City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

PLANNING COMMISSION

Bob Kinney - Chairman
Jay Davis, Ward 1
Frasure Hunter, Ward 2
Hicks Poor, Ward 3
Byron "Tee" Anderson, Ward 4
Brenda McCrae, Ward 5
Stephen Diffley, Ward 7

Tuesday, February 6, 2018 | **6:00 PM** | **City Hall Council Chambers**

Present: Bob Kinney, Jay Davis, Hicks Poor, Byron "Tee" Anderson, Brenda McCrae and Stephen Diffley

Absent: Frasure Hunter

Staff:
Rusty Roth, Director, Development Services
Shelby Little, Planning & Zoning Manager
Robin Osindele, Urban Planner
Daniel White, City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the February 6, 2018 Planning Commission Meeting to order at 6:00PM.

Daniel White, City Attorney, explained the rules and procedures used in conducting the public hearings.

Chairman Kinney changed the order of the cases to be heard in order that the cases to be tabled be heard first.

REZONINGS/ANNEXATIONS/CODE AMENDMENTS:

20180028 **Z2018-05 [REZONING] BLACK BUILDERS LLC (TRATON HOMES LLC)**

Z2018-05 [REZONING] BLACK BUILDERS LLC (TRATON HOMES LLC) is requesting the rezoning of 8.36 acres located in Land Lots 922 & 923, District 16, Parcels 0030, 0080, 0100, & 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1214, 1244, 1250 Allgood Road; and 1355 Lincoya Drive** from R-2 (Single Family Residential - 2 units/acre) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 6B.

Mr. Kevin Moore, Esq., for the applicant, requested that this case be tabled to the March meetings.

Mr. Diffley made a motion, seconded by Mr. Davis to table this request to the March meeting. The motion carried 6-0-0. Mr. Hunter was absent.

Tabled

Absent: 1
Vote For: 6
Vote Against: 0

20180042 **Z2018-10 [REZONING] RACETRAC PETROLEUM INC**

Z2018-10 [REZONING] RACETRAC PETROLEUM INC is requesting the rezoning of 1.76 acres located in Land Lot 781, District 17, Parcels 0070, 0110, 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as **2019, 2031, and 2041 Cobb Parkway South** from CRC (Community Retail Commercial) in the City of Marietta and GC (General Commercial) in unincorporated Cobb County to CRC (Community Retail Commercial) in the City. Ward 7A.

Mr. Adam Rozen, Esq., for the applicant requested that this case be tabled to the March meetings.

Mr. Davis made a motion, seconded by Mr. Anderson to table this request to the March meeting. The motion carried 6-0-0.

Tabled

Absent: 1
Vote For: 6
Vote Against: 0

20180043 **A2018-01 [ANNEXATION] RACETRAC PETROLEUM INC.**

A2018-01 [ANNEXATION] RACETRAC PETROLEUM INC. is requesting the annexation of property located in Land Lot 781, District 17, Parcel 0070 (also known as **2041 Cobb Parkway South**) and all required right of way, of the 2nd Section, Cobb County, Georgia consisting of 0.79 acres. Ward 7A.

Mr. Adam Rozen, Esq., for the applicant requested that this case be tabled to the March meetings.

Mr. Davis made a motion, seconded by Mr. Anderson to table this request to the March meeting. The motion carried 6-0-0.

Tabled

Absent: 1
Vote For: 6
Vote Against: 0

20180044 **CA2018-01 [CODE AMENDMENT]**

CA2018-01 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 781, District 17, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as **2041 Cobb Parkway South**, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7A.

Mr. Adam Rozen, Esq., for the applicant requested that this case be tabled to the March meetings.

Mr. Davis made a motion, seconded by Mr. Anderson to table this request to the March meeting. The motion carried 6-0-0.

Tabled

Absent: 1
Vote For: 6
Vote Against: 0

MINUTES:

20180087 **January 2, 2018 Regular Planning Commission Meeting Minutes**

Review and Approval of the January 2, 2018 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Poor, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 6-0-0. Mr. Hunter was absent.

Approved and Finalized

Absent: 1
Vote For: 6
Vote Against: 0

REZONINGS/ANNEXATIONS/CODE AMENDMENTS, CONTINUED:

20170906 **Z2017-31 [REZONING] PEOPLES FINANCIAL CORPORATION (BAMM REAL ESTATE LLC)**

Z2017-31 [REZONING] PEOPLES FINANCIAL CORPORATION (BAMM REAL ESTATE LLC) is requesting the rezoning of approximately 1.04 acres located in Land Lot 1015, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as **789 Church Street** from OI (Office Institutional) to NRC (Neighborhood Retail Commercial). Ward 4B.

File number Z2017-31 was presented by Ms. Little for a request to rezone property known as 789 Church Street from OI (Office Institutional) to NRC (Neighborhood Retail Commercial).

A public hearing was held.

Ms. Kathy Zickert, Esq., for the applicant, is requesting to rezone property known as 789 Church Street from OI (Office Institutional) to NRC (Neighborhood Retail Commercial).

There was no opposition to this request.

The Board Members asked about deliveries and what the hours of operation will be. Ms. Zickert said that deliveries will be made from the front of the store. She said hours of operation will likely be 11:00AM to 10:00PM for restaurants and 11:00AM to 7:00PM for retail stores.

The Board Members asked for confirmation that they no longer need a variance for a drive through and expressed concern over the back of the stores facing a main road and suggested she have some preliminary pictures for the Council meeting next week. Ms. Zickert said that they will not be having any drive throughs, therefore she withdraws the variance request. She explained that the back of the buildings will have a façade to mimic the front of the buildings and she will plan on providing pictures at the Council meeting.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval with the prohibited uses given at the public hearing, the revised site plan dated 1/25/18 and the deletion of the variance to allow a drive-in fast food establishment. The motion carried 5-1-0. Mr. Poor opposed.

If Council approves the rezoning, the following variance and stipulation would be incorporated as conditions of zoning:

1. *Variance to increase the maximum impervious surface area from 70% to 80%. [§708.15 (H)]*

Stipulations: The following uses will not be allowed on the property:

1. *Automobile service stations*
2. *Billiards, pool halls and video arcades*
3. *Carwashes*
4. *Convenience stores*
5. *Places of assembly*

Recommended for Approval as Stipulated

Absent: 1
Vote For: 5
Vote Against: 1

20180027 **Z2018-04 [REZONING] MARIETTA INVESTMENT PROPERTY HOLDINGS LLC**

Z2018-04 [REZONING] MARIETTA INVESTMENT PROPERTY HOLDINGS LLC is requesting the rezoning of 0.3 acres located in Land Lot 1014, District 16, Parcel 0560, 2nd Section, Marietta, Cobb County, Georgia, and being known as **113 White Street** from R-2 (Single Family Residential) to OI (Office Institutional). Ward 4B.

File number Z2018-04 was presented by Ms. Little for a request to rezone property known as 113 White Street from R-2 (Single Family Residential) to OI (Office Institutional).
A public hearing was held.

Dr. Paul Gilreath is requesting to rezone property known as 113 White Street from R-2 (Single Family Residential) to OI (Office Institutional).

There was no opposition to this request.

The Board Members asked what will happen to the property in the future if he sells and the new owners are not crazy about the dumpster or not having a fence. Dr. Gilreath said he will be willing to entertain solutions with the new buyers.

The Board Members asked if the house is occupied and when the lot was paved. They also expressed concern about storm water. Dr. Gilreath said the property is occupied by his daughter. The lot was paved early last year and he is willing to work with Public Works Department regarding any storm water concerns.

The public hearing was closed.

Mr. Anderson made a motion, seconded by Mr. Diffley, to recommend approval as stipulated. The motion carried 5-1-0. Mr. Poor opposed.

If Council approves the rezoning, the following variances and stipulation would be incorporated as conditions of zoning:

1. *Variance to reduce the 30' buffer requirement on the Northern property line to 10' [§708.23 (I)].*
2. *Variance to reduce the 30' buffer requirement on the Western property line to 25' or existing pavement [§708.23 (I)].*

Stipulations:

1. *The applicant, working with Marietta Public Works, shall bring the property in to compliance with stormwater regulations.*

Recommended for Approval as Stipulated

Absent: 1
Vote For: 5
Vote Against: 1

20180029 Z2018-06 [REZONING] CLAY CORNETTE

Z2018-06 [REZONING] CLAY CORNETTE is requesting the rezoning of approximately 0.2 acres located in Land Lot 1216, District 16, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia, and being known as **386 Lawrence Street** from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

File number Z2018-06 was presented by Ms. Little for a request to rezone property known as 386 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).

A public hearing was held.

Mr. Clay Cornette is requesting to rezone property as 386 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).

There was no opposition to this request.

The Board Members asked what the plans to make the exterior of the building look like a residential home were; how difficult the inside remodel would be and how many floors is the building. Mr. Cornette said that they have plans to modify the exterior to make it look residential. He has received advice from many contractors and is told that it is not difficult to accomplish. He said the interior is fairly simple to remodel as well. He stated that the building is two stories, but that the floors are not connected, however, there will only be one meter for the entire property.

The Board Members asked if he would put an interior staircase and asked about the bus in the back yard. They also asked about parking in the rear. Mr. Cornette said that putting an interior staircase is cost prohibitive. The bus in the back yard has a transmission issue, but that he is in the process of selling it and it will be out of there soon. He said the rear parking area is already paved and he plans on adding a two-car awning.

The Board Members asked for confirmation that the downstairs area will not be used as a rental and suggested he bring blue prints or similar plans to the Council meeting. He reiterated that the property will only have one meter and affirmed that he will not try to lease to bottom space. He will try to have more information for the Council meeting.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Poor, to recommend approval as stipulated, with the variances recommended by staff and tying these variances to the current structure. The motion carried 5-1-0. Mr. Anderson opposed.

If Council approves the rezoning, the following variances and stipulation would be incorporated as conditions of zoning:

1. *Variance to reduce the front yard setback from 25 feet to 21 feet. [§708.04 (H)]*
2. *Variance to reduce the side setback along the east property line from 10 feet to 4 feet. [§708.04 (H)]*
3. *Variance to increase the impervious surface from 50% to its existing conditions shown on survey. [§708.04 (H)]*
4. *Variance to reduce the minimum lot width from 75 feet to 57 feet. [§708.04 (H)]*

Stipulations:

1. These variances are only to accommodate the current structure.

Recommended for Approval as Stipulated

Absent: 1
Vote For: 5
Vote Against: 1

20180030 Z2018-07 [REZONING] EDJ HOMES LLC

Z2018-07 [REZONING] EDJ HOMES LLC is requesting the rezoning of approximately 0.17 acres located in Land Lot 1147, District 16, Parcel 0570, 2nd Section, Marietta, Cobb County, Georgia, and being known as **395 Campbell Hill** Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 4B.

File number Z2018-07 was presented by Ms. Little for a request to rezone property known as 395 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).
A public hearing was held.

Mr. Charlie Tills, contractor for Ms. Janet Almeida is requesting to rezone property as 395 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).

There was no opposition to this request.

The Board Members asked if he still needed a variance for the carport setback and whether the driveway is mixed gravel and concrete. Mr. Tills said the carport is no longer there; they do not need a variance for it any longer. He said the driveway, from Sessions Street where they've done the extension of the walkway, it is part concrete. They do plan on pouring a concrete pad to go behind, so they can park back where the deck is.

Mr. Diffley asked what remodeling plans they have for the exterior. Mr. Tills said they are going to re-side the exterior with Hardy Plank. Ms. Almeida stated that she has received many thanks from the neighbors. They are in favor of the renovations.

The public hearing was closed.

Ms. McCrae made a motion, seconded by Mr. Poor, to recommend approval excluding variances #5 and #6; variance to allow a carport closer to Sessions Street than the principal structure, variance to reduce the side setback for a carport from 10' to 2' and variance to allow gravel as an acceptable parking surface. The motion carried 6-0-0.

If Council approves the rezoning, the following variances would be incorporated as conditions of zoning:

1. *Variance to reduce the front yard setback for the existing structure from 25' to 10.' [§708.04 (H.)]*
2. *Variance to reduce the side yard setback along the northern side of the existing structure from 10' to 6.' [§708.04 (H.)]*
3. *Variance to reduce the side yard setback along the southern side of the existing structure from 10' to 5.' [§708.04 (H.)]*
4. *Variance to reduce the rear yard setback for the existing structure from 30' to 4.' [§708.04 (H.)]*

Recommended for Approval as Stipulated

Absent: 1
Vote For: 6
Vote Against: 0

20180040 **Z2018-08 [REZONING] CAL ATLANTIC GROUP INC (CLINT WALTERS)**

Z2018-08 [REZONING] CAL ATLANTIC GROUP INC (CLINT WALTERS) is requesting the rezoning of 0.47 acres located in Land Lot 217, District 17, Parcel 0880, 2nd Section, Marietta, Cobb County, Georgia, and being known as **102 Hedges Street** from R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

File number Z2018-08 was presented by Ms. Little for a request to rezone property known as 102 Hedges Street from R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Clint Walters is requesting to rezone property as 102 Hedges Street from R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family).

There was no opposition to this request.

There were no questions from the Board Members.

The public hearing was closed.

Mr. Davis made a motion, seconded by Mr. Poor, to recommend approval. The motion carried 6-0-0.

Recommended for Approval

Absent: 1
Vote For: 6
Vote Against: 0

20180041 **Z2018-09 [REZONING] FRANKLIN PLAZA ASSOCIATES LLC (IKEA PROPERTY, INC)**

Z2018-09 [REZONING] FRANKLIN PLAZA ASSOCIATES LLC (IKEA PROPERTY, INC) is requesting the rezoning of 6.6 acres located in Land Lots

716 & 725, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1033 Franklin Gateway** from CRC (Community Retail Commercial) to PCD (Planned Commercial Development). Ward 7A.

File number Z2018-09 was presented by Ms. Little for a request to rezone property known as 1033 Franklin Gateway from CRC (Community Retail Commercial) to PCD (Planned Commercial Development).
A public hearing was held.

Ms. Kathy Zickert, Esq., for the applicant, is requesting to rezone property as 1033 Franklin Gateway from CRC (Community Retail Commercial) to PCD (Planned Commercial Development).

There was no opposition to this request.

Chairman Kinney asked if they have spoken with the FAA regarding their letter. Ms. Zickert stated that they have been in contact with the FAA and that they no longer have any concerns. She said she received this information verbally, but she should be getting a letter in the mail soon.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Poor, to recommend approval of rezoning 6.6 acres as submitted. The motion carried 6-0-0.

Recommended for Approval

Absent: 1
Vote For: 6
Vote Against: 0

ADJOURNMENT:

The February 6, 2018 Planning Commission Meeting adjourned at 7:04PM.

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY