

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 21, 2025
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 21, 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 Erick Allen
Commissioner JoAnn Birrell
Commissioner Keli Gambrell
Commissioner Monique Sheffield

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:01 a.m.

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

- 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 September 2, 2025, Planning Commission (PC) hearings until the October 7, 2025, PC hearing*). **WITHDRAWN WITHOUT PREJUDICE**
- 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 and 3061 Sandy Plains Road). (*Previously continued by Staff from the August 5, 2025, Planning Commission (PC) hearing until the September 2, 2025, PC hearing; continued by the PC from the September 2, 2025, PC hearing until the October 7, 2025, PC hearing*). **WITHDRAWN WITHOUT PREJUDICE**
- Z-24** **CRAWFORD CREEK ACQUISITIONS, LLC** (Overlook Hill, LLC; Coker Southern Development, Inc.; and Elizabeth Ann Street and Russell William McLean, Co-Trustees of the Family Trust under Article IV of LWT of William Russell McLean dated July 30, 1999 FBO Ann Daniel McLean, owners) requesting rezoning from **R-15 and R-20** to **R-15** for a single-family residential subdivision in land lots 496 and 513 of the 16th district. Property is located on the north side of Chapman Drive, west of Wood Forest Road, and on the south side of Timber Way East (401, 405, 411, 421 Chapman Drive). (*Previously continued by Staff from the October 7, 2025, Planning Commission (PC) hearing until the November 4, 2025, PC hearing*). **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- LUP-39** **CAROL MCDONALD** (Carol D. McDonald, owner) requesting a **Temporary Land Use Permit** to allow more adults than the code allows in land lot 991 of the 16th district. Property is located on the west side of Edgewater Circle, south of Millview Drive (937 Edgewater Circle). **WITHDRAWN WITHOUT PREJUDICE**
- LUP-41** **KELLY CONSOLA** (Kelly A. Consola, owner) requesting a **Temporary Land Use Permit** for an accessory dwelling unit (garage apartment) in land lot 338 of the 20th district. Property is located on the northeast side of Pindos Trail, south of Old Mountain Road (5078 Pindos Trail). **WITHDRAWN WITHOUT PREJUDICE**
- O.B. 37** To consider amending the stipulations for Furniture and Mattress Warehouse, LP regarding rezoning application Z-25 of 2021. Property is located on the south side of Piedmont Road and on the east side of Bells Ferry Road in land lot 642 of the 16th district (Bells Ferry Road). *(Previously continued by Staff from the August 19, 2025, Board of Commissioners' (BOC) Zoning hearing until the September 16, 2025, BOC Zoning hearing; continued by the BOC from the September 15, 2025, BOC Zoning hearing until the October 21, 2025, BOC Zoning hearing).* **WITHDRAWN WITHOUT PREJUDICE**
- O.B. 49** To consider amending the stipulations and site plan for Kristen Morse regarding rezoning application Z-102 of 1998. Property is located on the west side of Lost Mountain Road, north of Macland Road in land lot 429 of the 19th district (2022 Lost Mountain Road). **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). *(Continued by Staff from the February 6, 2024, through the October 7, 2025, Planning Commission (PC) hearings until the November 4, 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 Ferry Road and Barrett Pkwy (2595 Bells Ferry Road). *(Previously continued by Staff from the August 5, 2025, Planning Commission (PC) hearing until the September 2, 2025, PC hearing; held by the PC until the October 7, 2025, PC hearing; continued by Staff from the October 21, 2025, Board of Commissioner's (BOC) Zoning hearing until the November 18, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

LUP-37 **EDDY RAMOS** (Ricardo Araujo and Lilian Dos Reis Nascimento, owners) requests a **Temporary Land Use Permit** for outside storage of construction vehicles and equipment and employees on site in land lots 517 and 564 of the 16th district. Property is located at the western terminus of Stoneridge Drive and on the south side of Piedmont Road. (1020 Piedmont Rd). *(Held by the Planning Commission (PC) from the October 7, 2025, PC hearing until the December 2, 2025, PC hearing; therefore, was not considered at this hearing).*

LUP-38 **JOSE CHAVEZ** (Jose S. Chavez, owner) requests a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lot 127 of the 17th district. Property is located on the south side of Old Carriage Drive, east of Shay Drive (2871 Old Carriage Drive). *(Held by the Planning Commission (PC) from the October 7, 2025, PC hearing until the December 2, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-23 **PRESIDENT BUSINESS, LLC** (President Business, LLC, owner) requesting rezoning from **GC** to **LI** for a medical equipment maintenance and repair in land lot 157 of the 16th district. Property is located on the south side of Fowler Circle, the east side of Canton Road, the north side of Pine Mill Drive, and the west side of Winfred Drive (4445 Winfred Drive).

Mr. Pederson presented the Applicant's request for a continuance of Z-23; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to continue Z-23 to the November 18, 2025, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

O.B. 51 To consider a site plan amendment for BRKI, LLC regarding rezoning applications 223 of 1988 and Z-95 of 1990. Property is located on the east side of Sandy Plains Road, north of Gordy Parkway in land lots 333 and 334 of the 16th district (3618 Sandy Plains Road).

Mr. Pederson presented the Staff's request for a continuance of O.B. 51; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to continue O.B. 51 to the November 18, 2025, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

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

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-21 **JOSE GENAO** (Jose Genao and Lina Capellan Genao, owners) requesting rezoning from **CF** to **HI** for light automotive repair in land lot 279 of the 17th district. Property is located at the southwest intersection of Joyner Avenue and Cochran Road (1650 Joyner Road). *(Previously continued by the Planning Commission (PC) from the September 2, 2025, PC hearing until the October 7, 2025, PC hearing).*

To **delete** Z-21 to the **CRC** zoning district, subject to:

- 1. Light automotive repair *only***
- 2. All work to be done within bays**
- 3. Drive lanes and parking to be paved and striped**
- 4. No outside storage of tools or parts**
- 5. No salvage activities**
- 6. All vehicles, (repaired or waiting repair) not being serviced in bays, to be parked in their own paved and striped spaces**
- 7. All vehicles to have current tags**
- 8. No junk cars**
- 9. For this Applicant use *only***
- 10. Any other use to come back to the District Commissioner for approval**
- 11. Fire Department comments and recommendations**
- 12. Stormwater Management Division comments and recommendations**
- 13. Water and Sewer Division comments and recommendations**
- 14. Department of Transportation comments and recommendations**
- 15. Applicant to install an 8-foot solid wooden privacy fence along Joyner Avenue**

At the call for LUP-33 (Carol J. Hicks-Vargas, Michael Vargas), Chairwoman Cupid requested this case be pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 9 of these minutes).

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CONSENT AGENDA (CONT.)

O.B. 48 To consider a reduction of minimum lot size from 40,000 square-feet to 13,045 square-feet and other variances for Ana E. Cordova. Property is located on the west side of Happy Hollow Road, west of Davis Road in land lot 492 of the 17th district (2242 Happy Hollow Road).

To **approve** O.B. 48, subject to:

- 1. Water and Sewer Division comments and recommendations contained in the Other Business packet**
- 2. Stormwater Management Division comments and recommendations contained in the Other Business packet**
- 3. Cobb DOT comments and recommendations contained in the Other Business packet**
- 4. Variances mentioned in the Other Business background information**

O.B. 50 To consider a reduction of public road frontage from 75-feet per lot to 50-feet per lot for tract 1 and tract 2, and other variances for Willman Contracting Company. Property is located on the south side of Old Stilesboro Road in land lot 158 of the 20th district (4781 Old Stilesboro Road).

To **approve** O.B. 50, subject to:

- 1. Water and Sewer Division comments and recommendations contained in the Other Business packet**
- 2. Stormwater Management Division comments and recommendations contained in the Other Business packet**
- 3. Cobb DOT comments and recommendations contained in the Other Business packet**
- 4. Variances mentioned in the Other Business background information**

O.B. 54 To consider a site plan amendment for Charles Zakem regarding Fogo De Chao for property located on the south side of Cobb Parkway, east of Akers Mill Road in land lots 912, 913, 948, and 949 of the 17th district (2940 Cobb Parkway).

To **approve** O.B. 54, subject to:

- 1. Site Plan received September 17, 2025 (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
- 2. Fire Department comments and recommendations contained in the Other Business packet**
- 3. All previous stipulations, *not in conflict*, to remain in effect**

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CONSENT AGENDA (CONT.)

Commissioner Gambrell requested that Z-22 (K & J RE Brokerage Group, LLC) be added to the Consent Agenda. With no opposition present, Mr. Pederson read this case into the record.

Z-22 **K & J RE BROKERAGE GROUP, LLC** (K & J RE Brokerage Group, LLC, owners) requesting rezoning from **R-30** to **R-20** for a single-family residential subdivision in land lots 363 and 378 of the 19th district. Property is located on the southwest corner of Wright Road and Corner Road (1786 Corner Road).

To **approve** Z-22 to the **R-20** zoning district, subject to:

- 1. Planning Commission comments and recommendations**
- 2. Two driveways *only***

O.B. 52 To consider stipulation amendments and other variances for the existing sheds for Justin K. Willis for property located on the north side of Turnstone Drive in land lot 145 of the 20th district (4060 Turnstone Drive).

To **approve** O.B. 52, subject to:

- 1. One house *only***
- 2. Variances for the existing sheds**

CONSENT VOTE: **ADOPTED** 5-0, Gambrell opposed to Z-21

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, through the May 6, 2025, PC hearings until the June 3, 2025, PC hearing; held by the Board of Commissioners (BOC) from the June 17, 2025, through the August 19, 2025, BOC Zoning Hearings until the October 21, 2025, BOC Zoning Hearing).*

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

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REGULAR AGENDA (CONT.)

Z-68'²⁴ SAKSS AUSTELL, LLC (CONT.)

MOTION: Motion by Allen, second by Gambrill, to **approve** Z-68'²⁴ to the NRC zoning district, subject to:

- 1. Staff comments and recommendations**
- 2. Approval of submission of a revised traffic study demonstrating a passing service level (D) before issuance of the LDP (land disturbance permit)**
- 3. Final Site Plan to be reviewed and approved by the District Commissioner**

VOTE: **ADOPTED 5-0**

Z-19 BROCK BUILT HOMES, LLC (West Cobb Church, Inc. and New Friendship Missionary Baptist Church, Inc., owners) requesting rezoning from **R-20 and R-30 to **R-20** for a residential subdivision in land lots 243 and 276 of the 19th district. Property is located on the east side of Friendship Church Road, south of Villa Rica Road (1245 and 1251 Villa Rica Road). *(Previously held by the Planning Commission (PC) from the September 2, 2025, PC hearing until the October 7, 2025, PC hearing).***

The public hearing was opened; Kevin Moore and Travis McComb addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Allen, to **approve** Z-19 to the **R-20** zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated August 25, 2025 (attached and made a part of these minutes), with the following changes:**
 - a. Item No. 2 - revised to reflect the *revised* plan submitted date of October 1, 2025**
 - b. Item No. 7 – revised to reflect the covenants will specifically include a restriction against more than 25% of the homes being rented at any given time**
- 2. Staff comments and recommendations**
- 3. Final Site Plan to be approved by the District Commissioner**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

- 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). *(Previously held by the Planning Commission (PC) from the August 5, 2025, PC hearing until the September 2, 2025, PC hearing; continued by Staff until the October 21, 2025, Board of Commissioners' Zoning hearing).*

The public hearing was opened; Anne Crispell, Michelle Kubea, Kerry Gilmore, Kristina Hopkins, James Hopkins, and Richard Grome addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **deny** LUP-31, subject to:

- 1. Applicant has 30 days to come into compliance**

VOTE: **ADOPTED 5-0**

Chairwoman Cupid called for a brief recess from 10:14 a.m. until 10:21 a.m.

By consensus of the Board, OB-42 (LCD Acquisitions and Townpark Renaissance, LLC) was moved up on the agenda and heard next.

- O.B. 42** To consider a Settlement of Litigation for LCD Acquisitions and Townpark Renaissance, LLC regarding cases Z-25 of 2024 and SLUP-6 of 2024. Property is located on the east side of Townpark Drive, north of Townpark Lane in land lots 358 and 363 of the 16th district (112 Townpark Drive). *(Previously continued by Staff from the September 16, 2025, Board of Commissioners' (BOC) Zoning hearing until the October 21, 2025, BOC Zoning hearing).*

The public hearing was opened; Parks Huff and Aaron Slange addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Allen, second by Sheffield, to **approve** O.B. 42, subject to:

- 1. Letter of agreeable conditions from Parks Huff dated October 16, 2025 (attached and made a part of these minutes), with the following change:**

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REGULAR AGENDA

O.B. 42 (CONT.)

- a. Item No. 7 – revise 2nd sentence to read “There shall be no parking on Townpark Drive or the internal access road with appropriate “no parking” signage consistent with signage from Cobb DOT and towing hotline signage with towing to be paid for by the Applicant.”
2. All other Staff comments and recommendations, *not otherwise in conflict*

VOTE: **ADOPTED** 3-2, Birrell and Gambrill opposed

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). *(Previously continued by the Planning Commission (PC) from the August 5, 2025, PC hearing until the September 2, 2025, PC hearing; continued by Staff until the October 21, 2025, Board of Commissioners’ (BOC) Zoning hearing; therefore, was not considered at this hearing).*

The public hearing was opened; Carol Vargas addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to approve LUP-33 for **12 months**, subject to:

1. To allow seven related adults
2. To allow six vehicles registered to the related adults in the home to be parked in the driveway, no parking on the street
3. Code Enforcement to monitor property

VOTE: **ADOPTED** 5-0

LUP-35 **C. SUSAN VELASQUEZ** (Genesis Ministries, Inc., owner) requesting a **Temporary Land Use Permit** to allow a personal care home for up to sixteen people in land lot 210 of the 16th district. Property is located on the south side of Hawkins Store Road, east of Bells Ferry Road (262 Hawkins Store Road). *(Continued by Staff from the September 16, 2025, Board of Commissioners’ (BOC) Zoning hearing until the October 21, 2025, BOC Zoning hearing).*

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REGULAR AGENDA (CONT.)

LUP-35 C. SUSAN VELASQUEZ (CONT.)

The public hearing was opened; Susan Velasquez addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **approve** LUP-35 for **24 months**, subject to:

- 1. To allow a maximum of 16 residents**

VOTE: **ADOPTED 5-0**

Z-25 A BUILDING DEVELOPMENT, LLC; HERBERT BUSH, JASPER PROCTOR (A Building Development, LLC, owner) requesting rezoning from **RD** to **RM-8** for a townhome community in land lot 273 of the 17th district. Property is located on the southwest corner of Vineyard Way and Smyrna Powder Springs Road (No Address Assigned).

The public hearing was opened; Jasper Proctor, Herbert Bush, Candace Spencer, David Stogner, and Yvonnick Jourdan-Leger addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Allen, to **approve** Z-25 to the **RM-8** zoning district, subject to:

- 1. *Revised* Site Plan submitted by Jasper Proctor via email on October 18, 2025 (attached and made a part of these minutes); any other use or Site Plan must return to the Board of Commissioners as an Other Business item for consideration and approval**
- 2. Construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturday, and no construction on Sunday**
- 3. Construction debris to be removed from the property at a minimum of once per week**
- 4. Any exterior temporary signs or other signage to indicate the coming residential community is prohibited**
- 5. Minimum elevations of 50% shall include brick, stone, stacked stone, sedimentary siding, or a combination thereof; vinyl siding is prohibited**

REGULAR AGENDA (CONT.)

Z-25 A BUILDING DEVELOPMENT, LLC; HERBERT BUSH, JASPER PROCTOR (CONT.)

- 6. Entrance monument shall be a ground-based style with the finish materials in color matching the architectural style and composition with the townhouse development; the monument shall consist of hard-wired uplights and include landscaping**
- 7. Sod to be used for the front yards along Vineyard Way**
- 8. Developer to install a privacy fence no greater than six feet in height along the western property line**
- 9. Environmentally sensitive lighting, themed to the architectural style and composition of the residences, shall be utilized throughout the residential development and shall be subject to a photometric plan submitted during the plan review process**
- 10. The detention pond fence must be a minimum of six feet in height and shall be a black iron-clad fence with landscaping around the exterior perimeter for purposes of visual screening and shall include an irrigation system**
- 11. Developer to establish a mandatory Homeowners' Association (HOA) and agrees to the recording and submission of a Declaration of Covenants, Conditions, and Restrictions (CCRs) which shall include, among other components, strict architectural controls, community covenants, rules, and regulations applicable to the proposed development**
- 12. The HOA shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, fences, rights-of-way, lighting, and guest parking within the proposed residential community**
- 13. Developer shall provide a one-time prefunded contribution designated for future maintenance of the private road in the amount of \$10,000.00; the one-time funding contribution will be submitted before the final Certificate of Occupancy is issued; the HOA shall establish and maintain a separate reserve fund dedicated solely to the ongoing maintenance and repair of the private road**
- 14. Developer to install a lattice or similar type of visual separation on the rooftop structure to the building adjacent to property address 3004 Vineyard Way**
- 15. Developer to make repairs to Vineyard Way within 6 months of the completion of the development if any damage is caused to the road during construction**

REGULAR AGENDA (CONT.)

Z-25 A BUILDING DEVELOPMENT, LLC; HERBERT BUSH, JASPER PROCTOR (CONT.)

16. There shall be no parking of construction vehicles on Vineyard Way; if there is a need to temporarily utilize Vineyard Way, the developer will secure a Lane Closure Permit with limited hours of 9:00 a.m. until 4:00 p.m. Monday through Friday
17. It will be illegal to park construction vehicles on Vineyard Way after construction is complete, except for vehicles that will repair construction damage
18. District Commissioner to approve the final Site Plan
19. District Commissioner to approve final elevations and color palate
20. District Commissioner to approve the landscape plan
21. All other Staff comments and recommendations, *not otherwise in conflict*

VOTE: **ADOPTED** 3-2, Birrell and Gambrill opposed

Chairwoman Cupid called for a lunch recess at 12:35 p.m. The hearing reconvened at 1:45 p.m.

LUP-36 WILLIAM MAZARIEGOS (William Alexander Mazariegos, owner) requests a **Temporary Land Use Permit** for a tree service in land lots 650 and 651 of the 19th district. Property is located on the west side of Old Villa Rica Road, south of Glenn Road (2970, 2988 Old Villa Rica Road).

The public hearing was opened; Monica Mazariegos, Estella Corvello, and William Mazariegos addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Allen, to approve LUP-36 for **12 months**, subject to:

1. The property shall come into compliance within 30 days of this approval, *including but not limited to*, removal of debris on the property and vehicles that are not operational
2. No outside storage allowed *except* for what is allowed by Code

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

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REGULAR AGENDA (CONT.)

LUP-40 **GLORIOUS SENIOR LIVING** (Imasuen Ajari, owner) requests a **Temporary Land Use Permit** for a group home for seven residents in land lot 774 of the 16th district. Property is located on the north side of Hasty Road, west of Starlight Drive (1887 Hasty Road).

The public hearing was opened; Imasuen Ajari, Dan Gallant, and Renee Teel addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Gambrill, to deny LUP-26.

Before the vote, the Applicant requested to withdraw her application, so the following motion was made to withdraw the previous motion:

MOTION: Motion by Birrell, second by Cupid to withdraw the previous motion.

VOTE: **ADOPTED** 5-0

MOTION: Motion by Birrell, second by Gambrill to allow LUP-40 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 5-0

OTHER BUSINESS

O.B. 40 To consider amending the site plan and other variances for Chad J. McMillen regarding rezoning application Z-21 of 2012. Property is located on the northeast side of Woodstock Road, east of York Place in land lot 109 of the 16th district (4624 Woodstock Road). *(Continued by the Board of Commissioners (BOC) from the August 19, 2025, BOC Zoning hearing until the September 16, 2025, BOC Zoning hearing; Continued by Staff from the September 16, 2025, BOC Zoning hearing until the October 21, 2025, BOC Zoning hearing).*

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

MOTION: Motion by Birrell, second by Sheffield, to approve O.B. 40, subject to:

1. **Site Plan received July 15, 2025 (attached and made a part of these minutes), with the variances as shown on the Site Plan**
2. **Stormwater Management Division comments and recommendations contained in the Other Business packet**

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OTHER BUSINESS (CONT.)

O.B. 40 (CONT.)

- 3. Cobb DOT comments and recommendations contained in the Other Business packet**
- 4. Site Plan Review comments and recommendations contained in the Other Business packet**
- 5. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

VOTE: ADOPTED 5-0

O.B. 47 To consider amending the site plan and stipulations for TCCA Trust, LLC regarding application Z-44 of 2022. Property is located on the southeast side of Sandy Plains Road, northeast of Scufflegrit Road in land lot 776 of the 16th district (1900 Sandy Plains Road).

The public hearing was opened; Abigail and Victor Okeh addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **approve** O.B. 47, subject to:

- 1. Site Plan received by the Zoning Division on August 28, 2025 (attached and made a part of these minutes)**
- 2. No variances**
- 3. Stormwater Management Division comments and recommendations**
- 4. Fire Department comments and recommendations**
- 5. Cobb DOT comments and recommendations *revised* October 16, 2025 (attached and made a part of these minutes)**
- 6. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

VOTE: ADOPTED 5-0

O.B. 53 To consider a stipulation amendment for Alexandre Victor Badila for property located on the northeast side of Austell Powder Springs Road, south of Furr Road in land lot 1054 of the 19th district (4539 Austell Powder Springs Road).

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

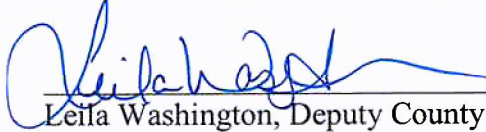
MOTION: Motion by Sheffield, second by Birrell, to **hold** O.B. 53 until the November 18, 2025, Board of Commissioners' Zoning Hearing.

VOTE: ADOPTED 5-0

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ADJOURNMENT

The hearing adjourned at 4:47 p.m.



Leila Washington, Deputy County Clerk
Cobb County Board of Commissioners

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MARIETTA, GEORGIA 30060
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KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
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SUITE 401
JACKSONVILLE, FLORIDA 32256
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BRENTWOOD, TENNESSEE
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SUITE 200
BRENTWOOD, TENNESSEE 37027
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LEXINGTON, KENTUCKY
2408 SIR BARTON WAY
SUITE 375
LEXINGTON, KENTUCKY 40509
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1000 LEGION PLACE
SUITE 701
ORLANDO, FLORIDA 32801
TELEPHONE (407) 367-6233

HARRISBURG, PENNSYLVANIA
101 ERFORD ROAD
SUITE 300
CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 790-2854

FAIRFIELD, NEW JERSEY
165 PASSAIC AVENUE
SUITE 205
FAIRFIELD, NEW JERSEY 07004
TELEPHONE 201-602-4082

August 25, 2025

Via E-mail Only

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RE: Application for Rezoning - Application No. Z-19 (2025)
 Applicant: Brock Built Homes, LLC
 Property Owners: New Friendship Missionary Baptist Church,
 Inc. and West Cobb Church, Inc.
 Property: 11.47 acres, more or less, located southerly
 of Villa Rica Road and along the easterly
 side of Friendship Church Road, being a
 portion of 1245 Villa Rica Road and a
 portion of 1235 Friendship Church Road,
 Land Lots 243 and 276, 19th District,
 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Brock Built Homes, LLC, the Applicant (hereinafter referred to as "Applicant"), and New Friendship Missionary Baptist Church, Inc. and West Cobb Church, Inc., the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in their Application for Rezoning with regard to 11.56 acres, more or less, located southerly of Villa Rica Road and along the easterly side of Friendship Church Road, being a portion of 1245 Villa Rica Road and a portion of 1235 Friendship Church Road, Land Lots 243 and 276, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meetings and communications with Planning and Zoning Staff and various Cobb County Departmental Representatives, ongoing meetings and discussions with area residents and homeowner representatives, and reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, we have been authorized by the

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP

Zoning Division Manager

Zoning Division

Cobb County Community Development Agency

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August 25, 2025

Petition No. 2-19

Meeting Date 10-21-2025

Continued

Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning categories of R-30 and R-20 to the proposed zoning category of R-20, with reference to the revised Zoning Plan prepared for Applicant by Gaskins + LeCraw, Inc., dated and last revised August 13, 2025, and submitted electronically on August 18, 2025. A reduced copy of the revised Zoning Plan is attached as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property contains approximately 11.47 acres of total site area and shall be developed for a residential community comprised of a maximum of eighteen (18) single-family, detached residences.
- (4) The residences within the proposed community shall have a minimum of 2,000 square feet of heated and cooled space.
- (5) The proposed residences shall be Traditional and Craftsman in style and architecture and will have a minimum two-car garage. Exteriors of the proposed residences shall be comprised of brick, stone, stacked stone, cedar shake, board and batten, and hardi-plank, with complementary accents, or combinations thereof.
- (6) Applicant agrees to the creation of a mandatory homeowners association consistent with upscale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, open space areas, entrance areas, mail kiosk, and the like, contained within the proposed residential community.
- (7) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of a Declaration of

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Zoning Division Manager

Zoning Division

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August 25, 2025

Covenants, Easements, and Restrictions which will contain covenants, rules, and regulations applicable to the proposed development.

- (8) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, stucco, or combinations thereof, with accents, complementary to materials used in the construction of the homes within the community. The entrance landscaping shall be professionally designed and implemented. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the Declaration of Covenants, Easements, and Restrictions.
- (9) Detention areas shall be fenced with fencing a minimum of six (6) feet in height, with landscaping to the exterior for purposes of visual screening. All vegetation and landscaping surrounding the detention areas shall be maintained by the mandatory homeowners association.
- (10) Minor modifications to the within stipulations, the referenced, revised Zoning Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (e) Change an access location to a different roadway;
 - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;

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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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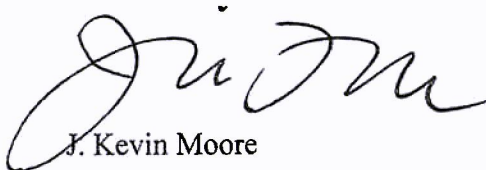
- (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
- (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (11) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (12) Applicant agrees to comply with all Cobb County Department of Transportation requirements applicable to the Subject Property.
- (13) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted with like vegetation.

We believe the approval of the requested zoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachment

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 5 of 5
August 25, 2025

c: Cobb County Board of Commissioners:

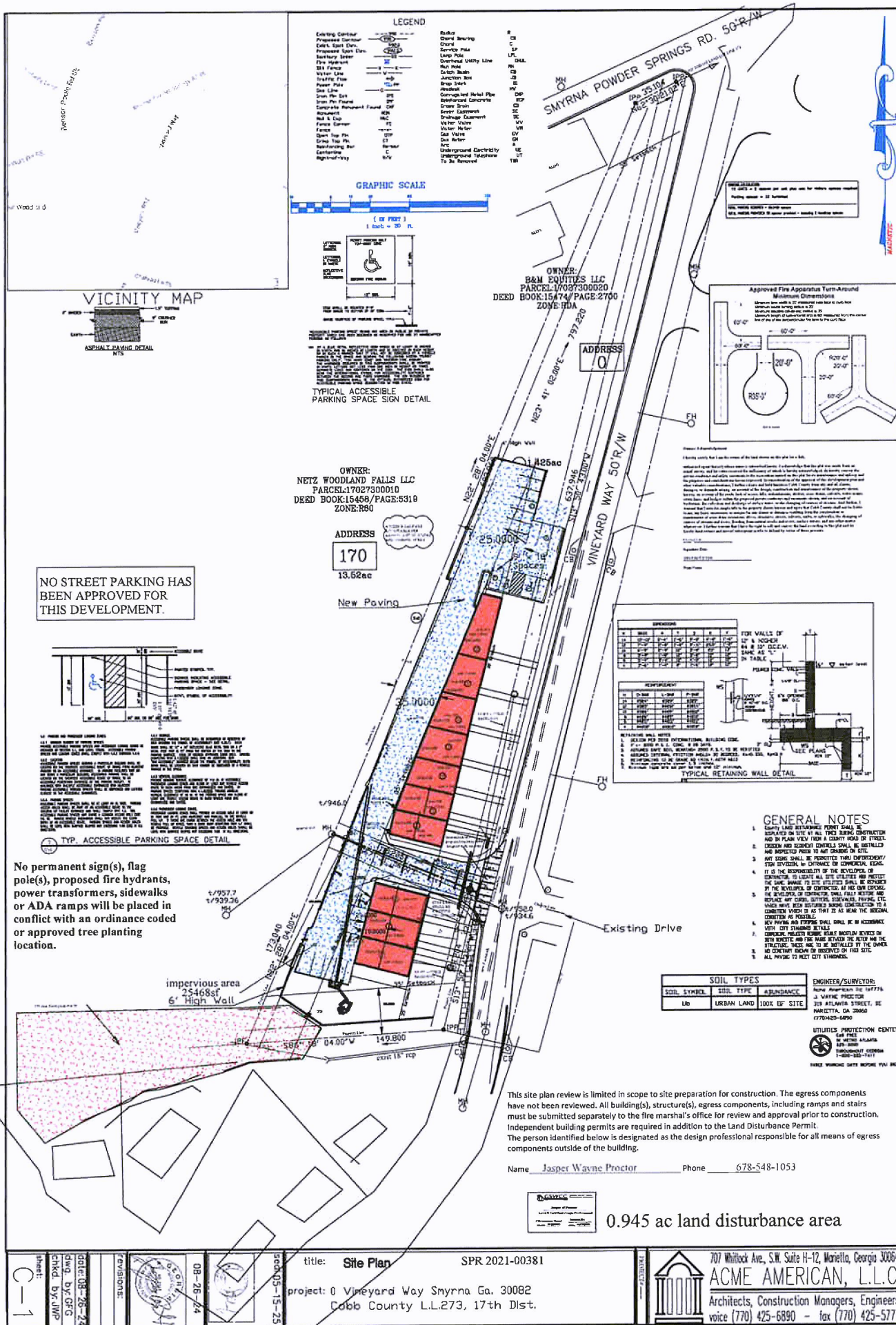
Lisa N. Cupid, Chairwoman
Erick Allen
JoAnn Birrell
Keli A. Gambrill
Monique Sheffield
(With Copy of Attachment)

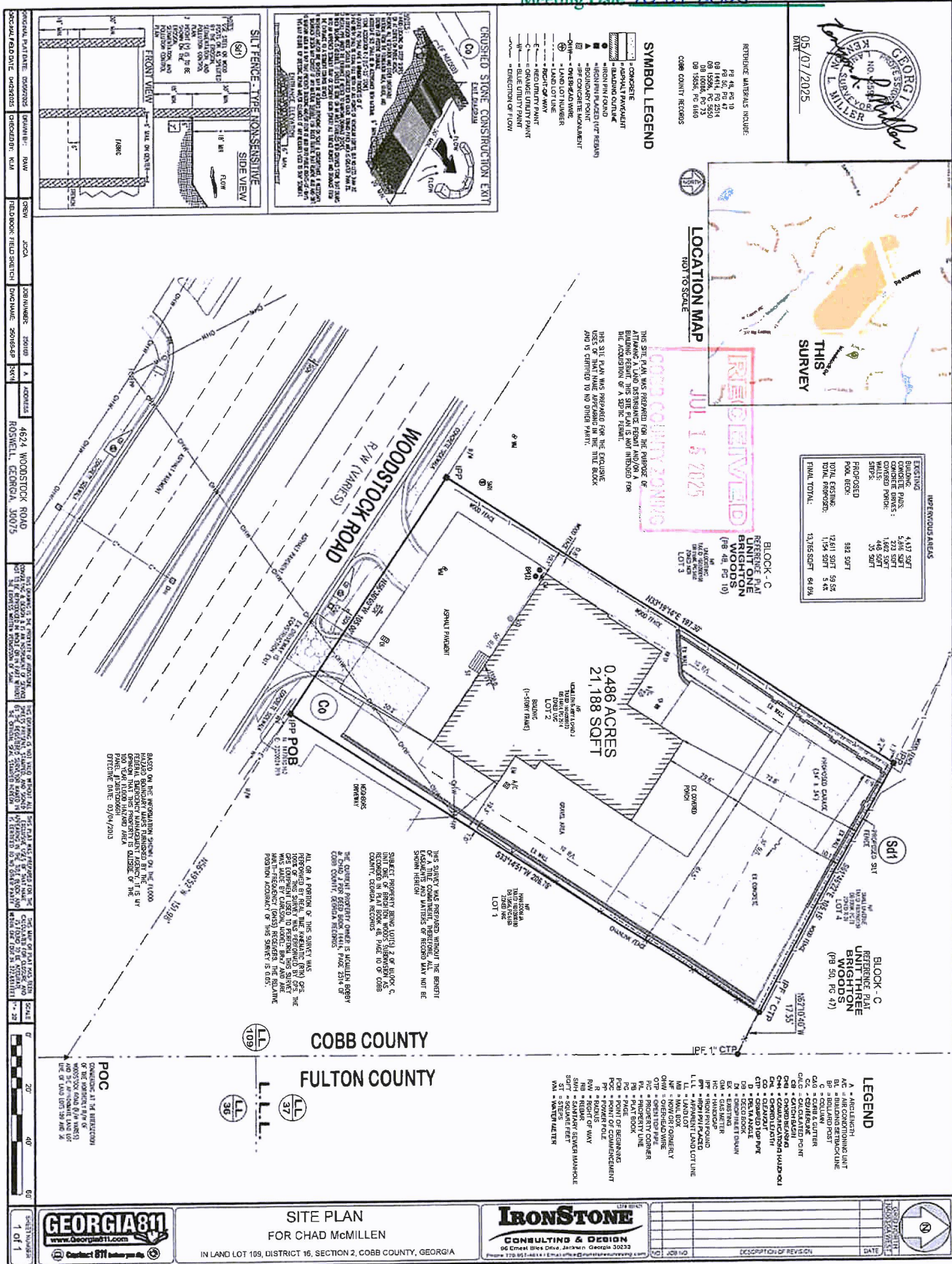
Cobb County Planning Commission:

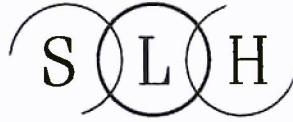
Nadia Faucette, Chairwoman
David Anderson
Fred Beloin
Deborah Dance
Deidra Massey
(With Copy of Attachment)

Terry L. Martin, AICP, CNU-A
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copy of Attachment)

Brock Built Homes, LLC
(With Copy of Attachment)







GARVIS L. SAMS, JR.
(1952-2025)
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

October 16, 2025

VIA EMAIL

Mr. Brian Johnson
Senior Associate County Attorney
Cobb County Attorney's Office
100 Cherokee Street, Suite 350
Marietta, GA 30090-7003

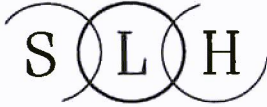
Re: Application of LCD Acquisitions, LLC/Townpark Renaissance, LLC to Rezone a 4.6-Acre Tract from OMR to RRC - Land Lots 358 and 363, 16th District, 2nd Section, Cobb County, Georgia; No. Z-25 [2024]

Application of LCD Acquisitions, LLC/Townpark Renaissance, LLC for a Special Land Use Permit ("SLUP") for Purpose Built Student Housing; No. SLUP-6 [2024]

Dear Brian Johnson:

On June 20, 2025, Landmark and Cobb County mediated the lawsuit related to the above-described rezoning and special land use permit (SLUP) applications for a purpose-built student housing project. The applications were denied by the Cobb County Board of Commissioners by a 3-2 vote on November 19, 2024. The property is located in the Regional Activity Center (RAC) that includes the Kennesaw State University Campus and therefore is appropriate per the county code for a purpose-built student housing (PBSH) SLUP. The mediation resulted in a settlement to be considered by the Board of Commissioners. Below are the terms that were agreed upon in the mediation with mediator Thomas Cauthorn with a change to paragraph 7 which increases the parking from 532 to 559 spaces.

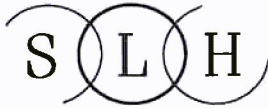
- 1) The project will be a maximum of 67.5 units per acre or 621 bedrooms using the PBSH calculation in Cobb Code Section 134-37(34) which provides "there shall be 0.5 equivalent apartment units per bedroom."
- 2) The project will comply with all the requirements for PBSH contained in Cobb Code Section 134-37(34) including meeting impervious maximum of 70% and maximum height of 55 feet as defined in the code. The property is currently zoned OMR which has a maximum height of 104 feet.



VIA EMAIL

Mr. Brian Johnson, Senior Associate County Attorney
Cobb County Attorney's Office
October 16, 2025
Page 2

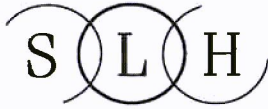
- 3) Landmark will agree that the approval is conditioned upon the applicant maintaining a private shuttle for alternative transportation to campus at Landmark's sole cost and expense.
- 4) Compliance with the Safety Plan for Standard Kennesaw which has been submitted with the application. Generally, in terms of resident and site security, the Subject Property shall include security video and surveillance cameras installed in strategic positions throughout the Student Housing Community as required by the newly adopted PBSH Code. Additionally, management and maintenance staff in accordance with the Safety Plan will maintain a 24-hour emergency on-call protocol. Two courtesy officers from the Cobb County Police Department are planned to reside on the property, who will perform routine patrols of the property when they are off duty, conduct weekly light audits, and serve as an on-call resource in the event an emergency matter arises at the property.
- 5) Landmark will fund two emergency call boxes on the route from The Standard to campus. The funding for the call boxes shall be paid to the County in conjunction with building permit issuance.
- 6) Landmark will have bike parking spaces programed and work in good faith with the Town Center CID to incorporate the Bikeshare program to encourage alternative transportation to campus.
- 7) There shall be a minimum of 559 parking spaces and a minimum of four (4) EV charging stations. There shall be no parking on Townpark Drive and appropriate "no parking" signage shall be installed by the applicant.
- 8) Installation of a privacy fence along the common southern property line.
- 9) Compliance with current stormwater regulations including onsite, underground stormwater detention with water quality features to ensure the stormwater leaving the site is filtered and meets county and state water quality requirements.
- 10) Roof Top Activation – The rooftop of the parking deck will include an amenity that is exclusively for the residents and registered guests. The amenity is located by walls that will mitigate any noise concerns and the lighting will be downcast and environmentally friendly. The amenity space will require key card access and will have security cameras to ensure it is safe and secure at all times.



VIA EMAIL

Mr. Brian Johnson, Senior Associate County Attorney
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Page 3

- 11) All exterior lighting shall consist of environmentally sensitive lighting which shall prevent outward illumination from extending beyond the perimeter of the Subject Property. However, and in accordance with CCPD recommendations, the appropriate amount of lighting shall be installed in order to mitigate potential safety concerns.
- 12) Video surveillance cameras and associated signage will be installed on the property. Vehicular entries to the property will be equipped with a license plate reader to photograph the license of every vehicle entering the property and will be access controlled. The property entrances and common amenity areas will also be access-controlled to allow entry to only residents and guests accompanied by a resident. Residential unit entry doors will have electronic access control, and within the residential suite, each resident's key will be specifically coded to the resident's assigned bedroom.
- 13) The landscaping shall include planting 8" caliper trees along the Townpark Drive frontage so the landscaping is more mature at planting.
- 14) The applicant shall pay to the County fifty thousand dollars prior to the issuance of the building permit for public improvements to be allocated at the County's discretion.
- 15) Landmark is the largest developer and operator of purpose-built student housing managing over 75,000 beds across the country and has practices in place to ensure the project will serve the KSU student population. As a result, The Retreat at Kennesaw will be approximately 99% occupied by students for the upcoming 2025-26 academic school year. Landmark is committed to implementing the same leasing and marketing efforts as The Retreat at Kennesaw. Below is a list of practices and design features that will ensure The Standard project is most appealing to students:
 - a) The lease term, with few exceptions, mirrors the academic school year.
 - b) The apartments are specifically designed for students, and will be furnished, which is typical for purpose-built student housing.



VIA EMAIL

Mr. Brian Johnson, Senior Associate County Attorney
Cobb County Attorney's Office
October 16, 2025
Page 4

- c) Amenities and common area spaces are also designed for students. Some examples include study spaces and quiet areas for academic work.
 - d) If a resident is unable to qualify based on their income levels, a guarantor for the lease can be included.
 - e) The marketing material emphasizes student housing using terms such as "student housing close to KSU campus."
 - f) Landmark's leasing efforts target the student demographic. Some examples include email blasts to KSU students and their parents, social media targeted toward a young demographic, and on-campus sponsored events.
 - g) Each lease includes a code of conduct that is designed and appealing to students with strict rules on guests, quiet hours and unruly behavior, violations of which can result in eviction.
 - h) Each tenant must meet a strict background check, which includes any potential previous criminal history.
- 16) The applicant shall comply with all the professional staff comments contained in the staff recommendation for approval.

Please do not hesitate to contact me if you have any questions regarding the contents of this letter or the details.

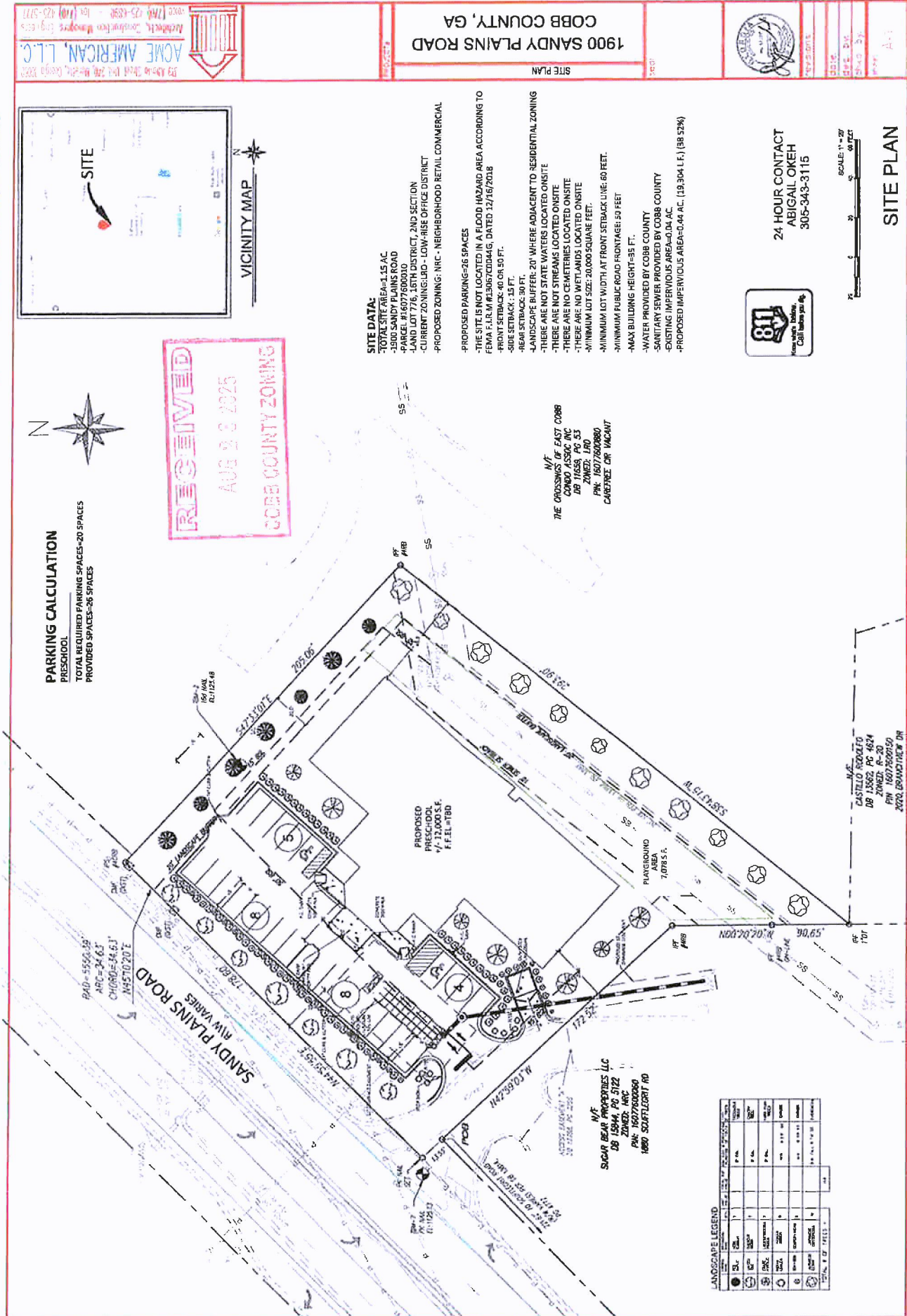
Sincerely,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink that reads "Parks F. Huff".

Parks F. Huff
phuff@samslarkinhuff.com

PFH/jac



OB-47-2025

DEPARTMENT COMMENTS – CCDOT

REVISED 10/16/25

Roadway	Roadway classification	Speed limit (mph)	Jurisdictional control	Min. R.O.W. requirements
Sandy Plains Road	Arterial	45	Cobb County	110'

Roadway	Location	Average daily trips (vpd)	Level of service
Sandy Plains Road	East of Willie Drive	25,200	D

vpd = vehicles per day

Based on 2024 AADT count data taken by GDOT, as published on their website, for Sandy Plains Road

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial roadways from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

ITE Land Use	Description	Expected Size (students)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
565	Daycare Center	182	75	67	142	68	76	144	744

vph = vehicles per hour

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.

Comments and observations

Sandy Plains Road is classified as an arterial roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

In accordance with Cobb County Code 134-121 and based on the site plan (dated August 28, 2025) and a September 22nd email from the applicant, this development does require a traffic impact study submittal. On October 9, 2025, the applicant provided a June 2025 traffic study performed for the adjacent 1881 Scufflegrit Road property located within the City of Marietta, with a cover letter (dated October 7, 2025) addressing the applicant property. Cobb DOT has accepted the provided traffic information referenced above as the equivalent of a Submittal 1 traffic memorandum to meet the requirements of Cobb County Code 134-121. After review of the available information, Cobb DOT provided comments on October 17, 2025.

This daycare facility is anticipated to have 100% parent walk-in to the classrooms and therefore does not require an internal traffic circulation/queuing plan.

This development plan requires the applicant property have a shared access agreement with 1880 Sandy Plains Road. A copy of the existing Reciprocal Easement agreement that has been transferred from previous owners was provided to Cobb DOT on October 9, 2025.

OB-47-2025

DEPARTMENT COMMENTS – CCDOT

REVISED 10/16/25

(continued)

Recommendations

THE RECOMMENDATIONS BELOW SHALL BECOME STIPULATED REQUIREMENTS UPON INCLUSION WITH AND APPROVAL BY THE BOARD OF COMMISSIONERS OF THIS APPLICATION:

1. Recommend applicant, **within 12 months of zoning approval**, donate right-of-way on the south side of Sandy Plains Road, a minimum of 55' from the roadway centerline, in accordance with Cobb County Development Standard 401.2, Right-of-Way.
2. Recommend a traffic study pursuant to Code Section 134-121(b)(8). Study assumptions (such as study intersections, trip distribution, future analysis years, and annual growth rate) should be submitted in a memorandum (Submittal 1) and agreed to by Cobb DOT before continuing the full traffic study (Submittal 2). Cobb DOT recommendations may be revised after the study's receipt. [Cobb DOT has accepted traffic information \(submitted October 9, 2025\) to meet the minimum requirements of Cobb County Code 134-121, and this requirement can be considered satisfied with the acceptance of Recommendation 6 unless additional details about the potential traffic impacts of the proposed day care facility are needed by the Cobb Board of Commissioners.](#)
3. Recommend retaining and/or replacing any disturbed curb, gutter, and sidewalk along the Sandy Plains Road frontage to meet Cobb DOT standards. This recommendation is pursuant to Cobb County Development Standard 401.15, Curbs and Gutters (including subsections), Cobb County Development Standard 404 Sidewalks and Pathways, Cobb County Development Standard 405 Accessibility Requirements, and Cobb County Development Standard Detail 106, Concrete Curbs, Medians.
4. Recommend no parking or queuing on the right of way.
5. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
6. [Recommend applicant ensure that drop-off/pick-up activities do not cause traffic disruptions at adjacent U-turn locations or with the adjacent 1881 Scufflegrit development. If disruptions occur, recommend applicant be required to coordinate with Cobb DOT and/or City of Marietta staff to create a mitigation plan. A mitigation plan can include but is not limited to the following: staggered student arrival/departure times, reduced maximum number of students, or on-street roadway improvements.](#)

Meeting Date 10-21-2025

OB-54-2025
Proposed site plan

Received by Zoning
9-17-25

