



Cobb County...Expect the Best!

COBB COUNTY BOARD OF COMMISSIONERS

ZONING HEARING SUMMARY AGENDA

April 16, 2024

Withdrawn Cases		
District	Case	Applicant
4	Z-20-2024	G. GEORGE AND ASSOCIATES INC. (<i>withdrawn without prejudice</i>)
1	LUP-7-2024	AMY MOLLOHAN (Continued by Staff from the March 5, 2024 Planning Commission hearing until the April 2, 2024 Planning Commission hearing). (<i>withdrawn without prejudice</i>)
3	SLUP-1-2024	TIRE SWING COLLECTIVE, INC. (<i>withdrawn without prejudice</i>)
2	OB-6-2024	TAO HU (Continued by the Board of Commissioners from the March 19, 2024 Board of Commissioners hearing until the April 16, 2024 Board of Commissioners hearing). (<i>withdrawn without prejudice</i>)

District	Case	Held and Continued cases (will not be heard)
3	Z-15-2023	SDP ACQUISITIONS, LLC (Continued by staff from the May 2, 2023 through September 5, 2023 Planning Commission hearings until the October 3, 2023 Planning Commission hearing; Held by the Planning Commission from the October 3, 2023 and November 7, 2023 Planning Commission hearings until the December 5, 2023 hearing; Held by the Board of Commissioners from the December 19, 2023 hearing until the February 20, 2024 hearing; Continued by Staff from the February 20, 2024 hearing until the March 19, 2024 Board of Commissioners hearing; Continued by Staff from the March 19, 2024 Board of Commissioners hearing until the May 21, 2024 hearing).
3	Z-40-2023	ATLANTA REMEDIATION GROUP, LLC (Continued by staff from the October 3, 2023 through April 2, 2024 Planning Commission hearings until the May 7, 2024 Planning Commission hearing).
3	Z-52-2023	1054 INVESTMENT GROUP L.L.C. (Held by the Planning Commission from the November 7, 2023 Planning Commission hearing until the December 5, 2023 Planning Commission hearing; Continued by Staff from the February 6, 2024 through April 2, 2024 Planning Commission hearings until the May 7, 2024 Planning Commission hearing).
1	Z-59-2023	SS DEVELOPERS, LLC (Continued by Staff from the December 5, 2023 through April 2, 2024 Planning Commission hearings until the May 7, 2024 Planning Commission hearing).
3	Z-60-2023	MRE-CANTON, LLC (Held by the Planning Commission from the December 5, 2023 Planning Commission until the February 6, 2024 Planning Commission hearing; Continued by Staff from the February 6, 2024 through April 2, 2024 Planning Commission hearings until the May 7, 2024 Planning Commission hearing).
2	Z-2-2024	FLOURNOY DEVELOPMENT GROUP, LLC (Continued by Staff from the February 6, 2024 through April 2, 2024 Planning Commission hearings until the May 7, 2024 Planning Commission hearing).
4	Z-9-2024	THOMAS OROK (Continued by Staff from the March 5, 2024 and April 2, 2024 Planning Commission hearings until the May 7, 2024 Planning Commission hearing).
4	Z-10-2024	PAUL A EDJUA (POPOL LLC) (Held by the Planning Commission from the April 2, 2024 Planning Commission hearing until the May 7, 2024 Planning Commission hearing).

(continued on the next page)

Cobb County Board of Commissioners
Zoning Hearing Summary Agenda
April 16, 2024
Page 2

District	Case	Held and Continued cases (will not be heard) continued
4	Z-11-2024	SALT SPRINGS LLC (Held by the Planning Commission from the April 2, 2024 Planning Commission hearing until the May 7, 2024 Planning Commission hearing).
1	Z-15-2024	DILLON INVESTMENTS, LLC (Held by the Planning Commission from the April 2, 2024 Planning Commission hearing until the May 7, 2024 Planning Commission hearing).
4	Z-17-2024	RESIBUILT (Continued by the Planning Commission from the April 2, 2024 Planning Commission hearing until the May 7, 2024 Planning Commission hearing).
3	Z-18-2024	SUG REAL ESTATE, LLC (Continued by Staff from the April 2, 2024 Planning Commission hearing until the May 7, 2024 Planning Commission hearing).
4	Z-19-2024	JELLEN HOLDINGS, INC (Held by the Planning Commission from the April 2, 2024 Planning Commission hearing until the May 7, 2024 Planning Commission hearing).
4	LUP-12-2024	REGINALD A. RUTHERFORD (Held by the Planning Commission from the April 2, 2024 Planning Commission hearing until the May 7, 2024 Planning Commission hearing).
3	SLUP-5-2024	SUG REAL ESTATE, LLC (Continued by Staff from the April 2, 2024 Planning Commission hearing until the May 7, 2024 Planning Commission hearing).
3	OB-2-2024	360 PROPERTY SOLUTIONS LLC (Continued by the Board of Commissioners from the February 20, 2024 Board of Commissioners hearing until the May 21, 2024 Board of Commissioners hearing).
1	OB-8-2024	TERRY KASTNER (Held by the Board of Commissioners from the March 19, 2024 Board of Commissioners hearing until the April 16, 2024 Board of Commissioners hearing; Continued by Staff from the April 16, 2024 Board of Commissioners hearing until the May 21, 2024 Board of Commissioners hearing).
2	OB-15-2024	RIVERVIEW ASSOCIATES, LTD. (Continued by Staff from the April 16, 2024 Board of Commissioners hearing until the May 21, 2024 Board of Commissioners hearing).
2	OB-16-2024	DJ HOMES, INC. (Continued by Staff from the April 16, 2024 Board of Commissioners hearing until the May 21, 2024 Board of Commissioners hearing).

District	Case	Consent Agenda cases
2	Z-8-2024	JELANI CAMPBELL (Continued by Staff until the April 2, 2024 Planning Commission hearing).
4	Z-12-2024	WPG-MABLETON, LLC
2	Z-13-2024	ST. BENEDICT'S EPISCOPAL SCHOOL
4	Z-14-2024	FULL SERVICE BY HOT ROD, LLC
3	Z-16-2024	LDS HOLDINGS, LLC
4	LUP-9-2024	EJAMA ENTERPRISES
4	LUP-10-2024	ORLANDO LOPEZ
3	LUP-11-2024	PEAR TREE PHOTOGRAPHY ATLANTA LLC

(continued to the next page)

Cobb County Board of Commissioners
Zoning Hearing Summary Agenda
April 16, 2024
Page 3

District	Case	Consent Agenda cases (continued)
3	SLUP-2-2024	ESTATE OF JAMES W. BENTLEY - OWNER LYNN BENTLEY TAYLOR; BENTLEY COMMERCIAL PROPERTIES LLC; SUMMEROUR PROPERTIES LLLP; ESTATE OF JAMES W. BENTLEY - OWNER JUSTIN OTTINGER
2	SLUP-3-2024	ST. BENEDICT'S EPISCOPAL SCHOOL
4	SLUP-4-2024	VACUTEK, LLC
4	OB-11-2024	JUSCELIO CRUZ
2	OB-12-2024	GFAC REAL ESTATE, LLC
2	OB-13-2024	ROBERT MICHAEL BRENNAN AND MELISSA HATCHER BRENNAN
2	OB-14-2024	ST. BENEDICT'S EPISCOPAL DAY SCHOOL, INC

District	Case	Other Business case
3	OB-10-2024	PETROPLEX JOINT VENTURE, LLC



Cobb County...Expect the Best!

COBB COUNTY BOARD OF COMMISSIONERS

ZONING HEARING CONSENT AGENDA

April 16, 2024

Zoning Cases

Z-8 **JELANI CAMPBELL** (Jelani Campbell, owner) requesting rezoning from **CF** to **R-15** for a single-family residence in Land Lots 673 and 696 of the 17th District. Located on the north side of Lee Road, west of Pineridge Road (1953 West Lee Road). *(Previously continued by Staff from the March 5, 2024 Planning Commission hearing until the April 2, 2024 Planning Commission hearing)*. The Planning Commission recommends approval of Z-8 to the **R-15** zoning district, subject to:

1. Single-family use *only*
2. Department of Transportation comments and recommendations
3. Fire Department comments and recommendations
4. Stormwater Management Division comments and recommendations
5. Water and Sewer Division comments and recommendations
6. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 16, 2024

Z-12 **WPG-MABLETON, LLC** (Ayres Family LLLP, owner) requesting rezoning from **R-20** to **NRC** for a bank with drive-thru in Land Lot 41 of the 17th District. Located on the east side of Floyd Road and on the south side of Ayres Road (5033 Floyd Road). The Planning Commission recommends approval of Z-12 to the **NRC** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated March 25, 2024 (on file in the Zoning Division)
2. Letter from Mableton Improvement Coalition dated March 27, 2024 (on file in the Zoning Division)
3. Staff comments and recommendations, *not otherwise in conflict*

Z-13 **ST. BENEDICT'S EPISCOPAL SCHOOL** (Estate of Ed Willard Williams, owner) requesting rezoning from **R-20** to **OI** for a school in Land Lot 695 of the 17th District. Located on the west side of Cooper Lake Road, north of Daniel Street (2255 Cooper Lake Road). The Planning Commission recommends approval of Z-13 subject to:

1. All those stipulations applied to school site by previous case Z-78 of 2021 including:

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Z-13 ST. BENEDICT'S EPISCOPAL SCHOOL (continued)

- A. Letter of agreeable conditions from Kevin Moore dated August 10, 2022 (on file in the Zoning Division)
 - B. No stadium lighting by the field; however, lighting shall be allowed on the field; all site outdoor lighting to be environmentally sensitive with shields; the District Commissioner to approve the final Lighting Plan
 - C. During the time period when there is no construction or no build, there shall be maintenance of the property
 - D. Construction hours: Monday through Saturday, 7:00 a.m. until 6:00 p.m.
 - E. All other phases shall be brought back to the Board of Commissioners (BOC) as Other Business
 - F. Final Site Plan and elevations to be approved by the District Commissioner
 - G. Final Carpool Plan to be approved by the District Commissioner
 - H. Regarding the Carpool Plan, Department of Transportation (DOT) to review upon request by the neighborhood or school, and if a parking restriction is justified along a public roadway, then DOT shall take the necessary steps to enact pursuant to typical department practice set by Board-approved criteria and applicable Code sections
 - I. Final Landscaping Plan and architectural renderings to come back to the District Commissioner for final approval
 - J. All Staff comments and recommendations, including the most recent DOT comments (last revised 8/1/2022 – on file in the Zoning Division), *not otherwise in conflict*
2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 16, 2024

Z-14 FULL SERVICE BY HOT ROD, LLC (4035 Canton Road, LLC, owner) requesting rezoning from GC to NRC for a car wash in Land Lot 59 of the 17th District. Located on the northwest side of Austell Road, south of County Services Parkway (2310 Austell Road). The Planning Commission recommends approval of Z-14 to the NRC zoning district, subject to:

1. Site Plan incorporating code-compliant parking to be approved by the District Commissioner
2. Landscape Plan including rear 20-foot landscape buffer (to the extent possible with existing wall and detention pond locations) or reduced 10-foot landscape buffer with an eight-foot privacy fence adjacent to residential properties and a minimum nine-foot wide strip required adjacent to the right of way per the Austell Road Design Guidelines to be approved by the District Commissioner

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Z-14 FULL SERVICE BY HOT ROD, LLC (continued)

3. General compliance with Austell Road Design Guidelines, including site and building improvements, with final approval by the District Commissioner
4. Department of Transportation comments and recommendations
5. Fire Department comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Water and Sewer Division comments and recommendations
8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 16, 2024

Z-16 LDS HOLDINGS, LLC (LDS Holdings, LLC, owner) requesting rezoning from **GC** to **NRC** for a professional office (contractor) in Land Lot 85 of the 16th District. Located on the north side of Old Noonday School House Road, west of Canton Road (943 Old Noonday School House Road). To recommend approval of Z-16 to the **NRC** zoning district, *with a special exception*, subject to:

1. Site Plan received by the Zoning Division on February 1, 2024, with minor modifications to be approved by the District Commissioner
2. Variances as stated in the Zoning Division comments and recommendations
3. Fire Department comments and recommendations
4. Water and Sewer Division comments and recommendations
5. Department of Transportation comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Planning Division comments and recommendations
8. No outdoor storage
9. No heavy equipment to be parked outside
10. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 16, 2024

LUP-9 EJAMA ENTERPRISES (Ejama Enterprises, LLC, owner) requests a Temporary Land Use Permit for a personal care home in Land Lot 50 of the 17th District. Located on the north side of Hurt Road, east of Fred Walker Drive (688 Hurt Road). To recommend approval of LUP-9 for **24 months**, subject to:

1. Maximum of six residents
2. No parking on the right-of-way
3. All stipulations from previous Land Use Permits (LUPS) also apply
4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 16, 2024

LUP-10 **ORLANDO LOPEZ** (Maria Lopez and Orlando Lopez, owner) requests a Temporary Land Use Permit to allow more vehicles and adults than the code allows in Land Lot 492 of the 19th District. Located on the west side of Hillboro Circle, west of Bankstone Drive (2424 Hillboro Circle). To recommend approval of LUP-10 for **12 months**, subject to:

1. **All things done by the Applicant to mitigate the citations be maintained with Code Enforcement to revisit the property to provide an update on the property's condition**
2. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 16, 2024**

LUP-11 **PEAR TREE PHOTOGRAPHY ATLANTA LLC** (Kelley Wenzel, owner) requests a Temporary Land Use Permit for photography in Land Lot 134 of the 16th District. Located on the south side of Starmist Court, east of Rambling Road (744 Starmist Court). To recommend approval of LUP-11 for **24 months**, subject to:

1. **Maximum of one employee**
2. **Department of Transportation comments and recommendations**
3. **Water and Sewer Division comments and recommendations**
4. **Fire Department comments and recommendations**
5. **Stormwater Management Division comments and Recommendations**
6. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 16, 2024**

SLUP-2 **ESTATE OF JAMES W. BENTLEY - OWNER LYNN BENTLEY TAYLOR; BENTLEY COMMERCIAL PROPERTIES LLC; SUMMEROUR PROPERTIES LLLP; ESTATE OF JAMES W. BENTLEY - OWNER JUSTIN OTTINGER** (Bentley Commercial Properties, LLC; Bentley Farm Properties, LLLP; Summerour Properties LLLP; Lynn Bentley Taylor and Justin Ottinger, owners) requests a Special Land Use Permit for grinding, reduction of materials and a sawmill in Land Lots 1096 and 1137 of the 16th District. Located on the north side of Gresham Road, east of Fairview Street (1471 Gresham Road). To recommend approval of SLUP-2 subject to:

**SLUP-2 ESTATE OF JAMES W. BENTLEY - OWNER LYNN BENTLEY TAYLOR;
BENTLEY COMMERCIAL PROPERTIES LLC; SUMMEROUR PROPERTIES
LLLP; ESTATE OF JAMES W. BENTLEY - OWNER JUSTIN OTTINGER
(continued)**

1. Hours of operation for each business are as follows:
 - A. For the used car storage, Monday through Saturday from 8:00 a.m. until 5:00 p.m.; no operation on Sundays or Federal holidays
 - B. For Top Tier Tree Service (storing of landscaping trucks and off-loading tree trunks and tree debris), Monday through Saturday from 7:00 a.m. until 7:00 p.m.; Sundays and Federal holidays to be reserved for emergency services *ONLY if needed*, i.e., tornado, heavy storm damage in the area, fallen tree on a house, etc.
 - C. For North Georgia Timber (sawmill, grinding, and Air Burner Technology business), Monday through Friday from 8:00 a.m. until 5:00 p.m. *only*; loading of the incinerator should STOP by 4:00 p.m.; there shall be NO machine activity or incineration on Saturday, Sunday, or Federal holidays
2. Limit of one sawmill and one grinder
3. Limit of two incinerators (self-contained) using Air Burner (Curtain) technology, installation based on guidelines from the Air Burner (Curtain) manufacturer; no open fires
4. Adherence to Staff comments and recommendations including Fire Department and Zoning Division, where applicable
5. No open burning
6. Nothing to be incinerated at night
7. A Knox brand pad lock to be included on the gate for Fire Department access
8. *Only* natural wood shall be used/processed in the sawmill, grinder, and air curtain incinerator; particle board, laminated wood, plywood, or any wood product with glue or chemicals on it is to be avoided

SLUP-3 ST. BENEDICT'S EPISCOPAL SCHOOL (Estate of Ed Willard Williams, owner) requests a Special Land Use Permit for a school in Land Lot 695 of the 17th District. Located on the west side of Cooper Lake Road, north of Daniel Street (2255 Cooper Lake Road). The Planning Commission recommends approval of SLUP-3 subject to:

1. All those stipulations applied to school site by previous case Z-78 of 2021 including:
 - A. Letter of agreeable conditions from Kevin Moore dated August 10, 2022 (on file in the Zoning Division)

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SLUP-3 ST. BENEDICT'S EPISCOPAL SCHOOL (continued)

- B. No stadium lighting by the field; however, lighting shall be allowed on the field; all site outdoor lighting to be environmentally sensitive with shields; the District Commissioner to approve the final Lighting Plan
 - C. During the time period when there is no construction or no build, there shall be maintenance of the property
 - D. Construction hours: Monday through Saturday, 7:00 a.m. until 6:00 p.m.
 - E. All other phases shall be brought back to the Board of Commissioners (BOC) as Other Business
 - F. Final Site Plan and elevations to be approved by the District Commissioner
 - G. Final Carpool Plan to be approved by the District Commissioner
 - H. Regarding the Carpool Plan, Department of Transportation (DOT) to review upon request by the neighborhood or school, and if a parking restriction is justified along a public roadway, then DOT shall take the necessary steps to enact pursuant to typical department practice set by Board-approved criteria and applicable Code sections
 - I. Final Landscaping Plan and architectural renderings to come back to the District Commissioner for final approval
 - J. All Staff comments and recommendations, including the most recent DOT comments (last revised 8/1/2022 – on file in the Zoning Division), *not otherwise in conflict*
2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 16, 2024

SLUP-4 VACUTEK, LLC (Buster's Investments, LLC, owner) requests a Special Land Use Permit for used auto and truck sales in Land Lots 377 and 378 of the 18th District. Located on the south side of Oak Ridge Commerce Way, north of Oak Ridge Road (6694 Oak Ridge Commerce Way). The Planning Commission recommends approval of SLUP-4 subject to:

- 1. No on-street parking
- 2. Staff comments and recommendations contained in the Zoning Analysis

OTHER BUSINESS CASES

ITEM OB-11-2024

To consider a stipulation and site plan amendment for Juscelio Cruz regarding rezoning case Z-42 of 2005. The property is located on the southeasterly side of Ivey Road, south of Regency Way in Land Lot 185 of the 18th District (6258 Ivey Road). Staff recommends approval subject to:

1. **Sidewalk, curb, and gutter is waived for only one house on the 2.14 acres;**
2. **Stormwater Management comments;**
3. **If the property is ever subdivided for more than one house, then the sidewalk, curb and gutter would again be required with the cost shared among homes.**

ITEM OB-12-2024

To consider a reduction of required public road frontage from 50-feet to 0-feet for GFAC Real Estate, LLC. The property is located on the north side of Roswell Road, east of Robinson Road in Land Lot 968 of the 16th District (Behind 3827 Roswell Road). Staff recommends approval subject to:

1. **Road frontage is reduced to 0-feet;**
2. **Stormwater Management comments; and**
3. **Fire Department comments.**

ITEM OB-13-2024

To consider a reduction of required public road frontage from 75-feet to 0-feet for Robert Michael Brennan and Melissa Hatcher Brennan. The property is located on the northeasterly side of Polo Lane and on the northwesterly side of Center Street in Land Lots 960 and 961 of the 17th District (4755 Polo Lane). Staff recommends approval subject to:

1. **Road frontage is reduced to 0-feet for Tract 2;**
2. **Stormwater Management comments; and**
3. **Fire Department comments.**

ITEM OB-14-2024

To consider a stipulation and site plan amendment for St. Benedict's Episcopal Day School, Inc. regarding cases Z-78 of 2021 and SLUP-11-2021. The property is located on the east and north side of Daniel Street, and on the west side of Cooper Lake Road in Land Lot 695 of the 17th District (2235 Cooper Lake Rd and 2001 Daniel St). Staff recommends approval subject to:

1. **Site plan received March 12, 2024, with the District Commissioner approving minor modifications;**
2. **Stormwater Management comments;**
3. **Fire Department comments;**
4. **Cobb DOT; and**
5. **All previous stipulations not in conflict to remain in effect.**