

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
AUGUST 5, 2025
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, August 5, 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:

Nadia Faucette, Chairwoman
David Anderson
Fred Beloin
Deborah Dance
Deidra Massey – arrived at 9:03 a.m.

CALL TO ORDER – CHAIRWOMAN FAUCETTE

Chairwoman Faucette called the hearing to order at 9:02 a.m.

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

- Z-2²⁴** **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 August 5, 2025, Planning Commission (PC) hearings until the September 2, 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). *(Previously continued by Staff from the May 6, 2025, through the August 5, 2025, Planning Commission (PC) hearings until the September 2, 2025, PC hearing; therefore, was not considered at this hearing).*
- Z-17** **LITTLE SUNSHINE'S PLAYHOUSE** (Asad Nezamabadi, owner) requesting rezoning from **R-15** to **LRO** for a daycare in land lot 482 of the 16th district. Property is located on the northeast corner of Sandy Plains Road and Trickum Road (3090 Trickum Road, 3061 Sandy Plains Road). *(Continued by Staff from the August 5, 2025, Planning Commission (PC) hearing until the September 2, 2025, PC hearing; therefore, was not considered at this hearing).*
- Z-18** **RACETRAC, INC** (The Medford Family LP, owner) requesting rezoning from **PSC** to **NRC** for a convenience store with fuel sales in land lot 583 of the 16th district. Property is located on the northwest intersection of Bells

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CONTINUED CASES (CONT.)

Z-18 RACETRAC, INC (CONT.)

Ferry Road and Barrett Pkwy (2595 Bells Ferry Road). *(Continued by Staff from the August 5, 2025, Planning Commission (PC) hearing until the September 2, 2025, PC hearing; therefore, was not considered at this hearing).*

Mr. Pederson presented the Applicant's request to continue Z-15 (Sidnei Silva and Amber Silva) until the September 2, 2025, Planning Commission Zoning Hearing. Ms. Dance requested an update on the case; therefore, the case was heard later in the hearing (see page 3 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.

REGULAR AGENDA

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 a neighborhood retail and special contractor's office in land lot 296 of the 20th district. Property is located on the northeast side of Due West Road, northwest of Burnt Hickory Road, and at the terminus of Burnt Hickory Way (3808 Due West Road). *(Previously continued by Staff from the June 3, 2025, Planning Commission (PC) hearing until the July 1, 2025, PC hearing; held by the PC from the July 1, 2025, PC hearing until the August 5, 2025, PC hearing).*

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

MOTION: Motion by Beloin, second by Massey, to recommend **approval** of Z-14 to the **NRC** zoning district, subject to:

- 1. Letter of agreeable conditions from Parks Huff dated July 30, 2025 (on file in the Zoning Division), with the following changes:**

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REGULAR AGENDA (CONT.)

Z-14 MIKE HECK (CONT.)

- A. Item No. 8 – beginning with the third sentence, the remaining paragraph should be revised to read: *“Upon any discontinuance of Farmer John’s business, as a farmer’s market for more than 30 days, the building will be brought up to then current standards for a new Certificate of Occupancy (CO). A major renovation or rebuilding of this building to meet the then current CO standards will be done consistently with the architectural themes of the attached renderings. As long as the Farmer John’s building remains a vegetable stand, outdoor storage of produce will be allowed. Additionally, storage of Christmas trees, fruits, vegetables, flowers, plants, and other seasonal items outside will be allowed. Otherwise, there will be no outside storage permitted.”*
- B. Item No. 11 – revised to read: *“The architectural design of all buildings, including the Farmer John’s building and including its doors, shall be approved by the District Commissioner.”*
- C. Item No. 12 - revised to read: *“The office building and retail building will have a consistent architectural theme substantially as presented visually to the Planning Commission on August 5, 2025.”*
- D. Item No. 13 – add sentence to the end: *“There will be an enhanced landscape buffer of 30-feet on the northeast boundary.”*
- E. Add Item No. 17 – to read as follows: *“An overhead door not to exceed 14-feet high is to be located on the northwest side of the building. It will have architectural detail approved by the District Commissioner and consistent with the renderings shown. This side entry is not to be used as a loading dock.”*
- 2. Staff comments and recommendations
- 3. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing on August 19, 2025

VOTE: **ADOPTED 5-0**

Z-15 SIDNEI SILVA AND AMBER SILVA (Sidnei Silva and Amber R. Silva, owners) requesting rezoning from **LRO** to **NRC** for a flooring showroom in land lots 310 and 339 of the 16th district. Property is located on the southwest corner of Shallowford Road and Shallow Court (2280 Shallowford Road). *(Previously held by the Planning Commission (PC) from the July 1, 2025, PC hearing until the August 5, 2025, PC hearing).*

At the call for Z-15, the Applicant was not present, and there was no opposition present. Discussion ensued, and the following motion was made:

MOTION: Motion by Dance, second by Massey, to **table** Z-15 until later in the hearing to allow Staff time to see if the Applicant could be reached.

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REGULAR AGENDA (CONT.)

Z-15 SIDNEI SILVA AND AMBER SILVA (CONT.)

VOTE: **ADOPTED 5-0**

Clerk's Note: Z-15 was heard later in the hearing (see page 7 of these minutes).

LUP-19 IANNEL SALAS (Felipe Manuel, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows and to allow an accessory structure to be used as a dwelling unit 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, and June 3, 2025, PC hearings until the July 1, 2025, PC hearing; continued by the PC from the July 1, 2025, PC hearing until the August 5, 2025, PC hearing).*

The public hearing was opened, and Felipe Manuel Martinez addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Dance, to recommend **approval** of LUP-19 for **6 months**, subject to:

- 1. Maximum of three vehicles**
- 2. Maximum of four adults**
- 3. Shed shall not be used as a dwelling unit**
- 4. Code Enforcement to make inspections every three months to confirm adherence**

VOTE: **ADOPTED 5-0**

LUP-24 BRANDON LORENZO (Brandon Lorenzo, owner) requesting a **Temporary Land Use Permit** 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). *(Previously held by the Planning Commission (PC) from the June 3, 2025, and July 1, 2025, PC hearings until the August 5, 2025, PC hearing).*

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 Massey, second by Dance, to recommend **denial** of LUP-24.

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REGULAR AGENDA (CONT.)

LUP-24 BRANDON LORENZO (CONT.)

Prior to the vote, discussion ensued, and Ms. Massey amended her previous motion of LUP- 24 as follows:

MOTION: Motion by Massey, second by Beloin, to recommend **approval** of LUP-24 for **12 months**, subject to:

- 1. Six adults allowed**
- 2. Accessory structure to be used for storage *only*, no living in the accessory structure**
- 3. No additional vehicles allowed**

VOTE: **ADOPTED 5-0**

LUP-25 LUCIANA MIDORI AOYAMA (David da Silva Garcia and Luciana Midori Aoyama, owners) requesting a **Temporary Land Use Permit** to allow a dog grooming business in land lots 54 and 55 of the 20th district. Property is located on the south side of Lexford Court, southwest of Hickory Grove Road (4504 Lexford Court). *(Previously held by the Planning Commission (PC) from the July 1, 2025, PC hearing until the August 5, 2025, PC hearing).*

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

MOTION: Motion by Beloin, second by Massey, to recommend **approval** of LUP-25 for **24 months**, subject to:

- 1. Pet grooming *only***
- 2. Maximum of two appointments per day, spaced at least one hour apart**
- 3. One customer at a time**
- 4. No employees, just the owner providing the service**
- 5. No boarding of dogs, no daycare, no kenneling**
- 6. All dog grooming is by appointment *only*, with all clients to park in the driveway *only***

VOTE: **ADOPTED 5-0**

Due to internet issues, Chairwoman Faucette called for a brief recess from 10:11 a.m. until 10:26 a.m.

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REGULAR AGENDA (CONT.)

LUP-26 REYNALDO VALDEZ (Jose M. Delgado and Reynaldo Valdez Bravo, owners) requesting a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lot 56 of the 17th district. Property is located on the north side of Walnut Circle, west of Birchwood Way (1039 Walnut Circle). *(Previously continued by the Planning Commission (PC) from the July 1, 2025, PC hearing until the August 5, 2025, PC hearing).*

Following the recess, Mr. Pederson announced that the Applicant for LUP-26 requested to continue the case until September; thereafter, the following motion was made:

MOTION: Motion by Massey, second by Dance, to **continue** LUP-26 until the September 2, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

LUP-33 CAROL J. HICKS-VARGAS, MICHAEL VARGAS (Carol Hicks-Vargas and Michael Vargas, owners) requesting a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lot 80 of the 16th district. Property is located on the southwest side of Rocky Top Court, north of Watkins Glenn Drive (230 Rocky Top Court).

Since the Applicant for LUP-33 had to leave the hearing due to a medical issue, Mr. Pederson requested a continuance of LUP-33 until September; thereafter, the following motion was made:

MOTION: Motion by Dance, second by Massey, to **continue** LUP-33 until the September 2, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Due to the number of people in attendance for LUP-32 (Robbin R. Fowler), Mr. Pederson requested the case be moved up on the agenda and heard next.

LUP-32 ROBBIN R. FOWLER (Robbin and Simon Fowler, owners) requesting a **Temporary Land Use Permit** to allow more unrelated adults and vehicles than the code allows in land lot 819 of the 17th district. Property is located on the east side of Orchard Valley Dr., south of Brookview Dr. (4313 Orchard Valley Drive).

The public hearing was opened; Robbin Fowler and Tynes Hildebrand addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to **hold** LUP-32 until the September 2, 2025, Planning Commission Zoning Hearing.

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REGULAR AGENDA (CONT.)

LUP-32 ROBBIN R. FOWLER (CONT.)

VOTE: **ADOPTED** 5-0

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; continued by the PC from the June 3, 2025, PC hearing until the July 1, 2025, PC hearing; continued by Staff from the July 1, 2025, PC hearing until the August 5, 2025, PC hearing).*

The public hearing was opened; Greg Spence, Steven Sullivan, Jimi Richards, Michael Chadwell, Sarah Mabes, and George William McCaffery addressed the Planning Commission. Following the presentation and discussion, Chairwoman Faucette called for a two-minute recess at 11:59 a.m.

Following the recess, Chairwoman Faucette announced that Mr. Beloin has recused himself from this case, so he was not present for the discussion. After further discussion, the following motion was made:

MOTION: Motion by Faucette, second by Massey, to **move** SLUP-2 forward to the Board of Commissioners *with no recommendation*.

VOTE: **ADOPTED** 4-0, Beloin recused

Mr. Pederson announced that Staff could not reach the Applicant for Z-15 (Sidnei Silva and Amber Silva). Ms. Dance requested to hear from the opposition; therefore, the case was heard.

Z-15 SIDNEI SILVA AND AMBER SILVA (Sidnei Silva and Amber R. Silva, owners) requesting rezoning from **LRO** to **NRC** for a flooring showroom in land lots 310 and 339 of the 16th district. Property is located on the southwest corner of Shallowford Road and Shallow Court (2280 Shallowford Road). *(Previously held by the Planning Commission (PC) from the July 1, 2025, PC hearing until the August 5, 2025, PC hearing).*

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

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REGULAR AGENDA (CONT.)

Z-15 SIDNEI SILVA AND AMBER SILVA (CONT.)

MOTION: Motion by Dance, second by Beloin, to recommend **denial** of Z-15.

VOTE: **ADOPTED 5-0**

Chairwoman Faucette called for a lunch recess at 12:20 p.m. The hearing reconvened at 1:20 p.m. To accommodate the Applicant for LUP-30 (Lucy Massey), Mr. Pederson requested that LUP-30 be moved up on the agenda and heard next.

LUP-30 LUCY MASSEY (Craig and Lucy Massey, owners) requesting a **Temporary Land Use Permit** to allow a health and fitness business in land lot 404 of the 16th district. Property is located on the west side of Acorn Falls Dr., northwest of Davis Rd (3331 Acorn Falls Drive).

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

MOTION: Motion by Dance, second by Massey, to recommend **approval** of LUP-30 for **12 months**, subject to:

- 1. No more than three clients a day**
- 2. Appointment hours from 8:30 a.m. until 12:30 p.m.**
- 3. All parking to be in the driveway, no parking on the street**
- 4. Appointments to be scheduled 30 minutes apart**
- 5. Appointments to consist of one client at a time**

VOTE: **ADOPTED 5-0**

Z-16 BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP, ESTATE OF JAMES W. BENTLEY (Bentley Residential Properties, LLC; Summerour Farm LLLP; Lynn Bentley Taylor and Justin Ottinger, owners) requesting rezoning from **CF** and **R-20** to **RA-4** for single-family residences in land lot 224 of the 17th district. Property is located on the south side of Rebecca Drive, west of Pair Street (106 Rebecca Drive).

The public hearing was opened, and George Bentley 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-16 to the **RA-4** zoning district, subject to:

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REGULAR AGENDA (CONT.)

Z-16 BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP, ESTATE OF JAMES W. BENTLEY (CONT.)

1. Site Plan received by the Zoning Division on June 4, 2025 (on file in the Zoning Division), with the District Commissioner approving minor modifications
2. Variances contained in the Zoning Division comments and recommendations
3. Letter of recommendations from Anthony Wilmot, Lt Col, USAF at Dobbins Air Reserve Base dated June 30, 2025 (on file in the Zoning Division), regarding Air Installation Compatible Use Zone (AICUZ) land use guidelines for the 65-69 decibel average (DNL) noise zone
4. Letter of agreeable conditions from George E. Bentley dated June 26, 2025 (on file in the Zoning Division), where not in conflict with Staff comments and recommendations
5. Site Plan Review comments and recommendations
6. Department of Transportation comments and recommendations
7. Fire Department comments and recommendations
8. Stormwater Management Division comments and recommendations
9. Water and Sewer Division comments and recommendations
10. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 19, 2025

VOTE: **ADOPTED 5-0**

LUP-31 ANNE LOU CRISPELL (Nicholas Crispell, owner) requesting a **Temporary Land Use Permit** to allow dog boarding in land lot 934 of the 17th district. Property is located on the east side of Leafwood Dr., east of Leafwood Ct. (3036 Leafwood Drive).

The public hearing was opened; Anne Lou Crispell, Ryan Simmons, Michelle Cubay, Kerry Gilmore, and Kristina Hopkins addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to **hold** LUP-31 until the September 2, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

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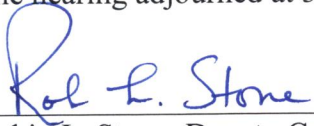
APPROVAL OF MINUTES CONT.)

July 1, 2025 – Planning Commission Zoning Hearing
July 28, 2025 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 3:25 p.m.



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