

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
FEBRUARY 4, 2025
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, February 4, 2025, in the second-floor public meeting room of the David Hankerson Building, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

Stephen Vault, Chairman – arrived at 9:16 a.m.
Michael Hughes, Vice Chairman
Fred Beloin
Christine Lindstrom

CALL TO ORDER – VICE CHAIRMAN HUGHES

Vice Chairman Hughes called the hearing to order at 9:02 a.m.

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

Z-44^{'24} **MANOR RESTORATIONS, LLC** (Zoe Christian Fellowship, Inc.; Dabney Partners, LLC, owners) requesting rezoning from **NRC** and **R-20** to **RM-8** for a townhome community in land lots 165, 166, and 180 of the 18th district. Property is located on the south side of Veterans Memorial Highway, on the west side of Queen Mill Road, and on the northwest and southeast 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 6001 Hickory Trail). *(Previously continued by Staff from the August 6, 2024, through the December 3, 2024, Planning Commission (PC) hearings until the February 4, 2025, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-63^{'24} **WHATABURGER RESTAURANTS, LLC** (West Village Associates, LLC, owner) requesting rezoning from **R-20** to **PVC** for retail and a restaurant in land lot 748 of the 17th district. Property is located on the south side of Atlanta Road, east of West Village Way and northwest of Pine Street (Atlanta Road). *(Previously continued by Staff from the November 5, 2024, and December 3, 2024, Planning Commission (PC) hearings until the February 4, 2025, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-2 **KAREEM OLUGBENGA** (Grace Kareem and Kareem Olugbenga, owners) requesting rezoning from **RM-12** to **RA-4** for townhomes in land lot 279 of the 17th district. Property is located at the southwest intersection of Cranfill Road and Oak Street (212 Cranfill Road). **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN AND CONTINUED CASES (CONT.)

- SLUP-1** **TT OF KENNESAW, INC.** (TT of Kennesaw, Inc., owner) requesting a **Special Land Use Permit** for a car sales and automotive parking lot in land lot 125 of the 20th district. Property is located on the south side of Cobb Parkway, on the north side of New Rutledge Road, east of Jim Owens Road (3067 North Cobb Parkway). ***WITHDRAWN WITHOUT PREJUDICE***
- Z-2**²⁴ **FLOURNOY DEVELOPMENT GROUP, LLC** (Cobb County, owner) requesting rezoning from **GC** to **RRC** for a multifamily residential building in land lots 763 and 764 of the 17th district. Property is located on the west side of Atlanta Road and on the east side of I-285, south of the intersection of I-285 and Atlanta Road (4600 Atlanta Road). ***(Previously continued by Staff from the February 6, 2024, through the February 4, 2025, Planning Commission (PC) hearings until the March 4, 2025, PC hearing; therefore, was not considered at this hearing).***
- Z-68**²⁴ **SAKSS AUSTELL, LLC** (Robert Alan Plott and Donna Dickson Plott and Yonas Bayou, owners) requesting rezoning from **R-20** to **NRC** for a convenience store with fuel sales, retail, and drive through restaurant in land lot 84 of the 17th district. Property is located on the west side of Austell Road, north of Chamberlain Circle (2096 and 2106 Austell Road). ***(Previously continued by Staff from the December 3, 2024, and February 4, 2025, Planning Commission (PC) hearings until the March 4, 2025, PC hearing; therefore, was not considered at this hearing).***
- SLUP-2** **FREE BIRD COMMUNICATIONS, LLC** (Dixie L. Stretch and Donald G. Stretch, owners) requesting a **Special Land Use Permit** for a 185-foot communications tower in land lot 160 of the 20th district. Property is located on the northeast corner of Acworth Due West Road and Jim Owens Road (2516 Acworth Due West Road). ***(Continued by staff from the February 4, 2025, Planning Commission (PC) hearing until the March 4, 2025, PC hearing; therefore, was not considered at this hearing).***

Mr. Pederson made the following announcement and then read in the Consent Agenda.

INFORMATION REGARDING ZONING CASES

All information regarding zoning cases must be turned in to the Zoning Office on the Wednesday prior to the zoning hearing for consideration. If said information is turned in past the deadline, then it is at the Board's discretion as to whether the information will be considered.

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CONSENT AGENDA

MOTION: Motion by Beloin, second by Lindstrom, to **approve** the Consent Agenda, *as revised*.

Z-1 **TT OF KENNESAW, INC.** (TT of Kennesaw, Inc., owner) requesting rezoning from **R-30** and **GC** to **CRC** for used car sales and an automotive parking lot in land lot 125 of the 20th district. Property is located on the south side of Cobb Parkway, on the north side of New Rutledge Road, east of Jim Owens Road (3067 North Cobb Parkway).

To recommend **approval** of Z-1 to the **CRC** zoning district, subject to:

1. **Site Plan received by the Zoning Division on December 2, 2024, with minor modifications to be approved by the District Commissioner (on file in the Zoning Division)**
2. **Applicant to plant a 40-foot landscape buffer along New Rutledge Road, which is to create a visual screening barrier that shall remain in perpetuity, with the District Commissioner to assess the adequacy**
3. **There is to be no amplified sound within 100 feet of New Rutledge Road**
4. **Fire Department comments and recommendations**
5. **Stormwater Management Division comments and recommendations**
6. **Water and Sewer Division comments and recommendations**
7. **Department of Transportation comments and recommendations**
8. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 18, 2025**

Z-3 **TRATON HOMES** (Karen C. Pigott, as Executor of the Estate of Bernard E. Inhulsen, owners) requesting rezoning from **R-80** to **R-30** and **R-80** for a single-family residential subdivision in land lots 386 and 429 of the 19th district. Property is located on the north side of Lost Mountain Road, east of Macland Woods Drive (1949 Lost Mountain Road).

To recommend **approval** of Z-3 to the **R-30** and **R-80** zoning districts, subject to:

1. **District Commissioner to approve the final Site Plan and building elevations**
2. **District Commissioner to approve the final Landscape Plan**
3. **Letter of agreeable conditions from Parks Huff dated January 29, 2025 (on file in the Zoning Division), with the following change:**
 - A. **Item No. 11 – delete in its entirety**
4. **Any Staff comment stating, “fee in lieu of sidewalks” is to be deleted**
5. **Fire Department comments and recommendations**
6. **Water and Sewer Division comments and recommendations**

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CONSENT AGENDA (CONT.)

Z-3 TRATON HOMES (CONT.)

- 7. Stormwater Management Division comments and recommendations**
- 8. Department of Transportation comments and recommendations**
- 9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 18, 2025**

Z-4 JUSCELIO CRUZ (Feydi Mendez Hernandez, owner) requesting rezoning from **R-20** and **RM-12** to **R-15** for two single-family houses in land lot 590 of the 18th district. Property is located on the west side of Elsner Road, south of Riverside Parkway (7310 Elsner Road).

To recommend **deletion** of Z-4 to the **R-20** zoning districts, subject to:

- 1. District Commissioner to approve the final Site Plan, final Landscape Plan, and final house elevations**
- 2. Fire Department comments and recommendations**
- 3. Stormwater Management Division comments and recommendations**
- 4. Water and Sewer Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**
- 6. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 18, 2025**

LUP-1 THE GIVING GARDENS, INC. (The Giving Gardens, Inc., owner) requesting a **Temporary Land Use Permit (Renewal)** for a community garden space including animal husbandry, education, mobile food service unit, food sales, and intern housing in land lots 183 and 250 of the 17th district. Property is located on the north side of Cooper Lake Road, and on the east side of Waits Drive (79 Cooper Lake Road, 5288 Waits Drive).

To recommend **approval** of LUP-1 for **24 months**, subject to:

- 1. No parking on the right-of-way; all customer and client parking must be on the adjacent, paved church property parking lot**
- 2. No exterior signs**
- 3. No outside storage allowed**
- 4. Department of Transportation comments and recommendations**
- 5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 18, 2025**

LUP-2 JACQUELINE TIO (Jacqueline Tio, owner) requesting a **Temporary Land Use Permit (Renewal)** to allow occupancy of an accessory structure in land lot 256 of the 16th district. Property is located on the west side of Wesley Chapel Road, north of Rivaridge Drive (4015 Wesley Chapel Road).

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CONSENT AGENDA (CONT.)

LUP-2 JACQUELINE TIO (CONT.)

To recommend **approval** of LUP-2 for **24 months**, subject to:

- 1. To be used for personal (family) use *only***
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 18, 2025**

LUP-3 ARCHBISHOP GREGORY J. HARTMAYER, ARCHBISHOP OF THE ARCHDIOCESE OF ATLANTA, AS TRUSTEE OF AOA PARISH REAL ESTATE TRUST (Most Reverend John F. Donoghue, D.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta and/or His Successors in Office, owners) requesting a **Temporary Land Use Permit (RENEWAL)** for a catholic campus ministry in land lot 97 of the 20th district. Property is located on the west side of Campus Loop Road, across from Paulding Avenue (3487 Campus Loop Road).

To recommend **approval** of LUP-3 for **24 months**, subject to:

- 1. All parking to be within the driveway or at Kennesaw State University (KSU)**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 18, 2025**

LUP-5 CAITLIN COSTELLO (Caitlin Costello, owner) requesting a **Temporary Land Use Permit (RENEWAL)** for growing and selling cut flowers in land lot 156 of the 1st district. Property is located on the north side of Sunset Trail, east of Bayliss Drive (5171 Sunset Trail).

To recommend **approval** of LUP-5 for **24 months**, subject to:

- 1. Adherence to all code requirements for customary home occupations, *not in conflict***
- 2. No sales from this location**
- 3. No exterior signs**
- 4. Department of Transportation comments and recommendations**
- 5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 18, 2025**

LUP-7 GARFIELD MCCOOK (Garfield McCook and Andrea McCook, owners) requesting a **Temporary Land Use Permit (RENEWAL)** for a personal care home in land lot 22 of the 20th district. Property is located on the south side of Stilesboro Road, west of Allatoona Lane (4549 Stilesboro Road).

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CONSENT AGENDA (CONT.)

LUP-7 GARFIELD MCCOOK (CONT.)

To recommend **approval** of LUP-7 for **24 months**, subject to:

- 1. Maximum of 14 residents**
- 2. Maintain turn around capabilities of driveway so that vehicles can exit the property frontwards**
- 3. No exterior signs**
- 4. Maintain all State and County required permits**
- 5. Maintain the size of the lot as it currently exists**
- 6. Department of Transportation comments and recommendations**
- 7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 18, 2025**

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

REGULAR AGENDA

At the call for Z-37²⁴ (Bosco Ikeakanam), the Applicant was not present, but there was opposition present. The case was put on hold to see if the Applicant could be reached. Later in the hearing, a recommendation for the case was made (see page 7 of these minutes).

Chairman Vault arrived at the hearing.

LUP-4 HERO FARMED COOPERATIVE (Chimney Springs Homeowners' Association, Inc., owner) requesting a **Temporary Land Use Permit** for a pop-up market to sell frozen, packaged meats in land lots 21, 22, and 57 of the 1st district. Property is located on the south side of Hearthstone Circle and on the south side of Chimney Springs Drive (2465 Hearthstone Circle).

The public hearing was opened; Thomas Fernandes, Richard Grome, Michelle Hutchinson, and Marcia Goldstein addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Lindstrom, second by Hughes, to recommend **denial** of LUP-4.

VOTE: **ADOPTED** 4-0

LUP-6 LAKEE GULLEDGE BANDA (Diego A. Banda-Andrade, owner) requesting a **Temporary Land Use Permit** to allow more than one business vehicle to be parked on the premises in land lot 1012 of the 19th district. Property is located on the north side of Eloquent Lane, east of Ewing Road (2711 Eloquent Lane).

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REGULAR AGENDA (CONT.)

LUP-6 LAKEE GULLEDGE BANDA (CONT.)

The public hearing was opened, and Lakee Gullledge Banda addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Lindstrom, to recommend **denial** of LUP-6.

VOTE: **ADOPTED** 4-0

Z-37'²⁴ **BOSCO IKEAKANAM** (Sunrise GA Inc., owner) requesting rezoning from **R-20** to **O&I** for a doctor's office in land lot 1006 of the 19th district. Property is located on the west side of Austell Road, north of Drennon Avenue (4470 Austell Road). *(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, through the December 3, 2024, PC hearings until the February 4, 2025, PC hearing).*

Mr. Pederson announced that the Applicant was contacted but would not be attending the hearing today; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **denial** of Z-37'²⁴.

VOTE: **ADOPTED** 4-0

SLUP-3 SWARM FOOTBALL CLUB, LLC (Cobb Futbol Holdings, LLC, owner) requesting a **Special Land Use Permit** for a soccer facility in land lots 862 and 841 of the 19th district. Property is located south of Marathon Circle, south of the East-West Connector (3598 Marathon Circle).

The public hearing was opened; Kevin Moore, Steve Jungk, and Siman Davey addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Lindstrom, to **hold** SLUP-3 until the March 4, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0

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APPROVAL OF MINUTES

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

December 3, 2024 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 4-0

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

January 7, 2025 – Special Called Meeting/Agenda Review Work Session for the *proposed* 2025 Comprehensive Plan and Future Land Use Amendments

VOTE: **ADOPTED** 4-0

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

January 7, 2025 – Planning Commission's 2025 Comprehensive Plan and Future Land Use Amendments Hearing

VOTE: **ADOPTED** 4-0

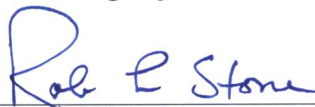
MOTION: Motion by Lindstrom, second by Hughes, to **approve** the following minutes, *as submitted*:

January 27, 2025 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 4-0

ADJOURNMENT

The hearing adjourned at 10:38 a.m.



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