



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

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

Wednesday, July 1, 2015

6:00 PM

City Hall Council Chambers

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

Staff:

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

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the July 1, 2015 Planning Commission Meeting to order at 6:00 PM.

MINUTES:

20150568 June 2, 2015 Regular Planning Commission Meeting Minutes

Review and Approval of the June 2, 2015 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. Motion carried 6-0-0.

Approved and Finalized

Absent: 0

Vote For: 6

Vote Against: 0

REZONINGS/ANNEXATIONS/FUTURE LAND USE:

20150382 Z2015-16 [REZONING] SONDR A ROWAN (SUSAN RAPER)

Z2015-16 [REZONING] SONDR A ROWAN (SUSAN RAPER) requesting rezoning for property located in Land Lot 1146, District 16, Parcel 0370, 2nd Section, Marietta, Cobb County, Georgia and being known as 319 Church Street from RM-8 (Multi Family Residential - 8 units / acre) to R-4 (Single Family Residential - 4 units/ acre). Ward 4

File number Z2015-16 was presented by Mr. Roth for a request to rezone property located at 319 Church Street from RM 8 (Multi Family Residential-8 units / acre) to R 4 (Single Family Residential-4 units/ acre).

A public hearing was held.

Ms. Susan Raper, is requesting to rezone property located at 319 Church Street from RM-8 (Multi Family Residential 8 units/acre) to R 4 (Single Family Residential-4 units/ acre) in order to split the lots, demolish the small houses currently on the parcel and rebuild a home facing Church Street and another facing Brumby Street.

There was one in opposition to this request.

Mr. Keith Rowan, the ex-husband of Ms. Rowan, opposed and requested to table this request for rezoning due to pending legal matters pertaining to the property that are currently still unresolved.

Mr. Rowan presented Mr. White with legal documentation pertaining to his right of first refusal of the property in question.

After reviewing the document, Mr. White stated that unless Mr. Rowan has an injunction stating that Ms. Rowan cannot rezone the property and based on the documentation on file, Ms. Rowan has the legal right to sell and rezone the property. Mr. White advised that Mr. Rowan would need to provide the Council with such documentation if one is available. However, at this time, he recommended to the Commission to proceed with their recommendation.

The public hearing was closed.

Mr. Vanderslice made a motion, seconded by Ms. McCrae to recommend approval as submitted with the stipulation that ownership issues be resolved before the City Council meeting. Mr. Rosenbury opposed. The motion carried 5-1-0.

A motion was made by Vanderslice, seconded by McCrae, that this Ordinance be Recommended for Approval as Stipulated. The motion CARRIED by the following vote.

Absent: 0

Vote For: 5

Vote Against: 1

20150447 Z2015-21 [REZONING] JUDITH BROCK

Z2015-21 [REZONING] JUDITH BROCK requesting rezoning for property located in Land Lot 1159, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 297 Church Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units / acre). Ward 4.

File number Z2015-21 was presented by Mr. Roth for a request to rezone property known as 297 Church Street from OI (Office Institutional) to R-4 (Single Family Residential-4 units / acre).

A public hearing was held.

Mr. Jeff Brock, on behalf of the applicant is requesting to rezone property known as 297 Church Street from OI (Office Institutional) to R-4 (Single Family Residential-4 units / acre) in order to use the property as a residence.

There was no one in opposition to this request.

Mr. Rosenbury asked if the property is currently a single family house and Mr. Brock stated that it is and has been for the last twenty (20) years.

Mr. Diffley asked for clarification as to previous renovations made to the house, how many stories and square footage of property. Mr. Brock replied that he pulled permits and received a Certificate of Occupancy for a single family residence; the house is two stories with a large addition on the back that was built in the 1970's and is approximately 3500 square feet. Mr. Diffley asked if the property has an entrance from Brumby Street and from Church Street. Mr. Brock said there is a driveway and an entrance from Brumby Street and that the front door is on Church Street but that there is no parking and no entrance from Church Street.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 6-0-0.

A motion was made by Diffley, seconded by Poor, that this Ordinance be Recommended for Approval . The motion CARRIED by the following vote.

Absent: 0

Vote For: 6

Vote Against: 0

20150448 Z2015-22 [REZONING] RICHARD F. & MARGIE M. BAUER

Z2015-22 [REZONING] RICHARD F. & MARGIE M. BAUER requesting rezoning for property located in Land Lot 1145, District 16, Parcel 2630, 2nd Section, Marietta, Cobb County, Georgia and being known as 155 Montgomery Street from R-4 (Single Family Residential - 4 units / acre) to R-3 (Single Family Residential - 3 units / acre). Ward 5.

The following variance is incorporated as a condition of zoning:

- 1. Variance to reduce the setback along Club Drive from 25 feet to 20 feet for the existing house and new garage. [§708.02 (H)]**

File number Z2015-22 was presented by Mr. Roth for a request to rezone property known as 155 Montgomery Street from R-4 (Single Family Residential-4 units / acre) to R-3 (Single Family Residential-3 units / acre).

A public hearing was held.

Mr. & Mrs. Bauer, the applicants are requesting to rezone property known as 155 Montgomery Street from R-4 (Single Family Residential-4 units / acre) to R-3 (Single Family Residential-3 units / acre) in order to combine the property with the adjacent property that is currently zoned R-3.

There was no one in opposition to this request and two in support.

Mr. Rosenbury asked if they have had conversations with any of the surrounding neighbors about their plans and Mr. Bauer stated that they have spoken with neighbors, and two are in the audience in support, and none of the neighbors expressed opposition.

Mr. Rosenbury asked if they are planning to add any other structures on the property and what his plans are for the current structure. Mr. Bauer stated that they are only planning to extend their backyard and that the current structure is an old (early 1900's) carriage house and his plans are to renovate it into a garage.

Mr. Rosenbury asked for confirmation that a variance is needed to allow the current structure to be closer to Montgomery Street than the principal structure. Mr. Bauer stated that he saw that written in the report but isn't aware of what process he needs to follow. Mr. Roth stated that it would be concurrent with the zoning request and that the Commission would be able to include it in the rezoning recommendation.

The public hearing was closed.

Mr. Rosenbury made a motion, seconded by Mr. Vanderslice to recommend approval as submitted and to include a variance to allow the existing carriage house to be closer to Montgomery Street than the principal structure. The motion carried 6-0-0.

A motion was made by Rosenbury, seconded by Vanderslice, that this Ordinance be Recommended for Approval as Stipulated. The motion CARRIED by the following vote.

Absent: 0
Vote For: 6
Vote Against: 0

20150491 Z2015-23 [REZONING] JAMES W. CORLEY III

Z2015-23 [REZONING] JAMES W. CORLEY III requesting rezoning property located in Land Lots 218, District 17, Parcel 1070, 2nd Section, Marietta, Cobb County, Georgia and being known as 520 Powder Springs Street from OI (Office Institutional) to R-2 (Single Family Residential - 2 units / acre). Ward 3.

The following variance is incorporated as a condition of zoning:

- 1. Variance to reduce the setback along Club Drive from 25 feet to 20 feet for the existing house and new garage. [§708.02 (H)]**

File number Z2015-23 was presented by Mr. Roth for a request to rezone property known as 520 Powder Springs Street from OI (Office Institutional) to R-2 (Single Family Residential-2 units / acre).

A public hearing was held.

Mr. & Mrs. Corley III, the applicants, and Mr. Mike Pope, are requesting to rezone property known as 520 Powder Springs Street from OI (Office Institutional) to R-2 (Single Family Residential-2 units / acre) in order to live there.

There was no one in opposition to this request and two in support.

Mr. Kinney inquired about the family history of the property and Mr. Corley stated that this was his grandparent's house before the person they bought it from.

Mr. Diffley asked what the previous occupational use of the property was and Mr. Corley said it is currently an attorney's office.

Mr. Rosenbury noted that rezoning the property to residential was not in line with the Future Land Use of the City, which is commercial.

Mr. Roth stated that Future Land Uses for the whole City is reviewed from time to time so that if an owner is interested in changing a particular land use, there is opportunity for the property owner to make that request as well, but that's not necessarily something they need to do now.

The public hearing was closed.

Mr. Poor made a motion, seconded by Mr. Rosenbury to recommend approval as submitted, and to include a variance to reduce setback along Club Drive from 25 feet to 20 feet for the existing house and new garage. The motion carried 6-0-0.

A motion was made by Poor, seconded by Rosenbury, that this Ordinance be Recommended for Approval as Stipulated. The motion CARRIED by the following vote.

Absent: 0
Vote For: 6
Vote Against: 0

20150493

Z2015-25 [REZONING] REX HOWTON

Z2015-25 [REZONING] REX HOWTON requesting rezoning for property located in Land Lot 1014, District 16, Parcel 1060, 2nd Section, Marietta, Cobb County, Georgia and being known as 900 Campbell Hill Street from OI (Office Institutional) to CRC(Community Retail Commercial). Ward 5.

File number Z2015-25 was presented by Mr. Roth for a request to rezone property known as 900 Campbell Hill Street from OI (Office Institutional) to CRC (Community Retail Commercial).

A public hearing was held.

Mr. Howton, the applicant is requesting to rezone property known as 900 Campbell Hill Street from OI (Office Institutional) to CRC (Community Retail Commercial) in order to combine two properties in the same zoning in order to be able to add a garage for storage and additional office space.

There was no one in opposition to this request.

Mr. Vanderslice commented that in reviewing the plans, it looks like the garage Mr. Howton intends to build will be over a corrugated pipe drain sewer and he believes Public Works will be requiring him to move that corrugated pipe. Mr. Howton affirmed.

Mr. Kinney inquired about the right of ways that have been given to him and whether he had any further issues with right of ways and Mr. Howton said he had no issues that he was aware of.

The public hearing was closed.

Ms. McCrae made a motion, seconded by Mr. Diffley to recommend approval as submitted. The motion carried 6-0-0.

A motion was made by McCrae, seconded by Diffley, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote.

**Absent: 0
Vote For: 6
Vote Against: 0**

20150561 Z2015-26 [REZONING] CITY OF MARIETTA

Z2015-26 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lots 1212 & 1213, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as Adams Circle, Beavers Street and Gunter Street right-of-way from unzoned to PRD-SF [Planned Residential Development - Single Family]. Ward 5A.

The item was tabled at the request of the applicant.

Tabled

20150492 Z2015-24 [REZONING] PHILIP D. & KAREN C. HYNNINEN

Z2015-24 [REZONING] PHILIP D. & KAREN C. HYNNINEN requesting rezoning for property located in Land Lot 327, District 20, Parcel 0010, 2nd Section, Cobb County, Georgia and being known as property on Hardage Drive from RR (Rural Residential - County) to R-2 (Single Family Residential - 2 units / acre). Ward 4.

File number Z2015-24 was presented by Mr. Roth for a request to rezone property located in Land Lot 327, District 20, Parcel 0010, 2nd Section, Cobb County, Georgia and being known as property on Hardage Drive from RR (Rural Residential-County) to R-2 (Single Family Residential-2 units / acre).

A public hearing was held.

Mr. & Mrs. Hynninen are requesting to rezone property located in Land Lot 327, District 20, Parcel 0010, 2nd Section, Cobb County, Georgia and being known as property on Hardage Drive from RR (Rural Residential-County) to R-2 (Single Family Residential-2 units / acre) in order to Annex into the City of Marietta

and build a single family home.

There was no one in opposition to this request and two in support.

Mr. Kinney inquired as to when construction was scheduled to begin and Mrs. Hynninen said she was hoping for Fall.

Mr. Rosenbury asked about the type of utilities the property will be using. Mrs. Hynninen stated that it will be on septic, but with City water.

Mr. Kinney asked if Hardage Drive have a Homeowner's Association and Mrs. Hynninen stated that there is no Homeowner's Association.

Mr. Kinney inquired about the lake on the lot next door and whether it was in their property line and Mrs. Hynninen stated that there is a very small section of about five feet that touches her property line but otherwise it is on the neighbor's property.

The public hearing was closed.

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

A motion was made by Vanderslice, seconded by McCrae, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote.

Absent: 0

Vote For: 6

Vote Against: 0

20150497

A2015-04 [ANNEXATION] PHILIP D. & KAREN C. HYNNINEN

A2015-04 [ANNEXATION] PHILIP D. & KAREN C. HYNNINEN requesting the annexation of property located in Land Lot 327, District 20, Parcel 0010 (also known as property on Hardage Drive), of the 2nd Section, Cobb County, Georgia consisting of 4.622 acres. Ward 4.

File number A2015-04 was presented by Mr. Roth for a request to annex property located in Land Lot 327, District 20, Parcel 0010, 2nd Section, Cobb County, Georgia and being known as property on Hardage Drive from RR (Rural Residential-County) to R-2 (Single Family Residential-2 units / acre).

A public hearing was held.

Mr. & Mrs. Hynninen are requesting to annex property located in Land Lot 327, District 20, Parcel 0010, 2nd Section, Cobb County, Georgia and being known as property on Hardage Drive from RR (Rural Residential-County) to R-2 (Single Family Residential-2 units / acre) in order build a single family home.

There was no one in opposition to this request and two in support.

Mr. Kinney asked Mr. & Mrs. Hynninen if they are incorporating their previous remarks to this request and they affirmed.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Poor to recommend Approval as submitted. The motion carried 6-0-0.

A motion was made by Diffley, seconded by Poor, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote.

Absent: 0

Vote For: 6

Vote Against: 0

20150498 CA2015-05 [CODE AMENDMENT]

CA2015-05 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 327, District 20, Parcel 0010 (also known as property on Hardage Drive), the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4.

File number CA2015-05 was presented by Mr. Roth for a Code Amendment in conjunction with the requested annexation of property located in Land Lot 327, District 20, Parcel 0010 (also known as property on Hardage Drive).

A public hearing was held.

There was no one in opposition to this request.

Mr. Kinney asked Mr. & Mrs. Hynninen if they support this request and they affirmed.

The public hearing was closed.

Mr. Rosenbury made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 6-0-0.

A motion was made by Rosenbury, seconded by Poor, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote.

Absent: 0

Vote For: 6

Vote Against: 0

OTHER BUSINESS:

20150420 Planning Commission Rules of Procedures

Review and approval of the Rules of Procedure for the Planning

A public hearing was held.

There was no one in opposition to this request.

The public hearing was closed.

Mr. Poor made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. The motion carried 6-0-0.

A motion was made by Poor, seconded by Vanderslice, that this Discussion

Item be Approved and Finalized. The motion CARRIED by the following vote.

Absent: 0
 Vote For: 6
 Vote Against: 0

20150558 Planning Commission - Election of Chairman

**Planning Commission - Election of Chairman
 Election of Chairman to serve for one year from August 2015 to July 2016.**

Mr. White opened the floor for nominations for the position of Chairman for the term of August 2015 to July2016.

Mr. Diffley made a motion to elect Mr. Kinney, seconded by Mr. Vanderslice. Mr. Kinney abstained. The motion carried 5-0-1.

A motion was made by Diffley, seconded by Vanderslice, that this Motion be Approved and Finalized. The motion CARRIED by the following vote.

Absent: 0
 Vote For: 5
 Abstain: 1

20150559 Planning Commission - Election of Vice Chairman

**Planning Commission - Election of Vice Chairman
 Election of Vice Chairman to serve for one year from August 2015 to July 2016.**

Mr. White opened the floor for nominations for the position of Vice Chairman for the term of August 2015 to July2016.

Mr. Kinney made a motion to elect Mr. Diffley, seconded by Mr. Vanderslice. Mr. Diffley abstained. The motion carried 5 0 1.

A motion was made by Kinney, seconded by Vanderslice, that this Motion be Approved and Finalized. The motion CARRIED by the following vote.

Absent: 0
 Vote For: 5
 Abstain: 1

ADJOURNMENT:

The July 1, 2015 Planning Commission Meeting adjourned at 7:04PM.


 ROBERT W. KINNEY, CHAIRMAN


 INES EMBLER, SECRETARY