

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
MAY 6, 2025
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, May 6, 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:

Michael Hughes, Vice Chairman
Fred Beloin
Deborah Dance
Nadia Faucette

CALL TO ORDER – VICE CHAIRMAN HUGHES

Vice Chairman Hughes called the hearing to order at 9:04 a.m.

***Clerk's Note:** Mr. John Pederson, Zoning Division Manager, thanked Stephen Vault for his service and introduced Nadia Faucette, who was appointed by Chairwoman Cupid and replaced Stephen Vault. Mr. Pederson also introduced Deborah Dance, who was appointed by Commissioner Birrell and replaced Christine Lindstrom.*

Mr. Pederson reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES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 ***WITHDRAWN WITHOUT PREJUDICE***

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-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 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).***

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

INFORMATION REGARDING ZONING CASES

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

CONSENT AGENDA

MOTION: Motion by Beloin, second by Faucette, to **approve** 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 recommend **approval** of 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**
10. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 20, 2025**

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 recommend **approval** of 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**

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CONSENT AGENDA (CONT.)

LUP-16 KEVIN T. BOWEN (CONT.)

- 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**
- 12. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 20, 2025**

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 recommend **approval** of LUP-17 for **24 months**, subject to:

- 1. Maximum of five clients per day**
- 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**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 20, 2025**

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 recommend **approval** of LUP-23 for **24 months**, subject to:

- 1. Vehicle to be parked on a hardened surface**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 20, 2025**

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CONSENT AGENDA (CONT.)

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 recommend **approval** of 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**
- 13. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 20, 2025**

Prior to approving the Consent Agenda, Mr. Beloin requested that LUP-21 (Timothy Davis) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read the case into the record, Mr. Beloin added his stipulation, and the case was added to the Consent Agenda.

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).

To recommend **approval** of LUP-21, subject to:

- 1. The number of backyard chickens shall be reduced to 10 chickens within 12 months from the date the permit was issued and are to be reduced to the maximum of eight chickens within 20 months from the date the permit was issued**

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CONSENT AGENDA (CONT.)

LUP-21 TIMOTHY DAVIS (CONT.)

MOTION: Motion by Beloin, second by Dance, to **add** LUP-21 to the Consent Agenda.

VOTE: **ADOPTED** 4-0

CONSENT VOTE: **ADOPTED** 4-0

REGULAR AGENDA

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, PC hearing until the May 6, 2025, PC hearing).*

The public hearing was opened; Junaid Virani and Aryn Chagani addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Faucette, to **hold** Z-68^{'24} until the June 3, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0

***Clerk's Note:** The Planning Commission requested the Applicant work with DOT to resolve any remaining traffic issues and provide any updates to the Site Plan prior to the next 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). *(Previously held by the Planning Commission (PC) from the April 1, 2025, PC hearing until the May 6, 2025, PC hearing).*

The public hearing was opened; Kevin Moore, Stephen Swanson, Soren Spiva, Travis McComb, and Christal McDowell addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-7 FORT & COLE STREET, LLC (CONT.)

MOTION: Motion by Hughes, second by Faucette, to **hold** Z-7 until the June 3, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0

Clerk's Note: Vice Chairman Hughes requested that the Applicant meet with the opposition and revise the stipulation letter to incorporate language regarding the private streets that will be part of this development.

Mr. Pederson requested that SLUP-2 (Free Bird Communications, LLC) be moved up on the agenda and heard next. Mr. Beloin recused himself from this case.

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).*

The public hearing was opened; Greg Spence, Steven Sullivan, Sarah Mabes, Jimi Richards, and Michael Chadwell addressed the Planning Commission. Following the presentation and discussion by the Applicant and the opposition, Vice Chairman Hughes called for a brief recess from 10:08 a.m. to 10:22 a.m. to allow time for Brian Johnson, Sr. Associate County Attorney, to provide the specific code section applicable to this application and identify the particular provisions that can be considered for this application.

Following the recess, Susan Rabold from CityScape Consultants, Inc. addressed the Planning Commission. Discussion ensued, and the following motion was made:

MOTION: Motion by Dance, second by Faucette, to **hold** SLUP-2 until the June 3, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Beloin recused

Clerk's Note: Ms. Dance requested that a community meeting be held between the Applicant and members of the community and that questions asked of the Applicant prior to the next hearing be addressed in the hearing.

LUP-8 ANGELA BENITEZ (Hector A. Benitez and Angela Marina B. Escamilla, owners) requesting a **Temporary Land Use Permit** to allow more vehicles

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REGULAR AGENDA (CONT.)

LUP-8 ANGELA BENITEZ (CONT.)

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).*

The public hearing was opened; Angela Benitez, Michael Carronza (interpreter for Applicant), Bob Powser, and Martin Reese addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to recommend denial of LUP-8.

Prior to the vote, Vice Chairman Hughes amended his previous motion for LUP-8 as follows:

MOTION: Motion by Hughes, second by Dance, to recommend approval of LUP-8 for six related adults and to recommend denial of LUP-8 for additional vehicles.

VOTE: **ADOPTED 4-0**

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

The public hearing was opened; Jose Escarena and Ricardo Larred (offered to be the interpreter for the Applicant) addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend approval of 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 (5-6-2025) date**
- 3. The accessory structure must pass the inspection before it can be occupied**

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REGULAR AGENDA (CONT.)

LUP-9 JOSE A. ESCARENA (CONT.)

4. Code Enforcement to conduct quarterly inspections to verify compliance

VOTE: **ADOPTED 4-0**

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, PC hearing until the May 6, 2025, PC hearing).*

At the call for LUP-11, the Applicant was not present, and there was no opposition present; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Faucette, to **continue** LUP-11 until the June 3, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 4-0**

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).

At the call for LUP-12, the Applicant was not present, and there was no opposition present; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **continue** LUP-12 until the June 3, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 4-0**

Vice Chairman Hughes called for a lunch recess at 11:45 a.m. The hearing reconvened at 1:00 p.m.

Following the lunch recess, Vice Chairman Hughes announced that LUP-15 (Emily Jordan) was moved up on the agenda and heard next to accommodate a request.

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).

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REGULAR AGENDA (CONT.)

LUP-15 EMILY JORDAN (CONT.)

The public hearing was opened; Emily Jordan and Ben Alper addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of LUP-15 for **24 months**, subject to:

- 1. Hours of operation from 9:00 a.m. until 1:30 p.m.**
- 2. Three weeks in the summer (one week each in June, July, and August)**
- 3. Limited to eight children**
- 4. Small yard sign (shaped like a house) to be displayed in the yard during the week of camp *only*, then removed**
- 5. Code enforcement to monitor during the weeks of camp; if there are issues, the LUP could be revoked**
- 6. Employees to park in the garage**

VOTE: **ADOPTED 4-0**

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).

The public hearing was opened; Kevin Moore, George Whitman, Julia Fednander, and Neville Allison addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **hold** Z-10 until the June 3, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 4-0**

***Clerk's Note:** Vice Chairman Hughes requested the Applicant meet with the community to discuss and address any issues.*

Ms. Dance temporarily left the hearing at 2:08 p.m.

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REGULAR AGENDA (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).

At the call for LUP-18, the Applicant was not present, and there was no opposition present; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **continue** LUP-18 until the June 3, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Dance not present

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).

The public hearing was opened; Iannel Salas, Alfredo Salas, and Will Landers addressed the Planning Commission. Ms. Dance returned to the hearing at 2:12 p.m. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **hold** LUP-19 until the June 3, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0

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).

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

MOTION: Motion by Hughes, second by Faucette, to recommend **denial** of LUP-22.

VOTE: **ADOPTED** 4-0

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APPROVAL OF MINUTES

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

April 1, 2025 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 4-0

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

April 28, 2025 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 4-0

ADJOURNMENT

The hearing adjourned at 2:28 p.m.



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