



# 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*  
*Boozer McClure, Ward 3*  
*Byron "Tee" Anderson, Ward 4*  
*Brenda McCrae, Ward 5*  
*Stephen Diffley, Ward 7*

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Wednesday, January 2, 2019

6:00 PM

City Hall Council Chambers

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*Present: Bob Kinney, Jay Davis, Frasure Hunter, Boozer McClure, Byron "Tee" Anderson, Brenda McCrae and Stephen Diffley*

*Staff:*  
*Rusty Roth, Director, Development Services*  
*Jasmine Thornton, Planning & Zoning Administrator*  
*Doug Haynie, City Attorney*  
*Ines Emblar, Secretary to the Board*

### CALL TO ORDER & ROLL CALL:

*Chairman Kinney called the January 2, 2019 Planning Commission Meeting to order at 6:00PM.*

*Doug Haynie, City Attorney, explained the rules and procedures used in conducting the public hearings.*

### MINUTES:

**20181349      December 4, 2018 Regular Planning Commission Meeting Minutes**

**Review and Approval of the December 4, 2018 Regular Planning Commission Meeting Minutes.**

*Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 7-0-0.*

**Approved and Finalized**

**Absent: 0  
Vote For: 7  
Vote Against: 0**

**REZONINGS/ANNEXATION/CODE AMENDMENT:**

**20181088            Z2018-30 [REZONING] GT KORDARES TRUST**

**Z2018-30 [REZONING] GT KORDARES TRUST is requesting the rezoning of 5.94 acres located in Land Lot 289, District 20, Parcel 0100, a portion of 0700, a portion of 0710, a portion of 0750, 1010, and a portion of 0770 of the 2nd Section, Cobb County, Georgia and being known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City). Ward 4C.**

*File number Z2018-30 was presented by Mr. Roth for a request to rezone property known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City).*

*A public hearing was held.*

*Ms. Trabue Kodares is requesting to rezone property known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City).*

*There was no opposition to this request.*

*Mr. Diffley stated that Anderson Road is kind of narrow and asked if there was enough room for emergency services. Ms. Kodares said she believed so, stating that the road is part of Cobb County and there are a lot of big trucks that go through there.*

*Chairman Kinney asked what she does for trash service. Ms. Kodares said her husband takes their trash to their business, but that the neighbors have a service that picks up regularly without any problems.*

*Mr. Anderson said that the application states that there is sewer and water on the property and asked for confirmation. Ms. Kodares said they are on septic. She said the neighbors are on sewer but it does not go down to her property.*

*Chairman Kinney said he grew up on a property with a powerline easement such as this property and asked if she cuts her own grass. Ms. Kodares said they have a service and they also cut the easement area.*

*The public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. Anderson, to recommend approval as submitted. The motion carried 7-0-0.*

**Recommended for Approval**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

**20181089**

**A2018-04 [ANNEXATION] GT KORDARES TRUST**

**A2018-04 [ANNEXATION] GT KORDARES TRUST is requesting the annexation of property located in Land Lot 289, District 20, Parcel 0100, a portion of 0700, a portion of 0710, a portion of 0750, 1010, and a portion of 0770 of the 2nd Section, Cobb County, Georgia and being known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail, and any associated right of way, consisting of 5.94 acres. Ward 4C.**

*File number A2018-04 was presented by Mr. Roth for a request to annex property known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail, and any associated right of way, consisting of 5.94 acres.*

*A public hearing was held.*

*Ms. Kodares is requesting to annex property known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail, and any associated right of way, consisting of 5.94 acres.*

*There was no opposition to this request.*

*Chairman Kinney asked Ms. Kodares if he is incorporating his previous remarks to this request and he affirmed.*

*There was no opposition to this request and one inquiry. Ms. Leslie Garretson had an inquiry.*

*Ms. Garretson asked what the classification R-20 County is. Mr. Roth explained that in the County, R-20 means it is single family residential and you have to have a 20,000 square foot lot. In the City, R-2 says that you can have two units on an acre, so it averages out to about the same.*

*Ms. Garretson asked if the most that could be built on this parcel is six houses and that would mean they would have to have sewer. Mr. Roth said they would need three acres to have six houses and said that to have septic you would need to have at least one acre.*

*There were no questions from the board members.*

*The public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. Davis to recommend approval as submitted. The motion carried 7-0-0.*

**Recommended for Approval**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

**20181090 CA2018-06 [CODE AMENDMENT]**

**CA2018-06 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lot 289, District 20, Parcel 0100, a portion of 0700, a portion of 0710, a portion of 0750, 1010, and a portion of 0770 of the 2nd Section, Cobb County, Georgia and being known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4C.**

*File number CA2018-06 was presented by Mr. Roth for a Code Amendment in conjunction with the requested annexation of property located Land Lot 289, District 20, Parcel 0100, a portion of 0700, a portion of 0710, a portion of 0750, 1010, and a portion of 0770 of the 2nd Section, Cobb County, Georgia and being known as 578 Anderson Road and portions of 1860 Kendrick Court, 1870 Kendrick Court, 1860 Leonidas Trail, 1870 Leonidas Trail, 1880 Leonidas Trail, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential).*

*There was no opposition to this request.*

*A public hearing was held.*

*There was no opposition to this request.*

*There were no questions from the board members.*

*The public hearing was closed.*

*Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted. The motion carried 7-0-0.*

**Recommended for Approval**

**Absent: 0  
Vote For: 7  
Vote Against: 0**

**20181298 Z2019-01 [SPECIAL LAND USE PERMIT] MISSIONARY ASSEMBLY OF GOD INC (PRISTINE WATER LLC)**

**Z2019-01 [SPECIAL LAND USE PERMIT] MISSIONARY ASSEMBLY OF GOD INC (PRISTINE WATER LLC) is requesting a Special Land Use Permit for a place of assembly for properties located in Land Lots 77 & 140, District 17, Parcels 0120 & 0220, 2nd Section, Marietta, Cobb County, Georgia and being known as 1021 & 1026 Oregon Trail, currently zoned R-2 (Single Family Residential - 2 units/acre). Wards 2B & 3A.**

File number Z2019-01 was presented by Mr. Roth for a special land use permit for property known as 1021 & 1026 Oregon Trail, currently zoned R-2 (Single Family Residential - 2 units/acre).

A public hearing was held.

Mr. John Winnenberg is requesting a special land use permit for property known as 1021 & 1026 Oregon Trail, currently zoned R-2 (Single Family Residential - 2 units/acre).

There was no opposition to this request.

Mr. Duffley said they currently have 103 parking spaces and asked if they will be losing any. Mr. Winnenberg said they will actually gain spaces; according to the plans it will be 124 parking spaces.

Mr. Duffley asked what the construction period was. Mr. Winnenberg said 10-12 months after approvals.

Chairman Kinney discussed the requested variances; suggested that variance #5 be stricken and asked if he would oppose a monument sign. Mr. Winnenberg answered the questions satisfactorily and did not oppose a monument sign.

The public hearing was closed.

Mr. Duffley made a motion, seconded by Mr. Davis, to recommend approval striking variance previously identified as # 5 (variance to allow the existing, non-conforming pylon sign remain) which would require a monument sign to be erected; modifying variance #6 (variance to allow a bulk sanitation container in a single-family residential district) to add that the container must be enclosed by a six-foot fence. The motion carried 7-0-0.

If Council approves the special land use permit, the following variances and stipulations would be incorporated as conditions of zoning:

Variances:

1. Variance to increase the maximum allowable building height forty (40) feet to forty-eight (48) feet [§708.02 (H)].
2. Variance to increase the allowable impervious surface area from 50% to 75% on 1021 Oregon Trail to allow the site to remain as-is. [§708.02 (H)]
3. Variance to allow offsite parking satisfy parking requirements [§716.07 (A)].
4. Variance to allow gravel as an acceptable parking surface according to the submitted plan [§716.08 (B)]
5. Variance to allow a bulk sanitation container in a single family residential district, which must be enclosed by a 6-foot fence. [§710.08 (3.)]
6. Variance to reduce the rear setback for a shed from 10' to 9'. [§708.02 (E.1.b)]

#### **Recommended for Approval as Stipulated**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

20181304

**Z2019-02 [REZONING] WHITE HAWK BUSINESS PARK, LLC**

**Z2019-02 [REZONING] WHITE HAWK BUSINESS PARK, LLC is requesting the rezoning of 1.21 acres located in Land Lots 855 & 874, District 16, Parcel 0520 of the 2nd Section, Cobb County, Georgia, and being known as 451 Dickson Road from R-2 (Single Family Residential - 2 units/acre) to LI (Light Industrial). Ward 6B.**

*File number Z2019-02 was presented by Mr. Roth for a request to rezone property known as 451 Dickson Road from R-2 (Single Family Residential - 2 units/acre) to LI (Light Industrial). Ward 6B*

*A public hearing was held.*

*Mr. Adam Rozen, Esq., for the applicant is requesting to rezone property known as 451 Dickson Road from R-2 (Single Family Residential - 2 units/acre) to LI (Light Industrial). Ward 6B.*

*There was no opposition to this request.*

*Mr. Duffley asked if the pond will be lighted and what the fence height would be. He expressed concern over kids possibly wanting to go for a swim. Mr. Rozen said no lighting is planned for the pond, the fence height was not proposed, but he would be agreeable to a six-foot fence.*

*Chairman Kinney asked if the pond would actually contain water of it would be a temporary retention. Mr. Rozen said he believes it is a temporary retention.*

*Chairman Kinney stated that the piece of ground does not appear to have low point where the water would run off to. Mr. Rozen said he believes it falls into the back corner and leave that way.*

*Chairman Kinney asked when they propose starting this; does White Hawk owns all of the surrounding properties and are they rentals? Mr. Rozen said the intent is to move forward as soon as the rezoning process is completed. He affirmed that White Hawk owns the surrounding and he believes they are rentals.*

*The public hearing was closed.*

*Mr. Duffley made a motion, seconded by Mr. McClure, to recommend approval including the stipulations in the letter of from Sams, Larkin, Huff & Balli, dated December 21, 2018, except that stipulation #2 shall be amended to state that the black chain link fence shall be a minimum height of 6 ft. The motion carried 7-0-0.*

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

*Stipulations:*

- 1. Letter of stipulations from Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated December 21, 2018, except that stipulation #2 shall be amended to state that the black chain link fence shall be a minimum height of 6 ft.*

*Variances:*

- 1. Variance to reduce the minimum lot width from 100 ft. to 47.14 ft. [§708.26 (H)]*
- 2. Variance to reduce the required landscaped buffer from 50 ft to 0 ft. [§708.26 (I)]*

**Recommended for Approval as Stipulated**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

**ADJOURNMENT:**

*The January 2, 2019 Planning Commission Meeting adjourned at 6:42PM*

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*ROBERT W. KINNEY, CHAIRMAN*

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*INES EMBLER, SECRETARY*