

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2024
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 17, 2024, 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 Jerica Richardson
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Monique Sheffield

CALL TO ORDER – CHAIRWOMAN CUPID

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

Commissioner Birrell presented the following *revised* statement dated 8/13/24 to the Clerk which was attached to each vote taken at today's hearing (attached and made a part of these minutes):

Considering the Supreme Court's ruling in January regarding standing on the Home Rule issue, my position regarding the home rule challenge still stands.

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022, under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022, signed into law by Governor Kemp on March 2, 2022, and certified by the Cobb Board of Elections on November 15, 2022.

In addition, I do support the Order on Cross Motions for Summary Judgment (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024, which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense, and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.

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Commissioner Gambrell asked that the following *revised* statement she submitted at the 9/10/2024 Board of Commissioners' meeting be attached to each vote taken at today's hearing (attached and made a part of these minutes).

While the Board has taken steps to return to the legislative maps approved by Governor Kemp, as a formality, I believe the Board still needs to take the proper steps to appeal the Home Rule Resolution approved on October 25, 2022. As the letter sent to the Secretary of State on September 9, 2024 made no reference to the Home Rule Resolution submitted to their office on October 26, 2022.

There has been much discussion on Home Rule Authority and reapportionment as a result of the Republicans in the General Assembly bypassing the traditional role of the County delegation in the process.

The county delegation is comprised of members of the Georgia House and Georgia Senate who represent any part of Cobb County, and collectively have no legal authority per the Official Code of Georgia.

The General Assembly does not adjudicate disputes within and does not poll the members of the local delegation for their opinions. Similarly, the Chair of the Cobb delegation has no official authority to violate the "one man, one vote" which is the underlying principle of redistricting.

To support these statements, a Federal Judge in the 2003 case Smith v Cobb County Board of Elections:

"The underlying assumption of local courtesy is that the bill affects only a certain city or county, and, therefore, representatives and senators of other districts should defer to that local delegation's judgement. Local courtesy is a custom, however, and is not provided for in either the House or Senate rules. Should a member of the House or Senate choose to challenge local legislation on the floor, local courtesy is not enforced."

The County Attorney's Office is taking the brunt of this – and while deserved – they can point their finger back at the majority of the Board, because, after all, they followed directions. Yet now we are near the end of this novel concept, and our enabling legislation will more than likely allow the affected commissioner to finish their term.

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

WITHDRAWN, HELD, AND CONTINUED CASES

Z-30 BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP, ESTATE OF JAMES W. BENTLEY, JAMES W. BENTLEY, JR. (Bentley Residential Properties, LLC; Summerour Farm LLLP; Lynn Bentley Taylor and Justin Ottinger, owners) requesting rezoning from **CF** and **R-20** to **RA-4** for single-family residences in land lot 224 of the 17th district. Property is located on the south side of Rebecca Drive, west of Pair Street (106 Rebecca Drive). *(Previously continued by Staff from the*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-30 **BENTLEY RESIDENTIAL PROPERTIES, LLC; SUMMEROUR PROPERTIES, LLLP, ESTATE OF JAMES W. BENTLEY, JAMES W. BENTLEY, JR. (CONT.)**

July 16, 2024, Board of Commissioners' (BOC) Zoning hearing until the August 20, 2024, BOC Zoning hearing; continued by the BOC from the August 20, 2024, BOC Zoning hearing until the September 17, 2024, BOC Zoning hearing). WITHDRAWN WITHOUT PREJUDICE

Z-51 **BELMONTE FINE HOMES, LLC** (Clara Bell Rucker, owner) requesting rezoning from **R-30** to **R-15** for single-family residences in land lots 533 and 548 of the 16th district. Property is located on the east side of Hembree Road, north of Greencastle Chase (2760 and 2830 Hembree Road). *(Continued by Staff from the September 17, 2024, Planning Commission (PC) hearing until the October 1, 2024, PC hearing). WITHDRAWN WITHOUT PREJUDICE*

LUP-27 **SCOTT D. SMITH** (Scott D. Smith, individually, and as Trustee of the Scott D. Smith Revocable Trust 1, owner) requesting a **Temporary Land Use Permit** for an assembly hall for private events in land lot 1260 of the 16th district. Property is located on the north side of Paper Mill Road, across from Atlanta Country Club Drive (4465 Paper Mill Road). **WITHDRAWN WITHOUT PREJUDICE**

O.B. 38 To consider a reduction of required public road frontage from 75-feet to 28-feet for Lot 2 for Naushad Ahmed. Property is located on the north side of Hembree Drive in land lot 886 of the 16th district (2357 Hembree Drive). *(Previously held by the Board of Commissioners (BOC) from the July 16, 2024, BOC Zoning hearing until the August 20, 2024, BOC Zoning hearing; continued by the BOC from the August 20, 2024, BOC Zoning hearing until the September 17, 2024, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request to withdraw O.B. 38; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **allow** O.B. 38 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0** *(Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- 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 September 3, 2024, Planning Commission (PC) hearings until the November 5, 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 northwest corner of Veterans Memorial Highway and Burrus Road (1558 Veterans Memorial Highway). *(Previously continued by Staff from the March 5, 2024, through the July 2, 2024, Planning Commission (PC) hearings until the August 6, 2024, PC hearing; held by the PC from the August 6, 2024, PC hearing until the September 3, 2024, PC hearing; continued by the PC from the September 3, 2024, PC hearing until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-37** **BOSCO IKEAKANAM** (Sunrise GA Inc., owner) requesting rezoning from **R-20** to **O&I** for a doctor's office in land lot 1006 of the 19th district. Property is located on the west side of Austell Road, north of Drennon Avenue (4470 Austell Road). *(Previously held by the Planning Commission (PC) from the August 6, 2024, and September 3, 2024, PC hearings until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-39** **ASHER HOMES, INC.** (Apple Investments, Inc., owner) requesting rezoning from **R-20** to **R-15** for a single-family residence in land lots 219 and 286 of the 17th district. Property is located on the north side of Hill Street, northwest of Garrison Road (151 Hill Street). *(Previously continued by Staff from the August 6, 2024, and September 3, 2024, PC hearings until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-40** **ELITE ENGINEERING** (Aarish Group of Investment, LLC, owner) requesting rezoning from **GC** and **NS** to **GC** for a convenience store with fuel sales in land lot 296 of the 20th district. Property is located on the southwest side of Due West Road, northwest of Lisas Drive (3807 Due West Road). *(Previously continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-44** **MANOR RESTORATIONS, LLC** (Zoe Christian Fellowship, Inc.; Dabney Partners, LLC, owners) requesting rezoning from **NRC** and **R-20** to **RM-8** for a townhome community in land lots 165, 166, and 180 of the 18th district. Property is located on the south side of Veterans Memorial Highway, on the west side of Queen Mill Road, and on the northwest and southeast side of Hickory Trail, south of Veterans Memorial Highway, and on the south side of Blackhawk Trail (922 Veterans Memorial Highway, Queen Mill Road, 6001 Hickory Trail). *(Previously continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the November 5, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-47** **AMERICAN DREAM HOMES, LLC AND KATHERINA EKEJI** (Katherina Ekeji and American Dream Homes, LLC, owners) requesting rezoning from **R-20** to **RA-6** for a townhome community in land lot 383 of the 18th district. Property is located on the south side of South Gordon Road, east of Timber Trail (1001 South Gordon Road). *(Held by the Planning Commission (PC) from the September 3, 2024, PC hearing until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-49** **BLUE RIVER DEVELOPMENT, LLC** (Tyler Chandler Homes, LLC, owner) requesting rezoning from **R-30** to **RM-8** for a townhome community in land lot 671 of the 19th district. Property is located on the south side of C H James Parkway, west of Sterlingbrooke Drive (C H James Parkway). *(Continued by Staff from the September 17, 2024, Board of Commissioners' (BOC) Zoning hearing until the October 15, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*
- LUP-25** **DAVID GATTI** (David Anthony Gatti, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 354 of the 16th district. Property is located on the north side of Parkwood Drive, east of Bells Ferry Road (75 Parkwood Drive). *(Continued by the Planning Commission (PC) from the September 3, 2024, PC hearing until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*
- LUP-26** **LUCAS RUBIO LOVATON** (Lucas Rubio Lovaton and Gladiana Reyes Jimenez, owners) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 705 of the 19th district. Property is located at the southwest intersection of Amelia Drive and Lyle Lane (1151 Amelia Drive). *(Continued by the Planning Commission (PC) from the September 3, 2024, PC hearing until the October 1, 2024, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 44 To consider amending the stipulations for Hilltop Rufe Snow, LLC and HilltopTIC, LP regarding rezoning application Z-11 of 2016. Property is located at the southeast corner of Veterans Memorial Highway and Powell Drive in land lot 34 of the 18th district (1391 Veterans Memorial Highway). *(Previously held by the Board of Commissioners (BOC) from the August 20, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*

O.B. 49 To consider amending the site plan and stipulations for Amanda Bonetti/STNL Development regarding rezoning application Z-20 of 2006. Property is located at the southeast corner of Powder Springs Road and Milford Church Road in land lot 549 of the 19th district (1949 Powder Springs Road). *(Previously continued by the Board of Commissioners (BOC) from the August 20, 2024, BOC Zoning hearing until the September 17, 2024, BOC Zoning hearing; continued by Staff from the September 17, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*

Z-43 **CAMPUS REALTY ADVISORS, LLC** (Glenn Chastain, LLC, owner) requesting rezoning from **OS** to **RRC** for purpose-built student housing in land lot 430 of the 16th district. Property is located at the terminus of Chastain Center Boulevard, south of Chastain Road (500 Chastain Center Boulevard). *(Previously continued by Staff from the August 6, 2024, Planning Commission (PC) hearing until the September 3, 2024, PC hearing).*

SLUP-9 **CAMPUS REALTY ADVISORS, LLC** (Glenn Chastain, LLC, owner) requesting a **Special Land Use Permit** for purpose-built student housing in land lot 430 of the 16th district. Property is located at the terminus of Chastain Center Boulevard, south of Chastain Road (500 Chastain Center Boulevard). *(Previously continued by Staff from the August 6, 2024, Planning Commission (PC) hearing until the September 3, 2024, PC hearing).*

Mr. Pederson presented the Applicant's request to continue Z-43 and SLUP-9; thereafter, the following motion was made:

MOTION: Motion by Richardson, second by Birrell, to continue Z-43 and SLUP-9 to the October 15, 2024, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0** *(Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-33 **O'DWYER PROPERTIES, LLC** (ADP Old Bankhead Highway, LLC, owner) requesting rezoning from **NS** and **R-20** to **RA-4** for a townhome community in land lots 1296 and 1297 of the 19th district. Property is located on the southeast side of Old Bankhead Highway, west of Brenda Drive, and north of Haggard Drive (1035 Old Bankhead Highway). *(Previously continued by the Board of Commissioners (BOC) from the July 16, 2024, and August 20, 2024, BOC Zoning hearings until the September 17, 2024, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request to continue Z-33; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** Z-33 to the October 15, 2024, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0** (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

O.B. 56 To consider a reduction of required minimum lot size from 5-acres to 4.25-acres and variances for setbacks and landscape buffers for Mars Hill Community Church. Property is located on the west side of Mars Hill Road, north of Dallas Highway in land lots 66 and 67 of the 19th district (109 Mars Hill Road).

Mr. Pederson presented the Applicant's request to continue O.B. 56; thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **continue** O.B. 56 to the October 15, 2024, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0** (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

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

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.

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CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following cases on the Consent Agenda, *as revised*:

Z-32 **EMILY G. DUNN** (Larimore Holdings, LLC, owner) requesting rezoning from **GC** to **NRC** for retail and a warehouse in land lot 60 of the 16th district. Property is located on the west side of Canton Road, north of Jamerson Road (4925 Canton Road). *(Previously continued by Staff from the July 2, 2024, Planning Commission (PC) hearing until the August 6, 2024, PC hearing; continued by the PC from the August 6, 2024, PC hearing until the September 3, 2024, PC hearing).*

To **approve** Z-32 to the **NRC** zoning district, subject to:

1. **District Commissioner to approve the final Site Plan**
2. **District Commissioner to approve the final use**
3. **Parking to meet the code requirements**
4. **No outdoor storage**
5. **No automotive or warehouse uses; however, showroom use is permitted**
6. **Variances as stated in the Zoning comments and recommendations**
7. **Fire Department comments and recommendations**
8. **Water and Sewer Division comments and recommendations**
9. **Stormwater Management Division comments and recommendations**
10. **Department of Transportation comments and recommendations**

Z-35 **CHUCK OWUZO** (Chukwuma Chuck Owuzo, owner) requesting rezoning from **RA-6** and **NRC** to **RSL** for residential senior living, supportive units in land lots 621, 638, and 639 of the 19th district. Property is located on the east side of Powder Springs Road, on the northeast side of Pair Road (Powder Springs Road). *(Previously held by the Planning Commission (PC) from the August 6, 2024, PC hearing until the September 3, 2024, PC hearing).*

To **approve** Z-35 to the **RSL (supportive)** zoning district, subject to:

1. **Maximum of 66 units**
2. **Construction hours shall be Monday through Friday, 7:00 a.m. until 8:00 p.m.; Saturday, 9:00 a.m. until 6:00 p.m.; and no work on Sunday**
3. **Final Site Plan to be approved by the District Commissioner**
4. **Final architectural elevations to be approved by the District Commissioner**
5. **Maximum impervious surface not to exceed 70% for NRC**
6. **For the NRC portion, prohibited uses to include: no billiards or pool halls, no drive-thru restaurants, no vape shops, and no light auto repair**

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CONSENT AGENDA (CONT.)

Z-35 CHUCK OWUZO (CONT.)

- 7. A dumpster enclosure shall be designed to complement the building architecture while meeting all development standards with the design approved by the District Commissioner**
- 8. The dumpster lids shall contain a rubber cushion to reduce noise**
- 9. Staff comments and recommendations, *not otherwise in conflict***

Z-45 JEFF KWAN (Jeff Kwan and Christy Kwan, owner) requesting rezoning from **R-80** to **R-30** for a single-family residence in land lot 463 of the 19th district. Property is located on the north side of Macland Road, west of Gus Robinson Road (Macland Road SW).

To **approve** Z-45 to the **R-30** zoning district, subject to:

- 1. Single-family use *only***
- 2. Adherence to the Macland Road Design Guidelines**
- 3. Fire Department comments and recommendations**
- 4. Water and Sewer Division comments and recommendations**
- 5. Stormwater Management Division comments and recommendations**
- 6. Department of Transportation comments and recommendations**

Z-46 CHARLES MELO (Gene Eidson, owner) requesting rezoning from **GC** to **TS** for automobile paint and body repair in land lot 422 of the 17th district. Property is located on the northwest corner of Ledford Street and Atlanta Road (791 and 801 Ledford Street).

To **approve** Z-46 to the **TS** zoning district, subject to:

- 1. Final Site Plan to be approved by the District Commissioner**
- 2. All vehicles must be parked in striped parking spaces**
- 3. No outdoor storage or outdoor display of merchandise**
- 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**

Z-48 KENNESTONE HOSPITAL, INC. (Kennestone Hospital, Inc., owner) requesting rezoning from **LRC** to **O&I** for an urgent care clinic in land lots 216 and 241 of the 20th district. Property is located at the southeast intersection of Kennesaw Due West Road and Stilesboro Road (1550 Kennesaw Due West Road NW).

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CONSENT AGENDA (CONT.)

Z-48 KENNESTONE HOSPITAL, INC. (CONT.)

To delete Z-48 to the LRC zoning district, subject to:

1. Site Plan *revised* on July 24, 2024, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. Urgent Care Clinic *use* would be permitted under the LRC zoning District
3. District Commissioner to approve the final elevations, signage, and landscaping
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

Z-50 A-1 AUTO CORES, LLC (Rabhendra Ramessar and Julio Magana, owners) requesting rezoning from R-20 to LI for automotive repair in land lot 292 of the 17th district. Property is located on the south side of Pearl Street, east of South Cobb Drive (310 Pearl Street).

To delete Z-50 to the TS zoning district, subject to:

1. Site Plan received by the Zoning Division on July 9, 2024, with District Commissioner approving minor modifications (attached and made a part of these minutes)
2. Letter of agreeable conditions from Kevin Moore dated August 26, 2024 (attached and made a part of these minutes)
3. Variances 1 and 3 as stated in the Zoning comments and recommendations to be approved
4. All vehicles to be parked in paved striped parking spaces; no vehicles to be parked on grass, dirt, or gravel
5. No outdoor storage or outdoor display of merchandise
6. 40-foot landscape buffer to be installed/maintained on the southern property line
7. The property to be cleaned up and not lived in by the time of construction or business license
8. Fire Department comments and recommendations
9. Stormwater Management Division comments and recommendations
10. Water and Sewer Division comments and recommendations
11. Department of Transportation comments and recommendations

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CONSENT AGENDA (CONT.)

OTHER BUSINESS

O.B. 46 To consider a reduction of required minimum public road frontage from 75 feet to 30 feet for Roger D. Slone and Linda A. Slone. Property is located on the north side of Bates Road, east of Floyd Road in land lots 998 and 999 of the 18th district (behind 1050 Bates Road).

To **approve** O.B. 46, subject to:

- 1. 1050 Bates Road and the parcel identified as O.B. 46 on the survey dated July 10, 2024 (attached and made a part of these minutes) cannot be divided into smaller lots and can only have one single family dwelling per parcel**
- 2. Water and Sewer Department comments and recommendations**
- 3. Fire Department comments and recommendations**
- 4. Cobb DOT comments and recommendations**
- 5. Staff comments and recommendations, *not otherwise in conflict***

O.B. 50 To consider a reduction of required minimum lot size for proposed lot 13 from 20,000 square-feet to 17,375 square-feet for Issan Chetty. Property is located at the northeast intersection of Bells Ferry Road and Janis Drive in land lot 713 of the 16th district (2242 Bells Ferry Road).

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

- 1. Lot 13 approved to be 17,375 square-feet**
- 2. Stormwater Management Division comments and recommendations**
- 3. Cobb DOT comments and recommendations**

O.B. 51 To consider a reduction of required minimum lot size from 20,000 square-feet to 19,254 square-feet for Nicholas Magalhaes. Property is located on the east side of Shaw Road, north of Oak Creek Drive in land lot 489 of the 16th district (3110 Shaw Road).

To **approve** O.B. 51, subject to:

- 1. Lot size is approved to be 19,254 square-feet**
- 2. Minimum square footage of the house shall be 2,400 square-feet**
- 3. Final Site Plan and elevations to be approved by the District Commissioner**
- 4. Cobb DOT comments and recommendations**
- 5. Stormwater Management Division comments and recommendations, with Stormwater Management approving the final plan**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 52 To consider amending the site plan and stipulations for Martin Huerta regarding rezoning application Z-63 of 2023. Property is located on the east side of Sandtown Road, north of Gann Road in land lot 211 of the 17th district (1119 Sandtown Road).

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

- 1. Site Plan received by the Zoning Division on August 18, 2024 (attached and made a part of these minutes)**
- 2. Stormwater Management Division comments and recommendations**
- 3. Cobb DOT comments and recommendations**
- 4. Fire Department comments and recommendations**
- 5. All previous conditions and stipulations, *not otherwise in conflict*, to remain in effect**

O.B. 53 To consider amending stipulations for BAPS Atlanta Kennesaw, LLC regarding rezoning application Z-151 of 1995. Property is located on the east side of Chastain Meadows Parkway, south of Chastain Road in land lots 427 and 428 of the 16th district (3380 Chastain Meadows Parkway).

To **approve** O.B. 53, subject to:

- 1. *Places of Worship* shall be added to *permitted use* for this property**
- 2. Cobb DOT comments and recommendations**
- 3. Fire Department comments and recommendations**

O.B. 55 To consider a reduction of required minimum lot size from 20,000 square-feet to 15,867 square-feet for Juscelio Cruz. Property is located on the north side of Cranfill Road at Clearview Street in land lot 298 of the 17th district (413 Cranfill Road).

To **approve** O.B. 55, subject to:

- 1. Lot size is approved to be 15,867 square-feet**
- 2. Cobb DOT comments and recommendations**
- 3. Fire Department comments and recommendations**

O.B. 57 To consider amending the stipulations for The Stonehaven School, Inc. regarding application SLUP-9 of 2019, for property located on the west side of Old Concord Road, east of Pine Street, north of Cranfill Road in land lots 297 and 298 of the 17th district (1650 Old Concord Road).

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 57 (CONT.)

To **approve** O.B. 57, subject to:

- 1. Site Plan received by the Zoning Division on August 13, 2024, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- 2. Stormwater Management Division comments and recommendations**
- 3. Cobb DOT comments and recommendations**
- 4. Fire Department comments and recommendations**

O.B. 58 To consider amending the site plan for Tyler Chandler Homes, LLC regarding application Z-17 of 2022. Property is located on the south side of McClure Road, and on the west side of Acworth Due West Road in land lot 122 of the 20th district (4321 McClure road).

To **approve** O.B. 58, subject to:

- 1. Site Plan received by the Zoning Division on August 13, 2024, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- 2. Stormwater Management Division comments and recommendations**
- 3. Cobb DOT comments and recommendations**
- 4. Fire Department comments and recommendations**

CONSENT VOTE: **ADOPTED** 5-0; Gambrill opposed to O.B. 51 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

REGULAR AGENDA

By general consensus, Z-25 and SLUP-6 (LCD Acquisitions, LLC; Townpark Renaissance, LLC) were heard concurrently but voted on separately.

Z-25 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC (Townpark Renaissance, LLC, owner) requesting rezoning from **OMR** to **RRC** for purpose-built student housing in land lots 358 and 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (112 Townpark Drive). *(Previously continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 2024, PC hearing; held by the PC from the June 4, 2024, PC hearing until the July 2, 2024, PC hearing; continued by Staff from the July 16, 2024,*

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2024
PAGE 14

REGULAR AGENDA (CONT.)

Z-25 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC (CONT.)

Board of Commissioners' (BOC) Zoning hearing until the August 20, 2024, BOC Zoning hearing; continued by the BOC from the August 20, 2024, BOC Zoning hearing until the September 17, 2024, BOC Zoning hearing).

SLUP-6 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC
(Townpark Renaissance, LLC, owner) requesting a **Special Land Use Permit** for purpose-built student housing in land lots 358 and 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (112 Townpark Drive). *(Previously continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 2024, PC hearing; held by the PC from the June 4, 2024, PC hearing until the July 2, 2024, PC hearing; continued by Staff from the July 16, 2024, Board of Commissioners' (BOC) Zoning hearing until the August 20, 2024, BOC Zoning hearing; continued by the BOC from the August 20, 2024, BOC Zoning hearing until the September 17, 2024, BOC Zoning hearing).*

The public hearing was opened; Parks Huff, Aaron Stange, Robin Grajeda, Jeff Warshaw, and Tracy Styf addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Richardson, second by Gambrill, to **hold** Z-25 to the October 15, 2024, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0** (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

Clerk's Note: *Commissioner Richardson requested the following items be added to the Applicant's presentation for the next hearing:*

- 1. Determine an appropriate density that is consistent with other similar land use designations*
- 2. Revisit the shuttle proposal and provide a full transportation plan to address any identified traffic concerns*
- 3. Attend at least one meeting with the community and relevant stake holders (KSU and CID) to understand their perspective and incorporate their aspects into the plan*
- 4. Rooftop activation proposal*
- 5. Incorporate designs that will protect the property value of surrounding areas*

Following the vote for Z-25, the following motion was made for companion case, SLUP-6:

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2024
PAGE 15**

REGULAR AGENDA (CONT.)

**SLUP-6 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC
(CONT.)**

MOTION: Motion by Richardson, second by Gambrill, to **hold** SLUP-6 to the October 15, 2024, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

Clerk's Note: See the Clerk's Note for companion case Z-25

Chairwoman Cupid called for a brief recess from 10:56 a.m. until 11:05 a.m.

LUP-28 EDDIE ALVAREZ (Eddie Alvarez, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lots 773 and 782 of the 19th district. Property is located on the north side of Whippoorwill Drive, west of Castle Way (1586 Whippoorwill Drive).

The public hearing was opened; Steve Carruth and Eddie Alvarez addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** LUP-28 for **12 months**, subject to:

- 1. Planning Commission comments and recommendations (attached and made a part of these minutes)**
- 2. Two vehicles to be parked in the carport and three vehicles to be parked on the driveway**
- 3. Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

OTHER BUSINESS

O.B. 54 To consider amending the site plan and stipulations regarding the 20-foot undisturbed buffer for Robert Michael Shepard regarding rezoning application Z-145 of 1993, for property located on the north side of Bramford Way, west of Bells Ferry Road in land lot 213 of the 16th district (324, 326, 328, 330, 332, 334, and 340 Bramford Way).

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2024
PAGE 16

OTHER BUSINESS (CONT.)

O.B. 54 (CONT.)

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

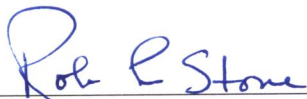
MOTION: Motion by Birrell, second by Sheffield, to **approve** O.B. 54, subject to:

1. ***Revise the previous stipulation which calls for a 20-foot undisturbed buffer in the rear of lots 18 – 23 and lot 26 to a 20-foot landscape buffer which may include a fence, with the final approval by the County Arborist and District Commissioner to have two rows of trees planted within six months from today's date***
2. ***All previous conditions and stipulations, not otherwise in conflict, to remain in effect***

VOTE: **ADOPTED** 5-0 (Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.)

ADJOURNMENT

The hearing adjourned at 11:40 a.m.



Robin L. Stone, Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's Statement - Revised 8/13/24

Considering the Supreme Court's ruling in January regarding Standing on the Home Rule issue, my position regarding the home rule challenge still stands.

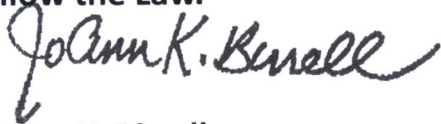
I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022, signed into law by Governor Kemp on March 2, 2022, and certified by the Cobb Board of Elections on November 15, 2022.

In addition, I do support the Order on Cross Motions for Summary Judgement (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024, which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense, and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.



Jo Ann K. Birrell
District 3 Commissioner

September 10, 2024

While the Board has taken steps to return to the legislative maps approved by Governor Kemp, as a formality, I believe the Board still needs to take the proper steps to appeal the Home Rule Resolution approved on October 25, 2022. As the letter sent to the Secretary of State on September 9, 2024 made no reference to the Home Rule Resolution submitted to their office on October 26, 2022.

There has been much discussion on Home Rule Authority and reapportionment as a result of the Republicans in the General Assembly bypassing the traditional role of the County delegation in the process.

The county delegation is comprised of members of the Georgia House and Georgia Senate who represent any part of Cobb County, and collectively have no legal authority per the Official Code of Georgia.

The General Assembly does not adjudicate disputes within and does not poll the members of the local delegation for their opinions. Similarly, the Chair of the Cobb delegation has no official authority to violate the "one man, one vote" which is the underlying principle of redistricting.

To support these statements, a Federal Judge in the 2003 case Smith v Cobb County Board of Elections:

"The underlying assumption of local courtesy is that the bill affects only a certain city or county, and, therefore, representatives and senators of other districts should defer to that local delegation's judgement. Local courtesy is a custom, however, and is not provided for in either the House or Senate rules. Should a member of the House or Senate choose to challenge local legislation on the floor, local courtesy is not enforced."

The County Attorney's Office is taking the brunt of this – and while deserved – they can point their finger back at the majority of the Board, because, after all, they followed directions. Yet now we are near the end of this novel concept, and our enabling legislation will more than likely allow the affected commissioner to finish their term.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
12 CADILLAC DRIVE
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
2408 SIR BARTON WAY
SUITE 375
LEXINGTON, KY 40509
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
390 N. ORANGE AVENUE
SUITE 625
ORLANDO, FLORIDA 32801
TELEPHONE (407) 367-6233

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

August 26, 2024

Via E-mail Only

Min. Bk. 100 Petition No. Z-50

Doc. Type letter

Meeting Date 9-17-2024

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-50 (2024)
Applicant: A-1 Auto Cores LLC
Property Owners: Rabhandra Ramessar and Julio Magana
Property: 0.97 acres, more or less, located on the
southerly side of Pearl Street, westerly of
West Atlanta Street, southerly and
southeasterly of South Cobb Drive, being
more particularly known as 310 Pearl Street,
Land Lot 292, 17th District, 2nd Section,
Cobb County, Georgia

Dear John:

The undersigned and this firm represent A-1 Auto Cores LLC, the Applicant, A-1 Auto Cores LLC (hereinafter referred to as "Applicant"), and Rabhandra Ramessar and Julio Magana, the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in the above-referenced Application for Rezoning with regard to a total tract of 0.97 acres, more or less, located on the southerly side of Pearl Street, westerly of West Atlanta Street, and southerly and southeasterly of South Cobb Drive, and being more particularly known as 310 Pearl Street, Land Lot 292, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings and conferences with Planning and Zoning Staff; as well as, other County Departmental Staff; reviewing the Departmental Comments and Staff Recommendations; and reviewing the uses of surrounding properties, we have been authorized by the 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

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
August 26, 2024

Petition No. 2-50
Meeting Date 9-17-2024
Continued

requested rezoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning classification of R-20 to the proposed zoning classification of Light Industrial ("LI"), with reference to the As-Built Boundary Survey ("Survey") prepared for Applicant by United Land Surveying dated June 26, 2024, last revised July 9, 2024, and filed with the Application for Rezoning. A reduced copy of the Survey is attached as Exhibit "A" for reference.
- (2) Applicant will demolish the existing one-story frame house located on the Property, and will erect a metal fabricated building, with bay doors, for use as auto repair and related office functions.
- (3) The existing second, smaller one-story structure will remain on the Property for incidental storage.
- (4) Applicant agrees parking for the proposed auto repair will be per Cobb County Code.
- (5) The setbacks for the proposed auto repair use shall be as shown and reflected on the referenced Survey.
- (6) Applicant agrees there shall be no outdoor storage of vehicle parts.
- (7) Applicant agrees there shall be no outdoor displays of merchandise.

The requested rezoning, pursuant to the Survey and the stipulations set forth herein, is an appropriate use of the Subject Property. We appreciate very much your consideration; as well as, that of the Cobb County Planning Commission and Cobb County Board of Commissioners, in this request.

[Balance of page 2 left intentionally blank]

[Signature contained on page 3]

MOORE INGRAM JOHNSON & STEELE

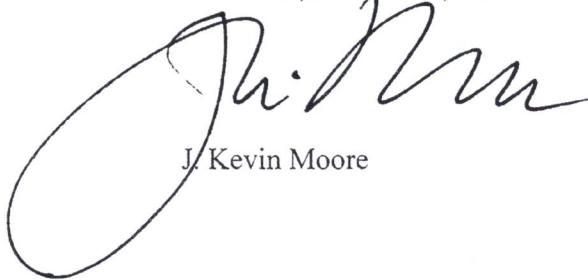
Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
August 26, 2024

Petition No. Z-50
Meeting Date 9-17-2024
Continued

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachment

c: Cobb County Board of Commissioners:
Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copy of Attachment)

Cobb County Planning Commission:
Stephen Vault, Chairman
David Anderson
Fred Beloin
Michael Hughes
Christine Lindstrom
(With Copy of Attachment)

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

A-1 Auto Cores LLC
(With Copy of Attachment)

CURRENT ZONING

ZONED R 70 (COBB COUNTY DISTRICT)

MIN. YARD ADJACENT TO PUBLIC STREET

FRONT YARD 35 FEET

SIDE YARD 10 FEET

REAR YARD 35 FEET

PROPOSED ZONING

PROPOSED ZONED LI - LIGHT INDUSTRIAL (COBB COUNTY DISTRICT)

MIN. YARD ADJACENT TO PUBLIC STREET

FRONT YARD 50 FEET

SIDE YARD 20 FEET

REAR YARD 30 FEET

AS-BUILT BOUNDARY & CONCEPT PLAN SURVEY PREPARED FOR

ROBIN RAMESSAR

PARCEL ID: 17029200110

LAND LOT 292, 17TH DISTRICT

2ND SECTION, COBB COUNTY

GEORGIA

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

VICINITY MAP

N.T.S.

LEGEND

- POWER POLE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- JUNCTION BOX
- SANITARY SEWER MANHOLE
- DROP INLET
- RAW W/CONCREMENT
- SINGLE WIND CATCH BASIN
- DOUBLE WIND CATCH-BASIN
- CURB INLET
- HEADWALL
- GAS METER
- GAS VALVE
- ELECTRIC TRANSFORMER
- TELEPHONE PEDESTAL
- LIGHT POST
- 1/2" IRON PIN SET (IPS)
- REBAR FOUND (RBF)
- CONC. MONUMENT FOUND (CMF)
- CALCULATED POINT
- CHAIN LINK FENCE
- CRIMP TOP PIPE FOUND
- OPEN TOP PIPE FOUND
- IRON PIN OR ROD FOUND

AREA 42,308 sq. ft. 0.97 acres

PARCEL ID: 17029200110

GRAPHIC SCALE

40 0 20 40 80

(IN FEET)

1 inch = 40 ft

SURVEY NOTES

- EQUIPMENT USED: TOPCON ROBOTIC D2 TOTAL STATION; TOPCON RTK GPS ROVER
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 118,312 FEET
- THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD LYING WITHIN
- AS SHOWN ON FLOOD INSURANCE RATE MAPS OF COBB COUNTY, GEORGIA COMMUNITY PANEL NUMBER 1306201161 THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.G.G.A. SECTION 15-8-87

Cullen Preston Hardee REVISED 07/09/2024 DATE

CULLEN PRESTON HARDEE REGISTERED LAND SURVEYOR #3144, LSF 001321

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REVISIONS

1	REVISED PROPOSED ZONING - 07/09/2024
2	
3	
4	

LEGAL REFERENCE:

DEED BOOK: 15899	PAGE: 3681
PLAT BOOK: ---	PAGE: ---

SHEET 1 OF 1

AS-BUILT BOUNDARY & CONCEPT PLAN SURVEY

ROBIN RAMESSAR

PARCEL ID: 17029200110

LAND LOT 292, 17TH DISTRICT

2ND SECTION, COBB COUNTY

GEORGIA

1726 CONCORD ROAD, SUITE 101
MARIETTA, GEORGIA 30060
(404) 591-1252

17517 L.S. ON OUR WEBSITE
www.uls-us.com

UNITED LAND SURVEYING

COA NO. LSF 001321

JOB NUMBER: 24-247-A

PLAT DATE: 06/26/2024

FIELD DATE: 06/07/2024

DRAWN BY: E.L.Z.

REVIEWED BY: C.P.H.

SCALE: 1" = 40'

Petition No. Z-50

Meeting Date 9-17-2024

Continued

EXHIBIT "A"

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
SEPTEMBER 3, 2024
PAGE 10

Min. Bk. 100 Petition No. LUP-28
Doc. Type Planning Commission comments
and recommendations for LUP-28
Meeting Date 9-17-2024

REGULAR AGENDA (CONT.)

~~LUP-26 LUCAS RUBIO LOVATON (CONT.)~~

MOTION: Motion by Hughes, second by Beloin, to **hold** LUP-26 until the October 1, 2024, Planning Commission Zoning Hearing.

~~VOTE: ADOPTED 5-0~~

LUP-28 EDDIE ALVAREZ (Eddie Alvarez, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lots 773 and 782 of the 19th district. Property is located on the north side of Whippoorwill Drive, west of Castle Way (1586 Whippoorwill Drive).

The public hearing was opened; Steve Carruth, John Munn, and Bruce Brown addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of LUP-28 for **12 months**, subject to:

1. **Code Enforcement Staff to make quarterly visits to ensure compliance with code provisions**
2. **No outdoor storage**
3. **Work vehicle to be removed from the property and parked at the place of business**
4. **Applicant to comply with the noise ordinance; no loud music**

VOTE: ADOPTED 5-0

APPROVAL OF MINUTES

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

August 6, 2024 – Planning Commission Zoning Hearing

VOTE: ADOPTED 5-0

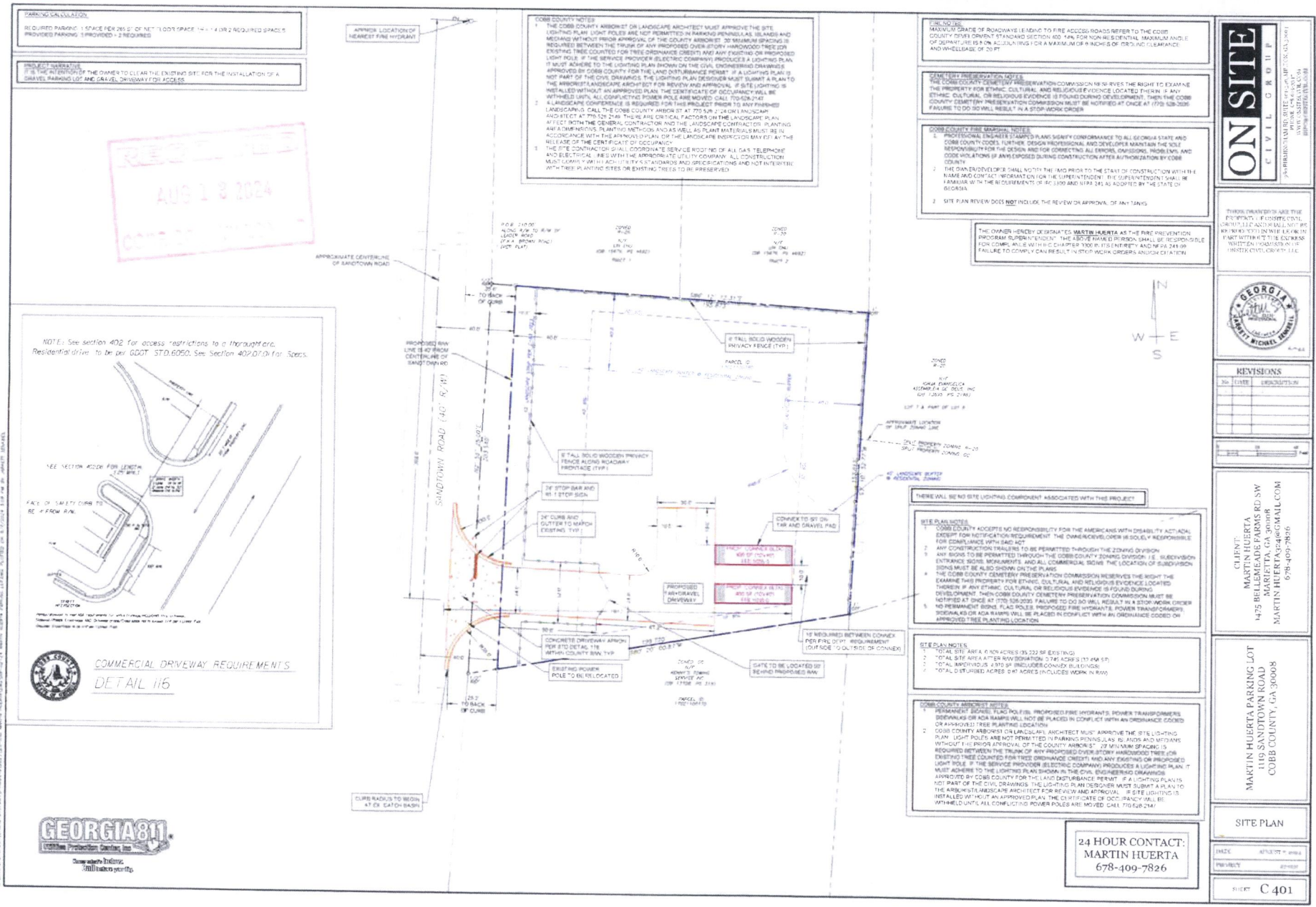
MOTION: Motion by Anderson, second by Hughes, to **approve** the following minutes, *as submitted*:

August 26, 2024 – Special Called Meeting/Agenda Review Work Session

~~VOTE: ADOPTED 5-0~~

08-52-2024

Proposed
Site
Plan



Meeting Date 9-17-2024

ON SITE
 CIVIL GROUP

THESE DRAWINGS ARE THE PROPERTY OF GEORGIA CIVIL GROUP, LLC AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GEORGIA CIVIL GROUP, LLC.

10000 WILSON ROAD, SUITE 100
 ATLANTA, GA 30336
 (404) 873-0001
WWW.GEORGIAONSITE.COM

REVISIONS

NO.	DATE	DESCRIPTION

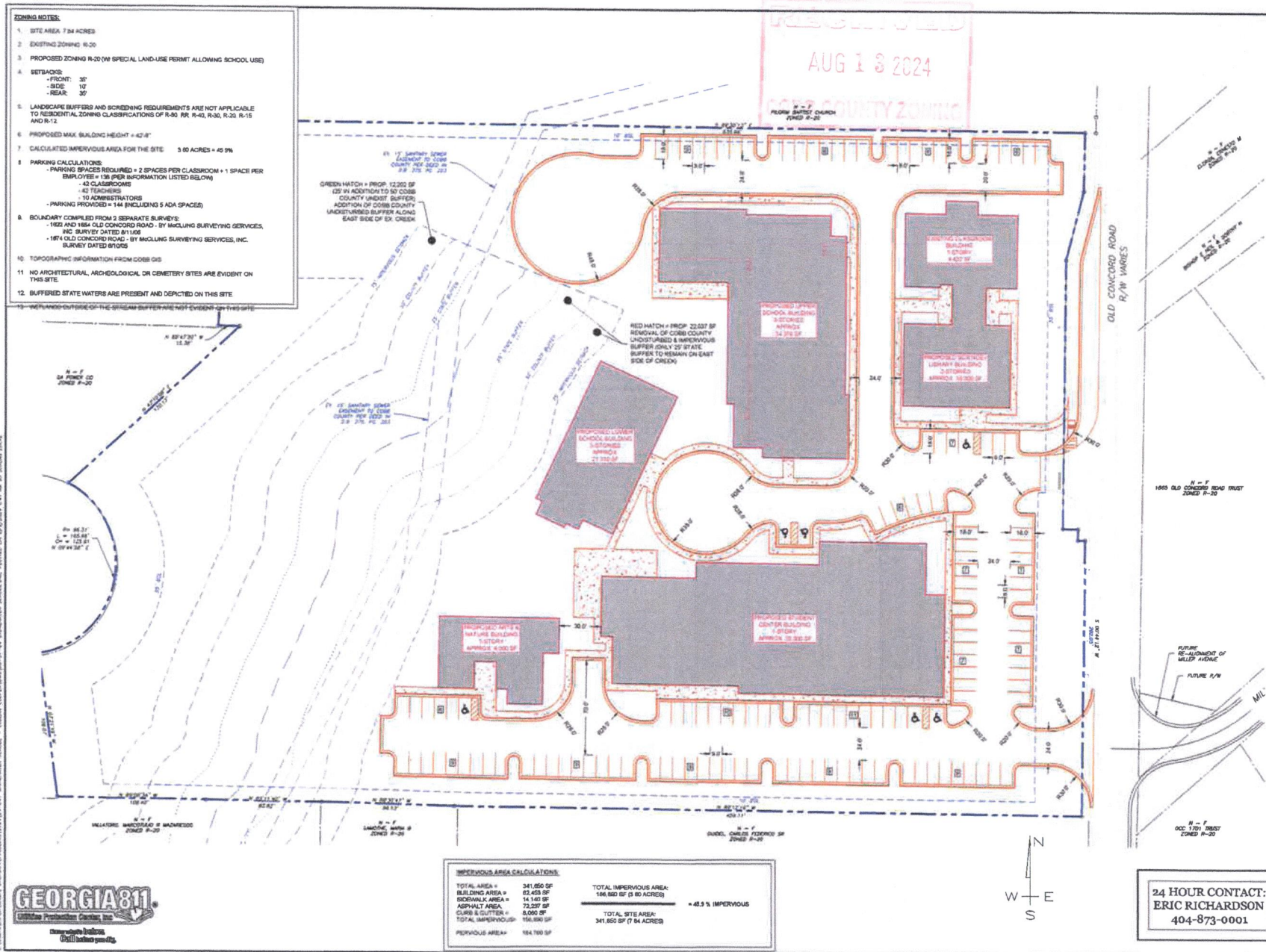
CLIENT:
 COLLINS COOPER CARLISI
 ARCHITECTS
 3591 PEACHTREE RD, NE
 SUITE 400
 ATLANTA, GA 30356
WWW.COLLINSCOOPERCARLISI.COM

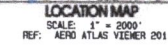
THE STONEHAVEN SCHOOL
 1650 OLD CONCORD ROAD
 MARIETTA, GA 30060
 LAND LOTS 297 & 298, 17TH
 DISTRICT, 2ND SECTION
 COBB COUNTY, GA
 ZONED R-20

SPECIAL LAND-USE PLAN

DATE: AUGUST 9, 2024
 PROJECT: 24 HOUR CONTACT: ERIC RICHARDSON
 404-873-0001

SHEET: 1

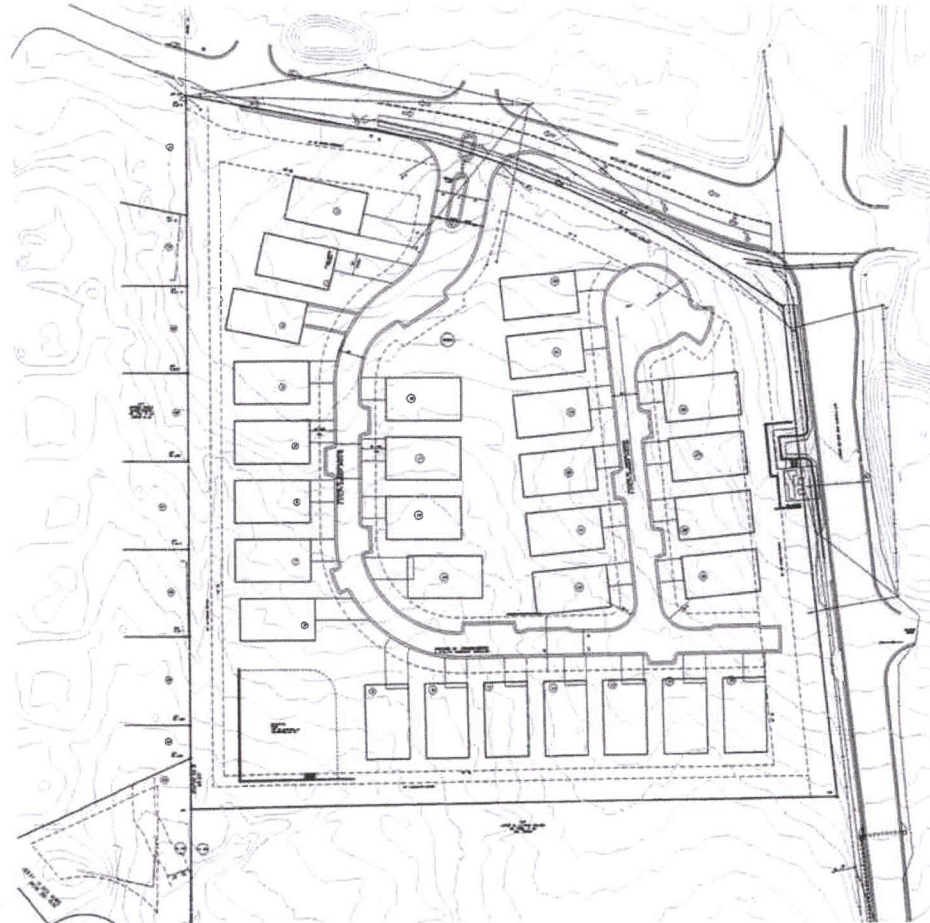




BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING/PLANNING
SUBDIVISION & COMMERCIAL SITE DESIGN
950 WEST SANDTOWN ROAD
MARIETTA, GEORGIA 30064

**ZONING PLAT
TERRACES AT PARAVEL**
LOCATED IN:
LAND LOT 122
20TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA.
PREPARED FOR:
TWILYD CHANDLER HOMES

DRAWN BY
CHECKED BY
SCALE
1" = 20'
DATE
APRIL 19, 2024
FILE NUMBER
21220 29 LOT PRO
JOB NUMBER
21220
SHEET NUMBER
C-2.1

[illegible]

SYMBOL LEGEND

	SADDLE VALVE CUTOFF BASIN
	SADDLE VALVE CUTOFF BASIN
	HEAD WALL
	BOX CULVERT
	PIPE ARCHWAY
	DROP INLET/GRADE INLET
	MAN HOLES
	BOXED VALVE
	POWER POLE
	LIGHT POLE
	CURBSTONE SIDEWALK
	JUNCTION BOX
	GUARDED LIVE END
	BENCHMARK
	EXISTING TREE
	PROPOSED STRUCTURE ELEVATION
	PROPOSED SPOT ELEVATION
	SPOT ELEVATION
	PROPOSED STRUCTURE ELEVATION

Figure 1 is a line type legend. It consists of two columns. The left column contains eight graphical symbols: a horizontal line with a small circle in the middle; a horizontal line with a small circle in the middle and a short vertical line segment above it; a horizontal line with a small circle in the middle and a short vertical line segment below it; a horizontal line with a small circle in the middle and a short vertical line segment above and below it; a horizontal line with a small circle in the middle and a short vertical line segment above and below it, with a small circle at the end of the line; a horizontal line with a small circle in the middle and a short vertical line segment above and below it, with a small circle at the end of the line; a horizontal line with a small circle in the middle and a short vertical line segment above and below it, with a small circle at the end of the line; and a horizontal line with a small circle in the middle and a short vertical line segment above and below it, with a small circle at the end of the line. The right column contains the corresponding text labels: OVERHEAD POWER LINE, UNDERGROUND POWER LINE, WATER LINE, PROF. SANITARY SEWER LINE, EL. SANITARY SEWER LINE, FENCES, PROPOSED CONTOUR WITH ELEV., and EXISTING CONTOUR WITH ELEV.

SURVEY NOTES

THIS PLAT WAS BEING CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN 1 FOOT OR LESS USED FEET.

THE FIELD DATA WERE ENTERED INTO THIS PLAT BY BAIARD MAE LEE ON 07-28-2016. THE FIELD DATA WAS CHECKED BY A CERTIFIED SURVEYOR AN ANGULAR ERROR OF .00 PER ANGLE AND WAS ADJUSTED USING THE COMPOUND RULE.

CALCULATION = KIMBERLY J. GIERZES MONOTIC STATION

DRAWN BY: KIMBERLY J. GIERZES

DATE OF SURVEY: 12/27/15

DATE OF DATE EXAMINED: THE OFFICIAL SEAL PLOD HAZARD MAP COMMUNITY SUMMER 1990-2000, PAGES 30-31, DATED 10-5-2012, AND HAVE DETERMINED THAT THIS PROPERTY IS NOT IN AN AREA OF FLOOD RISK AS SHOWN ON THE FLOOD HAZARD MAP AS REBUILT AT ALL CORNERS UNLESS OTHERWISE NOTED.

SURVEY REFERENCES:

1. DEED TO JAMES W. LATHAM DATED 1993 AND BEING RECORDED IN DEED BOOK FIVE, PAGE 37
2. ACORTH DUE WEST ROAD RIGHT OF WAY PLANS FOR COBB COUNTY, LAST REVISED 11/13/09 AND BEING PREPARED BY PARSONS

IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

GRAPHIC SCALE 1"=50'

A horizontal scale bar with alternating black and white segments. Below the bar are numerical markings at 0, 50, 100, and 150.