



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes PLANNING COMMISSION

*(Col. Ret.) Kenneth Dollar, Ward 2 - Chairman*  
*Donald Gillis, Ward 4, Vice Chairman*  
*Ann Watkins, Ward 1*  
*Kenneth Carter, Ward 5*  
*Bob Kinney, Ward 6*  
*Stephen Diffley, Ward 7*

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Tuesday, July 5, 2011

6:00 PM

City Hall Council Chambers

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Stephen Diffley, Kenneth Dollar, Kenneth Carter, Donald Gillis, Ann Watkins,  
and R. W. "Bob" Kinney

*Staff:*

*Rusty Roth, Development Services Manager*  
*Patsy Bryan, Secretary to the Board*  
*Kyethea Clark, Urban Planner*  
*Daniel White, City Attorney*

### CALL TO ORDER & ROLL CALL:

*Chairman Dollar called the July 5, 2011 Planning Commission Meeting to order at 6:00 p.m.*

*Agenda Change - Chairman Dollar moved Other Business ahead of the Rezonings on the agenda.*

### MINUTES:

**20110566**      **June 1, 2011 Regular Planning Commission Meeting Minutes**

**Review and Approval of the June 1, 2011 Planning Commission Meeting Minutes**

**A motion was made by Donald Gillis, seconded by Stephen Diffley, that this matter be Approved and Finalized . The motion carried by the following vote:**

**Absent:** 1 - Kinney

**OTHER BUSINESS:****20110567            Planning Commission - Election of Chairman**

Election of Chairman to serve for one year from July 2011 to July 2012

*At this time, the meeting was turned over to Daniel White who read the procedures for election of Chairman and Vice Chairman.*

*File #20110567 - Chairman Dollar and Mr. Kinney were nominated for Chairman.*

*By unanimous vote, Chairman Dollar was reelected as Chairman to serve from July 2011 to July 2012.*

**A motion was made by Stephen Diffley, seconded by Kenneth Carter, that this matter be Approved and Finalized . The motion carried by the following vote:**

**Absent:** 1 - Kinney

**Abstain:** 1 - Dollar

**20110568            Planning Commission - Election of Vice Chairman**

Election of Vice Chairman to serve for one year from July 2011 to July 2012

*File #20110568 – Mr. Kinney, Mr. Gillis and Mrs. Watkins were nominated for Vice Chairman.*

*Mrs. Watkins asked to be removed as Vice Chairman.*

*By unanimous vote, Mr. Gillis was elected to serve as Vice Chairman from July 2011 to July 2012.*

*Mr. Diffley made a motion, seconded by Mr. Carter to accept the voting results. Motion carried 5 – 0.*

**A motion was made by Stephen Diffley, seconded by Kenneth Carter, that this matter be Approved and Finalized . The motion carried by the following vote:**

**Absent:** 1 - Kinney

**Abstain:** 1 - Dollar

**REZONINGS:****20110514            Z2011-07 Robert Snyder 1065 Canton Road**

**Z2011-07 [REZONING] ROBERT SNYDER** request rezoning for property located in Land Lot 09440, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1065 Canton Road from CRC (Community Retail Commercial) to LI (Light Industrial). Ward 5.

*File #20110514 (Z2011-07) was presented by Mr. Roth for property located in Land Lot 09440, District 16, Parcel 0080, and being located at 1065 Canton Road.*

*The property owner, Dan Nolan, is requesting rezoning from CRC (Community Retail Commercial) to LI (Light Industrial) in order to consolidate with other parcels to give the property the necessary frontage for a freestanding sign along Canton Road.*

*The increase in the number of employees and future plan to expand the existing building will have an economic impact.*

*Mr. Gillis moved that this request be recommend to city council for approval, as rendered, seconded by Mr. Carter. Motion carried 5 – 0.*

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

**Absent:** 1 - Kinney

**20110515                    Z2011-08 Cynthia L. Patton 269 Cole Street**

**Z2011-08 [REZONING] CYNTHIA L. PATTON** request rezoning for property located in Land Lot 11600, District 16, Parcel 0960, 2nd Section, Marietta, Cobb County, Georgia and being known as 269 Cole Street from R-4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transitional). Ward 5.

*File #20110515 (Z2011-08) was presented by Mr. Roth for property located in Land Lot 11600, District 16, Parcel 0960, and being located at 269 Cole Street.*

*Kevin Moore is representing the owner and applicant, Cynthia L. Patton, who is requesting a rezoning from R-4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transitional).*

*Mr. Moore described the residential parcel located on Cole Street just south of the intersection of Cole Street and the North Loop.*

*In reading the definition of OIT, Mr. Moore described the house as a 1,300 sq. ft. house being well suited for a law office that would not generate high traffic volume.*

*Further explanation by Mr. Moore continued and discussion as to the consequences of the property either well maintained for a law office or possibly becoming rental property.*

*The following individuals spoke in opposition:*

*Mr. John Pierson, resident of 184 Forest Avenue and President of the Forest Hills Homeowner's Association, spoke in opposition. He is opposed to the transition of the neighborhood.*

*William Kruger, resident of 257 Hunt Street, spoke in opposition. He is opposed to domino effect of commercialization and cautious of future applicants under OIT zoning.*

*Marion Savic, resident of 227 Forest Avenue, spoke in opposition. She is opposed to any zoning other than residential.*

*Nicholas Cole, resident of 258 Cole Street, spoke in opposition. He is opposed to changing the zoning designation.*

*Chairman Dollar and Mr. Pierson exchanged dialogue regarding Manor Park.*

*Mr. Moore stated that the opposition expressed concerns that rezoning this property will have a domino effect and destabilize the Forest Hills Neighborhood. However, the law offices in the Cherokee Street and Forest Avenue neighborhood have remained stable and vibrant.*

*Mrs. Watkins inquired as to how long the property has been advertised for sale and Mrs. Atkins, owner of property, stated less than six (6) months.*

*Chairman Dollar and Mr. Moore discussed the upgrades that would be made to the property should it be rezoned, as well as the variances requested.*

*Mr. Gillis moved that this request be denied, seconded by Mrs. Watkins. Motion carried 5 – 0 to deny.*

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

**Absent:** 1 - Kinney

*At this time, Mr. Gillis left the meeting.*

**20110516**

**Z2011-09 Glenn F. & Bernardine W. Drake 155 Montgomery Street**

**Z2011-09 [REZONING] GLENN F. & BERNARDINE W. DRAKE** request rezoning for property located in Land Lot 11450, District 16, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia and being known as 155 Montgomery Street from R-3 (Single Family Residential 3 units/acre) to R-4 (Single Family Residential 4 units/acre). Ward 5.

Council member Goldstein disclosed that the engineer for this project is and has done work for an entity that he owns and/or for himself.

Council member Chalfant disclosed that he has done business with the engineer for this project.

*File #20110516 (Z2011-09) was presented by Mr. Roth for property located in Land Lot 11450, District 16, Parcel 0060, and being located at 155 Montgomery Street.*

*The applicants, Glenn F. & Bernardine W. Drake, are requesting rezoning from R-3 (Single Family Residential 3 units/acre) to R-4 (Single Family Residential 4 units/acre).*

*Glenn Drake is requesting rezoning for the purpose of subdividing and constructing single family detached homes on four lots.*

*As described by Mr. Drake, the homes will be futuristic homes that are energy efficient and affordable. The attic temperature will be the same as in other parts of the home.*

*The homes described by David Hunt with New World Home, based out of New York, Atlanta, and California, are very efficient, green homes designed to fit into the neighborhood. Homes of this quality have been constructed in unincorporated Cobb County in the Sewell Mill and Murdock Road area. Two LEED (Leadership Energy Environmental Design) Platinum homes have been built in this area.*

*As described by Mr. Hunt, the savings average about 50% for utilities, 30% on water usage, and offer rainwater harvesting for irrigation use. Some of the additional benefits include no urea formaldehyde, proper ventilation, no VOC paints or adhesives, and carpets recycled from plastic bottles.*

*Larry Panetta, resident of 362 Cherokee Street (the Montgomery House), is in opposition to R-4 along with two neighbors, Pat and Andy Yustat. They have not been contacted about the applicant's intentions.*

*Mr. Drake stated that every home on Montgomery is R-4.*

*The square footage of the homes range from approximately 1,900 sq. ft. to just less than 3,000 sq. ft. The price points are in the \$300,000 range.*

*Each house will have a driveway, no covered parking, and no carports. Detached garage is available.*

*Specs for the Dillard House are 2,200 sq. ft. and exclusive of a garage or basement.*

*Dialogue continued between Chairman Dollar and Mr. Drake. Mrs. Watkins expressed concerned about the size of the house as compared to the lot.*

*Mrs. Watkins made motion to recommend to city council that this rezoning be denied, seconded by Mr. Diffley. Motion carried 4 -0.*

**A motion was made by Ann Watkins, seconded by Stephen Diffley, that this matter be Recommended for Denial . The motion carried by the following vote:**

**Absent:** 1 - Kinney

## **ADJOURNMENT:**

*The July 5, 2011 Planning Commission Meeting adjourned at 7:33 p.m.*

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KEN DOLLAR, CHAIRMAN

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PATSY BRYAN. SECRETARY