



# 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*

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Tuesday, November 3, 2015

6:00 PM

City Hall Council Chambers

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

*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 November 3, 2015 Planning Commission Meeting to order at 6:04PM*

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

### MINUTES:

**20150956      October 6, 2015 Regular Planning Commission Meeting Minutes**

**Review and Approval of the October 6, 2015 Regular Planning Commission Meeting Minutes.**

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

**Approved and Finalized**

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

**REZONINGS/CODE AMENDMENTS:**

**20150896            Z2015-36 [REZONING] SANFORD C. BENNETT**

**Z2015-36 [REZONING] SANFORD C. BENNETT requesting rezoning for property located in Land Lot 1226, District 16, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known as 671 Whitlock Avenue from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 2A.**

*File number Z2015-36 was presented by Mr. Roth for a request to rezone property located at 671 Whitlock Avenue from OI (Office Institutional) to CRC (Community Retail Commercial).*

*A public hearing was held.*

*Ms. Melissa Marin, the daughter of the Applicant, is requesting to rezone property located at 671 Whitlock Avenue from OI (Office Institutional) to CRC (Community Retail Commercial) in order to be able to use the property as commercial in the future.*

*There was no opposition to this request.*

*Mr. Rosenbury asked Ms. Marin if she was aware that if this rezoning was approved and down the road they made substantial changes to the property that there would be zoning regulations that they would need to comply with and Ms. Marin affirmed.*

*Mr. Rosenbury asked why she decided to eliminate certain permitted uses from the property and Ms. Marin explained that those are businesses that she personally feels would not be suitable for the City.*

*The public hearing was closed.*

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

**Recommended for Approval**

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

**20150897            Z2015-37 [REZONING] MOTION CITY, LLC**

**Z2015-37 [REZONING] MOTION CITY, LLC requesting rezoning for property located in Land Lot 1232, District 16, Parcel 0550, 2nd Section, Marietta, Cobb County, Georgia, and being known as 279 Alexander Street from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use (residential). Ward 1A.**

File number Z2015-37 was presented by Mr. Roth for a request to rezone property located at 279 Alexander Street from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use (residential).

A public hearing was held.

Ms. Mary Montgomery, the Applicant, is requesting to rezone property located at 279 Alexander Street from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use (residential) to avoid having to park cars on the street and avoid getting parking tickets because the entire street is now a no parking zone. Her business across the street has grown so she purchased this property with a tenant already there in hopes of using the back area as additional parking as well as allow the current resident to remain at the house.

There was no opposition to this request.

Ms. McCrae asked how many cars visit the business on a daily basis and if she has looked at other options. Ms. Montgomery explained that if there's mediation, there could be as many as eight (8) cars, but typically two (2) to three (3) cars are out on the street. She explained that she did not feel comfortable with employees parking on Alexander Street.

Mr. Kinney asked if her current parking lot is full and Ms. Montgomery said there are eighteen (18) spots and that all are full and that they received two (2) parking citations yesterday for parking on the street.

Mr. Kinney stated that generally they don't like to see pavement over grass, but if it's properly done, it may end up nicer than how it currently looks. Ms. Montgomery agreed and said she has a lot of plans for the lot, including a picnic table, landscaping and fencing to make sure both properties look very nice.

Mr. Kinney asked Mr. Roth questions about permitting and what comes along with it and Mr. Roth explained that they would have to get a land disturbance permit for the paving and that she's already worked through a lot of that, but is unable to submit for permits until the rezoning approval goes through.

The Board Members further discussed with Staff about aesthetics that go along with a land disturbance permit and Mr. Roth explained.

Mr. Rosenbury asked questions pertaining to her parking needs; the tenant; the surrounding neighbors and if she explored other options. Ms. Montgomery answered the questions and explained that the tenant signed a year's lease. She also said that other options were not feasible due to the need for her staff to continuously carry boxes to and from their cars throughout the day. She said the owner of the surrounding neighbors is a fire fighter who owns most of the homes in that street and that he doesn't oppose and that the attorney next door does not mind.

Mr. Poor commented to the Chairman as to the direction of questioning. He stated that the request by the tenant was with regards to an additional use as a residence, yet the board was questioning the need of a parking lot. He questioned why we would not allow an office building to have a parking lot. Regardless if they have parking or not, the issue is whether the house can be occupied as a residence. Chairman Kinney explained that although the request is for the additional use as a residence, the parking was an issue because the applicant wants to keep using the house as a residence, and that created a conflict.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 5-2-0. Ms. McCrae and Mr. Rosenbury opposed.

**Recommended for Approval**

**Absent:** 0  
**Vote For:** 5  
**Vote Against:** 2

**20150881 CA2015-10 [CODE AMENDMENT]**

**CA2015-10 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 723.03, Sanitary sewers, to address minimum lot size of septic tank lots.**

*File number CA2015-10 was presented by Mr. Roth for a proposal to amend the Comprehensive Development Code of the City of Marietta, Section 723.03, Sanitary sewers, to address minimum lot size of septic tank lots.*

*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, Section 723.03, Sanitary sewers, to address minimum lot size of septic tank lots and to be consistent with Cobb County's rules and regulations.*

*There was no opposition to this request.*

*There were no questions from the Board Members.*

*The public hearing was closed.*

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

**Recommended for Approval**

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

**OTHER BUSINESS:**

**20150957 2016 Planning Commission Calendar of Meeting Dates**

**Review and Approval of the 2016 Planning Commission Calendar**

*A public hearing was held.*

*Mr. Roth, City Staff, presented the 2016 Planning Commission Calendar of Meeting Dates be approved.*

*There was no opposition to this request.*

*There were no questions from the Board Members.*

*The public hearing was closed.*

*Mr. Rosenbury made a motion, seconded by Ms. McCrae that the 2016 Planning Commission Calendar of Meeting Dates be approved. The Motion carried 7-0-0.*

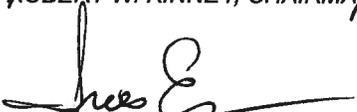
**Approved and Finalized**

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

**ADJOURNMENT:**

*The November 3, 2015 Planning Commission Meeting adjourned at 6:35PM.*

  
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ROBERT W. KINNEY, CHAIRMAN

  
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INES EMBLER, SECRETARY

