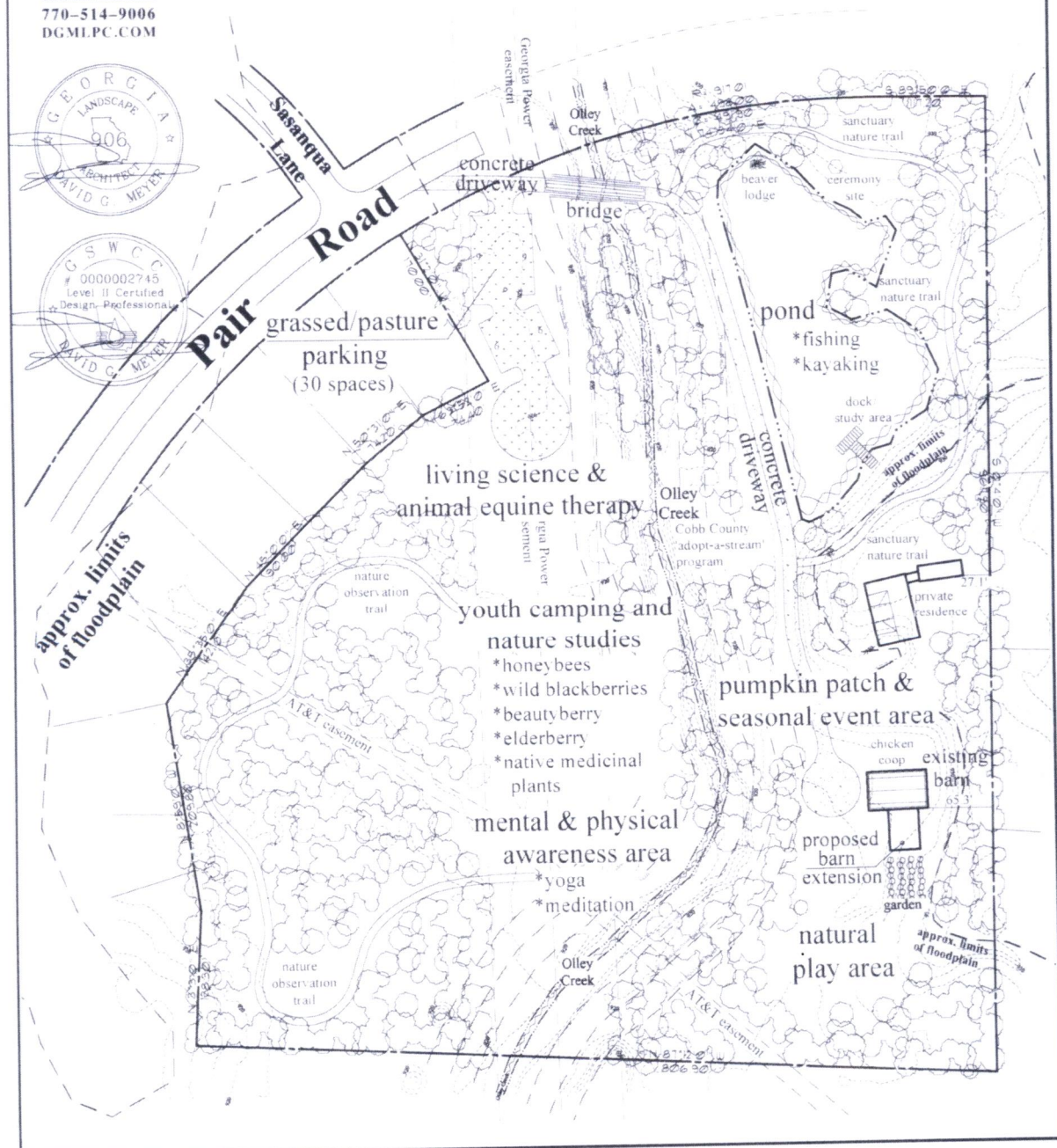
Proposed Zoning: R-15

(w/temporary land use permit)

Petition No. LUP-34  
Meeting Date 10-15-2024  
Continued



Scale: 1" = 100'





Min. Bk. 100 Petition No. LUP-34  
Doc. Type Shared Parking  
Agreement  
Meeting Date 10-15-2024

Min. Bk. 98 Petition No. LUP-26  
Doc. Type Shared Parking  
Agreement  
Meeting Date 11-21-2023

### PARKING LICENSE AGREEMENT

THIS PARKING LICENSE AGREEMENT (the "Agreement") made this 19th day of November 2023, by and between Trinity Baptist Church of Smyrna, Inc., a Georgia non-profit corporation (hereinafter known as "Trinity"), and Mielke Way, LLC, a Georgia limited liability company (hereinafter called "Mielke Way" and collectively with Trinity known as the "Parties").

#### WITNESSETH:

WHEREAS, Trinity is the owner of that certain tract of land known as 2115 pair Road, Marietta, GA, Tax Parcel ID 19069500160, located in unincorporated Cobb County, Georgia, which is described on Exhibit "A" and the parking area contemplated by this Agreement shown cross-hatched on Exhibit "B" (the "Parking Area") attached hereto; and

WHEREAS, Mielke Way is the owner of that certain tract known as 1901 Pair Road, Marietta, GA, Tax Parcel ID 19071000010 ("Mielke Way Manor") located in unincorporated Cobb County, Georgia; and

WHEREAS, the Parties previously entered into discussions and came to a general agreement that Mielke Way could utilize the Parking Area for its customers and guests visiting Mielke Way Manor with advance notice and scheduling between the Parties; and

WHEREAS, the parties desire to enter into a more detailed license agreement to provide specifics on the use of the Parking Area.

NOW, THEREFORE, for and in consideration of the premises and the covenants herein set forth, the Parties declare as follows:

1. **Use:** Trinity agrees that Mielke Way has the right for Mielke Way's customers and guests to park their vehicles on the Parking Area depicted in Exhibit "B" subject to the provisions of this Agreement and consistent with Cobb County Parking Standards.
2. **Term:** The term of this Agreement shall be for an initial period of twelve (12) months beginning on **November 22, 2023**, ("Effective Date") and ending at midnight on **November 21, 2023**, with Mielke Way's right to seek extension of this Agreement to coincide with any extensions of time granted by Cobb County for Mielke Way's LUP 26 (2023) of November 21, 2023 ("LUP 26") or subsequent entitlement.
3. **Indemnification:** Mielke Way shall, except to the extent of any gross negligence or willful intentional act by Trinity, defend, indemnify and save Trinity and the Parking Area harmless from any and all liens, judgments, fines, penalties, costs, expenses, damages, or liability occasioned by any act of Mielke Way, its agents or guests or by their failure to act in connection with the Parking Area or arising out of any accident causing injury or death to any person whomsoever or damage to any property whatsoever, and due directly to the use of the Parking Area by Mielke Way or its guests.
4. **Maintenance:** Mielke Way shall maintain the Parking Area in a clean and safe manner, and free from litter and debris. If Mielke Way agents, employees, customers or guests damage the Parking Area, Mielke Way shall repair the damage done by the customers. Mielke Way's use shall be consistent with the stipulations and conditions of LUP and any subsequent entitlement from Cobb County.

Petition No. LUP-34  
Meeting Date 10-15-2024  
Continued

Petition No. LUP-26  
Meeting Date 11-21-2023  
Continued

5. **Notices:** Notices will be properly directed if delivered in person, by nationally recognized overnight mail service, or by electronic mail as set forth below:

To Trinity: Mark Conner, Pastor  
Trinity Baptist Church of Smyrna, Inc. dba Trinity Fellowship Church  
2115 Pair Road  
Marietta, GA 30008  
[info@tfmarietta.org](mailto:info@tfmarietta.org)

To Mielke Way: Ian Mielke  
Mielke Way, LLC  
1901 Pair Road  
Marietta, GA 30008  
[mielkewaymanor@gmail.com](mailto:mielkewaymanor@gmail.com)

6. **Counterparts:** A facsimile, telecopy, or other reproduction of this Agreement may be executed by the parties (in counterparts or otherwise) and shall be considered valid, binding and effective for all purposes. At the request of any party, the parties hereto agree to execute an original of this Agreement as well as any facsimile, telecopy or other reproduction hereof.
7. **Binding Effect:** Trinity covenants and agrees that this Agreement shall run with the land and be binding upon its successors and assigns. Absent a recorded document, Trinity shall give a copy of this Agreement to any purchaser of the property of which the Parking Area is a part.
8. **Jurisdiction.** This Agreement shall be administered, construed and enforced according to the laws of GA.
9. **Severability.** The invalidity or unenforceability of any provision of this Agreement shall not in any way affect the validity or enforceability of any other provision and this Agreement shall be construed in all respects as if such invalid or unenforceable provision has never been in the Agreement.
10. **Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all of the parties hereto had signed the same document. All counterparts shall be construed together and shall constitute one agreement.

[SIGNATURES SET FORTH ON FOLLOWING PAGE]

Petition No. LUP-34  
Meeting Date 10-15-2024  
Continued

Petition No. LUP-26  
Meeting Date 11-21-2023  
Continued

IN WITNESS WHEREOF, the undersigned Parties have set their hands under seal as of the Effective  
Date.

**TRINITY:**

TRINITY BAPTIST CHURCH OF SMYRNA, INC.  
A Georgia non-profit corporation

By: Mark Conner  
Mark Conner,

**MIELKE WAY:**

MIELKE WAY, LLC,  
A Georgia limited liability company

By: Ian Mielke  
Ian Mielke, Manager



Petition No. Lup-34  
Meeting Date 10-15-2024  
Continued

Petition No. Lup-26  
Meeting Date 11-21-2023  
Continued

## Exhibit "A"

### Trinity

All that tract or parcel of land lying and being in Land Lots 695, 696 and 712 of the 19th District, 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin situated at the common corners of Land Lots 695, 696, 711 and 712; running thence along the line dividing Land Lots 695 and 712 on a bearing of South 88 degrees 35 minutes 45 seconds West 180.40 feet; continuing thence along the line dividing said Land Lots 695 and 712 on a bearing of South 89 degrees 19 minutes 58 seconds West 187.21 feet to an iron pin; running thence South 21 degrees 10 minutes 24 seconds East 321.89 feet to an iron pin; running thence North 88 degrees 23 minutes 47 seconds West 358.87 feet to an iron pin; running thence North 05 degrees 45 minutes 42 seconds West 86.08 feet to an iron pin; running thence North 00 degrees 13 minutes 59 seconds East 35.72 feet; running thence North 24 degrees 11 minutes 26 seconds West 46.75 feet; running thence North 25 degrees 34 minutes 26 seconds East 21.94 feet; running thence North 32 degrees 16 minutes 01 seconds East 58.50 feet; running thence North 32 degrees 15 minutes 58 seconds East 5.87 feet; running thence North 62 degrees 17 minutes 59 seconds East 32.98 feet; running thence North 00 degrees 19 minutes 06 seconds East 60.38 feet; running thence North 33 degrees 15 minutes 37 seconds East 89.28 feet; running thence North 47 degrees 10 minutes 03 seconds East 24.30 feet; running thence North 30 degrees 32 minutes 41 seconds West 38.81 feet; running thence North 09 degrees 43 minutes 00 seconds West 51.20 feet; running thence North 21 degrees 45 minutes 36 seconds West 89.22 feet; running thence North 24 degrees 13 minutes 55 seconds West 51.92 feet; running thence North 26 degrees 45 minutes 51 seconds West 19.76 feet; running thence North 00 degrees 25 minutes 20 seconds East 10.97 feet; running thence North 33 degrees 38 minutes 24 seconds West 26.26 feet; running thence North 32 degrees 23 minutes 04 seconds West 135.08 feet to an iron pin; running thence South 46 degrees 35 minutes 47 seconds East 212.27 feet to an iron pin; running thence South 52 degrees 23 minutes 53 seconds East 211.22 feet to an iron pin; running thence North 39 degrees 59 minutes 28 seconds East 354.42 feet to an iron pin situated on the southwesterly right-of-way of Pair Road (right-of-way varies); running thence South 48 degrees 30 minutes 13 seconds East along said right-of-way 364.30 feet to an iron pin; running thence South 48 degrees 10 minutes 27 seconds West 196.41 feet to an iron pin situated on the line dividing Land Lots 695 and 696; running thence along said line dividing Land Lots 695 and 696 on a bearing of South 00 degrees 01 minute 40 seconds East 111.32 feet to an iron pin situated at the common corner of Land Lots 695, 696, 711 and 712 and the point of beginning.

The property herein described consists of 6.902 acres according to a plat of survey prepared for Trinity Fellowship/Regions Bank dated July 1, 1999 by Paul Lee Consulting Engineering Associates, Inc. which plat is made a part hereof by reference.

Petition No. LUP-34  
Meeting Date 10-15-2024  
Continued

Petition No. LUP-26  
Meeting Date 11-21-2023  
Continued

### Mielke Way

ALL THAT TRACT or parcel of land lying and being in Land Lot 710, 19th District, 2nd Section, Cobb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin located on the east line of Land Lot 710, 250.0 feet northerly of the southeast corner of said Land Lot 710, as measured along the east line of said Land Lot; from said point of beginning, run North 87 degrees 12 minutes West 806.9 feet to an Iron pin and corner; running thence North 03 degrees 03 minutes East 128.3 feet to an Iron pin; running thence North 08 degrees 59 minutes West 209.8 feet to an iron pin; running thence North 35 degrees 35 minutes East 142.1 feet to an iron pin; running thence North 45 degrees 00 minutes East 90.0 feet to an Iron pin; running thence North 45 degrees 35 minutes East 82.4 feet to an Iron pin; running thence North 50 degrees 31 minutes East 74.2 feet to an Iron pin; running thence North 63 degrees 52 minutes East 74.4 feet to an Iron pin and corner; running thence North 31 degrees 02 minutes 170.0 feet to an iron pin and corner located on the southerly right of way of Pair Road; running thence northeasterly and easterly along the southerly right of way of Pair Road and following the curvature thereof a distance of 498.0 feet to an Iron pin; continuing thence along the southerly right of way of Pair Road South 89 degrees 50 minutes East 117.2 feet to an iron pin and corner located on the east line of Land Lot 710; running thence South 00 degrees 04 minutes West along the east line of Land Lot 710 a distance of 967.9 feet to the iron pin at the point of beginning, being 14.825 acres as shown on survey prepared by West Georgia Surveyors, Inc., GA RLS No. 2235, dated November 21, 1994.



Petition No. LUP-34  
Meeting Date 10-15-2024  
Continued

Petition No. LUP-26  
Meeting Date 11-21-2023  
Continued

Exhibit "B"

Parking Area





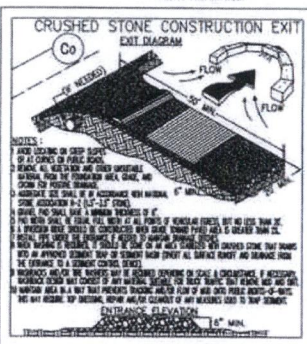


SYMBOL LEGEND

- CONCRETE
- ASPHALT PAVEMENT
- BUILDING OUTLINE
- IRON PIN FOUND
- IRON PIN PLACED (1/2" REBAR)
- BOUNDARY POINT
- IPF CONCRETE MONUMENT
- OVERHEAD WIRE
- COMMUNICATIONS PEDESTAL
- WATER METER

LEGEND

- A = ARC LENGTH
- B/L = BUILDING SETBACK LINE
- C&G = CURB & GUTTER
- CL = CENTERLINE
- CLC = CALCULATED POINT
- CHB = CHORD BEARING
- CHL = CHORD LENGTH
- CHP = COMMUNICATIONS PEDESTAL
- DA = DELTA ANGLE
- DB = DEED BOOK
- IPF = IRON PIN FOUND
- IPPL = IRON PIN PLACED
- LL = APPARENT LAND LOT LINE
- LL = LAND LOT
- NF = NOW OR FORMERLY
- OHW = OVERHEAD WIRE
- OTF = OPEN TOP PIPE
- PIC = PROPERTY CORNER
- PIL = PROPERTY LINE
- PLB = PLAT BOOK
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PP = POWER POLE
- R = RADIUS
- R/W = RIGHT OF WAY
- RS = REBAR
- SMH = SANITARY SEWER MANHOLE
- SOFT = SQUARE FEET
- WM = WATER METER

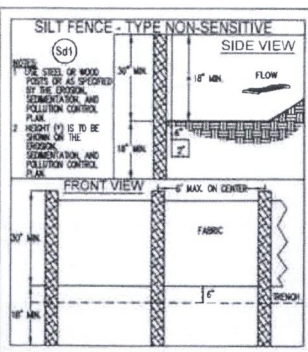


PROPOSED IMPERVIOUS AREAS: TRACT A  
EX. HOUSE PAD: 456 SQFT  
TOWN HOME ADDITION (ON EX PAD): 0 SQFT  
TOTAL PROPOSED: 456 SQFT  
PROPOSED TOTAL IMPERVIOUS %: 28.4%

TOTAL DISTURBED AREA 0.040 ACRES, 1,724 SQFT

PROPOSED IMPERVIOUS AREAS: TRACT B  
PROPOSED TOWN HOME: 625 SQFT  
PROPOSED CONCRETE DRIVE: 319 SQFT  
TOTAL PROPOSED: 944 SQFT  
PROPOSED TOTAL IMPERVIOUS %: 11.8%

TOTAL DISTURBED AREA 0.045 ACRES, 1,971 SQFT



FIELD WORK COMPLETED ON: 7/29/2024  
PLAT COMPLETED ON: 8/7/2024

THE CURRENT PROPERTY OWNER IS S&B VENTURES LP PER DEED BOOK 16306, PAGE 226 OF COBB COUNTY, GEORGIA RECORDS.

THIS SITE PLAN WAS PREPARED FOR THE PURPOSE OF OBTAINING A LAND DISTURBANCE PERMIT AND/OR A BUILDING PERMIT. THIS SITE PLAN IS NOT INTENDED FOR THE ACQUISITION OF A SEPTIC PERMIT.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THEREFORE, ALL EASEMENTS AND MATTERS OF RECORD MAY NOT BE SHOWN HEREON.

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT IS MY OPINION THAT THIS PROPERTY IS OUTSIDE OF THE 100 YEAR FLOOD HAZARD AREA.

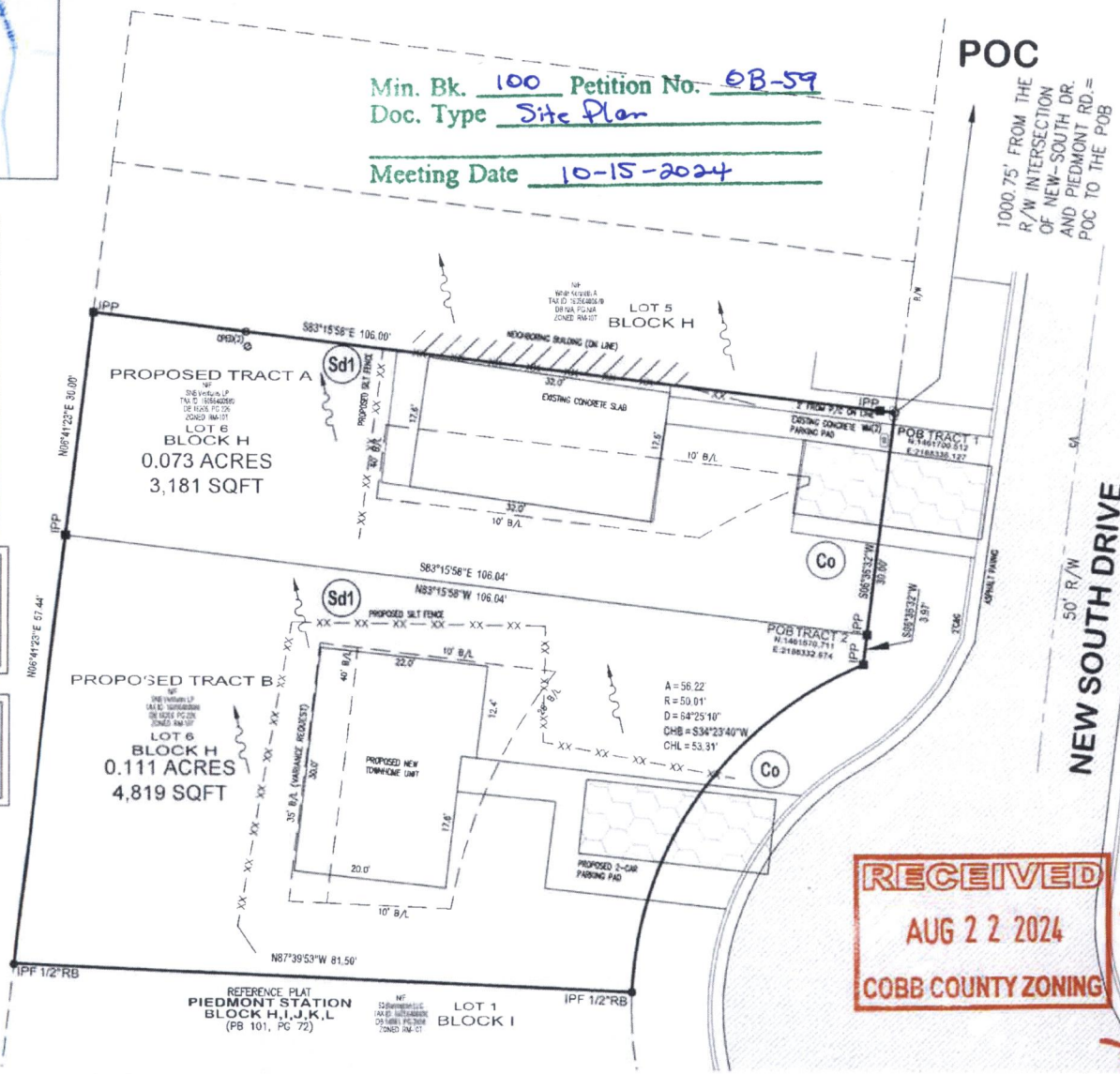
PANEL #13067C00446  
EFFECTIVE DATE: 12/16/2008

THIS SITE PLAN WAS PREPARED FOR THE EXCLUSIVE USES OF THAT NAME APPEARING IN THE TITLE BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

REFERENCE MATERIALS INCLUDE:  
DB 16206, PG 226  
DB N/A, PG N/A  
DB 14881, PG 268  
PB 101, PG 72  
COBB COUNTY RECORDS

ALL OR A PORTION OF THIS SURVEY WAS PERFORMED BY REAL TIME KINEMATIC (RTK) GPS. 100% OF THIS SURVEY WAS PERFORMED BY GPS. THE GPS EQUIPMENT USED TO PERFORM THIS SURVEY WAS MADE BY CARLSON, MODEL: BRV7 AND ARE MULTI-FREQUENCY (GNSS) RECEIVERS. THE RELATIVE POSITION ACCURACY OF THIS SURVEY IS 0.05'.

Min. Bk. 100 Petition No. 08-59  
Doc. Type Site Plan  
Meeting Date 10-15-2024



RECEIVED  
AUG 22 2024  
COBB COUNTY ZONING

Proposed Site Plan

IRONSTONE SURVEYING  
96 Ernest Giles Drive, Jackson, Georgia 30233  
Phone: 770-250-4747 Email: info@ironstone-surveying.com

SITE PLAN  
FOR STEPHEN BENNETT  
IN LAND LOT 584, DISTRICT 2, COBB COUNTY, GEORGIA

GEORGIA 811  
Call before you dig

08-59-2024

OB-60-2024

DEPARTMENT COMMENTS – CCDOT

| Roadway      | Roadway classification | Speed limit (mph) | Jurisdictional control | Min. R.O.W. requirements |
|--------------|------------------------|-------------------|------------------------|--------------------------|
| Miller Drive | Local                  | 25                | Cobb County            | 50'                      |

| ITE Land Use | Description         | Expected Size (DU) | AM       |           |             | PM       |           |             | Daily (vpd) |
|--------------|---------------------|--------------------|----------|-----------|-------------|----------|-----------|-------------|-------------|
|              |                     |                    | In (vph) | Out (vph) | Total (vph) | In (vph) | Out (vph) | Total (vph) |             |
| 210          | Single Family Homes | 3                  | 1        | 2         | 2           | 2        | 1         | 3           | 28          |

vph = vehicles per hour, vpd = vehicles per day, DU = dwelling unit

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11<sup>th</sup> edition.

**Comments and observations**

Miller Drive is classified as a local roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

In accordance with Cobb County Code 134-121 and based on site plan received August 28, 2024, this development does not require a traffic study submittal.

**Recommendations**

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Miller Drive, a minimum of 25' from the roadway centerline.
2. Recommend residential driveways on Miller Drive be installed to Cobb County standards. This recommendation is pursuant to Cobb County Development Standard 402.7.1, Residential Driveways and Cobb County Development Standard Detail 116R, Residential Driveway
3. Recommend a minimum of 50' feet straight-line distance (from end of intersection curb return to start of driveway curb return) between driveways on Miller Drive. This recommendation is pursuant to Cobb County Development Standard 402.7 and Cobb County Development Standard Detail 116R, Residential Driveway Standard.
4. Miller Drive is a substandard street. Recommend developer implement improvements to Miller Drive along the development frontage to comply with Cobb County Standards and Specifications for a residential local roadway.



**OB-60-2024**

**DEPARTMENT COMMENTS – CCDOT**

---

(continued)

5. Recommend installing curb, gutter, and sidewalk along Miller Drive to meet Cobb DOT standards; or pay fee in lieu of curb, gutter, and sidewalk if constraints exist to construct an urban shoulder design and subject to Cobb DOT approval. This recommendation is pursuant to Cobb County Development Standard 401.15, Curbs and Gutters (including subsections), Cobb County Development Standard 404 Sidewalks and Pathways, Cobb County Development Standard 405 Accessibility Requirements, and Cobb County Development Standard Detail 106, Concrete Curbs, Medians.
6. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.



**October OB - 2024 DEPARTMENT COMMENTS – Stormwater Management**

**9/26/2024**

**OB-59-2024 2785 New South Drive**

1. If the OB Item is approved, stormwater mitigation (Runoff Reduction Volume-RRv) should be provided for the lots to minimize the collective impact of new development on adjacent properties.

**OB-60-2024 1793 Miller Drive**

1. A potentially buffered stream flows approximately along the rear property line of the proposed "Tract 1". The need for a stream buffer should be determined by Frank Gipson in Erosion Control and the appropriate buffer width shown on the site plan.
2. Mitigation should be provided for the constructed impervious area on Tract 1. Recommend a concept meeting with applicant at the time a site plan is developed, prior to obtaining a building permit.

**OB-61-2024 Behind 4867 Moon Road**

1. The proposed building and driveway must remain outside the floodplain and stream buffers and no fill should be placed within the floodplain.

**OB-62-2024 5241 Waits Drive**

1. No Comments.

**OB-63-2024 2509 Post Oak Tritt Road**

1. No Comments.

**OB-64-2024 Gordy Parkway (PIN# 16033400210)**

1. This site should have Runoff Reduction (RRv)/Water Quality, Channel Protection and Detention provided as would be required for any new development.

**OB-65-2024 Stonewall Drive**

1. No Comments.

**OB-66-2024 645 Barrett Pkwy**

1. No Comments. (Stormwater concerns have been addressed during plan review.)

**OB-67-2024 4321 McClure Road**

1. No Comments.

FILED WITH COUNTY CLERK THIS 15<sup>th</sup> DAY  
OF October 20 24 BY Jo Ann Birrell  
RE OB-60 Stormwater comments  
Rob E Stone  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

OCTOBER 15, 2024 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 3

Min. Bk. 100 Petition No. OB-60  
Doc. Type Site Plan Review and Water & Sewer  
Comments and recommendations  
Meeting Date 10-15-2024

**ITEM OB-60-2024**

To consider amending the site plan and stipulations for Power Infusion, LLC regarding rezoning application Z-157 of 1998 and Z-23 of 1999. The property is located at the north side of Miller Drive, north of Piedmont Road in Land Lots 558, 559, 594 and 595 of the 16<sup>th</sup> District (1793 Miller Drive).

**BACKGROUND**

The subject property was rezoned to RA-5 on November 17, 1998, with the final site to be approved by the Board of Commissioners. The Board of Commissioners approved the final site plan on March 16, 1999, with a further clarification regarding the project specifics on April 20, 1999, for all the property except this 1.59 acres. The developer did not purchase this property when the rest of the subdivision was approved by the Board of Commissioners in 1999. The applicant would like to have the final site plan for the remaining 1.59 acres approved by the Board of Commissioners. The property currently has one house on it that was built in 1959 that was recently renovated, and the applicant plans on building one new house next to the 1959 house. The density would be 1.25 units per acre. The rest of the subdivision was built with a minimum lot size of 7,000 square-feet with the following setbacks: Front 15-feet, side 5-feet, and rear 25-feet. The two proposed lots all exceed the development criteria approved previously.

**STAFF COMMENTS**

**Site Plan Review:** If this OB request is approved, a lot-split plat must be reviewed and approved prior to recording. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency. Contact Site Plan Review, 770-528-2147.

**Water & Sewer Comments:** Water and sewer services must be installed by developer's contractor prior to CCWS plat approval. A separate tax parcel/outlot generally must have a direct connection to public water and sewer.

**Stormwater Management:** Comments not submitted by due date.

**STAFF COMMENTS continued**

**Fire Department:** See attached.

**Cobb DOT:** See attached.

**STAFF RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment and stipulation amendment.

**ATTACHMENTS**

Other Business application and stipulations.



APPLICANT: Power Infusion LLC

PETITION NO.: OB-60

PRESENT ZONING: \_\_\_\_\_

PETITION FOR: \_\_\_\_\_

\*\*\*\*\*

**FIRE COMMENTS:**

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County.

**RESIDENTIAL SINGLE FAMILY ACCESS:**

Driveway must have a minimum 12 foot driving surface width (CCDS 402.07.01) with a minimum 25 foot inside turning radius.

Fully developed landscaping shall be at least 7 feet 0 inches from center of drive (14 foot clear width) and 13 foot 6 inches vertical clearance.

Maximum grade shall not exceed 18%, angle of departure shall not exceed 8.5%.

Driveway must extend within 150 feet of the most remote portion of the structure.

Driveway is limited to 1000 feet maximum from roadway unless an approved turn-around is provided:

a) Residential cul-de-sac without an island shall have a 38 foot outside radius. A cul-de-sac with an island reverts to the commercial standards, refer to [www.cobbfire.org](http://www.cobbfire.org) for dimensions.

b) Hammerhead turn-around: total of 102 feet needed (45 feet + 12 foot drive + 45 feet) with the turn-around leg to be a minimum of 20 feet wide.

Driveway must support 25 Tons (50,000 lbs.).

**FIRE HYDRANTS:**

Hydrant location within 500 feet of the structure.\* (Additional hydrant may need to be installed.)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.\* (Required Flow: 1,500 gpm @ 20 psi)

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

**Jeff Byrd**

(770) 528-8814

[jeffrey.byrd@cobbcounty.org](mailto:jeffrey.byrd@cobbcounty.org)

Min. Bk. 100 Petition No. OB-60  
Doc. Type Fire Dept. comments  
and recommendations  
Meeting Date 10-15-2024

