

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
SEPTEMBER 4, 2018
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, September 4, 2018, in the second floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

Judy Williams, Chairman
Skip Gunther
Galt Porter
Andy Smith

CALL TO ORDER – CHAIRMAN WILLIAMS

Chairman Williams called the hearing to order at 9:03 a.m.

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were withdrawn or continued.

WITHDRAWN AND CONTINUED CASES

- LUP-10** **ERIN O’DRISCOLL** (Erin L. Driscoll Hunt, owner) requesting a **Land Use Permit** for the purpose of Childcare in Land Lot 258 of the 20th District. Located on the northeast side of Wyntuck Circle, north of Wyntuck Drive. **WITHDRAWN WITHOUT PREJUDICE.**
- Z-26** **AUSTELL COSMETIC DENTISTRY** (Austell Cosmetic Dentistry, owner) requesting Rezoning from **NRC and LRO** to **RSL** for the purpose of Senior Independent Living in Land Lots 993 and 1006 of the 19th District. Located on the east side of Austell Road, south of Anderson Mill Road. *(Previously continued by Staff from the May 1, 2018, Planning Commission (PC) hearing until the August 7, 2018, PC hearing; continued by the PC from their August 7, 2018, hearing until their September 4, 2018, hearing; continued by Staff until the November 6, 2018, PC hearing; therefore, was not considered at this hearing)*
- Z-37** **WINCHESTER PARKWAY, LLC** (Winchester Partners, L.P, owner) requesting Rezoning from **O&I to UVC** for the purpose of Mixed-Use/Retail and Residential in Land Lot 765 of the 17th District. Located on the east side of Winchester Parkway, north of Atlanta Road, and on the west side of I-285. *(Previously held by the Planning Commission (PC) hearing until their July 3, 2018, hearing until the August 7, 2018, PC hearing; continued by Staff until the October 2, 2018, PC hearing; therefore, was not considered at this hearing)*

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-56 **WRIGHT-OAKDALE, LLC** (Wright-Oakdale, LLC., owner) requesting rezoning from **GC and R-20 to RM-8** for the purpose of Townhouses in Land Lots 691 and 750 of the 17th District. Located on the southwest intersection of Oakdale Road and Wright Road. *(Continued by Staff from the September 4, 2018, Planning Commission (PC) hearing until the October 2, 2018, PC hearing; therefore, was not considered at this hearing)*

Z-57 **JOHN GASKIN** (Ballantry PMC Kyle, LLP, owner) requesting rezoning from **CS to CS** for the purpose of Modifying the current zoning stipulations in Land Lots 84, 137, 138, 139 and 159 of the 19th District. Located on the east side of Lost Mountain Road, south of Dallas Highway, across from Corner Road. *(Continued by Staff from the September 4, 2018, Planning Commission (PC) hearing until the October 2, 2018, PC hearing; therefore, was not considered at this hearing)*

Mr. Pederson announced that two cases, Z-53 (Elvia Benitez) and Z-58 (Bobby L. Terrell), requested to be continued; therefore, the Order of Business was modified, and Z-53 and Z-58 were brought forward to the Continued cases.

Z-53 **ELVIA BENITEZ** (Elvia Benitez, owner) requesting rezoning from **LRO** to **R-20** for the purpose of a Single-Family House in Land Lot 59 of the 17th District. Located on the north side of Michael Drive, east of Brackett Street.

Mr. Pederson presented the Applicant's request for a continuance. Thereafter, the following motion was made:

MOTION: Motion by Porter, second by Gunther, to **continue** Z-53 until the October 2, 2018, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0

Z-58 **BOBBY L. TERRELL** (Kaimari, LLC, owner) requesting rezoning from **R-20** to **NRC** for the purpose of Retail in Land Lot 364 of the 16th District. Located on the northeast corner of Chastain Road and I-575 Ramp.

Mr. Pederson presented the Applicant's request for a continuance. Thereafter, the following motion was made:

MOTION: Motion by Williams, second by Gunther, to **continue** Z-58 until the October 2, 2018, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0

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Mr. Pederson made the following announcements:

CAMPAIGN DISCLOSURE

All speakers who have made a campaign contribution totaling \$250.00 or more, within the last two years, to a local government official considering a zoning case are required to complete the "Campaign Disclosure Form" prior to speaking.

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 Planning Commission's discretion as to whether the information will be considered.

CONSENT AGENDA

MOTION: Motion by Porter, second by Gunther, to recommend **approval** of the following cases on the Consent Agenda, *as revised*:

Z-51 THE SILVER MANOR, LLC (Silver Comet Enterprises, LLC, owner) requesting Rezoning from **NRC** to **CRC** for the purpose of an Assembly Hall for Special Events with Ancillary Offices in Land Lots 1000 and 1001 of the 19th District. Located on the northeast side of Floyd Road, southeast of Floyd Drive. *(Previously continued by the Planning Commission from their August 7, 2018, hearing).*

To recommend **deletion** of Z-51 to the **NRC** zoning district, subject to:

- 1. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated August 24, 2018 (on file in the Zoning Division)**
- 2. Special Exception use for an Assembly Hall for Special Events**
- 3. Hours of operation Monday through Thursday 9:00 a.m. until 9:00 p.m.; Friday through Sunday 8:00 a.m. until midnight**
- 4. The Architectural/Landscape Review Committee shall review any gates to be installed**
- 5. The District Commissioner shall have final approval of all items under the purview of the Architectural/Landscape Review Committee**
- 6. Should the adjacent property owner not place a fence on the common property line, excluding the 49.94 feet in the southeast corner, or at any time remove the fence, there shall be a privacy fence installed along the common property line by the owner of this property; fence changes shall occur within 90 days of the Board of Commissioners' final decision**

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CONSENT AGENDA (CONT.)

Z-51 THE SILVER MANOR, LLC (CONT.)

- 7. When the existing fence is relocated, additional fencing will be required; the additional fencing shall be consistent with the existing fencing; as an alternative, new fencing can be used to replace the existing fence; fence changes shall occur within 90 days of the Board of Commissioners' final decision**
- 8. Fire Department comments and recommendations**
- 9. Water and Sewer Division comments and recommendations**
- 10. Stormwater Management 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 September 18, 2018**

Z-52 JOSEPH W. CARTUS, II AND CAROL M. CARTUS (Carol M. Cartus and Joseph W. Cartus II, owners) requesting Rezoning from **R-80** to **R-40** for the purpose of a Single-Family House in Land Lot 1002 of the 17th District. Located on the west side of Timberland Drive, south of Hallmark Drive.

To **approve** Z-52 to the **R-40** zoning district, subject to:

- 1. Proposed garage to be architecturally compatible with existing home and to be approved by the District Commissioner**
- 2. Size of the proposed garage be limited to 832 square feet; location to be as shown on the site plan received by the Zoning Division on May 11, 2018 (on file in the Zoning Division)**
- 3. The setback of an accessory building be reduced from 100' to 15' from the north property line for this structure *only***
- 4. Fire Department comments and recommendations**
- 5. Water and Sewer Division comments and recommendations**
- 6. Stormwater Management Division comments and recommendations**
- 7. Department of Transportation comments and recommendations**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 18, 2018**

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CONSENT AGENDA (CONT.)

Z-59 **OBURIEN, INC.** (HWA Yong McBride, owner) requesting Rezoning from **LI** to **LRO** for the purpose of a Daycare Facility in Land Lot 44 of the 18th District. Located on the southeast corner of Veterans Memorial Highway and Cooks Road.

To **approve** Z-59 to the **LRO** zoning district, subject to:

- 1. Site plan received by the Zoning Division on July 24, 2018, with final approval by the District Commissioner (on file in the Zoning Division)**
- 2. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated July 24, 2018 (on file in the Zoning Division)**
- 3. Landscape plan to be approved by the District Commissioner**
- 4. There shall be an Architectural/Landscape Review Committee which shall be charged with the review of any proposed landscaping, signage, fencing and building architecture; the committee shall consist of a representative of the Mableton Improvement Coalition, a representative of the Applicant, and a representative from the Cobb County Community Development Agency; the District Commissioner shall have final approval of all items**
- 5. Compliance with Veterans Memorial Highway Design Guidelines**
- 6. Planning Division comments and recommendations**
- 7. Fire Department comments and recommendations**
- 8. Sewer and Water Division comments and recommendations**
- 9. Stormwater Management Division comments and recommendations**
- 10. Department of Transportation comments and recommendations**
- 11. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 18, 2018**

SLUP-9 **JUBILEE CHRISTIAN CHURCH INTERNATIONAL, INC.** (Jubilee Christian International [Glory Tabernacle], Inc., owner) requesting a **Special Land Use Permit** for the purpose of an Expansion of a Church and School in Land Lots 717, 718, and 764 of the 19th District. Located on the north side of Macedonia Road, west of Ernest Barrett Parkway.

To **approve** SLUP-9, subject to:

- 1. Letter of agreeable conditions from Mr. Parks F. Huff dated August 29, 2018 (on file in the Zoning Division), with the following changes:**
 - A. Item No. 8, subset (b) – delete in its entirety**
 - B. Item No. 8, subset (c) – delete in its entirety**
- 2. District Commissioner to approve the final landscape plan**
- 3. District Commissioner to approve the building elevations**

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CONSENT AGENDA (CONT.)

SLUP-9 JUBILEE CHRISTIAN CHURCH INTERNATIONAL, INC. (CONT.)

4. Fire Department comments and recommendations
5. Water and Sewer Division comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Department of Transportation comments and recommendations
8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 18, 2018

CONSENT VOTE: ADOPTED 4-0

REGULAR AGENDA

Z-40 JIM CHAPMAN COMMUNITIES (Multiple Titleholders on file in the Zoning Division) requesting Rezoning from **R-20** to **RSL** (Non-Supportive) for the purpose of an Age Restricted/Independent Senior Living in Land Lots 284 and 285 of the 16th District. Located on the north side of North Booth Road, the west side of Bells Ferry Road, and the southeasterly side of I-575. *(Previously continued by Staff from the July 3, 2018, Planning Commission (PC) hearing until the September 4, 2018, PC hearing)*

The public hearing was opened, and Mr. Gavis L. Sams, Jr. addressed the Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Williams, second by Gunther, to recommend **approval** of Z-40 to the **RSL** zoning district, subject to:

1. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated August 17, 2018 (on file in the Zoning Division), with attached *revised* site plan, and to include the *revised* Department of Transportation comments and recommendations
2. Heavy landscaping to be added on the berm with Evergreens along I-575
3. A representative from the Bells Ferry Civic Association to be included in reviewing the landscape plan, with final landscape plan to be approved by the County Arborist
4. Staff comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 4-0

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REGULAR AGENDA (CONT.)

Z-40 JIM CHAPMAN COMMUNITIES (CONT.)

Clerk's Note: Chairman Williams requested that the Applicant, opposition, and the District Commissioner meet to discuss the variance between buildings of 15' to 10' before the September 18, 2018, Board of Commissioner Zoning Hearing.

Z-44 TRATON HOMES, LLC (Estate of Leone Hall Price, a/k/a Leone Hall Johnson, owner) requesting Rezoning from **R-20/OSC and R-30/OSC to RSL (Non-Supportive)** for the purpose of Residential Senior Living Subdivision in Land Lots 195 and 196 of the 20th District. Located on the east side of Mars Hill Road, north of Stilesboro Road. *(Previously continued by Staff from the July 3, 2018, Planning Commission (PC) hearing until the August 7, 2018, PC hearing; held by the PC until their September 4, 2018, hearing)*

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

MOTION: Motion by Gunther, second by Porter, to recommend approval of Z-44 to the **RSL** zoning district, subject to:

1. **Site plan received by the Zoning Division on August 28, 2018 (on file in the Zoning Division)**
2. **Letter of agreeable conditions from Mr. Kevin Moore received by the Zoning Division on August 28, 2018 (on file in the Zoning Division), with the following changes:**
 - A. **Item No. 8, subset (a) - modify to read: "... leased or rented..."**
 - B. **Item No. 8, subset (b) – modify to read: "...space areas, detention ponds,..."**
3. **Construction hours to be Monday through Friday, 7:00 a.m. until 6:00 p.m., Saturday, 8:00 a.m. until 4:00 p.m., and no work on Sundays or holidays**
4. **Staff comments and recommendations, not otherwise in conflict**
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 18, 2018**

VOTE: **ADOPTED 4-0**

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REGULAR AGENDA (CONT.)

Z-49 **KO MANAGEMENT, INC.** (KO Management, Inc., owner) requesting Rezoning from **NRC** to **RA-5** for the purpose of a Single-Family Residential Community in Land Lot 37 of the 17th District Land Lot 39 of the 18th District. Located at the northwest intersection of Mableton Parkway and Wood Valley Road. *(Previously continued by Staff from the August 7, 2018, Planning Commission (PC) hearing until the September 4, 2018, PC hearing)*

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

MOTION: Motion by Porter, second by Gunther, to **hold** of Z-49 until the October 2, 2018, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0

LUP-9 **CECILE FERGUSON** (Cecile E. Ferguson, owner) requesting a **Land Use Permit** for the purpose of Backyard Chickens/Poultry in Land Lot 344 of the 16th District. Located on the south side of Blackwell Road, west of Knight Road. *(Previously continued by Staff from the August 7, 2018, Planning Commission (PC) hearing until the September 4, 2018, PC hearing)*

The public hearing was opened, and Ms. Cecile Ferguson addressed the Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Williams, second by Gunther, to recommend **denial** of LUP-9.

VOTE: **TIED** 2-2, Porter and Smith opposed

Due to a tie vote on LUP-9, the Planning Commission elected to send LUP-9 to the Board of Commissioners without a recommendation.

Z-54 **GREGORY A. KING** (Greg King, owner) requesting rezoning from **GC** to **NRC** for the purpose of Retail in Land Lot 47 of the 18th District. Located on the south side of Veterans Memorial Highway, across from Pebblebrook Road.

The public hearing was opened, and Mr. Gregory King and Mr. Ray Thomas addressed the Commission. Following presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-54 GREGORY A. KING (CONT.)

MOTION: Motion by Porter, second by Smith, to recommend **approval** of Z-54 to the NRC zoning district, subject to:

- 1. Site plan received by the Zoning Division on July 25, 2018 (on file in the Zoning Division), with the addition of a parking plan per staff comments**
- 2. Landscaping to be placed along the existing fence to the east of the building; County Arborist and District Commissioner to approve landscape plan**
- 3. Neighborhood Retail Uses and Professional Office use *only***
- 4. The following uses shall be prohibited:**
 - A. Automotive related uses**
 - B. Pawn shops**
 - C. Title pawn shops**
 - D. Gold or precious metal dealers**
 - E. Check cashing services**
 - F. Tattoo parlors**
 - G. Liquor stores**
 - H. Firewood sales**
 - I. Thrift stores, second hand stores, or flea markets**
- 5. All dumpsters to be enclosed in a masonry enclosure with steel doors that meet County Development Standards**
- 6. No trash pickup from the Veterans Memorial Highway right-of-way**
- 7. All improvements to the property to adhere to the Veterans Memorial Highway Design Guidelines**
- 8. District Commissioner to approve color of building and canopy if different from the color shown at today's hearing**
- 9. The District Commissioner may approve minor modifications, *except* for those that:**
 - A. increase the overall square footage of the building**
 - B. cause a reduction in the size of an approved buffer**
 - C. change that is in conflict with an expressed stipulation or condition of zoning**
 - D. requires a variance or violates Cobb County Ordinance**
- 10. Remove debris, tires, non-compliant vehicles, etc. within 30 days of the Board of Commissioners' final decision**
- 11. Staff comments and recommendations, *not otherwise in conflict***

VOTE: ADOPTED 4-0

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REGULAR AGENDA (CONT.)

Z-55 **SHIV AGGARWAL** (Vishal Hawthorne Plaza, LLC, owner) requesting rezoning from **PSC** to **GC** for the purpose of an Assembly Hall for Suites 29 & 30 in Land Lot 35 of the 18th District and Land Lot 1298 of the 19th District. Located on the south side of Veterans Memorial Highway, north side of Old Powder Springs Road, on the west side of Old Powder Springs Road Connector and on the northwest side of Old Bankhead Highway.

The public hearing was opened, and Mr. John Underwood, Mr. Shiv Aggarwal, Ms. Robin Meyer, and Mr. Ray Thomas addressed the Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Gunther, to recommend **deletion** of Z-55 to the **CRC** zoning district, subject to:

- 1. Site plan received by the Zoning Division on August 15, 2018 (on file in the Zoning Division)**
- 2. The following CRC types of uses to be prohibited:**
 - A. Automotive and truck sales and service facilities (new, used, or pre-owned)**
 - B. Automotive, truck, and trailer lease and rental facilities (principal or accessory use)**
 - C. Automotive paint and body repair shops**
 - D. Automotive parking lots or garages**
 - E. Automotive upholstery shops**
- 3. The following additional use restrictions apply:**
 - A. No expansion of automotive related uses (NOTE: there is currently one automotive parts store and one light automotive repair establishment)**
 - B. Pawn or title pawn shops**
 - C. Gold or precious metal dealers**
 - D. Check cashing service**
 - E. Used tire sales**
 - F. Thrift stores, second hand stores, or flea markets**
- 4. All automotive repairs to be performed inside the building**
- 5. No more than one vehicle without current registration to be parked on the property at any time; said vehicle must be awaiting repair at the Light Automotive Repair Establishment and may be on the property for no longer than five days**
- 6. All vehicles without current registration currently located on the property to be removed from the property within five days of the Board of Commissioners' final decision**

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REGULAR AGENDA (CONT.)

Z-55 SHIV AGGARWAL (CONT.)

7. Eight foot landscape enhancement strip to be placed along the Old Powder Springs Road and Old Bankhead Highway frontages; County Arborist and District Commissioner to approve landscape plan
8. All future improvements to adhere to the Veterans Memorial Highway Design Guidelines
9. All dumpsters to be placed in masonry dumpster enclosures with steel gates that meet County Development Standards
10. The District Commissioner may approve minor modifications, *except* for those that:
 - A. increase the overall square footage of the building
 - B. change that is in conflict with an expressed stipulation or condition of zoning
 - C. requires a variance or violates Cobb County Ordinance
11. Allow a reduction in parking spaces to place landscape islands with District Commissioner approval
12. Staff comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 4-0

SLUP-10 BUCKNER CROSSROADS, LLC (Buckner Crossroads, LLC., owner) requesting a **Special Land Use Permit** for the purpose of a Climate-Controlled Self-Service Storage Facility in Land Lots 68 and 165 of the 18th District. Located on the northwest corner of Veterans Memorial Highway and Buckner Road.

The public hearing was opened, and Mr. David Haskin, Mr. Alan Owens, Ms. Robin Meyer, and Ms. Sonya Wheatley addressed the Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Gunther, to recommend **denial** of SLUP-10

VOTE: ADOPTED 4-0

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APPROVAL OF MINUTES

MOTION: Motion by Gunther, second by Smith, to **approve** the following minutes, *as presented*:

August 15, 2018 – Special Called Meeting/To Adopt Minutes
August 27, 2018 - Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 4-0

ADJOURNMENT

The hearing adjourned at 11:45 a.m.

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