



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

(Col. Ret.) Kenneth Dollar, Ward 2 - Chairman
Ann Watkins, Ward 1
Patrick Thompson, Ward 3
John Schupp, Ward 4
Kenneth Carter, Ward 5
Bob Kinney, Ward 6
Stephen Diffley, Ward 7

Tuesday, May 1, 2012

6:00 PM

City Hall Council Chambers

Present: Kenneth Dollar, R. W. "Bob" Kinney, Kenneth Carter, John J. Schupp, Stephen Diffley, Patrick Thompson.

Absent: Ann Watkins

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Shelby Little, Urban Planner
Daniel White, City Attorney

CALL TO ORDER & ROLL CALL:

Chairman Dollar called the May 1, 2012 Planning Commission meeting to order at 6:00 pm.

MINUTES:

20120341

March 6, 2012 Regular Planning Commission Meeting Minutes

Review and Approval of the March 6, 2012 Planning Commission Meeting Minutes

A public hearing was held.

File #20120341 - Commissioner Kinney made a Motion to approve the March 6, 2012 Planning Commission Meeting Minutes, seconded by Commissioner Diffley. The motion carried 4 – 0 – 1 (Commissioner Schupp abstained.)

A motion was made by R. W. "Bob" Kinney, seconded by Stephen Diffley, that this matter be Approved and Finalized. The motion carried by the following vote: 4 – 0 – 1 (Mr. Schupp abstained and Mr. Carter was late.)

Absent: 1 - Watkins

REZONINGS:**20120278****Z2012-02 RaceTrac Petroleum, Inc. 1400 Powder Springs Road**

Z2012-02 [REZONING] RACETRAC PETROLEUM, INC. request rezoning for a portion of the property located in Land Lot 02600, District 19, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia and being known as 1400 Powder Springs Road from R-2 (Single Family Residential 2 units/acre) to CRC (Community Retail Commercial). Ward 2.

Council member Goldstein disclosed that he has used the attorney, Kevin Moore, in the past.

File #20120278 (Z2012-02) was presented by Mr. Roth for property located in Land Lot 02600, District 19, Parcel 0030 and being known as 1400 Powder Springs Road.

A public hearing was held.

Kevin Moore presented on behalf of RaceTrac Petroleum and the property owners. This is a rezoning request for five acres from R-2 to CRC. The rear portion of the property is not part of the proposed application. No commercial access to the property from Murray Circle is proposed. A fifty foot buffer (rather than required 40' buffer) and 6' wooden privacy fence adjacent to residential is being shown. The site has been designed to outlet storm water into the Powder Springs Road storm water system rather than towards the residences to the rear.

Commissioner Carter arrived at 6:09 p.m.

Ron Ridgeway, speaking in opposition, lives at 1027 Wilburn Drive. Mr. Ridgeway cited accident data provided by GDOT; his major concern is traffic safety.

Kirk Riddle lives at 1150 Murray Circle and is concerned with the operating hours of the proposed gas station.

Alison Lanier of 1469 Mel Court does not believe the RaceTrac proposal is compatible with the comprehensive plan and will impact the general safety of the neighborhood.

Elaine Duffus lives at 1080 Murray Circle and is concerned with preserving the tranquil nature of the neighborhood.

Pete Horning, resident of 1469 Mel Court, believes it will detract from the quality of life.

Chairman Dollar spoke with Kirk Riddle about his concerns with the operating hours.

Chairman Dollar, Commissioner Thompson, Mr. Ridgeway and Commissioner Schupp discussed the traffic accident data provided by GDOT.

Chairman Dollar and Ms. Lanier discussed general issues regarding safety, the RaceTrac and the nearby jail.

Commissioner Kinney asked Mr. Moore about the non-signalized access off Powder

Springs Street. Commissioner Kinney suggested that the right-in-right out, non-signalized access be modified to allow ingress only.

Mr. Moore and Commissioner Kinney discussed security and monitoring of the outdoor seating area.

Mr. Moore stated that the back portion of the property is being purchased by RaceTrac.

Commissioner Schupp and Mr. Moore discussed the buffer and the non-signalized access.

Mr. Moore, responding to Commissioner Thompson's inquiry regarding land disturbance on the rear portion of the property, said the existing buildings will be removed as well as some limited dirt removal to route storm water towards Powder Springs Road.

Commissioner Diffley and Mr. Moore discussed site lighting. Mr. Moore stated there will be no lighting near the buffer zones.

Chairman Dollar and Mr. Moore discussed the existing and proposed topography of the site regarding detention.

Mr. Moore stated that there will be 10 fueling stations with two pumps each (ten under each canopy). The fuel tanks will be located towards the front of the property.

Cindy Erfurt, project manager for RaceTrac, described the routes that the fueling trucks would take to replenish the site.

Commissioner Kinney made a motion to recommend to City Council that the application be approved as submitted subject to the letter of stipulations from Kevin Moore to Mr. Russell Roth dated May 1, 2012, seconded by Commissioner Carter. The motion carried 6 – 0 – 0.

A motion was made by R. W. "Bob" Kinney, seconded by Kenneth Carter that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote: 6 – 0 – 0.

Absent: 1 - Watkins

20120308

Z2012-03 Shahin Banaeian 212 Powers Ferry Road

Z2012-03 [REZONING] SHAHIN BANAEIAN request rezoning for property located in Land Lot 12420, District 16, Parcel 0930, 2nd Section, Marietta, Cobb County, Georgia and being known as 212 Powers Ferry Road from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 7.

The following variances are incorporated as conditions of zoning. These variances shall be for the current developed property only, and shall be discontinued upon the redevelopment of the site (subject to Section 706 Nonconforming Uses):

1. Variance to reduce the required buffer from 40 ft. to 0 ft. [Sect. 708.16 (D)]
2. Variance to reduce the required two way driveway width from 20 ft. to 11.2 ft. [Sect. 716.08]

File #20120308 (Z2012-03) was presented by Mr. Roth for property located in Land Lot 12420, District 16, Parcel 0930 and being known as 212 Powers Ferry Road.

A public hearing was held.

Shahin Banaeian representing the owner, made a request to rezone the subject property from OI to CRC to allow a tenant to open a consignment shop at 212 Powers Ferry Road.

Princess Zachary, tenant, would like to open up Princess Boutique and Consignment Shop at this location.

Commissioner Kinney and Ms. Zachary discussed the proposed exterior improvements to the property.

Commissioner Diffley and Ms. Zachary discussed the type of goods to be sold at the shop. Ms. Zachary stated it will be primarily used clothing.

Commissioner Thompson and Ms. Zachary discussed how items were being supplied and the duration of the lease.

Mr. Roth and Commissioner Thompson discussed required parking improvements.

Ms. Zachary described her proposed signage and opening hours (Tuesday through Saturday 11am – 6pm).

Commissioner Kinney made a motion to recommend approval of the application to City Council as submitted, seconded by Commissioner Thompson. The motion carried 5 – 1 – 0 with Commissioner Diffley opposed.

A motion was made by R. W. "Bob" Kinney, seconded by Patrick Thompson, that this matter be Approved and Finalized. The motion carried by the following vote: 5 – 1 – 0. Commissioner Diffley opposed.

Absent: 1 - Watkins

OTHER BUSINESS:

20120267

Proposed Revisions to the Sign Ordinance

CA2012-02 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 714.

File #20120267 (CA2012-02) was presented by Mr. Roth for the proposed amendment to the Comprehensive Development Code for the sign ordinance that should be more beneficial to business owners in the City.

A public hearing was held.

Commissioner Thompson made a motion to recommend approval of the proposed revision to the Sign Ordinance, seconded by Commissioner Carter. The motion carried 6 – 0 – 0.

A motion was made by Patrick Thompson, seconded by Kenneth Carter, that

this matter be Recommended for Approval. The motion carried by the following vote: 6 – 0 – 0.

Absent: 1 - Watkins

ADJOURNMENT:

The May 1, 2012 Planning Commission Meeting adjourned at 7:32 pm.

KEN DOLLAR, CHAIRMAN

SHELBY LITTLE, SECRETARY