

**City of Cumming  
Planning and Zoning Minutes  
January 21, 2020**

There was the regularly held meeting of the Cumming Planning and Zoning Commission on January 21, 2020 at City Hall in Cumming, Georgia. All Commission members were present. Chairman Ralph Webb presided over the meeting and called the meeting to order.

As the first item of business a motion was made by Ralph Webb, seconded by Randy Murphy, and unanimously passed to amend the agenda to reflect that **Item 4-A under Old Business A. Lennar Georgia, Inc., and under New Business Items 5-B Ashton Atlanta Residential, LLC Rezoning #2019423, Item 5-C 14905 Hopewell Group, LLC Annexation #2019263 and Item 5-F Smith Motors Realty Corp. Annexation #2019476** would be postponed until the February 18, 2020 Planning Commission Meeting. **And under New Business Item 5-A Core Development Group, LLC Rezoning #2019422** would be postponed until the March 17, 2020 Planning Commission Meeting. A motion was made by Brent Otwell, seconded by Randy Murphy, and unanimously passed to approve as presented the minutes of the December 17, 2019 Commission meeting.

The first item of Old Business was: **A. Lennar Georgia, Inc. Rezoning #2018321. (Postponed until February 18, 2020 Commission Meeting)**

The first item of new business was: **A. Core Development Group, LLC Rezoning #2019422- (Postponed until March 17, 2020 Commission Meeting)**

The next item of new business was: **B. Ashton Atlanta Residential, LLC Rezoning #2019423- (Postponed until February 18, 2020 Commission Meeting)**

The next item of new business was: **C. 14905 Hopewell Group, LLC Annexation #2019263 (Postponed until February 18, 2020 Commission Meeting)**

The next item of new business was: **D. Elliot & Kendra Rubin Rezoning #2019468- public hearing:** A motion was made by Randy Murphy, seconded by Brent Otwell, and unanimously passed to open the public hearing. Ms. Kendra Rubin explained that her plans were to re-establish a hair salon in an existing structure at 529 Kelly Mill Road. The property consists of .156 acres. An adjoining neighbor, Mr. Robert Hodges inquired on the location of the driveway entrance and exit, noting that parking could be an issue

along with the limited sight distance on Kelly Mill Road. Also Mr. Robert Brennan from the adjoining Sienna Subdivision voiced concerns of other properties developing near their Subdivision. A motion was made by Brent Otwell, seconded by Randy Murphy, and unanimously passed to close the public hearing. Planning Director Scott Morgan read into the record the following staff report: *The applicant has made application, on behalf of the property owner, to rezone .156 acres, more or less, from Single-Family Residential (R-1) to Neighborhood Shopping (NS), for the purpose of establishing a hair salon in the existing structure at 529 Kelly Mill Road. This building was the previous location of a hair salon, existing as a legal non-conforming use, and was subsequently vacated, which is why the property must now be rezoned in order to establish another hair salon. The NS zoning district is a satisfactory transition district between residential and other more intensive land use. Future Land Use shows residential, public-institutional and parks/recreation/conservation in the surrounding area.*

*For the above-mentioned reasons, staff recommends approval of the rezoning to NS with the following conditions:*

- 1. The property can only be used as a hair salon. Any other proposed use must be approved by the Mayor and Council.*
- 2. The existing structure cannot be expanded in any way, without prior approval of the Mayor and Council.*
- 3. Ingress/egress to the property must be through the future entry apron, shown on the attached parking plan. Five (5) parking spaces must be provided, including one (1) marked handicapped space, which meets ADA size requirements. If the parking area is paved, the paving must be approved by the Department of Planning and Zoning.*
- 4. The number of stylist chairs shall be no more than the two (2) currently existing.*
- 5. All business signage must be approved and permitted by the Department of Planning and Zoning.*
- 6. Hours of operation shall be from 9:00 AM to 7:00 PM, Monday thru Saturday.*

A motion was made by Ralph Webb, seconded by Randy Murphy, and unanimously passed to approve Rezoning Request #201968 by Elliot & Kendra Rubin with the six (6) conditions recommended by the Planning Staff and adding conditions:

**7. Replacing the first sentence of Condition #3: *Access to the property shall be from the eastern front corner of the property.***

**8. *Parking spaces must be located close to building, not on Kelly Mill Road right-of-way.***

**9. *No increased run-off shall be created by any improvements on the property.***

The next item of new business was: **E. Clutch Automotive, LLC Conditional Use**

**Permit #2019470-public hearing:** A motion was made by Brent Otwell, seconded by

Randy Murphy and unanimously passed to open the public hearing. One of the

applicants, Mr. Shayan Rezaei Dahsti, explained that their plans were to open a used

automobile dealership at 328 Dahlonga Street. No one spoke in opposition of the

Conditional Use Permit. A motion was made by Randy Murphy, seconded by Brent

Otwell, and unanimously passed to close the public hearing. Planning Director Scott

Morgan read into the record the following staff report: *The applicant has made*

*application, to the proper authorities, for Conditional Use Permit (CUP) to allow a*

*used automobile sales establishment at 328 Dahlonga Street. The property is zoned*

*Highway Business (HB), is currently vacant, and has previously been granted a CUP*

*for an automobile sales business. Automobile sales are permitted by right in the HB*

*zoning district.*

*Staff recommends approval of the CUP request with the following conditions:*

**1. *No more than twenty-eight (28) vehicles for sale will be allowed to be parked on the subject property at one time.***

**2. *A loading/unloading zone, a minimum of fourteen feet (14') wide and forty feet (40') long, must be located on the subject property, it must remain continuously free of vehicles and be directly accessible from the street.***

**3. *There must be a minimum of four (4) parking spaces, including one (1) handicapped space, available for business customers, and directly accessible from the street.***

**4. *This CUP is approved solely for this applicant, at this property, and is not transferable.***

A motion was made by Ralph Webb, seconded by Brent Otwell, and unanimously passed to approve Conditional Use Permit #2019470 with the conditions recommended by the Planning Staff.

The next item of New Business was **F. Smith Motors Realty Corp. Annexation**

**#2019476 (Postponed until the February 18, 2020 Commission Meeting)**

Then there being no further business to come before the Commission, a motion was made by Randy Murphy, seconded by Brent Otwell to adjourn.

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Ralph Webb, Chairman

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Randy Murphy, Vice Chairman

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Robert Brent Otwell, Member

ATTEST:

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Jeffery Honea, City Clerk