



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

PLANNING COMMISSION

- Bob Kinney - Chairman*
- Jay Davis, Ward 1*
- Frasure Hunter, Ward 2*
- Boozer McClure, Ward 3*
- Byron "Tee" Anderson, Ward 4*
- Brenda McCrae, Ward 5*
- Stephen Diffley, Ward 7*

Tuesday, March 3, 2020

6:00 PM

City Hall Council Chambers

Present: Bob Kinney, Jay Davis, Frasure Hunter, Boozer McClure, Byron "Tee" Anderson, Brenda McCrae and Stephen Diffley

Staff:
Rusty Roth, Director, Development Services
Robin Osindele, Urban Planner
Daniel White, City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the March 3, 2020 Planning Commission Meeting to order at 6:00PM.

Daniel White, City Attorney, explained the rules and procedures used in conducting the public hearings.

MINUTES:

20200120 February 4, 2020 Regular Planning Commission Meeting Minutes

Review and Approval of the February 4, 2020 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 7-0-0.

Approved and Finalized

Absent: 0
Vote For: 7
Vote Against: 0

REZONINGS, ANNEXATIONS, CODE AMENDMENTS:**20200036****Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC)**

Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC) is requesting the rezoning of 0.21 acres located in Land Lot 1143, District 16, Parcel 0370 of the 2nd Section, Cobb County, Georgia, and being known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

File number Z2020-06 was presented by Mr. Roth for a request to rezone property known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre).

A public hearing was held.

Ms. Judy Collins is requesting to rezone property known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre).

There was one (1) opposition to this request. Mr. Joshua Killion opposed.

Mr. Killion opposed. He and his wife own a dog kennel at 376 N. Fairground Street and just recently purchased the property at 392 N. Fairground Street which is pretty much across the street from this property. He is hoping for future expansion and granting this rezoning would not allow for expansion as dog kennels are required to have a 100-foot setback from residential property. He purchased the additional property because he was hoping the area would be revitalized commercially. He feels if the area turns residential it would pose a problem for his business; as property values go up people will not want a dog kennel in their backyard.

Ms. Collins in her rebuttal stated that the property has been vacant for a very long time and is likely to remain vacant if the rezoning is not granted. She said it has attracted squatters and dangerous activity by being vacant. She feels rezoning to residential would benefit everyone.

Mr. Davis asked Staff if dog kennels are allowed in the Future Land Use and if there is a way for both parties to win. Mr. Roth stated that dog kennels are allowed in the Future Land Use. He said Mr. Killion's property is not subject to this rezoning request so it cannot be addressed right now. However, his current business would be grandfathered and any future expansion would be subject to the 100 foot ordinance and he would likely have to apply for a variance.

Mr. Diffley asked if she was removing the 2nd kitchen. Ms. Collins said the 2nd kitchen would be rendered inoperable by having the plumbing capped and all appliances removed.

Mr. Diffley asked if she is going to pave the driveway; if any interior work as been done and if she is keeping the 5 porches. Ms. Collins said they are paving the driveway and plan on removing the one on the other side and adding sod. They have not done any interior work and they will be removing a porch on the left side of the house.

Mr. Davis asked if this is going to be a rental or sale and if she would have any objection to a dog kennel nearby. Ms. Collins said it will be a rental and she does not object to a dog kennel.

Ms. McCrae asked if both fireplaces will stay and where are the bathrooms located. Ms. Collins said they only intend to keep one fireplace and pointed to the site plan to show the location of the two bathrooms.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval as stipulated. The motion carried 7-0-0.

If Council approves the rezoning, the following variances and stipulations would be incorporated as conditions of zoning:

Variances:

1. *Variance to reduce the major side setback along the eastern property line from 25 feet to 21 feet. [§708.04 (H)]*
2. *Variance to reduce the front yard setback along the northern property line from 25 feet to 19 feet. [§708.04 (H)]*

Stipulation:

1. *A new paved driveway that will hold at least 3 cars will be provided on the west side of the property.*

Recommended for Approval as Stipulated

Absent: 0
Vote For: 7
Vote Against: 0

20200061

Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC

Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC is requesting the rezoning of 0.27 acres located in Land Lot 1160, District 16, Parcel 1280 of the 2nd Section, Cobb County, Georgia, and being known as 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

File number Z2020-08 was presented by Mr. Roth for a request to rezone property known as 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). A public hearing was held.

Mr. Scot Teverino is requesting to rezone property known as 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).

There was no opposition to this request.

Mr. Diffley what their plans are for the driveway. Mr. Teverino said they are trying to see how they can expand in order to have a two car driveway.

Chairman Kinney noted that the property lines are not clear and that it looks like there is a deck from a neighbor hanging over his property. Mr. Teverino said the deck has been removed.

Chairman Kinney asked what the status of the environmental investigations are and if he would like to proceed with the rezoning request or table until all environmental concerns are corrected. Mr. Teverino said he was in touch with Ms. Kobylus, City Flood Plain Engineer and addressed all of the concerns with her. He is not aware that there are additional environmental investigations needed. He would like to proceed with the rezoning request. Chairman Kinney advised he be in touch with Ms. Kobylus again to resolve any outstanding issues before next week's City Council meeting.

The public hearing was closed.

Mr. Anderson made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 7-0-0.

If Council approves the rezoning, the following variance would be incorporated as conditions of zoning:

Variance:

1. *Variance to reduce the southern side yard setback from 10 feet to 7 feet. [§708.04 (H)]*

Recommended for Approval

**Absent: 0
Vote For: 7
Vote Against: 0**

20200073 Z2020-09 [REZONING] TRATON, LLC

Z2020-09 [REZONING] TRATON, LLC is requesting the rezoning of 6.7 acres located in located in Land Lots 863 & 866, District 16, Parcels 0030, 0040, & 1090 of the 2nd Section, Cobb County, Georgia, and being known as 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard from MXD (Mixed Use Development - City) and GC (General Commercial - County) to MXD (Mixed Use Development) in the City. Ward 4B.

File number Z2020-09 was presented by Mr. Roth for a request to rezone property known as 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard from MXD (Mixed Use Development - City) and GC (General Commercial - County) to MXD (Mixed Use Development) in the City.

Mr. Kevin Moore, Esq., for the Applicant requested to table this request to the April meetings.

Mr. Diffley made a motion, seconded by Ms. McCrae to table this request as well as the Annexation and Code Amendment request to the April meetings. The motion carried 7-0-0.

Tabled

**Absent: 0
Vote For: 7
Vote Against: 0**

20200074 A2020-01 [ANNEXATION] TRATON, LLC

A2020-01 [ANNEXATION] TRATON, LLC is requesting the annexation of property located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North consisting of approximately 3.42 acres. Ward 4B.

Tabled. The motion carried 7-0-0.

Tabled

**Absent: 0
Vote For: 7
Vote Against: 0**

20200075 CA2020-01 [CODE AMENDMENT]

CA2020-01 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

Tabled. The motion carried 7-0-0.

Tabled

Absent: 0
Vote For: 7
Vote Against: 0

20200077

Z2020-10 [REZONING] 20 HOLDINGS, LLC

Z2020-10 [REZONING] 20 HOLDINGS, LLC is requesting the rezoning of 4.2 acres located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia, and being known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 3A.

File number Z2020-10 was presented by Mr. Roth for a request to rezone property known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City.

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant is requesting to rezone property known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City.

There was one (1) in opposition to this request. Mr. Alan Abernathy, Dobbins Airforce Base, opposed. Mr. Abernathy opposed saying it does create a land use conflict with air operations at the base. He said a portion of both lots there are in the airport noise zone which is an area where noise would impact residential quality of life. He submitted a letter with the base guidance. He said their guidance says that multi-use homes should not be built in that area because it does create a noise problem. He said the mitigating factor would be for the builder to add sound rated windows and insulation. He said they can provide the technicals on what that would require.

Mr. Davis asked if they made the same stipulation when this project went before Cobb County previously. Mr. Abernathy said they did not because they were not made aware of the project proposal at that time.

Mr. Davis asked if the property north of Osborne Road is out of their zone and Mr. Abernathy said it is and his partner said he is not familiar with that property.

Chairman Kinney asked which way is the runway in relation to this. Mr. Abernathy said the runway is going north of the property, but the noise contours are based on flight tracks.

Mr. Davis asked for clarification that he mentioned the City has this noise ordinance in their code. Mr. Abernathy said it is in the City Code but that it was not identified in the Staff Report and therefore they needed to address it.

In his rebuttal, Mr. Moore said that he appreciates their perspective and that they are currently looking into the costs for the sound rated windows and insulation. He said if that's the City's requirement, they will follow the City's requirement for noise abatement.

Chairman Kinney asked if they are undetermined on having a gate at this point and Mr. Moore said they would like to but have not made the decision.

Chairman Kinney asked about drainage. Mr. Moore said they will be doing an underground detention.

Chairman Kinney asked Staff what the thoughts are regarding no sidewalk on Osborne Road. Mr. Roth said that would require a variance.

Mr. Diffley asked if they will have front loaded garages and if garbage pickup will be corral or individual. Mr. Moore said they are front loaded garages and garbage pickup options have not been determined at this time.

Mr. Hunter asked if there will be any guest spaces, the price point and size of building. Mr. Moore said they will be in the high 200s, two story and most will be 3 bedrooms.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as stipulated. The motion carried 7-0-0.

If Council approves the rezoning, the following stipulations would be incorporated as conditions of zoning:

Stipulations:

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated March 2, 2020.
2. Applicant must comply with noise attenuation construction requirements as identified in the letter from Kenneth W. Williams, Base Civil Engineer; Dobbins ARB to Rusty Roth, Development Services Director for the City of Marietta, dated March 2, 2020.

Recommended for Approval as Stipulated

Absent: 0

Vote For: 7

Vote Against: 0

20200078

A2020-02 [ANNEXATION] 20 HOLDINGS, LLC

A2020-02 [ANNEXATION] 20 HOLDINGS, LLC is requesting the annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia and being known as 1501 & 1521 Sandtown Road, and any associated right of way, consisting of approximately 4.2 acres. Ward 3A.

File number A2020-02 was presented by Mr. Roth for a request to annex property known as 1501 & 1521 Sandtown Road, and any associated right of way, consisting of approximately 4.2 acres.

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant, is requesting to annex property known as 1501 & 1521 Sandtown Road, and any associated right of way, consisting of approximately 4.2 acres.

There was no opposition to this request.

Mr. Moore said he would like to incorporate his previous remarks to this request.

There were no questions from the board members.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 7-0-0.

Recommended for Approval

**Absent: 0
Vote For: 7
Vote Against: 0**

20200079

CA2020-02 [CODE AMENDMENT]

CA2020-02 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, and being known as 1501 & 1521 Sandtown Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 3A.

File number CA2020-02 was presented by Mr. Roth for a Code Amendment in conjunction with the requested annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, and being known as 1501 & 1521 Sandtown Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential).

A public hearing was held.

There was no opposition to this request.

There were no questions from the board members.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 7-0-0.

Recommended for Approval

**Absent: 0
Vote For: 7
Vote Against: 0**

ADJOURNMENT:

The March 3, 2020 Planning Commission Meeting adjourned at 7:00PM.

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY