



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, May 5, 2020

6:00 PM

City Hall Council Chambers

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

Virtual Present: Jay Davis

Staff:
Rusty Roth, Director, Development Services
Shelby Little, Planning & Zoning Manager
Jasmine Thornton, Planning & Zoning Administrator
Daniel White, City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the May 5, 2020 Planning Commission Meeting to order at 6:00PM.

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

Due to technical difficulties, Mr. Davis was not able to communicate his votes for most of the cases.

MINUTES:

20200229

March 3, 2020 Regular Planning Commission Meeting Minutes

Review and Approval of the March 3, 2020 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Anderson, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Approved and Finalized

Absent: 1
Vote For: 6
Vote Against: 0

REZONINGS/ANNEXATIONS/CODE AMENDMENTS:

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 Ms. Little 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.

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant is requesting to rezone property 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.

There was one (1) in support and two (2) in opposition to this request. Mr. Jonathan Sobel spoke in support. Ms. Carol Brown and Mr. Ruben Mateos spoke in opposition.

Mr. Sobel is the HOA President for Hamilton Grove and spoke in support. He said they worked out an agreement with Traton, which includes gates and amenities.

Ms. Brown and Mr. Mateos spoke in opposition. They expressed concern over density, feeling the area is already packed with developments. They also expressed traffic concerns and the impact to their subdivision, Briarfield.

Mr. Moore, in his rebuttal stated that impervious setbacks have been addressed and they are within the allowances provided by law. He said the density is based on the calculation provided by City requirements and that there are 9 guest parking spaces, which also meets the City's requirements. He said their agreement with Hamilton Grove will include maintenance of the private road costs.

Mr. McClure asked how they are going to help with the road. Mr. Moore said the proposal includes an initial contribution for road paving and road maintenance and additional amounts would come from HOA dues by the homeowners.

Mr. Anderson asked if the agreement includes anything about the gates. Mr. Moore affirmed stating they will install a new gate plus the other gate that is there will create a fully gated community.

Chairman Kinney asked if it will be a single HOA or if both developments will combine the HOA. Mr. Moore said they will have their own HOA to comply with City requirements, but there will be an agreement with Hamilton Grove.

Chairman Kinney asked about the wetlands and how long it would take to get those permits. Ms. Little explained satisfactorily. Mr. Moore said it generally takes 3-4 months to get the permits.

The public hearing was closed.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulations from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible.

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

- 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 May 1, 2020.*

Recommended for Approval as Stipulated

Absent: 1
Vote For: 6
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.

File number A2020-01 was presented by Ms. Little for a request to annex property known as 1468 Cobb Parkway North consisting of approximately 3.42 acres.

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant, is requesting to annex property known as 1468 Cobb Parkway North consisting of approximately 3.42 acres.

Chairman Kinney asked Mr. Moore if he is incorporating his previous remarks to this request and he affirmed.

There was one (1) in opposition to this request. Ms. Carol Brown Opposed.

Ms. Brown incorporated her previous remarks as well and stated that it is zoned commercial in the County.

There were no questions from the board members.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Recommended for Approval

**Absent: 1
Vote For: 6
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.

File number CA2020-01 was presented by Ms. Little for a Code Amendment in conjunction with the requested 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, 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. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Recommended for Approval

Absent: 1
Vote For: 6
Vote Against: 0

20200143

Z2020-11 [REZONING] ALI GHADRAN (STEPHEN THOMPSON)

Z2020-11 [REZONING] ALI GHADRAN (STEPHEN THOMPSON) are requesting the rezoning of 3.15 acres located in Land Lots 140 & 141, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

File number Z2020-11 was presented by Ms. Little for a request to rezone property known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Peter Boagderum, Mr. Ali Ghadrnan and Mr. Stephen Thompson are requesting to rezone property known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

There were three (3) in opposition to this request. Ms. Irene Bennett, Mr. Mike Clotfelter and Ms. Cathryn Seaburn opposed.

The opposition expressed concern over the red woodpecker and brown speckle owls population being disturbed. They expressed concern over the homes being used as rentals and how that will affect their property values. Concern was also expressed over excessive traffic in the area and more traffic noise. Mr. Clotfelter's home adjoins the development and expressed concern that people may go use his lake. He also expressed concern over stormwater.

In their rebuttal, the applicant and representatives stated that these homes will complement Hickory Hills. They chose to only build 11 homes in order to allow for more open space and undisturbed areas. They said there will be around 50 feet of buffer between the homes and Mr. Clotfelter's property and there will also be a privacy fence all around his property so the residents will not have access to his land.

The Board Members asked if there will not be an HOA, what the price point will be and what the rental percentage will be. Mr. Ghadrnan said there will be an HOA; the price point is mid 300's to low 400's and that they do not have any rental planned.

Mr. Diffler asked what provisions will be made to protect the lake during construction and for clarification as to type of fence and height that would be installed around Mr. Clotfelter's property. Mr. Ghadrnan said that whatever the City's requirements are for protection of the lake they will meet. They also would like to have a temporary berm there during construction in order to have zero silt. They plan on installing a cedar or pressure treated wood, very dressed up six-foot tall fence.

Chairman Kinney asked who is helping them draft the HOA documents. Mr. Boadgerum said he is counsel and will assist in that and will also seek counsel that has expertise in drafting HOA documents.

Mr. Anderson expressed concern about making a decision based only on what the Applicant is saying they are going to do without providing actual plans or a stipulation letter.

Chairman Kinney asked how sewage will be handled. Mr. Ghadrnan said they have sewer taps throughout.

Mr. Davis made a statement saying that he would like to make sure the berm is included in the stipulations.

Chairman Kinney asked if they would be willing to table this request so they can speak with the homeowners in opposition and return with better details and perhaps a stipulation letter. Mr. Ghadrnan agreed.

The public hearing was closed.

Mr. Diffler made a motion, seconded by Ms. McCrae to table this request to the June meeting. The motion carried 6-0-0. Mr. Davis was inaudible

Tabled

Absent: 1
Vote For: 6
Vote Against: 0

20200156

Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN

Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN are requesting the rezoning of 0.4 acres located in Land Lot 1147, District 16, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density. Ward 4A.

File number Z2020-12 was presented by Ms. Little for a request to rezone property known as 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density.

A public hearing was held.

Mr. Richard Jantzen is requesting to rezone property known as 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density.

There was no opposition to this request.

Mr. Johnny Sinclair explained that this original property was two lots and that it was combined by the owners at that time many years ago.

Mr. Diffley asked what the distance between the two houses would be once the second one is built.

Mr. Jantzen said based on the survey, the property line is 9.51 feet and the new house would have to meet the 10 foot setback requirements.

Mr. Anderson asked for affirmation that these variances are necessary because the current house that has been there for many years sits on the property line and Mr. Jantzen affirmed.

Chairman Kinney asked what will happen to the tree that sits in the middle. Mr. Jantzen explained that there will be a common driveway right there so the tree will most likely be removed.

Chairman Kinney asked staff if removing the tree will affect City Ordinances. Mr. Roth said it would not.

Mr. Diffley asked if there will be adequate parking. Mr. Jantzen said the lot is pretty deep so there should be plenty of parking available.

Chairman Kinney asked what his involvement in the new house construction will be. Mr. Jantzen said he will not have any involvement. They will sell the lot and the new buyer will be responsible for building their new house.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval including variances 1-6 and noting that variance 2 was corrected to be 25' to 24' rather than 25' to 0'. The motion carried 6-0-0. Mr. Davis was inaudible.

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

1. *Variance to reduce the side setback for an existing structure from 10' to 0' for Tract 1 [§708.04 (H)]*
2. *Variance to reduce the front setback for an existing structure from 25' to 24' for Tract 1 [§710.14] & [§708.04 (H)]*
3. *Variance to reduce the lot width for a property zoned R-4 from 75' to 59' for Tract 1 [§708.04 (H)]*
4. *Variance to reduce the lot width for a property zoned R-4 from 75' to 51' for Tract 2 [§708.04 (H)]*
5. *Variance to increase the density from 4 units/acre to 4.78 units/acre for the construction of two homes on 0.418 acres. [§708.04 (H)]*
6. *Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip. [§732.07 (C)]*

Recommended for Approval as Stipulated

Absent: 1
Vote For: 6
Vote Against: 0

20200169

Z2020-14 [REZONING] WILLIAM C. HAGEMANN

Z2020-14 [REZONING] WILLIAM C. HAGEMANN is requesting the rezoning of 5.25 acres located in Land Lots 214 & 215, District 17, Parcels 1180, 1120, 1140, and 1150 of the 2nd Section, Cobb County, Georgia, and being known as 84, 88, 100 & 150 Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

File number Z2020-14 was presented by Ms. Little for a request to rezone property known as 84, 88, 100 & 150 Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Adam Rozen, Esq., for the Applicant is requesting to rezone property known as 84, 88, 100 & 150 Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

There was no opposition to this request.

Chairman Kinney noted that Fairlane Drive is not much of a street and asked what he intends the primary entrance to be. Mr. Rozen said that because Fairlane is their direct access that will probably be considered their primary access point but it will be a right in, right out only.

Chairman Kinney asked questions pertaining to the location of the private property road and the gate and Mr. Rozen responded satisfactorily.

Chairman Kinney asked if he is asking for a variance on recreation area. Mr. Rozen said they are and explained that because they are detached homes they are not required to have the active and passive features, but they've provided for those anyway. He said they still have the required open space requirement and they feel they have already provided a significant amount of space.

Chairman Kinney suggested adding Lot 9 to the park square. Mr. Rozen said they are comfortable with the size of it. They like what they have designed and where they are.

The public hearing was closed.

Mr. McClure made a motion, seconded by Mr. Hunter to recommend approval including the letter of stipulations from Mr. Rozen dated 4/23/20. The motion carried 6-0-0. Mr. Davis was inaudible.

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

- 1. Letter of stipulations and variances from Adam J. Rozen, PC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 23, 2020.*

Recommended for Approval as Stipulated

Absent: 1
Vote For: 6
Vote Against: 0

20200170

Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE)

Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE) are requesting the rezoning of 6.42 acres located in Land Lots 140 & 141, District 17, Parcels 0030 & 0730 of the 2nd Section, Cobb County, Georgia, and being known as 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

File number Z2020-15 was presented by Ms. Little for a request to rezone property known as 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant is requesting to rezone property known as 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

There was no opposition to this request.

Mr. Diffley asked if the retention pond will be fenced. Mr. Moore said it would be fenced with landscape around it.

Mr. Hunter asked if there will be a fence along Powder Springs Street. Mr. Moore said it will be new landscaping with existing tree buffers.

Chairman Kinney asked if the HOA will take care of all exterior maintenance. Mr. Moore said the HOA would cover all the common areas which will include all the yard areas for the entire community.

Mr. McClure asked what the school is for that area. Mr. Moore said Dunleith.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval including the letter of stipulation from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible.

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

- 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 May 1, 2020.*

Recommended for Approval as Stipulated

Absent: 1
Vote For: 6
Vote Against: 0

20200290

Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL

Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL is requesting the rezoning of 8.9 acres located in Land Lot 1086, District 16, Parcels 0010, 0450, 0460, 0370, 0220, 0210, 0230, & 0240 of the 2nd Section, Cobb County, Georgia, and being known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 4B.

File number Z2020-16 was presented by Ms. Little for a request to rezone property known known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly.

A public hearing was held.

Mr. Andrew Halloran., for the Applicant is requesting to rezone property known known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly.

There was no opposition to this request. There was one (1) request for a stipulation via telephone.

Ms. Susan Borgel, via telephone, requested that there be a stipulation that the 10 foot retaining wall and 12 foot fencing not be allowed adjacent to the residential properties.

Chairman Kinney asked Mr. Roth to start the discussion about fences. Mr. Roth explained satisfactorily. Mr. Halloran said that was their intention and would be okay with the stipulation to limit fencing to around the recreation area.

Chairman Kinney stated that there are a lot or properties encompassing the Church property and asked if they plan on doing an exemption plat to combined all of the properties into one parcel. Mr. Halloran said they have no objection to doing an exemption plat.

Chairman Kinney asked Mr. Roth if they do an exemption plat, if that would eliminate variance #1. Mr. Roth said it would only eliminate the first part of variance #1.

The Applicant asked for clarification that the exemption plat creation is not part of this rezoning request and Chairman Kinney affirmed.

The public hearing was closed.

Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted with the stipulation that the proposed retaining wall and black chain link fence is limited to around the recreation area and not allowed near adjacent residential properties. The motion carried 6-0-0. Mr. Davis was inaudible.

If Council approves the rezoning with the special land use permit, the following stipulations and variances would be incorporated as conditions of zoning:

Stipulations:

- 1. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.*
- 2. The new 12' chain link fence and 10' retaining walls only be allowed in the new recreation area and not adjacent or near any adjacent residential property.*

Variances:

- 1. Variance to reduce the required 75-foot setback for the restroom/storage building to no less than 49 feet from a property not owned by the Church. [§708.04 (E)]*
- 2. Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet. [§712.08 (G.2.a)]*
- 3. Variance to increase the impervious surface from 50% to 60%. [§708.04 (H)]*
- 4. Variance to allow parking in the front yard. [§716.08 (C.8)]*
- 5. Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet. [§716.02 (B)]*
- 6. Variance to reduce the minimum turning radii from 25 feet to 10 feet. [§730.01 (1.3.b)]*
- 7. Variance to allow a black vinyl chain link fence as an approved material seen from the road. [§710.04 (B)]*
Variance to increase the allowable fence height from 6 feet to 12 feet, as shown on plans. [§710.04 (D)]

The following variances and stipulations should be carried over from Z2009-01 Special Land Use Permit to keep the property in compliance:

- 1. Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.*
- 2. Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street.*
- 3. Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.*
- 4. Variance to reduce required parking for a place of assembly and an elementary school from 252 to 211.*
- 5. Variance to allow more than 12 parking spaces in a row without a planter island.*
- 6. Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.*

Recommended for Approval as Stipulated

Absent: 1
Vote For: 6
Vote Against: 0

20200295

Z2020-17 [REZONING] MICHAEL LANGSTON

Z2020-17 [REZONING] MICHAEL LANGSTON is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

File number Z2020-17 was presented by Ms. Little for a request to rezone property known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional).

A public hearing was held.

Mr. Carl Westmoreland, Esq. for the Applicant, is requesting to rezone property known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional).

There was one (1) in opposition to this request. Mr. Joe Burke opposed. He lives at 285 Cherokee Street, in the new townhomes directly behind this property. He said in the last 3 ½ years he has not seen any effort to maintain the house and its surrounding property. He said the house is in dire disrepair. He feels a residential buyer would be more likely to maintain it than a commercial buyer.

In his rebuttal, Mr. Westmoreland said this is the first he has heard about any code enforcement issues. He said he has shown that they have tried to sell it as residential and feels a buyer would be more incentivized to fix up the property.

Chairman Kinney asked him what the driveway agreement was. Mr. Westmoreland said he is not aware of any agreement with the driveway.

Chairman Kinney asked if he has seen the property and its condition. Mr. Westmoreland said he has seen it and will not dispute the condition.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.

Stipulation:

- 1. The exterior of the property be brought into compliance within three (3) months.*

Variations:

- 1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]*
- 2. Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]*
- 3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]*
- 4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]*
- 5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]*

Recommended for Approval as Stipulated

Absent: 0
Vote For: 4
Vote Against: 3

20200296**Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC**

Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC is requesting the rezoning of approximately 2.5 acres located in Land Lots 1141 & 1142, District 16, Parcels 0230, 0900, 0100, 0030, 0040, 0680, 0100, & 0790, 2nd Section, Marietta, Cobb County, Georgia, and being known as 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 5B.

File number Z2020-18 was presented by Ms. Little for a request to rezone property known as 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial).

A public hearing was held.

Mr. Fred Bentley, Esq., for the Applicant, is requesting to rezone property known as 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial).

There was no opposition to this request.

City Counsel Mr. White disclosed that this rezoning request was part of a settlement of a condemnation case.

Chairman Kinney asked City Counsel if it was premature to do this without having a plan and said he would feel more comfortable in looking at this if there was an actual plan presented. Mr. White explained the situation satisfactorily.

Chairman Kinney asked Mr. Roth for input relevant to zoning and public works and Mr. Roth added his input.

The public hearing was closed.

Mr. Anderson made a motion, seconded by Mr. McClure to recommend approval as submitted.

The motion carried 6-1-0. Mr. Diffley opposed.

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

- 1. Variance to reduce the required buffer for commercial properties abutting residential districts from 40 feet to 10 feet [§708.16 (I)]*
- 2. Variance to reduce the landscape strip/border area from 10 feet to 5 feet along North Marietta Parkway. [§712.08 (G.2.a)]*
- 3. Variance to reduce the front setback from 40 feet to 5 feet [§708.16 (H)]*
- 4. Variance to reduce the rear setback from 35 feet to 4 feet [§708.16 (H)]*

Recommended for Approval as Stipulated

Absent: 0
Vote For: 6
Vote Against: 1

20200234

CA2020-03 [CODE AMENDMENT] PROPOSED AMENDMENT TO DIVISION 706, NONCONFORMING USES

CA2020-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 706, Nonconforming Uses.

File number CA2020-03 was presented by Ms. Little for a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 706, Nonconforming Uses.

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 Ms. McCrae, to recommend approval as submitted. The motion carried 7-0-0.

Recommended for Approval

Absent: 0
Vote For: 7
Vote Against: 0

ADJOURNMENT:

The May 5, 2020 Planning Commission Meeting adjourned at 9:15PM.

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY