



**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*                    *Vacant, Ward 7*

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Tuesday, December 2, 2008

6:00 PM

City Hall Council Chambers

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

*Staff:*

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

**CALL TO ORDER & ROLL CALL:**

*Chairman Dollar called the December 2, 2008 Planning Commission Meeting to order at 6:00 p.m.*

*Chairman Dollar acknowledged Mr. Benjamin Parker for his years of service to the City of Marietta Fire Department, Board of Zoning Appeals and Planning Commission.*

**MINUTES:**

**20081423 November 5, 2008 Regular Planning Commission Meeting Minutes**

Review and Approval of November 5, 2008 Planning Commission Meeting Minutes

*Mr. Kinney moved that the November 5, 2008 Planning Commission Meeting Minutes be approved as submitted, seconded by Mr. Carter. Mr. Gillis abstained as he was not at the meeting. Motion carried 5 - 0 - 1.*

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

**Vote: 5 - 0 - 1                      Approved**  
**Abstain: 1 - Donald Gillis**

**REZONING:**

**20081302 Z2008-15 RG Investments, LLC, 611 Tower Road**

Z2008-15 [REZONING] RG INVESTMENTS, LLC request rezoning for

property located in Land Lot 10760, 16th District, Parcel 1230, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Tower Road from R-3 (Single Family Residential 3 units/acre) to OI (Office Institutional). Ward 4.

*File #20081302 (Z2008-15) was presented by Mr. Roth for property located in Land Lot 10760, 16th District, Parcel 1230, and being known as 611 Tower Road.*

*Prior to the hearing of this request, Daniel White disclosed that his mother is the president of the Oaks Homeowners Association. No one had any objections.*

*The applicant and owner, RG Investments, is being represented by Kevin Moore. RG Investments is a Limited Liability Company, the principal of which is Dr. Richard Gardner. The request is to rezone property from R-3 (Single Family Residential 3 units/acre) to OI (Office Institutional) in order to construct a two-story, 15,000 square foot professional office building. The offices will primarily serve as medical, administrative, and business offices. A variance is necessary to reduce the required greenbelt landscape buffer from 30 feet to 15 feet along the easterly side of subject property and a variance to reduce the required minor side setback from 15 feet to 0 feet. Mr. Moore pointed out other stipulations in his letter dated December 1, 2008 to Mr. Roth.*

*John C. Garrett, Sr., a resident of 931 James Street expressed concern regarding traffic, especially if Tower Road is widened.*

*Margaret Lowe, a resident of 840 Lee Drive, is concerned about traffic and feels that the neighborhood needs to be better informed and included in meetings regarding this area.*

*Shirley Beavers, 850 Lee Drive, spoke on issues such as neighborhood not being properly informed and difficulty getting in and out of James Street. Mrs. Beavers asked that this item be tabled so that the neighborhood can be better informed as were the residents of The Oaks community.*

*Mrs. Lowe returned and stated to Chairman Dollar that the neighborhood has been trying to get a traffic light at James Street and Tower Road. She has spoken to Councilman Coleman several times without results.*

*Mr. Moore returned to acknowledge that the problems are not with the building, but with traffic and being better informed.*

*Mr. Moore explained that he was contacted by The Oaks HOA.*

*As it relates to James Street residents, Mr. Moore will be happy to meet with them. Councilman Coleman did contact Mr. Moore about traffic concerns of James Street neighborhood. Councilman Coleman and Mr. Moore talked about traffic devices and Councilman Coleman is investigating.*

*Mr. Moore agreed to table this issue in order to meet with the James Street neighborhood and to extend an invitation to Councilman Coleman and Councilman Pearlberg.*

*Mr. Gillis moved to table the request for the purpose of having a meeting with the community, seconded by Mr. Kinney. Motion carried 6 - 0 - 0.*

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

**Vote: 6 - 0 - 0**

**Tabled**

### **SPECIAL LAND USE PERMIT:**

#### **20081317 Z2008-16 Back to the Bible 601, 413, 421 and 417 Tower Road**

Z2008-16 [SLUP] BACK TO THE BIBLE request Special Land Use Permit (for place of worship with accessory school) for property located in Land Lot 1076, 16th District, Parcels 0720, 0700, 1170 and 0710, 2nd Section, Marietta, Cobb County, Georgia and being known as 601, 413, 421 and 417 Tower Road and being zoned R-3. Ward 4.

*File #20081317 (Z2008-16) was presented by Mr. Roth for property located in Land Lot 1076, 16th District, Parcels 0720, 0700, 1170 and 0710, and being known as 601, 413, 421 and 417 Tower Road.*

*The applicant, Back to the Bible, represented by Richard Calhoun, attorney, is requesting a Special Land Use Permit for a place of assembly with an accessory school for the property located at 601, 421, 417 and 413 Tower Road, currently zoned R-3 (Single Family Residential).*

*Mr. Calhoun submitted a packet of material, referred to as Exhibit "A," and gave a detailed overview.*

*As explained by Mr. Calhoun, the property was annexed around 2003 or 2004 as an island annexation and rendered the property as a non-conforming use in a residential district. Non-conforming uses prevent building or expansion. As described by Mr. Calhoun, there is very little that could physically be done to expand the current footprint of the building. The neighbors are favorable to allowing the Special Land Use Permit with the condition that if anything is done on the rear of the property, south of the stream, applicant would come back to the city as a condition of the SLUP and go through the full site plan review process.*

*Mr. Calhoun described the church as a 17 year old, 15,000 square foot facility and asked that the Special Land Use Permit be granted with the use for the accessory school and along with an automatic 75' setback for any structures or buildings on the property as stated in code.*

*The following residents spoke in opposition:*

*Floyd Northcutt, a resident of 650 Oakledge Drive, met with Mr. Calhoun by invitation of neighbors. The main concern is the use of the property as an accessory school. There is no explanation as to what they can do with an accessory school: number of buildings, number of children and additional traffic on Tower Road. Currently, it is too open-ended to be supported by the neighbors under these conditions. Mr. Northcutt stated that the woods need to be preserved by the City.*

*Mary Agraz, a resident of 635 Oakledge Drive, expressed concern about water runoff.*

*Mr. Northcutt expressed concern about the natural wooded area behind the church on the south end of the property. If the property is clear cut, a much more substantial buffer would be requested in order to protect the quality of life for the residents whose properties back up to the woods.*

*Mr. Kinney commented that perhaps the Homeowner's Association should purchase the wooded property.*

*Mr. Calhoun offered to leave any construction of property to another time and let the end user come back to build parking lot or playground. The 75-foot setback applies to the entire property and any additions could not be closer than 75 feet. Mr. Calhoun referenced several churches in the area as all having schools, as well as various classes and programs.*

*Mr. Kinney and Mr. Calhoun discussed coming back for approval on any future changes.*

*Mr. Calhoun agreed to table the issue so that they can participate in Mr. Moore's community meeting.*

*Discussion continued regarding ingress/egress, lack of community contact, purpose and other issues.*

*It was immediately brought to Mr. Calhoun's attention that there is a possibility of the property going into foreclosure before the next hearing, if tabled.*

*Mr. Gillis made a motion to deny the request until such time as they come back with a concrete proposal, seconded by Mr. Parker. Motion carried 5 - 1 - 0. Mr. Kinney opposed.*

**A motion was made by Commissioner Gillis, seconded by Commissioner Parker, that this matter be Recommended for Denial. The motion carried by the following vote:**

**Vote: 5 - 1 - 0**

**Recommended for Denial**

Vote Against: 1 - R. W. "Bob" Kinney

**ADJOURNMENT:**

*The December 2, 2008 Planning Commission Meeting adjourned at 7:54 p.m.*

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*KEN DOLLAR, CHAIRMAN*

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*PATSY BRYAN, SECRETARY*