



**City of Marietta**  
**Meeting Minutes**  
**PLANNING COMMISSION**

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

*(Col. Ret.) Kenneth Dollar, Ward 2 - CHAIRMAN*  
*William Florence, Ward 1*                      *Carol Ann Sonnenfeld, Ward 3*  
*Donald Gillis, Ward 4*                      *Kenneth Carter, Ward 5*  
*Bob Kinney, Ward 6*                      *Benjamin Parker, Ward 7*

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Wednesday, November 7, 2007

6:00 PM

City Hall Council Chambers

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

*Staff:*

*Brian Binzer, Development Services Director*  
*Patsy Bryan, Secretary to the Board*  
*Shelby Little, Urban Planner*  
*Michael Cullen, Urban Planner*  
*Daniel White, City Attorney*

**CALL TO ORDER & ROLL CALL:**

**MINUTES:**

**20071173      October 2, 2007 Regular Planning Commission Meeting Minutes**

Review and Approval of October 2, 2007 Planning Commission Meeting Minutes

*Mr. Kinney made a motion to accept the October 2, 2007 Planning Commission Meeting Minutes as submitted, seconded by Mrs. Sonnenfeld. Motion carried 6 - 0.*

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

**Vote: 6 - 0 - 0**

**Approved**

**REZONING:**

**20071120      Z2007-20 J & J Construction Group, Inc. 1010 Powder Springs Road**

Z2007-20 [REZONING] J & J CONSTRUCTION GROUP requests rezoning for property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Ward 2.

*File #20071120 (Z2007-20) was presented by Mr. Binzer for property located in Land Lot 0260, District 19, Parcel 0030 and being known as 1010 Powder Springs Road.*

*The applicant, J & J Construction Group, Inc. is requesting rezoning from R-20 (Single Family Residential-County) to R-2 (Single Family Residential-City). The*

*original request for commercial has been dropped and the applicant is requesting R-2 (Single Family Residential).*

*Melissa Haisten, representing the applicant, is requesting rezoning and annexation of 8.961 acres of property on the west side of Powder Springs Road. This property is surrounded by single-family homes all located in Cobb County. Community Retail Commercial zoning is directly across the street from subject property.*

*The following individuals spoke in opposition:*

*Pamela Long, a resident of 1060 Murray Circle, asked to see a demographic layout of proposed area. Ms. Long is concerned about traffic, endangerment of natural habitat, noise pollution, underground springs, and violence and crime.*

*Roy Kellett, a resident of 1224 Murray Circle, is concerned with water runoff. Mr. Kellett is opposed to the annexation.*

*Raymond Burr, a resident of 1223 Murray Circle, complained about water runoff. Mr. Burr inquired as to how property can be rezoned before it is annexed.*

*Mr. Binzer explained that state law says you have to rezone before you annex.*

*Jack Beavers, a resident of 1211 Murray Circle, asked if the property would be rezoned in the future.*

*Chairman Dollar stated that the owner could submit a rezoning request in the future.*

*Mr. Beavers also asked if there are any plans to continue Murray Circle through the subject property to the traffic light. Mr. Binzer stated that it is a county road and it would be a County Department of Transportation issue.*

*Jennifer Young, a resident of 1060 Murray Circle, asked if Low Density Residential included apartment buildings, condominiums, etc. Staff explained that it could only be single family detached. Ms. Young questioned if the city would be able to deal with sewage issues, water runoff and underground springs. It was explained to Ms. Young that the developer was responsible for this property only and not for surrounding properties. If adjacent properties are having problems, the issues should be addressed outside of this current zoning proposal.*

*Deborah Shipman, a resident of 1075 Murray Circle, is opposed to development occurring, which has negative impact on property values in area.*

*As Chairman Dollar concurred that there are drainage problems and as stated by Deborah Shipman there is a ravine at the bottom of Murray Circle. Ms. Shipman also stated that the Kennesaw Mountain Battlefield has wetlands and is a highly saturated area.*

*In Ms. Haisten's rebuttal, she apologized for confusion created when original plan was withdrawn. This rezoning would not involve taking of any houses in the area, only the property so stated. Currently, plans are in development stages and uncertain if plans would include continuing Murray Circle through property to traffic signal. Zoning requested is similar category to residence south and west of property. Development on the property would have to meet requirements of storm water management according to city guidelines.*

*During discussion of drainage issues between Mr. Kinney and Ms. Haisten, it was agreed that drainage situation onto adjacent properties would be improved compared to what currently exists.*

*Mr. Kinney moved to recommend to city council that this property be rezoned to R2, seconded by Mr. Florence. Chairman Dollar asked Mr. Kinney if he would accept a friendly amendment to his motion that, if approved, any plan for this property must come through the Planning Commission, signs posted on property, advertised in newspaper and residents of Murray Circle notified, seconded by Mr. Florence. Motion carried 6 - 0.*

*Returning for questioning, Jennifer Young asked if septic tanks in the Murray Circle neighborhood would be replaced with sewage and, as directed by Chairman Dollar, all other issues and concerns should be addressed at the November 19, 2007 City Council meeting.*

**A motion was made by Commissioner Kinney, seconded by Commissioner Florence, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote:**

**Vote: 6 - 0 - 0**

**Recommended for Approval as Stipulated**

**20071121 A2007-08 Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, Deceased (Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark) 1010 Powder Springs Road**

A2007-08 [ANNEXATION] Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, Deceased (Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark) requests rezoning for property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Ward 2.

*File #20071121 (A2007-08) was presented by Mr. Binzer for property located in Land Lot 0260, District 19, Parcel 0030 and being known as 1010 Powder Springs Road.*

*The applicant, Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark, a/k/a Melvin Clark, a/k/a J. M. Clark, a/k/a John Melvin Clark, deceased, is requesting annexation into the City of Marietta.*

*Ms. Haisten, representing the applicant, asked that her previous presentation be incorporated as part of the annexation request.*

*Mr. Florence moved to recommend for approval as presented, seconded by Mr. Carter. Motion carried 6 - 0.*

**A motion was made by Commissioner Florence, seconded by Commissioner Carter, that this matter be Recommended for Approval. The motion carried by the following vote:**

**Vote: 6 - 0 - 0**

**Recommended for Approval**

**20071122 CA2007-27 (A2007-08) Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, deceased (Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark) 1010 Powder Springs Road**

CA2007-27 (A2007-08)[CODE AMENDMENT] Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, deceased (Mary C. Bryan, executor of Last Will and testament of John Melvin Clark) in conjunction with the requested annexation of property located in Land Lot 0260, District 19, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 2.

*File #20071122 (CA2007-07) was presented by Mr. Binzer for property located in Land Lot 0260, District 19, Parcel 0030 and being known as 1010 Powder Springs Road.*

*As explained by Mr. Binzer and noted earlier in the meeting by Chairman Dollar, staff is requesting a change from CAC (Community Activity Center) to LDR (Low Density Residential) as the future land use assignment.*

*Mr. Kinney made a motion to approve the proposal made by the City of Marietta to designate the Future Land Use as LDR (Low Density Residential), seconded by Mrs. Sonnenfeld. Motion carried 6 - 0.*

**A motion was made by Commissioner Kinney, seconded by Sonnenfeld, that this matter be Recommended for Approval. The motion carried by the following vote:**

**Vote: 6 - 0 - 0**

**Recommended for Approval**

**20071230 Z2007-22 City of Marietta 321 Cole Street**

Z2007-22 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 11450, District 16, Parcel 2220, and being known as 321 Cole Street from R-4 (Single Family Residential) to OI (Office Institutional).

Ward 5.

*File #20071230 (Z2007-22) was presented by Mr. Binzer for property located in Land Lot 11450, District 16, Parcel 2220, and being known as 321 Cole Street from R-4 (Single Family Residential) to OI (Office Institutional).*

*The applicant, City of Marietta, is requesting rezoning because it is proposing to put property up for bid. The city does not have a specific use for property at this time as Mr. Binzer explained.*

*The following individual spoke in opposition:*

*Samuel Smith, member of Union Chapel United Methodist Church asked how this rezoning would affect church property.*

*Mr. Brian explained that current use of church property would not be affected.*

*Nathaniel Freeman, executor of estate of property bordering with city property, also asked how will it affect his property. As Mr. Binzer explained, if property ever develops, office type use could be built on property.*

*Mr. Kinney made a motion to recommend to City Council this be approved as submitted, seconded by Mr. Florence. Motion carried 6 - 0.*

*David McCleskey appeared at podium to inquire about Marietta Housing Authority and Mr. Binzer explained that they are a stand-alone institution. The Mayor sits on the Housing Authority Board; however, they are a separate chartered governmental institution. The city has no authority over the housing authority.*

**A motion was made by Commissioner Kinney, seconded by Commissioner Florence, that this matter be Recommended for Approval. The motion carried by the following vote:**

**Vote: 6 - 0 - 0**

**Recommended for Approval**

## **OTHER BUSINESS:**

### **20071070 CA2007-26 Amendment to the Comprehensive Development Code.**

CA2007-26 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Divisions 708.09, 708.14, 708.19, 708.20 and 708.28 relating to Four-Sided Architecture

*File #20071070 (CA2007-26) was presented by Mr. Binzer for proposal to amend the Comprehensive Development Code of the City of Marietta, Divisions 708.09, 708.14, 708.19, 708.20 and 708.28 relating to Four-Sided Architecture.*

*The amendment deals with the Planned Unit Developments throughout the zoning categories, which would add a requirement of four-sided architecture in these*

*categories during the detailed plan process. Basically, this would require all new developments under these zoning district categories to show the city all four sides of buildings they propose to build.*

*Mr. Florence made a motion to approve as presented, seconded by Mrs. Sonnenfeld. Motion carried 6 - 0.*

**A motion was made by Commissioner Florence, seconded by Sonnenfeld, that this matter be Recommended for Approval. The motion carried by the following vote:**

**Vote: 6 - 0 - 0**

**Recommended for Approval**

**20071231 Review and Approval of 2008 Planning Commission Meeting Dates**

Motion to approve 2008 Planning Commission Meeting Dates

*File #20071231 Review and Approval of 2008 Planning Commission Meeting dates.*

*Mrs. Sonnenfeld made a motion to approve, seconded by Mr. Florence. Motion carried 6 - 0.*

**Recommended for Approval**

**ADJOURNMENT:**

*The November 7, 2007 Planning Commission Meeting adjourned at 6:57 p.m.*

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*KEN DOLLAR, CHAIRMAN*

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*PATSY BRYAN, SECRETARY*