



**City of Marietta**  
**Meeting Minutes**  
**PLANNING COMMISSION**

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

*(Col. Ret.) Kenneth Dollar, Ward 2 - CHAIRMAN*  
*Ann Watkins, Ward 1*                      *Carol Ann Sonnenfeld, Ward 3*  
*Donald Gillis, Ward 4*                *Kenneth Carter, Ward 5*  
*Bob Kinney, Ward 6*                    *Stephen Diffley, Ward 7*

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Wednesday, April 1, 2009

6:00 PM

City Hall Council Chambers

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Present: (Col. Ret.) Kenneth Dollar, R. W. "Bob" Kinney, Carol Sonnenfeld, Kenneth Carter, Donald Gillis, Ann Watkins and Stephen Diffley

*Staff:*

*Brian Binzer, Development Services Director*  
*Rusty Roth, Development Services Manager*  
*Patsy Bryan, Secretary to the Board*  
*Shelby Little, Urban Planner*  
*Michael Cullen, Urban Planner*  
*Daniel White, City Attorney*

**CALL TO ORDER & ROLL CALL:**

*Chairman Dollar called the April 1, 2009 Planning Commission Meeting to order at 6:00 p.m.*

**MINUTES:**

**20090238      March 3, 2009 Regular Planning Commission Meeting Minutes**

Review and Approval of the March 3, 2009 Planning Commission Meeting Minutes

*Mr. Kinney moved to accept the March 3, 2009 Planning Commission Meeting Minutes, as corrected, seconded by Mrs. Sonnenfeld. Motion carried 7 - 0.*

**A motion was made by Commissioner Kinney, seconded by Commissioner Sonnenfeld, that this matter be Approved. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Approved**

**REZONINGS:**

**20090171      Z2009-05 McWhirter Realty Corp 732 Cherokee Street and 104 Lewis Drive**

Z2009-05 [REZONING] MCWHIRTER REALTY CORP. (BARRY MCWHIRTER) request rezoning for property located in Land Lot 1074, 16th District, Parcels 39 and 50, 2nd Section, Marietta, Cobb County, Georgia and being known as 732 Cherokee Street and 104 Lewis Drive from OI (Office Institutional) to OI (Office Institutional) with stipulations. Ward 4.

*File #20090171 (Z2009-05) was presented by Mr. Roth for property located in Land Lot 1074, 16th District, Parcels 39 and 50 and being known as 732*

*Cherokee Street and 104 Lewis Drive.*

*The applicant, McWhirter Realty, being represented by Kevin Moore, is requesting a rezoning from OI (Office Institutional) to OI (Office Institutional) with stipulations and variances*

*Mr. Moore described the 1.4 acre tract, located at the intersection of Cherokee Street and Lewis Drive, as being in the Kennestone Hospital area.*

*Currently, the property is zoned OI and would allow for construction of up to a 4-story office/medical building. The property is utilized by a 40 year old 2-story medical office building and small apartment building in the rear.*

*Mr. Moore described the initial proposal for a 9 story structure and parking deck underneath. After meetings and timeline for construction, development, completion and economies of scale, this project was revised. Due to topography from Cherokee Street to Lewis, there will be a 2 story office building from Cherokee Street with a half basement or terrace level, in rear will be a 4 level parking deck with roof line no higher than office building as seen from Cherokee Street. There will be a deck entry and exit that will tie into adjacent property known as Kennesaw East. The main entrance to proposed project will be off Lewis Drive.*

*As Mr. Moore explained, there are a total of seven requested variances, as follows:*

- Reduction in required minimum front setback on Cherokee Street from 50' to 8';*
- Reduction in required minimum front setback on Lewis Drive from 30' to 0' at specific points;*
- Increase in the required impervious surface area from 80% to 83%;*
- Reduction in the required minor side setback (adjacent to property line) from 15' to 0';*
- Reduction in the required rear setback from 35' to 5';*
- Reduction in the required 10' perimeter landscape strip to 0', though only applicable along certain portions of the street frontage, as more specifically shown on the submitted, revised plan; and*
- Reduction in the requirement that a street tree be planted every 30 lineal feet along any roadway to one tree every 62 lineal feet; however, any deficiency could be recompensed through payment into the City Tree Bank.*

*Mr. Moore described the elevations to be identical to the two buildings, a bank building and medical office building, recently constructed by McWhirter Realty on Canton Road and Lewis Drive.*

*Mr. Moore discussed further improvements in and around the Lewis Drive area*

*such as streetscape lighting and landscaping, shoulder widening, sidewalks, decal lanes, and dedication of rights-of-way. A completed traffic study recommends providing restriping and adding a left turn lane into the Rite-Aid Pharmacy on Church headed south.*

*The following individuals spoke in opposition:*

*Patti Pearlberg, a resident of 383 Church Street, requested a deferral because of the significant number of changes made to this application.*

*Stephen Imler, a resident of 599 Church Street, is concerned about variances and whether they are suitable for this project.*

*John Barber of Meadows & Ohly, a commercial medical real estate developer, is speaking on behalf of Marietta Medical Center at 790 Church Road.*

*Mr. Barber stated that there are a number of vacancies in medical office buildings in and around this area. The Marietta Medical Center is a 100,000 square foot building and half occupied. The owner of Marietta Medical Center feels there is enough space on the market already and variances are not necessary to accommodate the medical office needs.*

*Patti Pearlberg returned to discuss tree planting, appearance of building and how it will contribute to the community.*

*Chairman Dollar asked Mr. Moore if he would defer and Mr. Moore stated that he is unable to agree to table the application due to a very strict time schedule involved but is very willing to work with the community within the next 15 days.*

*Dialogue continued between Chairman Dollar and Mrs. Pearlberg and Mr. Imler regarding the initial neighborhood meeting with the developer.*

*Mr. Barber returned for questioning by Chairman Dollar as to why there are a large number of vacant spaces on the Wellstar campus. According to Mr. Barber, the success of the hospital has brought developers to the campus area, as Meadows and Ohly were the first developers who developed the Kennestone Physician Center, Kennestone Physician Center II and the Kennestone Cancer Center. These buildings were 90% to 95% preleased prior to construction. In similar situations, other doctors have built their own buildings. In other circumstances, these vacancies are caused by nicer, newer buildings attracting tenants out of older buildings. The economy has also had in impact.*

*Mrs. Watkins asked Mr. Barber if conversation had taken place with the other partners in the limited partnerships and Mr. Barber stated that he had not.*

*Mr. Duffley asked the percentage of occupancy at its highest peak of the 790*

*Building and Mr. Barber stated that it was 97% to 98% and that during the last 3 to 4 years they have lost 45% occupancy.*

*In Mr. Moore's rebuttal, he explained at Monday night's meeting that the prior proposal was being replaced by a new proposal that scaled everything down and will be glad to work on issues with neighborhood during the next 7 to 10 days.*

*As it relates to the variance requested for street trees being planted 1 every 30 feet, the applicant is requesting that it be extended to 1 every 62 feet due to the limited planting areas.*

*Mr. Moore called upon Barry McWhirter about the vacant medical office space in this corridor. Mr. McWhirter was instrumental in developing the adjacent two buildings, Star Bucks, and Pinnacle Orthopedic on Tower Road. According to Mr. McWhirter, B and C class buildings become obsolete and floor plans are smaller. Mr. McWhirter explained that he has a lead tenant that needs 40,000 square feet and cannot expand at their current location and cannot provide additional services due to restrictions by Wellstar. This project will open with about 80% preleasing.*

*Mr. Gillis asked if the 12' turn lane on Lewis Drive were eliminated, would that create additional room for plantings and it was determined that City Council would make that decision. As it relates to the decel lane on Lewis Drive, that was a request from Public Works.*

*Questioning continued between Mr. Gillis and Mr. McWhirter about lack of specific details not being available such as traffic plan and landscape plan. Mr. McWhirter explained that the actual footprint and site plan have not changed, only the number of floors. The expected delivery date for the building is June 1, 2010 and would like to break ground June 1, 2009.*

*Mr. Kinney made a motion to recommend to City Council a denial of this application with the following explanation: Because information has not been properly submitted and, if it were brought together properly with additional vetting from the neighborhood, it would probably get recommended for approval; however, at this point, we are recommending denial based on everything not being brought together properly.*

*Mr. Kinney made a motion to deny, seconded by Mr. Diffley. Motion carried 7 - 0 to deny.*

**A motion was made by Commissioner Kinney, seconded by Commissioner Diffley, that this matter be Denied. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Denied**

**20090182**

**Z2009-06 World Plaza, a portion of 1200 Cobb Parkway North**

Z2009-06 [REZONING] WORLD PLAZA, LLC request rezoning for property located in Land Lot 931, 16th District, Parcel 20, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 1200 Cobb Parkway North from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. Ward 4.

*File #20090182 (Z2009-06) was presented by Mr. Roth for property located in Land Lot 931, 16th District, Parcel 20 and being known as a portion of 1200 Cobb Parkway North.*

*Ms. Melissa Haisten is representing the applicant, World Plaza, and property owner, Eraj Dositareh. The request is to rezone and annex a portion of 1200 Cobb Parkway North from GC [General Commercial (County)] to CRC (Community Retail Commercial (City)).*

*Ms. Haisten addressed rezoning and annexation issues simultaneously by identifying the property as a 0.407 acre tract zoned GC in Cobb County. This property is proposed to be annexed and combined with a 3.76 acre tract of land already in the city. The entire would then be zoned CRC.*

*The property to be annexed and the parcel in the city, with which it will be joined, are located on Bells Ferry Road, near the northeast intersection of Bells Ferry and Cobb Parkway and also backs up to Old Bells Ferry Road. The surrounding properties in the city are zoned CRC and all surrounding properties are used commercially or industrially.*

*The proposed use for this site is comprised of a 1 story retail building facing Bells Ferry Road and 2 story office/warehouse building in the rear. Parking surrounds both buildings and there is an additional lot to the rear used by existing retail building also owned by applicant and facing Cobb Parkway. There is parcel interconnectivity among all 3 buildings.*

*At this time, Ms. Haisten explained to Mr. Gillis why Phase I is in the county and Phase II is in the city.*

*Ms. Haisten explained to Mr. Kinney which parcel the small piece of property is being taken*

*Mr. Gillis questioned the development of this strip shopping center when strip shopping centers are closing.*

*Mrs. Ann Watkins clarified that it is not a 2 story retail and 1 story warehouse according to the plans but a 1 story retail and 2 story warehouse.*

*In discussing this issue with Ms. Haisten, Chairman Dollar made certain that an island is not being created.*

*Mr. Kinney made a motion to recommend to City Council that this zoning be changed as submitted, seconded by Mr. Gillis. Motion carried 7 - 0 - 0.*

**A motion was made by Commissioner Kinney, seconded by Commissioner Gillis, that this matter be Approved. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Approved**

#### **ANNEXATION:**

##### **20090183 A2009-01 World Plaza (Eraj Dositareh), a portion of 1200 Cobb Parkway North**

A2009-01 [ANNEXATION] WORLD PLAZA (ERAJ DOSITAREH) request annexation for property located in Land Lot 931, District 16, Parcel 20 and being known as a portion of 1200 Cobb Parkway North, 2nd Section, Cobb County, Georgia consisting of 0.407 acres. Ward 4.

*File #20090183 (A2009-01) was represented by Mr. Roth for property located in Land Lot 931, 16th District, Parcel 20 and being known as a portion of 1200 Cobb Parkway North.*

*Ms. Haisten, requesting annexation for the property owner and applicant, is asking to incorporate her previous presentation. Cobb County does not object to this annexation request. Ms. Haisten respectfully requested that this annexation be approved.*

*Mr. Gillis made a motion that this annexation be recommended to city council as proposed, seconded by Mr. Kinney. Motion carried 7 - 0 - 0.*

**A motion was made by Commissioner Gillis, seconded by Commissioner Kinney, that this matter be Approved. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Approved**

#### **FUTURE LAND USE ASSIGNMENT:**

##### **20090184 CA2009-02 World Plaza (Eraj Dositareh) a portion of 1200 Cobb Parkway North**

CA2009-02 [CODE AMENDMENT] WORLD PLAZA, LLC (ERAJ DOSITAREH) in conjunction with the requested annexation of property located in Land Lot 931, District 16, Parcel 20, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 4.

*File #20090184 (CA2009-02) was presented by Mr. Roth on behalf of the City of Marietta. In conjunction with the requested annexation of property located in Land Lot 931, District 16, Parcel 20, and being known as a portion of 1200 Cobb Parkway North, the City of Marietta is proposing to designate the future land use of this property as CAC (Community Activity Center).*

*As Mr. Roth explained, the adjacent property is zoned CRC and carries a future land use classification of CAC that would be in conformity to this property.*

*Mr. Gillis made a motion that the Future Land Use be recommended to City Council as proposed, seconded by Mrs. Sonnenfeld. Motion carried 7 - 0 - 0.*

**A motion was made by Commissioner Gillis, seconded by Commissioner Sonnenfeld, that this matter be Approved. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Approved**

**ADJOURNMENT:**

*The April 1, 2009 Planning Commission Meeting adjourned at 7:14 p.m.*

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*KEN DOLLAR, CHAIRMAN*

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*PATSY BRYAN, SECRETARY*