

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, April 2, 2024, 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:

Stephen Vault, Chairman
David Anderson
Fred Beloin
Christine Lindstrom

Michael Hughes – not present

CALL TO ORDER – CHAIRMAN VAULT

Chairman Vault called the hearing to order at 9:01 a.m. and announced that due to the absence of Planning Commissioner Hughes, he and Planning Commissioner Anderson would handle the District 4 cases during the hearing.

Chairman Vault introduced the newest Planning Commission member, Christine Lindstrom, who replaced Deborah Dance in District 3.

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

Z-20 **G. GEORGE AND ASSOCIATES INC.** (G. George and Associates Inc., owner) requesting rezoning from **R-20** to **RA-5** for a single-family residence in land lot 497 of the 18th district. Property is located on the east side of Felton Lane, south of Mableton Parkway (7009 Felton Lane). ***WITHDRAWN WITHOUT PREJUDICE***

SLUP-1 **TIRE SWING COLLECTIVE, INC.** (Nicholas M Seidell, owner) requesting a **Special Land Use Permit** for a private park and garden (noncommercial) in land lot 884 of the 16th district. Property is located on the south side of Allgood Road, east of Smithwood Drive (2020 Allgood Road). ***WITHDRAWN WITHOUT PREJUDICE***

LUP-7 **AMY MOLLOHAN** (Mollohan Farms, LLC, Amy Beckenhauer Mollohan and Stacey Alan Mollohan, owners) requesting a **Temporary Land Use Permit** for a seasonal special events venue in land lots 353, 354, 387, and 388 of the 19th district. Property is located on the west side of Villa Rica Road, north of Macland Road (1790 Villa Rica Road). ***(Previously continued by Staff from the March 5, 2024, Planning Commission (PC) hearing until the April 2, 2024, PC hearing).***

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 2**

WITHDRAWN AND CONTINUED CASES (CONT.)

LUP-7 AMY MOLLOHAN (CONT.)

Mr. Pederson presented the Applicant's request to withdraw LUP-7 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to **allow** LUP-7 to be *withdrawn without prejudice*.

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

Z-40'²³ **ATLANTA REMEDIATION GROUP, LLC** (Vanessa Pichardo, owner) requesting rezoning from **R-20** to **LI** for a specialty contractor and parking of RVs and boats in land lot 204 of the 16th district. Property is located on the south side of Shallowford Road, east of Canton Road (1018 Shallowford Road). *(Previously continued by Staff from the October 3, 2023, through the April 2, 2024, Planning Commission (PC) hearings until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*

Z-52'²³ **1054 INVESTMENT GROUP L.L.C.** (1054 Investment Group, LLC; James Vincent Manley, owners) requesting rezoning from **R-20** to **LI** for contractor offices and parking of vehicles on land lot 204 of the 16th district. Property is located on the south side of Shallowford Road, east of Old Shallowford Road (1022, 1028, and 1054 Shallowford Road). *(Previously held by the Planning Commission (PC) from the November 7, 2023, PC hearing until the December 5, 2023, PC hearing; continued by Staff from the December 5, 2023, through the February 6, 2024, PC hearings until the March 5, 2024, PC hearing; held by the PC from the March 5, 2024, PC hearing until the April 2, 2024, PC hearing; continued by Staff until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*

Z-59'²³ **SS DEVELOPERS, LLC** (Samir K. Barman and Sujata Barman, owners) requesting rezoning from **R-20** to **RA-5** and **LRO** for a single-family subdivision and professional office in land lots 124, 125, 142, and 143 of the 20th district. Property is located on the west side of Jim Owens Road at the terminus of New Rutledge Road (3049 Jim Owens Road). *(Previously continued by Staff from the December 5, 2023, through the April 2, 2024, Planning Commission (PC) hearings until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 3**

WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-60²³** **MRE-CANTON, LLC** (MRE-Canton, LLC, owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales in land lot 60 of the 16th district. Property is located on the east side of Canton Road and the north side of Jamerson Road (4852 Canton Road). *(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing; continued by Staff from the February 6, 2024, through the April 2, 2024, PC hearings until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-2** **FLOURNOY DEVELOPMENT GROUP, LLC** (Cobb County, owner) requesting rezoning from **GC** to **RRC** for a multifamily residential building in land lots 763 and 764 of the 17th district. Property is located on the west side of Atlanta Road and on the east side of I-285, south of the intersection of I-285 and Atlanta Road (4600 Atlanta Road). *(Previously continued by Staff from the February 6, 2024, through the April 2, 2024, Planning Commission (PC) hearings until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-9** **THOMAS OROK** (Florence Odang Okonta, owner) requesting rezoning from **CRC** and **R-20** to **RM-8** for a townhome community in land lot 1300 of the 19th district. Property is located on the north side of Veterans Memorial Highway and on the west side of Burrus Road (1558 Veterans Memorial Highway). *(Previously continued by Staff from the March 5, 2024, and April 2, 2024, Planning Commission (PC) hearings until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-18** **SUG REAL ESTATE, LLC** (SUG Real Estate, LLC, owner) requesting rezoning from **GC** to **LI** for a contractor (special) in land lot 733 of the 16th district. Property is located on the east side of Canton Road, north of Dorsey Road (2024 Canton Road). *(Continued by Staff from the April 2, 2024, Planning Commission (PC) hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*
- SLUP-5** **SUG REAL ESTATE, LLC** (SUG Real Estate, LLC, owner) requesting a **Special Land Use Permit** for a waste transfer station for special contractor in land lot 733 of the 16th district. Property is located on the east side of Canton Road, north of Dorsey Road (2024 Canton Road). *(Continued by Staff from the April 2, 2024, Planning Commission (PC) hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 4**

WITHDRAWN AND CONTINUED CASES (CONT.)

Z-17 **RESIBUILT** (Techsoft Consulting, LLC, owner) requesting rezoning from **PVC** to **PVC** for a townhome community in land lots 25, 26, 47 and 48 of the 17th district. Property is located on the east side of Hicks Road, on the south side of the East-West Connector, and on the west side of Barnes Meadow Road (4061 and 4085 Hicks Road).

Mr. Pederson presented the Applicant's request for a continuance of Z-17; thereafter, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to **continue** Z-17 until the May 7, 2024, Planning Commission Zoning Hearing.

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

Mr. Pederson made the following announcement.

INFORMATION REGARDING ZONING CASES

All information regarding zoning cases must be turned in to the Zoning Office on the Wednesday prior to the zoning hearing for consideration. If said information is turned in past the deadline, then it is at the Board's discretion as to whether the information will be considered.

Prior to reading in the Consent Agenda, Mr. Pederson announced that due to the absence of the Vice Chairman and the Chairman having to leave the hearing, a temporary Vice Chairman needed to be elected to run the hearing when the Chairman leaves this morning. Thereafter, the following motion was made:

MOTION: Motion by Anderson, second by Lindstrom, to **elect** Fred Beloin as the temporary Planning Commission Vice Chairman.

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

CONSENT AGENDA

MOTION: Motion by Beloin, second by Anderson, to **approve** the Consent Agenda, *as revised.*

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. Property is located on the north side of Lee Road, west of Pineridge Road (1953 West Lee Road). *(Continued by Staff from the March 5, 2024, Planning Commission (PC) hearing until the April 2, 2024, PC hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 5**

CONSENT AGENDA (CONT.)

Z-8 JELANI CAMPBELL (CONT.)

To recommend **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-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. Property is located on the northwest side of Austell Road, south of County Services Parkway (2310 Austell Road).

To recommend **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**
- 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**

At the call for Z-15 (Dillon Investments, LLC), the Applicant was present, and there was opposition present; therefore, Z-15 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 11 of these minutes).

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 6**

CONSENT AGENDA (CONT.)

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. Property is 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, (on file in the Zoning Division), with the District Commissioner approving minor modifications**
2. **Variances as stated in the Zoning Division comments and recommendations**
3. **Fire Department comments and recommendations**
4. **Water and Sewer Division comments and recommendations**
5. **Department of Transportation comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **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) requesting a **Temporary Land Use Permit** for a personal care home in land lot 50 of the 17th district. Property is 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 in 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-11 **PEAR TREE PHOTOGRAPHY ATLANTA LLC** (Kelley Wenzel, owner) requesting a **Temporary Land Use Permit** for photography in land lot 134 of the 16th district. Property is 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**

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 7**

CONSENT AGENDA (CONT.)

LUP-11 PEAR TREE PHOTOGRAPHY ATLANTA LLC (CONT.)

- 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**

Prior to approving the Consent Agenda, Mr. Pederson stated that the Applicant and opposition for Z-12 (WPG-Mableton, LLC) have come to an agreement; therefore, he requested that Z-12 be added to the Consent Agenda. Mr. Pederson read in the case and stipulations, and the motion was made to add Z-12 to the Consent Agenda.

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. Property is located on the east side of Floyd Road and on the south side of Ayres Road (5033 Floyd Road).

To recommend **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***

MOTION: Motion by Anderson, second by Beloin, to **add** Z-12 to the Consent Agenda, as previously read in.

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

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

REGULAR AGENDA

Chairman Vault left the hearing at 9:22 a.m. Vice Chairman Beloin led the hearing in the Chairman's absence.

Z-10 PAUL A EDJUA (POPOL LLC) (POPOL, LLC, owner) requesting rezoning from **GC** and **R-15** to **NRC** for a retail center in land lot 1140 of the 19th district. Property is located on the west side of Austell Road and on the south side of Warren Drive (4878 Austell Road, Warren Drive).

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 8**

REGULAR AGENDA (CONT.)

Z-10 PAUL A EDJUA (CONT.)

The public hearing was opened; Paul Edjua and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Lindstrom, to **hold** Z-10 until the May 7, 2024, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Vault and Hughes not present

***Clerk's Note:** Mr. Anderson directed the Applicant to do the following prior to next month's Planning Commission hearing:*

- 1. Construct a Site Plan which does not require any setback variances*
- 2. Provide more specificity around uses*
- 3. Provide more clarity around buffer and placement of dumpsters*

Z-11 SALT SPRINGS LLC (Salt Springs, LLC, owner) requesting rezoning from NS to LI for an office and warehouse in land lot 35 of the 17th district. Property is located on the west side of Old Floyd Road and on the north side of Center Street (5420 Old Floyd Road).

The public hearing was opened; Thomas Miller and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Lindstrom, to **hold** Z-11 until the May 7, 2024, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Vault and Hughes not present

***Clerk's Note:** Mr. Anderson directed the Applicant to provide a detailed stipulation letter addressing site cleanup, stormwater management, landscaping, and placement of dumpsters prior to next month's Planning Commission hearing.*

Vice Chairman Beloin called for a brief recess from 10:12 a.m. until 10:21 a.m. Following the recess, Mr. Pederson announced that the Applicant and opposition for SLUP-4 (Vacutek, LLC) had come to an agreement; therefore, the case could be added to the Consent Agenda.

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 9**

CONSENT AGENDA (CONT.)

SLUP-4 **VACUTEK, LLC** (Buster's Investments, LLC, owner) requesting a **Special Land Use Permit** for used auto and truck sales in land lots 377 and 378 of the 18th district. Property is located on the south side of Oak Ridge Commerce Way, north of Oak Ridge Road (6694 Oak Ridge Commerce Way).

MOTION: Motion by Anderson, second by Lindstrom, to **add** SLUP-4 to the Consent Agenda.

VOTE: **ADOPTED** 3-0, Vault and Hughes not present

After the case was added to the Consent Agenda, the following motion was made to recommend approval of SLUP-4 with stipulations:

MOTION: Motion by Anderson, second by Lindstrom, to recommend **approval** of SLUP-4, subject to:

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

VOTE: **ADOPTED** 3-0, Vault and Hughes not present

REGULAR AGENDA (CONT.)

By general consensus, companion cases, Z-13 and SLUP-3 (St. Benedict's Episcopal School), were heard concurrently but voted on separately.

Z-13 **ST. BENEDICT'S EPISCOPAL SCHOOL** (Estate of Ed Willard Williams, owner) requesting rezoning from **R-20** to **O&I** for a school in land lot 695 of the 17th district. Property is located on the west side of Cooper Lake Road, north of Daniel Street (2255 Cooper Lake Road).

SLUP-3 **ST. BENEDICT'S EPISCOPAL SCHOOL** (Estate of Ed Willard Williams, owner) requesting a **Special Land Use Permit** for a school in land lot 695 of the 17th district. Property is located on the west side of Cooper Lake Road, north of Daniel Street (2255 Cooper Lake Road).

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

MOTION: Motion by Anderson, second by Lindstrom, to recommend **approval** of Z-13, subject to:

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

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 10

REGULAR AGENDA (CONT.)

**Z-13 & ST. BENEDICT'S EPISCOPAL SCHOOL (CONT.)
SLUP-3**

- 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

VOTE: **ADOPTED** 3-0, Vault and Hughes not present

Following the vote for Z-13, the following motion was made for companion case, SLUP-3:

MOTION: Motion by Anderson, second by Lindstrom, to recommend **approval** of SLUP-3, subject to:

1. All stipulations as those stated in companion case, Z-13

VOTE: **ADOPTED** 3-0, Vault and Hughes not present

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 11**

REGULAR AGENDA (CONT.)

Z-15 **DILLON INVESTMENTS, LLC** (Dillon Investments, LLC, owner) requesting rezoning from **LRO** and **R-80** to **LRO** and **R-80** for a professional office and single-family residence in land lot 428 of the 19th district. Property is located on the north side of Macland Road and on the west side of Villa Rica Road (2080 Villa Rica Road).

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

MOTION: Motion by Beloin, second by Anderson, to **hold** Z-15 until the May 7, 2024, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Vault and Hughes not present

Chairman Vault returned to the hearing at 10:57 a.m.

Z-19 **JELEN HOLDINGS, INC** (JeLen Holdings, Inc., owner) requesting rezoning from **GC** to **NRC** for an office, retail, and restaurant in land lot 297 of the 18th district. Property is located on the west side of Mableton Parkway, north of South Gordon Road (Mableton Parkway).

The public hearing was opened; Lenesia Cooper, Robin Meyer, and Robert Genchi addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to **hold** Z-19 until the May 7, 2024, Planning Commission Zoning Hearing.

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

***Clerk's Note:** Mr. Anderson directed the Applicant to provide the following prior to the next Planning Commission hearing:*

- 1. Prepare a revised stipulation letter and a less dense site plan which includes at least a 20-ft buffer to the south*
- 2. Meet with Stormwater Management to understand how the buildings should be placed on the property to create the best stormwater management situation*
- 3. On the site plan, add a taper to the right-of-way as a traffic safety measure*

LUP-10 **ORLANDO LOPEZ** (Maria Lopez and Orlando Lopez, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 492 of the 19th district. Property is located on the west side of Hillboro Circle, west of Bankstone Drive (2424 Hillboro Circle).

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 12**

REGULAR AGENDA (CONT.)

LUP-10 ORLANDO LOPEZ (CONT.)

The public hearing was opened; Maria Lopez and Orlando Lopez addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Vault, second by Beloin, 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**

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

LUP-12 REGINALD A. RUTHERFORD (Reginald Allen Rutherford, owner) requesting a **Temporary Land Use Permit** to allow a business and related vehicle parking in land lots 1244, 1245, 1272, 1273, and 1319 of the 19th district. Property is located on the south side of Hiram Lithia Springs Road, east of Holloman Road (5280 Hiram Lithia Springs Road).

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

MOTION: Motion by Vault, second by Anderson, to **hold** LUP-12 until the May 7, 2024, Planning Commission Zoning Hearing.

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

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) requesting a **Special Land Use Permit** for grinding and a reduction of materials and a sawmill in land lots 1096 and 1137 of the 16th district. Property is located on the north side of Gresham Road, east of Fairview Street (1471 Gresham Road).

The public hearing was opened; George Bentley and Kevin Blond addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

REGULAR AGENDA (CONT.)

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 (CONT.)

MOTION: Motion by Lindstrom, second by Beloin, to recommend **approval** of SLUP-2, subject to:

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**

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

After the vote, discussion ensued, and an additional stipulation was to be included in the original motion; thereafter, the following motion was made:

MOTION: Motion by Lindstrom, second by Beloin, to **amend** the previous motion for SLUP-2 to include the following stipulation:

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 2, 2024
PAGE 14**

REGULAR AGENDA (CONT.)

**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 (CONT.)**

**9. Inclusion on the Consent Agenda for the Board of Commissioners'
Zoning Hearing on April 16, 2024**

VOTE: ADOPTED 4-0, Hughes not present

APPROVAL OF MINUTES

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

March 5, 2024 – Planning Commission Zoning Hearing

VOTE: ADOPTED 4-0, Hughes not present

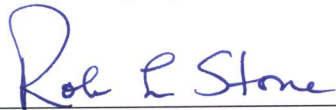
MOTION: Motion by Anderson, second by Beloin, to **approve** the following minutes, *as submitted*:

March 25, 2024 – Special Called Meeting/Agenda Review Work Session

VOTE: ADOPTED 4-0, Hughes not present

ADJOURNMENT

The hearing adjourned at 12:52 p.m.



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