

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JUNE 3, 2025
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, June 3, 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 – left at 11:52 a.m.
David Anderson
Fred Beloin – arrived at 9:11 a.m.
Deborah Dance
Nadia Faucette

CALL TO ORDER – VICE CHAIRMAN HUGHES

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

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

CONTINUED CASES

- 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, and June 3, 2025, Planning Commission (PC) hearings until the July 1, 2025, PC hearing; therefore, was not considered at this hearing).*
- Z-14** **MIKE HECK** (David Marion Cantrell and Anthony Raymond Cantrell, as Trustees of the Doris Weatherford Cantrell Revocable Trust dated July 23, 2013, owners) requesting rezoning from **GC** and **NS** to **NRC** for neighborhood retail and a special contractor's office in land lot 296 of the 20th district. Property is located on the northwest side of Due West Road, northwest of Burnt Hickory Road, and at the terminus of Burnt Hickory Way (3808 Due West Road). *(Continued by Staff from the June 3, 2025, Planning Commission (PC) hearing until the July 1, 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 Dance, second by Faucette, to **approve** the Consent Agenda, *as revised*.

Z-12 **BELMONT CENTURY, LLC** (Belmont Century, LLC, owner) requesting rezoning from **NS** to **NRC** for a retail store (electronics) in land lots 277 and 278 of the 16th district. Property is located on the west side of Canton Road, south of Hawkins Store Road (4015 Canton Road).

To recommend **approval** of Z-12 to the **NRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on March 17, 2025 (on file in the Zoning Division), with the District Commissioner approving minor modifications**
- 2. Variances as stated in the Zoning Division comments and recommendations**
- 3. Fire Department comments and recommendations**
- 4. Water and Sewer Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**
- 6. Stormwater Management Division comments and recommendations**
- 7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on June 17, 2025**

At the call for Z-13 (Alliance Residential Company), opposition was present; therefore, Z-13 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 5 of these minutes).

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

Mr. Beloin arrived at 9:11 a.m.

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,

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REGULAR AGENDA (CONT.)

Z-68'²⁴ SAKSS AUSTELL, LLC (CONT.)

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).*

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 Anderson, second by Beloin, to recommend **approval** of Z-68'²⁴ to the NRC zoning district, subject to:

- 1. District Commissioner to approve the final Site Plan and building elevations**
- 2. County Arborist and District Commissioner to approve the final Landscape Plan**
- 3. Adherence to the Austell Road Design Guidelines**
- 4. Adherence to the service station canopy regulations**
- 5. Adherence to the landscape enhancement strip regulations**
- 6. Fire Department comments and recommendations**
- 7. Water and Sewer Division comments and recommendations**
- 8. Stormwater Management Division comments and recommendations**
- 9. Department of Transportation comments and recommendations**

VOTE: **ADOPTED 5-0**

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, and May 6, 2025, PC hearings until the June 3, 2025, PC hearing).*

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

MOTION: Motion by Hughes, second by Faucette, to recommend **approval** of Z-7 to the FST zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated May 27, 2025 (on file in the Zoning Division)**

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REGULAR AGENDA (CONT.)

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

2. District Commissioner to approve the final Site Plan
3. District Commissioner to approve the final building elevations and architecture
4. District Commissioner to approve the final Landscape Plan
5. Variances as stated in the Zoning Division comments and recommendations
6. Hours of construction shall be Monday through Friday from 7:00 a.m. until 6:00 p.m., Saturday and Sunday from 8:00 a.m. until 5:00 p.m.
7. Site Plan to be *revised* to reflect a 20-ft buffer along the western property line
8. Stormwater Management Division comments and recommendations
9. Fire Department comments and recommendations
10. Water and Sewer Division comments and recommendations
11. Department of Transportation comments and recommendations

VOTE: **ADOPTED 5-0**

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). *(Previously held by the Planning Commission (PC) from the May 6, 2025, PC hearing until the June 3, 2025, PC hearing).*

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

MOTION: Motion by Hughes, second by Faucette, to recommend **approval** of Z-10 to the **RSL** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated May 27, 2025 (on file in the Zoning Division)
2. Maximum density of 2.5 units per acre
3. District Commissioner to approve the final elevations
4. Planning Division comments and recommendations

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REGULAR AGENDA (CONT.)

Z-10 THE REVIVE LAND GROUP, LLC (CONT.)

- 5. Fire Department comments and recommendations**
- 6. Stormwater Management Division comments and recommendations**
- 7. Water and Sewer Division comments and recommendations**
- 8. Department of Transportation comments and recommendations**

VOTE: ADOPTED 5-0

Vice Chairman Hughes called for a brief recess from 10:58 a.m. until 11:10 a.m. Following the recess, SLUP-2 (Free Bird Communications, LLC) was brought forward on the agenda for discussion. Due to a conflict of interest, 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; held by the PC from the May 6, 2025, PC hearing until the June 3, 2025, PC hearing).*

Following the discussion, the Applicant for SLUP-2 requested a continuation of the case until next month; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to **continue** SLUP-2 until the July 1, 2025, Planning Commission Zoning Hearing, subject to:

- 1. Applicant to provide a letter that reflects a continuation of this case and tolling of the shot clock for thirty days until said date**
- 2. Applicant to hold an additional community meeting prior to the next Planning Commission Zoning Hearing**

VOTE: ADOPTED 4-0, Beloin recused

Z-13 ALLIANCE RESIDENTIAL COMPANY (AHG Galleria, LLC, owner) requesting rezoning from **RRC** to **RRC** for a multifamily residential development in land lots 949, 978, and 979 of the 17th district. Property is located on the southwesterly side of Cobb Parkway, northwest of Riverview Parkway (3200 South Cobb Parkway).

The public hearing was opened; Parks Huff and Travis McComb addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-13 ALLIANCE RESIDENTIAL COMPANY (CONT.)

MOTION: Motion by Anderson, second by Faucette, to recommend **approval** of Z-13 to the RRC zoning district, subject to:

1. Letter of agreeable conditions from Parks Huff dated June 3, 2025 (on file in the Zoning Division)
2. District Commissioner to approve the final Site Plan
3. District Commissioner to approve the final elevations
4. Variance as stated in the Zoning Division comments and recommendations
5. Applicant agrees to provide at least 10% of the spaces to be prewired for electrical vehicle (EV) charging stations at a level 2 or higher
6. Applicant agrees to a minimum unit size of 500 square feet
7. Egress point closest to Cobb Parkway shall be for *emergency access only*
8. Preservation of the existing tree line along Cobb Parkway
9. Provide a *revised* Site Plan indicating the egress point closest to Cobb Parkway as *emergency access only*
10. Fire Department comments and recommendations
11. Department of Transportation comments and recommendations
12. Water and Sewer Division comments and recommendations
13. Stormwater Management Division comments and recommendations

VOTE: **ADOPTED** 5-0

Prior to calling for a lunch recess, Vice Chairman Hughes announced he would not be returning for the remainder of the hearing. Pursuant to Section 5 of the Planning Commission Zoning Hearing Rules and Procedures, Mr. Pederson called for an election of a temporary Chair and Vice Chair to preside over the remainder of the hearing; therefore, the following motion was made:

MOTION: Motion by Dance, second by Anderson, to **appoint** Fred Beloin as *temporary* Chair and to **appoint** Nadia Faucette as *temporary* Vice Chair to preside over the remainder of the hearing.

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

Clerk's Note: Mr. Brian Johnson, Senior Associate County Attorney, thanked Vice Chairman Hughes for his years of service on the Planning Commission.

Vice Chairman Hughes called for a lunch recess at 11:52 a.m. and left the hearing. The hearing reconvened at 1:00 p.m.

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REGULAR AGENDA (CONT.)

- LUP-11** **RICHARD GONZALEZ** (Otoniel Gonzalez, owner) requesting a **Temporary Land Use Permit (Renewal)** to allow more vehicles and adults 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).*

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 Anderson, second by Faucette, to recommend **denial** of LUP-11.

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

- 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). *(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).*

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 Faucette, second by Anderson, to recommend **denial** of LUP-12.

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

- LUP-18** **ARTEMIO CALDERON** (Artemio Calderon, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults 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). *(Previously continued by the Planning Commission (PC) from the May 6, 2025, PC hearing until the June 3, 2025, PC hearing).*

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

MOTION: Motion by Beloin, second by Dance, to recommend **approval** of LUP-18 for **12 months**, subject to:

- 1. No chipper or dump truck to be parked in the driveway or in front of the house**

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REGULAR AGENDA (CONT.)

LUP-18 ARTEMIO CALDERON (CONT.)

2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on June 17, 2025

VOTE: **ADOPTED** 4-0, Hughes 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). *(Previously held by the Planning Commission (PC) from the May 6, 2025, PC hearing until the June 3, 2025, PC hearing).*

The public hearing was opened; Iannel Salas and Will Landers addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Dance, to **hold** LUP-19 until the July 1, 2025, Planning Commission Zoning Hearing.

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

Clerk's Note: The Planning Commission directed Code Enforcement look at the issues raised at this hearing and directed the Applicant to have the owner attend next month's hearing to answer questions posed by the opposition.

LUP-24 BRANDON LORENZO (Brandon Lorenzo, owner) requesting a **Temporary Land Use Permit** ~~for vehicle parking~~ **to allow occupancy of an accessory structure and to allow one extra vehicle** in land lot 1100 of the 19th district. Property is located on the southwest corner of Janet Way and Hiram Lithia Springs Road (4943 Janet Way).

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

MOTION: Motion by Dance, second by Faucette, to **hold** LUP-24 until the July 1, 2025, Planning Commission Zoning Hearing, subject to:

1. Applicant to have the accessory structure inspected prior to the next hearing

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

Clerk's Note: The incorrect case description for LUP-24 was inadvertently read into the record.

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APPROVAL OF MINUTES

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

May 6, 2025 – Planning Commission Zoning Hearing
May 27, 2025 – Special Called Meeting/Agenda Review Work Session

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

ADJOURNMENT

The hearing adjourned at 1:41 p.m.



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