



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman
Kent Rosenbury, Ward 1
Frasure Hunter, Ward 2
Hicks Poor, Ward 3
Roy Vanderslice, Ward 4
Brenda McCrae, Ward 5
Stephen Diffley, Ward 7*

Tuesday, September 1, 2015

6:00 PM

City Hall Council Chambers

*Present: Bob Kinney, Stephen Diffley, Roy Vanderslice, Hicks Poor, Brenda McCrae,
Kent Rosenbury and Frasure Hunter*

Staff:

*Brian Binzer, Development Services Director
Rusty Roth, Planning & Zoning Manager
Shelby Winkles, Planning Administrator
Jasmine Chatman, Planner
Daniel White, City Attorney
Ines Embler, Secretary to the Board*

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the September 1, 2015 Planning Commission Meeting to order at 6:02PM

MINUTES:

20150754

August 4, 2015 Regular Planning Commission Meeting Minutes

Review and Approval of the August 4, 2015 Regular Planning Commission Meeting Minutes.

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

A motion was made by Diffley, seconded by Vanderslice, that the minutes be approved and finalized. The motion CARRIED by the following vote.

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

REZONINGS/CODE AMENDMENTS:**20150699 Z2015-28 [REZONING] DONNIS W. KING (BROCK BUILT HOMES, LLC)**

Z2015-28 [REZONING] DONNIS W. KING (BROCK BUILT HOMES, LLC) requesting rezoning for property located in Land Lot 03600, District 17, Parcel 0230, 2nd Section, Cobb, Cobb County, Georgia and being known as 554 Haley Street from NRC (Neighborhood Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

File number Z2015-28 was presented by Mr. Roth for a request to rezone property located at 554 Haley Street from NRC (Neighborhood Retail Commercial) to PRD-SF (Planned Residential Development-Single Family).

A public hearing was held.

Adam Brock, the Applicant, is requesting to rezone property located at 554 Haley Street from NRC (Neighborhood Retail Commercial) to PRD-SF (Planned Residential Development-Single Family) in order to build four (4) homes that would front on South Avenue.

There was no opposition to this request and one (1) in support.

Mr. Gvri Ben-Hashal, a member of Manget Homeowner's Association Advisory Group, spoke in support of this request and stated that in his opinion, in general, any single family residential in this retail zoning area would be an improvement and that Mr. Brock's plan brings it to the level of the surrounding Manget neighborhood. He said there's been discussion about adding these four houses in the future to Manget's Homeowner's Association with dues and benefits and that is something that they are open to adopt.

Mr. Vanderslice asked Mr. Ben-Hashal if his comments were his own personal opinion or is he representing Manget. He stated that this was his personal opinion, but that they have a neighborhood social media where they floated this plan with the drawings and everybody that voiced their opinion was in support. There were no negative comments.

Mr. Diffley asked what was separating the 4th building from the other lots to its side. Mr. Brock explained and spoke about the ten foot setback and its topography issues.

Mr. Vanderslice asked about common areas and shared utilities and Mr. Brock explained that these are individual lots with no common areas or utilities, but if they join Manget's Homeowner's Association, then they would share Manget's common areas. He explained that storm water facilities are currently being discussed with the City to determine the best solution for this type of development.

Mr. Rosenbury asked questions pertaining to parking, sidewalks, water retention/quality. Mr. Brock explained the particulars with parking and how they plan to handle water retention and quality. He stated that they will definitely not have a big retaining wall with a big ugly pond in the back and that he would do underground before a pond. He said there will be sidewalks.

Mr. Rosenbury asked for confirmation that he has spoken with Manget about potentially joining their Homeowner's Association and Mr. Brock affirmed. He believes that they are interested, but cautioned that they need to get through civil design before they can address joining Manget.

Mr. Rosenbury asked about expanding the water line or adding in something like a fire plug and asked if he was okay with that as part of the plan and Mr. Brock agreed.

Mr. Rosenbury asked if he considered rear loaded garages and his reason for not doing that and Mr. Brock explained that the topography doesn't lend itself to rear loaded garages.

Mr. Kinney said that there are three sizable trees on Haley Street and asked what his intentions are for those trees. Mr. Brock explained that they will probably be removed but that they have a tree replacement plan that would meet City Ordinance for replanting and it is included in the detail plan submission.

Mr. Kinney asked if there will be covenants with the four houses and Mr. Brock explained that unless they join Manget, they will not have covenants.

Mr. Kinney asked about parking on the driveway vs. the garage and it was explained that people are allowed to park on the driveway and not use the garage if they choose. Mr. Ben-Hashal said that it is frowned upon at Manget, but that there are no regulations prohibiting such.

Mr. Kinney asked for the timeline on this project and Mr. Brock explained and said that he is hopeful to be ready for the summer sales market.

Mr. Rosenbury asked if his purchase of the property depended on the rezoning or if he already owns the property and Mr. Brock said it depends on the rezoning.

Ms. McCrae asked how the homeowners would be responsible for the maintenance of the sewers and Mr. Brock said that they have to disclose it through individual maintenance agreements at the closing. He stated that that they still need to run Hydro studies to determine the best solution for this development.

The public hearing was closed.

Mr. Rosenbury made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. Ms. McCrae opposed. The Motion carried 6-1-0.

A motion was made by Rosenbury, seconded by Vanderslice, that this ordinance be recommended for approval. The motion CARRIED by the following vote.

Absent: 0
Vote For: 6
Vote Against 1

20150708

Z2015-29 [REZONING] ARNOLD KATZ (PATRICIA M. BENEDICT)

Z2015-29 [REZONING] ARNOLD KATZ (PATRICIA M. BENEDICT) requesting rezoning for property located in Land Lot 1214, District 16, Parcel 0780, 2nd Section, Cobb, Cobb County, Georgia and being known as 108 Ayers Ave from OI (Office Institutional) to OI (Office Institutional) with an additional use (rug cleaning). Ward 1A.

File number Z2015-29 was presented by Mr. Roth for a request to rezone property located at 108 Ayers Ave from OI (Office Institutional) to OI (Office Institutional) with an additional use (rug cleaning).

A public hearing was held.

Mr. and Mrs. Benedict, are requesting to rezone property located at 108 Ayers Ave from OI (Office Institutional) to OI (Office Institutional) with an additional use (rug cleaning) in order to operate a rug cleaning business.

There were three (3) in opposition to this request, two (2) spoke and one (1) in support.

Mr. Barry Leavell opposed because the area is surrounded by single family residences and he is hopeful that it will eventually come back as a residential neighborhood. He also expressed concern over the company storing chemicals on site and any potential hazards it may have.

Mr. Rosenbury asked for clarification as to who he meant when he stated "these are our concerns". Mr. Leavell explained that he was referring to his neighbors (also present and opposing), his wife and he.

Mr. Vanderslice asked if he currently lives in the house and Mr. Leavell said that he lived in the house for 24 years, but that it is currently leased.

Mr. Kinney asked how long has the building at 108 Ayers Avenue been there and Mr. Leavell said that it was probably built around 1984 and that it was a photographer studio, who was great; he never made any noise and there were never any complaints.

Mr. Mark A. Hill, also opposed. He worked for a chemical company for many years as well as hauled hazardous materials, which made him ill. He is concerned with having hazardous materials on site and the consequences should there be a chemical spill.

Mr. Benedict addressed the concerns of the opposition and explained that their products are water based, gentle enzymes with the exception of one, known as "Matrix Breakdown", which is a water based solvent and comes in a small bottle. It is stored in a metal storage cabinet. A very small quantity of it is kept on hand, less than a gallon. They clean delicate rugs made of wool and silk so they don't use the same type of chemicals used by dry cleaners. A list of all the chemicals they use was previously provided to the board members.

The board members asked questions pertaining to the cleaning and drying process, possibility of hazard exposure, sewer connections, insurance and EPA regulations and Mr. Benedict answered their questions satisfactorily.

Mr. Vanderslice asked if he had spoken with any of the neighbors and he answered that he went door to door and spoke with several neighbors and that no one expressed opposition.

Mr. Rosenbury asked Staff if the City inspects these types of business and Mr. Roth said the Fire Marshall inspects once a year.

The owner of the property, Mr. Katz, spoke in support and explained that the previous use of the property was a photography studio, which included building pyro-technic sets, sometimes operating 24 hours to meet deadlines. He was pleased to hear Mr. Leavell say that they never heard any noise and feels that the photography business probably posed more inconvenience and possible hazard to his neighbors than the rug cleaning business ever will.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval as submitted including the stipulations set forth in the Staff Report. The motion carried 7-0-0.

Stipulations:

1. There shall be a chemical spill kit on-site.
2. The material named "Matrix Break Down" shall be stored into an approved fire resistance container.
3. The subject property shall no longer operate with a septic tank and instead tie into the sewer and water

A motion was made by Diffley, seconded by McCrae, that this ordinance be recommended for approval. The motion CARRIED by the following vote.

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

20150727 CA2015-07 [CODE AMENDMENT]

CA2015-07 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Sections 708.01, 708.02, 708.26, 708.27, 710.11, 724 regarding maximum building height; height of accessory structures, height requirement exceptions; and definition of height.

A public hearing was held.

Mr. Roth, City Staff presented a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta, Sections 708.01, 708.02, 708.26, 708.27, 710.11, 724 regarding maximum building height; height of accessory structures, height requirement exceptions; and definition of height. Specifically, the proposed change would change the way a building is measured.

There was no opposition to this request.

The public hearing was closed.

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

A motion was made by Poor, seconded by McCrae, that this ordinance be recommended for approval. The motion CARRIED by the following vote.

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

ADJOURNMENT:

The September 1, 2015 Planning Commission Meeting adjourned at 7:03 PM.


ROBERT W. KINNEY, CHAIRMAN


INES EMBLER, SECRETARY