



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

Tuesday, October 6, 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 October 6, 2015 Planning Commission Meeting to order at 6:00 PM

MINUTES:

20150854 September 1, 2015 Regular Planning Commission Meeting Minutes

**Review and Approval of the September 1, 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 these Minutes be
Approved and Finalized. The motion CARRIED by the following vote.**

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

REZONINGS/ANNEXATIONS/CODE AMENDMENTS:

**20150810 Z2015-30 [REZONING and SPECIAL LAND USE PERMIT] HI ATLANTA
INC (TONY PATEL)**

Z2015-30 [REZONING and SPECIAL LAND USE PERMIT] HI ATLANTA INC (TONY PATEL) requesting rezoning for property located in Land Lot 799, District 17, Parcel 0080, 2nd Section, Cobb County, Georgia, and being known as 2500 Delk Road from OI (Office Institutional) to OHR (Office High Rise) with a Special Land Use Permit for an extended stay hotel. Ward 7A.

File number Z2015-30 was presented by Mr. Roth for a request to rezone property located at 2500 Delk Road from OI (Office Institutional) to OHR (Office High Rise) with a Special Land Use Permit.

A public hearing was held.

Mr. Mason Drake of Horizon Hospitality Management, for the applicant, is requesting to rezone property located at 2500 Delk Road from OI (Office Institutional) to OHR (Office High Rise) with a Special Land Use Permit in order to develop an extended stay hotel.

There was no opposition to this request.

The board members asked questions pertaining to the rates, wetlands, reason for not having a playground and whether the building would be on a slab. Horizon Hospitality explained that they are not offering weekly rates because the hotel caters to business travelers; a playground is not a common element of hotels; they are placing the building in an area that is not wetlands so they feel comfortable taking the risk; and the building would be on a slab, with the exception of the elevator pit, and that would be waterproofed.

The public hearing was closed.

Mr. Diffley made a motion to recommend approval excluding the waiver of the requirement that Extended stay hotels/motels must have a minimum of 25% of the lot area dedicated to either active or passive open space. The motion failed for lack of a second.

Mr. Rosenbury made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 4-3-0. Mr. Diffley, Ms. McCrae and Mr. Vanderslice opposed.

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

Absent: 0

Vote For: 4

Vote Against: 3

20150813

Z2015-31 [REZONING] JERUSALEM RESTAURANT & BAKERY

Z2015-31 [REZONING] JERUSALEM RESTAURANT & BAKERY requesting rezoning for property located in Land Lot 726, District 17, Parcel 0120, 2nd Section, Cobb County, Georgia, and being known as 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7A.

File number Z2015-31 was presented by Mr. Roth for a request to rezone property located at 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial).

A public hearing was held.

Mr. Garvis L. Sams, Jr. attorney at Sams, Larkin, Huff & Balli, LLP, for the Applicant,

is requesting to rezone property located at 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial) in order to open a restaurant and bakery with a small grocery component and a banquet hall on the second floor.

There was no opposition to this request.

Mr. Kinney asked for clarification of the parking spaces needed. Mr. Sams explained the requirements stated in the staff report and said they are working to find a solution. However, Staff noted that it was brought to light tonight that the restaurant, bakery, small grocery store and banquet hall will not all be operating during the same business hours. City Code will allow shared use of the parking area and therefore, they will re-analyze the required amount of parking spaces.

The board members inquired about the current facility and how it compares to the new location and Mr. Sams explained that the current location does not have a banquet hall and the facility is approximately 5,000 square feet.

Mr. Rosenbury asked if the pending purchase is subject to the rezoning and if they would be remodeling the exterior of the building. Mr. Sams stated that the purchase is subject to the rezoning and that only cosmetic changes would be made to the exterior.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval as submitted including the stipulations stated in the letter dated September 22, 2015 from Sams, Larkin, Huff & Balli, LLP. The motion carried 7-0-0.

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

Absent: 0
 Vote For: 7
 Vote Against: 0

20150814 Z2015-32 [REZONING] ALAN SCHLACT (KRAFT MARK HOMES, LLLP)

Z2015-32 [REZONING] ALAN SCHLACT (KRAFT MARK HOMES, LLLP) requesting rezoning for property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390 and 0380, 2nd Section, Cobb County, Georgia, and being known as 770, 780, 786, & 790 Powers Ferry Road from R-20 (Single Family Residential - County) to R-4 (Single Family Residential 4 units/acre - City). Ward 6A.

File number Z2015-32 was presented by Mr. Roth for a request to rezone property located at 770, 780, 786, & 790 Powers Ferry Road from R-20 (Single Family Residential -County) to R-4 (Single Family Residential 4 units/acre-City).

A public hearing was held.

Mr. Garvis L. Sams, Jr. attorney at Sams, Larkin, Huff & Balli, LLP, for the Applicant, is requesting to rezone property located at 770, 780, 786, & 790 Powers Ferry Road from R-20 (Single Family Residential-County) to R-4 (Single Family Residential 4 units/acre - City) in order to annex into the City of Marietta.

There was no opposition to this request.

Mr. Kinney asked about landscaping and stated that the houses appear to be very close together and that the City requires the lots be sprinkled. Mr. Sams affirmed and said that all of the City requirements will be met.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Vanderslice to recommend approval as submitted including the stipulations stated in the letter dated September 24, 2015 from Sams, Larkin, Huff & Balli, LLP. The motion carried 7-0-0.

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

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

20150815 A2015-06 [ANNEXATION] ALAN SCHLACT (KRAFT MARK HOMES, LLLP)

A2015-06 [ANNEXATION] ALAN SCHLACT (KRAFT MARK HOMES, LLLP) requesting the annexation of property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390, & 0380 (also known as 770, 780, 786, & 790 Powers Ferry Road), of the 2nd Section, Cobb County, Georgia consisting of 3.17 acres. Ward 6A.

File number A2015-06 was presented by Mr. Roth for a request to annex property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390, & 0380 (also known as 770, 780, 786, & 790 Powers Ferry Road).

A public hearing was held.

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

There was no opposition to this request.

Mr. Rosenbury asked what was the motivation for wanting to annex into the City versus staying in the County. Mr. Sams said he had conversations with the staff of both and found that neither had a preference one way or the other and that it seemed to fit into the City. It also extends in a strategic fashion within the City's boundaries for future annexations.

The public hearing was closed.

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

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

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

20150816

CA2015-08 [CODE AMENDMENT]

CA2015-08 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 796, District 17, Parcels 0260, 0270, 0390 and 0380, 2nd Section, Cobb County, Georgia, (also known as 770, 780, 786, and 790 Powers Ferry Road), the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 6A.

File number CA2015-08 was presented by Mr. Roth for a Code Amendment in conjunction with the requested annexation of property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390, & 0380 (also known as 770, 780, 786, & 790 Powers Ferry Road).

A public hearing was held.

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

There was no opposition to this request.

The public hearing was closed.

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

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: 7
Vote Against: 0**

20150818

Z2015-33 [REZONING] CITY OF MARIETTA

Z2015-33 [REZONING] CITY OF MARIETTA requesting rezoning for property located in Land Lots 1213, 1235, 1236, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as portions of 10' unnamed alley, Roswell Street right-of-way, and Victory Drive right-of-way) from unzoned to CRC (Community Retail Commercial). Wards 5A and 1A.

File number Z2015-33 was presented by Mr. Roth for a request to rezone property known as portions of 10' unnamed alley, Roswell Street right of way, and Victory Drive right of way) from unzoned to CRC (Community Retail Commercial).

A public hearing was held.

The City of Marietta is requesting to rezone property known as portions of 10' unnamed alley, Roswell Street right of way, and Victory Drive right of way) from unzoned to CRC (Community Retail Commercial) in order to complete a land swap and continue with the Roswell Street Improvement Program.

There was one in support and one in opposition to this request.

Mr. Fred Bentley, Jr., spoke in support of Roswell Street Baptist Church saying this would bring a wonderful conclusion to a long process of almost ten years of trying to address the road right of way in the area as a part of the project.

Mr. Harrison Dorfzaun, lives behind the church and is concerned that the church may not keep up with the proper maintenance of the property. Staff explained that none of the right of way being rezoned has any buildings on it.

The board members asked Mr. Bentley about the church's interest in the alley across the street and if it connects with the street behind the strip mall. Mr. Bentley stated that the church has been paying taxes for years on that particular piece and that there was some question as to whether it had ever been abandoned at some point originally, so it just closes that final question and gives that piece back to the church. He said it does not extend all the way through behind the strip mall.

The public hearing was closed.

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

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

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

20150819

Z2015-34 [REZONING] THE WALKER SCHOOL, INC

Z2015-34 [REZONING] THE WALKER SCHOOL, INC requesting rezoning for property located in Land Lots 998, 999, 1018, and 1019, District 16, Parcel 0100, 2nd Section, Cobb County, Georgia, and being known as 815 Allgood Road from HI (Heavy Industrial) to OI (Office Institutional). Ward 5B.

File number Z2015-34 was presented by Mr. Roth for a request to rezone property located at 815 Allgood Road from HI (Heavy Industrial) to OI (Office Institutional).

A public hearing was held.

Mr. John Moore attorney at Moore Ingram Johnson & Steele, LLP, for the Applicant, is requesting to rezone property located at 815 Allgood Road from HI (Heavy Industrial) to OI (Office Institutional) for expansion of the school.

Mr. Jack Hall, Head of School, Ms. Christie Holman, Director of Business and Finance and Mr. Mike Mascheri, architect with Chapman, Coyle, Chapman, were in the audience and available to answer any questions.

There was no opposition to this request.

Mr. Diffley asked questions about the plans for the existing football field and whether the pond would be an active pond or a storm water runoff pond. Mr. Moore said they have a master plan for the entire campus and that the current field would go away. He said the pond would be a storm water pond.

Ms. McCrae asked if they would be fencing the pond and if there were any safety concerns. Mr. Mascheri said it would not be fenced unless the City required it and that they are not concerned with safety due to the fact the all of the fields where the student activity takes place are fenced off. Their goal is to make it as natural as possible.

Mr. Rosenbury asked what the capacity of the new stadium would be and how the parking would be affected. Mr. Mascheri stated that the current stadium seats around 1200 to 1300 people; that their goal is to double that, to be at 2500 max and that all of the parking would be on site.

Mr. Kinney asked questions about the sanitary sewer line and Mr. Mascheri explained and affirmed that everything pertaining to the sanitary sewer line will be dealt with appropriately.

The public hearing was closed.

Mr. Poor made a motion, seconded by Mr. Rosenbury to recommend approval as submitted including the stipulations stated in the letter dated October 2, 2015 from Moore Ingram Johnson & Steele, LLP. The motion carried 7-0-0.

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: 7
Vote Against: 0**

20150729

Z2015-35 [REZONING] CITY OF MARIETTA

Z2015-35 [REZONING] CITY OF MARIETTA requesting rezoning for properties located in Land Lots 651, 652, 717, and 718, District 17, Parcels 0020 and 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as 849 and 861 Franklin Road from PRD-MF (Planned Residential Development Multi Family) to PCD (Planned Commercial Development). Ward 7A.

File number Z2015-35 was presented by Mr. Roth for a request to rezone property located at 849 and 861 Franklin Road from PRD MF (Planned Residential Development Multi Family) to PCD (Planned Commercial Development).

A public hearing was held.

The City of Marietta is requesting to rezone property located at 849 and 861 Franklin Road from PRD MF (Planned Residential Development Multi Family) to PCD (Planned Commercial Development) in order market them for a preferred zoning category.

There was no opposition to this request.

Mr. Kinney asked if the buildings have been demolished and Staff replied that they have been demolished but not completely cleared.

Mr. Rosenbury asked if the City has already started marketing the property and if

there were any height restrictions. Staff said yes and that there are no height restrictions in that zoning.

The public hearing was closed.

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

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: 7
Vote Against: 0

20150701

CA2015-09 [CODE AMENDMENT]

CA2015-09 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.11, Residential Infill Development Overlay District.

File number CA2015-09 was presented by Mr. Roth for a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.11, Residential Infill Development Overlay District.

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 712.11, Residential Infill Development Overlay District.

There was no opposition to this request.

The public hearing was closed.

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

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: 7
Vote Against: 0

ADJOURNMENT:

The October 6, 2015 Planning Commission Meeting adjourned at 7:36PM.


ROBERT W. KINNEY, CHAIRMAN


INES EMBLER, SECRETARY