

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 20, 2025
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, May 20, 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 Board were:

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

Commissioner Erick Allen – not present

CALL TO ORDER – CHAIRWOMAN CUPID

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

LUP-20 **ALEXIS HOUSEKNECHT** (Christopher Linck, owner) requesting a **Temporary Land Use Permit** for backyard geese in land lot 665 of the 16th district. Property is located on the east side of Wilderness Way, north of Whitlock Road (2306 Wilderness Way). **WITHDRAWN WITHOUT PREJUDICE**

O.B. 16 Terrence Ralph requesting consideration for a road frontage reduction from 75-feet to 0-feet for a single-family house on Tract 8B, and other variances as shown on the site plan. Property is located on the south side of North River Forest Court, south of North River Forest Drive in land lot 281 of the 1st district (707 North River Forest Court). *(Previously continued by the Board of Commissioners (BOC) from the April 15, 2025, BOC Zoning hearing until the May 20, 2025, BOC Zoning hearing).* **WITHDRAWN WITHOUT PREJUDICE**

O.B. 20 To consider amending the stipulations for Karan Singh regarding rezoning application Z-41 of 2022. Property is located at the southwest corner of Shallowford Road and Trickum Road in land lot 339 of the 16th district (3705 Trickum Road). *(Continued by Staff until the May 20, 2025, Board of Commissioners' (BOC) Zoning Hearing).* **WITHDRAWN WITHOUT PREJUDICE**

O.B. 21 Jorge Gomez requesting consideration of a road frontage reduction from 75-feet to 0-feet for property located on the north side of Conway Drive in land lot 279 of the 1st district (5647 Conway Drive). **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

LUP-22 **TAIWO AKINGBEHIN** (Lagos & Colony LLC, owner) requesting a **Temporary Land Use Permit** for a temporary car lot, car sales/dealership in land lot 15 of the 17th district. Property is located on the east side of Austell Road, south of Windy Hill Road (2415 Austell Road).

Mr. Pederson presented the Applicant's request to withdraw LUP-22 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **allow** LUP-22 to be *withdrawn without prejudice*.

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

Z-2'²⁴ **FLOURNOY DEVELOPMENT GROUP, LLC** (Cobb County, owner) requesting rezoning from **GC** to **RRC** for multifamily residential 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 June 3, 2025, Planning Commission (PC) hearings until the July 1, 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; held by the PC from the March 4, 2025, through the May 6, 2025, PC hearings until the June 3, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-7 **FORT & COLE STREET, LLC** (Estate of Betty J. King (a/k/a Betty Hayes King) and Jerry Wayne Hayes, owners) requesting rezoning from **R-15** to **FST** for townhomes in land lot 639 of the 19th district. Property is located on the northwest corner of Powder Springs Road and Wood Meadows Drive (2318 Powder Springs Road). *(Held by the Planning Commission (PC) from the April 1, 2025, and May 6, 2025, PC hearings until the June 3, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-9 **WHATABURGER RESTAURANTS, LLC** (West Village Associates, LLC, owner) requesting rezoning from **R-20** to **PVC** for a restaurant in land lot 748 of the 17th district. Property is located on the south side of Atlanta

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-9 WHATABURGER RESTAURANTS, LLC (CONT.)

Road, east of West Village Way, and northwest of Pine Street (Atlanta Road). *(Continued by Staff from the May 6, 2025, Planning Commission (PC) hearing until the June 3, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-10 THE REVIVE LAND GROUP, LLC (Ricardo Larred, James Copeland, Vernamarie Truan, Alfred Geoffrey Alex Truan, Joyce Fabrie, Judith Ann Howell, Jon M. Howell, Kymberly B. Matthews, and Jimmy D. Walker, owners) requesting rezoning from **R-20** to **RSL** for a residential senior living subdivision in land lots 498, 538, 539, 572, and 613 of the 19th district. Property is located on the south side of Macland Road, the east side of Hopkins Road, and the north side of John Petree Road (2495 Hopkins Road, 3455 Macland Road, 3445 Macland Road, 2505 Hopkins Road, 2531 Hopkins Road, 2445 Hopkins Road, and 2427 Hopkins Road). *(Held by the Planning Commission (PC) from the May 6, 2025, PC hearing until the June 3, 2025, PC hearing; therefore, was not considered at this hearing).*

LUP-8 ANGELA BENITEZ (Hector A. Benitez and Angela Marina B. Escamilla, owners) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 478 of the 19th district. Property is located on the west side of Chamirey Drive, southwest of Callaway Road (1478 Chamirey Drive). *(Previously held by the Planning Commission (PC) from the March 4, 2025, PC hearing until the May 6, 2025, PC hearing; continued by Staff from the May 20, 2025, Board of Commissioners' (BOC) Zoning hearing until the June 17, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*

LUP-11 RICHARD GONZALEZ (Otoniel Gonzalez, owner) requesting a **Temporary Land Use Permit (Renewal)** to allow more vehicles than the code allows in land lot 795 of the 19th district. Property is located on the north side of Hopkins Court, east of Hopkins Road (3450 Hopkins Court). *(Previously continued by the Planning Commission (PC) from the April 1, 2025, and May 6, 2025, PC hearings until the June 3, 2025, PC hearing; therefore, was not considered at this hearing).*

LUP-12 JONATHAN MARTIN (Juan Castaneda, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 307 of the 17th district. Property is located on the southeast corner of Norton Circle and Orrin Drive (340 Norton Circle). *(Continued by the Planning Commission (PC) from the April 1, 2025, and May 6, 2025, PC hearings until the June 3, 2025, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- LUP-18** **ARTEMIO CALDERON** (Artemio Calderon, owner) requesting a **Temporary Land Use Permit** to allow more people and vehicles than the code allows in land lot 56 of the 17th district. Property is located on the north side of Walnut Circle, across from Birchwood Court (987 Walnut Circle). *(Continued by the Planning Commission (PC) from the May 6, 2025, PC hearing until the June 3, 2025, PC hearing; therefore, was not considered at this hearing).*
- LUP-19** **IANNEL SALAS** (Felipe Manuel, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 207 of the 17th district. Property is located on the south side of Tatum Street, west of Olive Springs Road (53 Tatum Street). *(Held by the Planning Commission (PC) from the May 6, 2025, PC hearing until the June 3, 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). *(Previously continued by Staff from the February 4, 2025, through the April 1, 2025, Planning Commission (PC) hearings until the May 6, 2025, PC hearing; held by the PC from the May 6, 2025, PC hearing until the June 3, 2025, PC hearing; therefore, was not considered at this hearing).*
- O.B. 22** To consider amending the site plan and stipulations for Whataburger Restaurants, LLC regarding rezoning application Z-64 of 2017. Property is located on the northwest side of West Village Parkway, the south side of West Atlanta Road, the west side of Atlanta Road, and the westerly side of Pine Street in land lot 748 of the 17th district (4448 Atlanta Road). *(Continued by Staff from the May 20, 2025, Board of Commissioners' (BOC) Zoning hearing until the June 17, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 23** Jamila Brown requesting consideration of a lot size reduction from 20,000 square-feet to 13,397 square-feet (existing) for property located on the south side of Gresham Road, east of Glencrest Drive in land lot 1137 of the 16th district (Gresham Road). *(Continued by Staff from the May 20, 2025, Board of Commissioners' (BOC) Zoning hearing until the June 17, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 14** To consider installing a gate and making Allatoona Heights subdivision a private road for David Pearson Communities, Inc. Property is located at the western end of Collins Road in land lots 190 and 191 of the 20th district (Collins Road). *(Previously continued by Staff from the March 18, 2025,*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 14 (CONT.)

Board of Commissioners' (BOC) Zoning hearing until the April 15, 2025, BOC Zoning hearing; continued by the BOC from the April 15, 2025, BOC Zoning hearing until the May 20, 2025, BOC Zoning hearing; continued by Staff until the June 17, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).

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

INFORMATION REGARDING ZONING CASES

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

CONSENT AGENDA

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

Z-11 HARMONY WELLNESS & BEAUTY SUPPLIES, LLC (Petuanna Matthew-Sam, owner) requesting rezoning from **R-20** to **NRC** for a retail wellness and beauty supply business in land lots 946 and 979 of the 19th district. Property is located on the southwest corner of Austell Powder Springs Road and Old Austell Road (4186 Austell Powder Springs Road).

To **approve** Z-11 to the **NRC** zoning district, subject to:

1. **Waive the buffer requirement adjacent to the R-20 parcel to the south**
2. **Driveway and parking to be paved and striped to County standards**
3. **Refuse and designated recycling collection location facilities must be contained within completely enclosed facilities**
4. **Fire Department comments and recommendations**
5. **Site Plan Review comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Planning Division comments and recommendations**
8. **Water and Sewer Division comments and recommendations**
9. **Department of Transportation comments and recommendations**

LUP-9 JOSE A. ESCARENA (Jose A. Escarena, owner) requesting a **Temporary Land Use Permit** to allow occupancy of an accessory structure and more vehicles in land lot 773 of the 19th district. Property is located on the south

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CONSENT AGENDA (CONT.)

LUP-9 JOSE A. ESCARENA (CONT.)

side of King Arthur Drive, west of Castle Way (3404 King Arthur Drive).
(Previously continued by the Planning Commission (PC) from the April 1, 2025, PC hearing until the May 6, 2025, PC hearing.)

To approve LUP-9 for **12 months**, subject to:

1. Applicant to apply for and submit a building permit for the accessory structure
2. Building Inspections to inspect the accessory structure within 30 days from today's (5-20-2025) date
3. The accessory structure must pass the inspection before it can be occupied
4. Code Enforcement to conduct quarterly inspections to verify compliance

LUP-16 KEVIN T. BOWEN (Kevin Timothy Bowen and Amelia Dawn Bowen, owners) requesting a **Temporary Land Use Permit** for musical instrument repair in land lot 640 of the 16th district. Property is located on the western side of Retreat Close, west of Retreat Drive (340 Piedmont Road).

To approve LUP-16 for **24 months**, subject to:

1. Hours of operation shall be from 10:00 a.m. until 5:00 p.m. on Tuesdays, Thursdays, and Fridays, from 10:00 a.m. until 7:00 p.m. on Wednesdays, and from 10:00 a.m. until 2:00 p.m. on Saturdays
2. Maximum of five customers per week
3. All customers by appointment *only*
4. No signage or outside storage
5. All parking shall be on the driveway
6. Applicant shall be the only employee
7. Fire Department comments and recommendations
8. Stormwater Management Division comments and recommendations
9. Planning Division comments and recommendations
10. Water and Sewer Division comments and recommendations
11. Department of Transportation comments and recommendations

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

To approve LUP-17 for **24 months**, subject to:

1. Maximum of five clients per day

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CONSENT AGENDA (CONT.)

LUP-17 RAESITA ALLEN (CONT.)

- 2. All clients by appointment *only***
- 3. One employee**
- 4. No signage**
- 5. Department of Transportation comments and recommendations**
- 6. Fire Department comments and recommendations**
- 7. Stormwater Management Division comments and recommendations**

LUP-23 ROGER ALEXANDER (Roger Alexander, owners) requesting a **Temporary Land Use Permit (RENEWAL)** for vehicle parking in land lot 235 of the 16th district. Property is located on the west side of Keheley Road, north of Myrtle Drive (4175 Keheley Road).

To **approve** LUP-23 for **24 months**, subject to:

- 1. Vehicle to be parked on a hardened surface**

SLUP-4 GEAR HOLDINGS, LLC (Metro Atlanta Automobile Dealers Association, Inc., owner) requesting a **Special Land Use Permit** for an automotive storage club and light automotive repair in land lot 1010 of the 17th district. Property is located on the northwest side of Interstate North Parkway, east of Cumberland Boulevard (440 Interstate North Parkway).

To **approve** SLUP-4, subject to:

- 1. Light automotive repair use shall be indoor *only***
- 2. No heavy automotive repair**
- 3. Maintain a landscaped screening buffer of 40 feet along the property lines abutting residentially zoned properties**
- 4. Hours of operation shall be from 8:00 a.m. until 9:00 p.m. on the weekday nights, and no later than 10:00 p.m. on the weekends**
- 5. No running or revving of loud engines outdoors**
- 6. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities**
- 7. No outdoor storage or outdoor display of merchandise**
- 8. Fire Department comments and recommendations**
- 9. Stormwater Management Division comments and recommendations**
- 10. Planning Division comments and recommendations**
- 11. Water and Sewer Division comments and recommendations**
- 12. Department of Transportation comments and recommendations**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS

O.B. 24 To consider amending the stipulations for Chris Bryant regarding rezoning application Z-34 of 2023. Property is located on the east side of Cobb Parkway, north of Awtrey Church Road in land lot 2 of the 20th district (4946 Cobb Parkway).

To **approve** O.B. 24, subject to:

- 1. Baseball training and batting cages are permitted**
- 2. Fire Department comments and recommendations**
- 3. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

O.B. 25 To consider amending the stipulations for Gurkirpa Investors, LLC regarding rezoning application Z-25 of 2008. Property is located on the west side of Canton Road, south of Westerly Way in land lots 660 and 709 of the 16th district (Canton Road).

To **approve** O.B. 25, subject to:

- 1. *Landscape buffer reduction only in areas shown on the Site Plan last revised April 16, 2025 (attached and made a part of these minutes) due to existing sewer and utility easements***
- 2. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

CONSENT VOTE: **ADOPTED** 4-0, Allen not present

REGULAR AGENDA

LUP-15 **EMILY JORDAN** (Emily Jordan and Richard Jordan, owners) requesting a **Temporary Land Use Permit** for a pediatric development camp in land lots 1259 and 1260 of the 16th district. Property is located on the north side of Paper Mill Road, east of Woodlawn Drive (4351 Paper Mill Road).

The public hearing was opened; Emily Jordan and Richard Grome addressed the Board. Following the presentation and discussion, the Applicant was agreeable to withdrawing the case without prejudice. Thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **allow** LUP-15 to be *withdrawn without prejudice*.

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

Clerk's Note: *Commissioner Birrell requested the Applicant work with Staff and the State to provide a better plan.*

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REGULAR AGENDA (CONT.)

Chairwoman Cupid called for a brief recess from 10:05 a.m. until 10:10 a.m.

LUP-21 **TIMOTHY DAVIS** (Timothy M. Davis, owner) requesting a **Temporary Land Use Permit** for backyard chickens in land lot 303 of the 20th district. Property is located on the western side of Pavillion Drive, across from Trellis Court (5893 Pavillion Drive).

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

MOTION: Motion by Gambrill, second by Birrell, to **deny** LUP-21, subject to:

1. Applicant to come into compliance by November 1, 2025

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

MOTION TO CONDUCT EXECUTIVE SESSION

MOTION: Motion by Cupid, second by Birrell, to **approve** the call of an Executive Session to begin at 10:40 a.m. to discuss matters which may be discussed in Executive Session.

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

ADJOURNMENT

The hearing adjourned at 10:24 a.m.

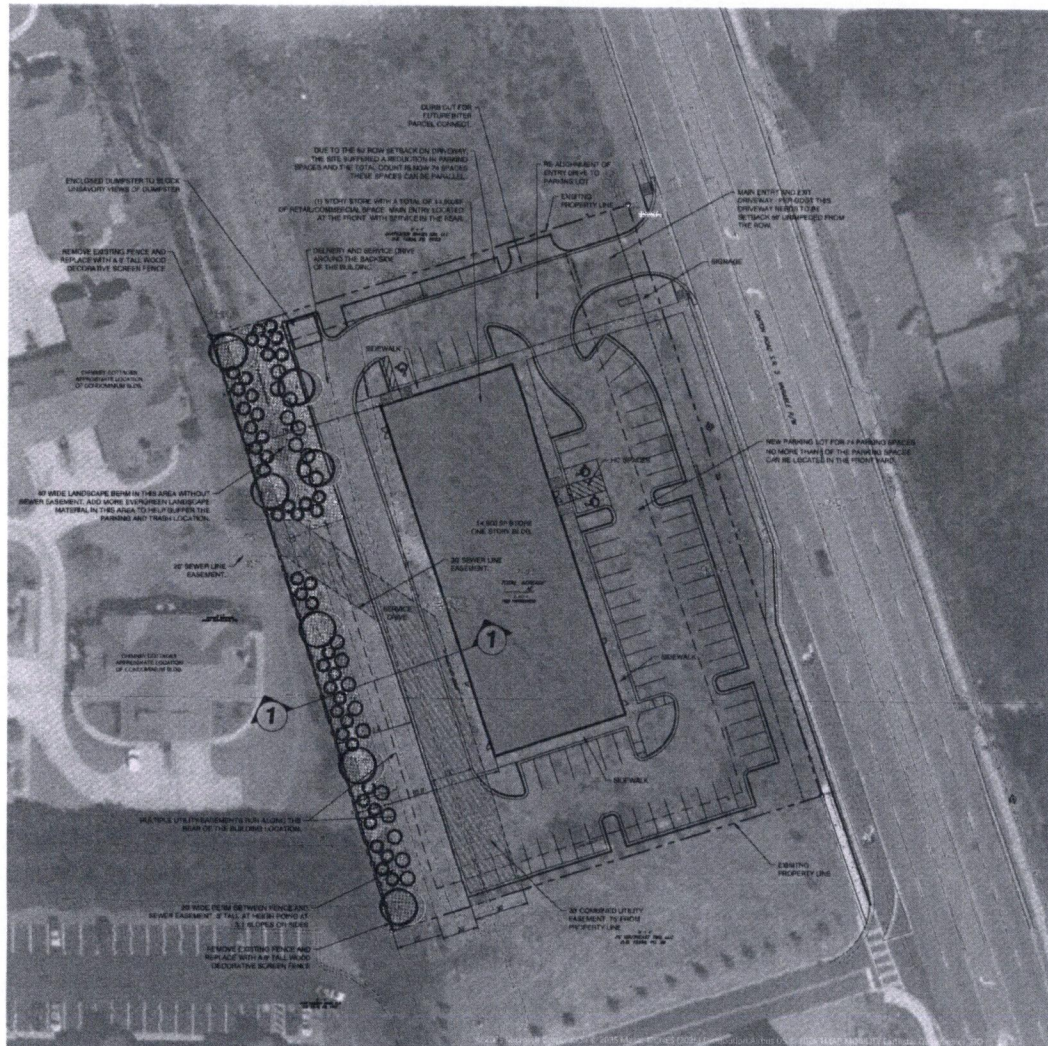


Robin L. Stone, Deputy County Clerk
Cobb County Board of Commissioners

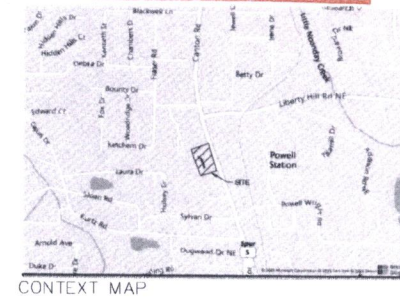
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 APR 16 2025
 COBB COUNTY ZONING

Revised



SITE CONCEPT PLAN



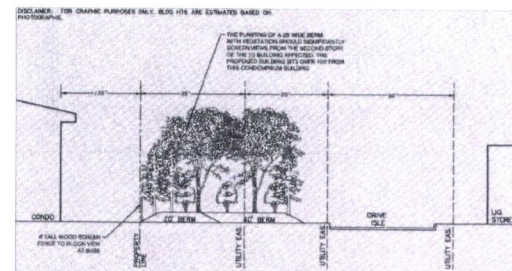
SITE DATA:

SITE ACREAGE = 1.87 ACRES
 PROPERTY IS ZONED NRC (NEIGHBORHOOD RESIDENTIAL COMMERCIAL)
 FAR OF THIS PROPERTY IS .75
 (1) STORY BUILDING @ 14,800 SF
 80% COVERAGE MAX FOR IMPERVIOUS.

SETBACKS:
 FRONT SETBACK = 40'
 SIDE SETBACK = 15'
 REAR SETBACK = 30'

BUILDING IS (1) STORY 14,800 GSF MULTI-TENANT
 RETAIL/COMMERCIAL SPACE
 PARKING REQUIRED IS 1 SPACE PER 200 SF
 14,800 GSF / 200 SF = 74 SPACES REQUIRED
 SERVICE, DELIVERIES AND TRASH LOCATED AT THE REAR OF THE BLDG.

A 40' LANDSCAPE BUFFER IS REQUIRED ALONG THE WESTERN
 PROPERTY LINE (APPROX 339 L). EXISTING UTILITY EASEMENTS FOR
 SEWER AND STORM CURRENTLY TAKE UP APPROXIMATELY A 50'
 WIDE SECTION ALONG THE WESTERN PROPERTY LINE THAT CANNOT
 BE PLANTED WITH LANDSCAPE MATERIAL. WITHIN THE EASEMENT
 BOUNDARIES A 25' SECTION CAN BE PLANTED WITH EVERGREEN
 BUFFER MATERIAL UP AGAINST THE PROPERTY LINE FOR
 APPROXIMATELY 212 LF. APPROXIMATELY 104' OF THE WESTERN
 PROPERTY LINE CAN ACCOMMODATE THE 40' LANDSCAPE BUFFER.
 SEE SITE PLAN GRAPHIC SHOWING THE BUFFER IN A GREEN COLOR.



SITE SECTION 1 - NTS

RETAIL STORE STUDY
 FOR:
GURKIRPA INVESTORS, LLC
 CANTON ROAD PID # 16066000850
 LAND LOT 860 & 709
 16TH DISTRICT, 2ND SECTION
 COBB COUNTY GEORGIA



RASK
 CIVIL ENGINEERING
 PO BOX 1390
 JASPER, GA 30143
 (404) 226-6795

Project: 230804
 Date: 3-26-2025
 Sheet: SP.0
 Scale: 1"=30'

NOT ISSUED FOR CONSTRUCTION

Revised
 Site Plan
 05-25-2025