



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

Bob Kinney - Chairman
Stephen Diffley - Vice Chairman
Craig Smith, Ward 1
Frasure Hunter, Ward 2
Boozer McClure, Ward 3
Byron "Tee" Anderson, Ward 4
Brenda McCrae, Ward 5

Tuesday, January 4, 2022

6:00 PM

City Hall Council Chambers

Present: Bob Kinney, Stephen Diffley, Craig Smith, Frasure Hunter, Boozer McClure, Byron "Tee" Anderson and Brenda McCrae

*Staff: Shelby Little, Planning & Zoning Manager
Sarah Ciccone, Zoning Administrator
Daniel White, City Attorney
Lisa Rajabnik, Planning and Zoning Coordinator*

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the January 4, 2022 Planning Commission Meeting to order at 6:00PM.

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

MINUTES:

20211140 November 3, 2021 Regular Planning Commission Meeting Minutes

Review and approval of the November 3, 2021 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. McClure, 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

20211141 December 20, 2021 Special Called Planning Commission Meeting Minutes

Review and Approval of December 20, 2021 Special Called Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval of the December 20, 2021 Special Called Planning Commission Meeting Minutes as submitted. The motion carried 4-0-2. Mr. Kinney and Mr. Anderson Abstained.

Approved and Finalized

Absent: 0

Vote For: 5

Abstain: 2

REZONINGS:

20210946 Z2021-16 [REZONING] DEVELOPMENT COMPANY OF NW GA INC

Z2021-16 [REZONING] DEVELOPMENT COMPANY OF NW GA INC. is requesting the rezoning of 0.32 acres located in Land Lot 1289, District 16 and Land Lot 288, District 19, Parcel 0260 of the 2nd Section, Cobb County, Georgia, and being known as 250 Frasier Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

File number Z2021-16 was presented by Ms. Shelby Little requesting the rezoning of the property known as 250 Frasier Street from OI (Office Institutional) to R-4 (Single Family Residential -4 units/acre).

A Public Hearing was held.

Mr. Bob Terrell, the applicant is requesting the rezoning of the property known as 250 Frasier Street from OI (Office Institutional) to R-4 (Single Family Residential -4 units/acre).

There was no opposition or support however Mr. Rosser Southern (neighbor) wanted to state that although he was pleased to see plans for development, he did have concerns that 3 homes would be too many for the lot size.

Craig Smith asked if the application was contingent on the approval based on 3 houses. Mr. Terrel confirmed that development of homes was contingent on building 3 homes in total and if it was not approved, he would consider alternative development consistent with the present zoning.

Craig Smith asked about parking accommodations and the presence of an active creek to the rear of the property. Mr. Terrel responded that each home would have a 2-car garage and that the referenced creek was not situated on the lot.

Vice Chairman Diffley commented that 3 homes would exceed the IDC guidelines and create an excess to the density regulations. Mr. Terrell agreed.

Ms. McCrae commented that she felt 3 homes was too much for the size of the lot. Chairman Kinney commented that he also agreed that the property would be too crowded with 3 homes and that the IDC alignment should be adhered to.

Chairman Kinney asked for further comment and as there was none, closed the public hearing.

Mr. Smith made a motion, seconded by Ms. McCrae to recommend denial as submitted. The motion carried 5-2-0.

If Council approves the rezoning as submitted, the following variances would be required:

- 1. Variance to reduce the minimum lot size required in IDZ to 4,000 square feet [§712.11 (N.)]*
- 2. Variance to increase the maximum density allowed in IDZ to 9.375units/acre [§712.11 (N.)]*

Recommended for Denial

Absent: 0

Vote For: 5

Vote Against: 2

20211036 Z2022-01 [REZONING] ELLIOT HOMES, LTD.

Z2022-01 [REZONING] ELLIOT HOMES, LTD. is requesting the rezoning of 0.4 acres located in Land Lot 1224, District 16, Parcel 0990 of the 2nd Section, Cobb County, Georgia, and being known as 111 Mountain View Road from R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

File number Z2022-01 was presented by Ms. Shelby Little requesting the rezoning of the property known as 111 Mountain View Road from R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family).

A Public Hearing was held.

Mr. Rodney Hall (Engineer) and Mr. Elliot (Owner) are requesting the rezoning of the property known as 111 Mountain View Road from R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family).

There was no opposition to the application.

Vice Chairman Diffley asked about the size of the homes to be built and Mr. Elliot responded that the 2 proposed homes would be typical to the others in the neighborhood.

Chairman Kinney asked if the proposal was for the front of the property to become a gated

entrance to the neighborhood? Mr. Elliot confirmed.

Mr. Elliot and Mr. Hall responded satisfactorily to questions and comments and Chairman Kinney closed the public hearing.

Mr. McClure made a motion, seconded by Mr. Hunter, to recommend approval as written. The motion carried 7-0-0.

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

1. Amendment to require the subject property, proposed lots 28 and 29, be subject to all the stipulations outlined in Z2019-34.
2. Adoption of the submitted plan, which includes lots 28 and 29, as the new detailed plan for the Cottages of Keller Woods which includes the following:

Reduction in the rear yard setback for lots 28 & 29 from 25 ft to 15 ft.
 Increase the maximum allowable density from 4.08 units/acres to 4.2 units/acre

Recommended for Approval

Absent: 0

Vote For: 7

20211028

Z2022-02 [REZONING] VOYLES FAMILY PARTNERSHIP, LLLP.

Z2022-02 [REZONING] VOYLES FAMILY PARTNERSHIP, LLLP. is requesting the rezoning of 2.066 acres located in Land Lot 781, District 17, Parcel 0040 of the 2nd Section, Cobb County, Georgia, and being known as 2079 Cobb Parkway South from GC (General Commercial - County) to CRC (Community Retail Commercial - City). Ward 7A.

File number Z2022-02 was presented by Ms. Shelby Little requesting the rezoning of the property known as 2079 Cobb Parkway South from GC (General Commercial - County) to CRC (Community Retail Commercial - City).

A Public Hearing was held.

Mr. Steven Ellis, the applicant is requesting the rezoning of the property known as 2079 Cobb Parkway South from GC (General Commercial - County) to CRC (Community Retail Commercial - City).

There was no opposition to the request.

Chairman Kinney asked about signage for the proposed Hyundai dealership referencing an existing monument. Mr. Ellis confirmed that all signage

would be in compliance with specified heights.

Chairman Kinney questioned the shortening of existing parking spaces. Mr. Ellis responded that any changes to spaces would be made compliant.

Chairman Kinney questioned plans for the inner parcel access. Mr. Ellis clarified the plans.

Chairman Kinney questioned plans for vehicle parking and display.

Ms. Little advised that a variance would be needed to maintain existing parking and display vehicle parking accommodations that are within 10' of the property line. Mr. Ellis agreed that the variance would be necessary.

Ms. Little advised that a variance would be required to allow the 10' setback along the north side yard of the building as it exists.

There was further discussion to confirm the necessary variances. Mr. Ellis agreed that the variance requests were needed.

Chairman Kinney closed the public hearing.

Vice Chairman Diffley made a motion for the commission to recommend approval of the request with the inclusion of the following variances as conditions of zoning:

Variance to the northern minor side yard setbacks from 15ft to 10ft for a property zoned CRC [§708.16(H)]

Variance to allow parking ten (10) feet within the front property line [§708.16 (B.6.b)]

Mr. Anderson seconded the motion. The motion was carried with a vote of 7-0-0.

Recommended for Approval as Stipulated

Absent: 0

Vote For: 7

20211000

A2022-01 [ANNEXATION] VOYLES FAMILY PARTNERSHIP LLLP.

A2022-01 [ANNEXATION] VOYLES FAMILY PARTNERSHIP LLLP. is requesting the annexation of property located in Land Lot 781, District 17, Parcel 0040 of the 2nd Section, Cobb County, Georgia and being known as 2079 Cobb Parkway South, consisting of approximately 2 acres. Ward 7A.

File number A2022-01 was presented by Ms. Shelby Little requesting the Annexation of the property known as 2079 Cobb Parkway South, consisting of approximately 2 acres.

A Public Hearing was held.

Mr. Ellis is requesting the Annexation of the property known as 2079 Cobb Parkway South, consisting of approximately 2 acres.

There was no opposition.

Vice Chairman Difley made a motion, seconded by Mr. Smith, to recommend approval as written. The motion carried 7-0-0.

Recommended for Approval

Absent: 0

Vote For: 7

20211029 CA2022-01 [CODE AMENDMENT] VOYLES FAMILY PARTNERSHIP, LLLP.

CA2022-01 [CODE AMENDMENT] VOYLES FAMILY PARTNERSHIP, LLLP.

In conjunction with the requested annexation of property located in located in Land Lot 781, District 17, Parcel 0040 of the 2nd Section, Cobb County, Georgia and being known as 2079 Cobb Parkway South, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7A.

File number CA2022-01 was presented by Ms. Shelby Little requesting the Code Amendment for property known as 2079 Cobb Parkway South.

A Public Hearing was held.

There was no opposition.

Vice Chairman Difley made a motion, seconded by Mr. McClure, to recommend approval as written. The motion carried 7-0-0.

Recommended for Approval

Absent: 0

Vote For: 7

20211077 Z2022-03 [REZONING] GRACEPOINT SCHOOL, INC.

Z2022-03 [REZONING] GRACEPOINT SCHOOL, INC. is requesting the rezoning of 4.45 acres located in Land Lots 866, 867, 934 & 935, District 16, Parcels 0260 & 0440 of the 2nd Section, Cobb County, Georgia, and being known as 1399 & 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 4B.

File number Z2022-03 was presented by Ms. Shelby Little requesting the rezoning of 4.45 acres being known as 1399 & 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional).

A Public Hearing was held.

Mr. Fred Bentley Jr. Esq. (representing) is requesting the rezoning of property known as 1399 & 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional).

Support for the application was represented by a show of 6 hands.

Opposition was presented by Ms. Amanda Kirk who stated concerns regarding traffic to and from the location. She stated that the only access for the businesses in the location is by way of the shared drive. The traffic as exists presently includes 18 wheelers and other large delivery vehicles throughout the day. Her concern is that the increased volume of traffic in and out along with the co-mingling of school and business traffic on the same shared drive would be problematic and unsafe.

Chairman Kinney asked for Mr. Bentleys comments in response to the concerns presented by Ms. Kirk. Mr. Bentley referred to a traffic study which was submitted with the application.

Chairman Kinney questioned whether the traffic study included the driveway. Mr. Bentley indicated that the study reported on ingress and egress to and from Must Ministries.

Chairman Kinney questioned ownership of the driveway. Comments were made that the drive is privately owned but undetermined as to ownership.

Further comment and discussion was had and satisfactorily concluded.

Chairman Kinney closed the public hearing.

Mr. Anderson made a motion, seconded by Mr. Hunter to recommend approval as stipulated. The motion carried 7-0-0.

If Council approves the rezoning, the following variance would be incorporated as a condition of zoning:

The following variances are incorporated as conditions of zoning:

- 1. Letter of stipulations from Fred D. Bentley, Jr. to Shelby Little, Planning & Zoning Manager, dated December 31, 2021*
- 2. Variance to reduce the minimum lot acreage for a school from 5 acres to 4.45 acres. [§708.23 (B.19.a)]*

Recommended for Approval as Stipulated

Absent: 0

Vote For: 7

20211075

Z2022-04 [REZONING] HEATHERLAND HOMES, LLC.

Z2022-04 [REZONING] HEATHERLAND HOMES, LLC. is requesting the rezoning of 7.49 acres located in Land Lots 147 & 214, District 17, Parcels 0060,

0760, 0770 and 0780 of the 2nd Section, Cobb County, Georgia, and being known as 680 Powder Springs Street and 103 Fairlane Drive from CRC (Community Retail Commercial) to RHR (Residential High-Rise). Ward 3A.

File number Z2022-04 was presented by Ms. Shelby Little requesting the rezoning of 7.49 acres and being known as 680 Powder Springs Street and 103 Fairlane Drive from CRC (Community Retail Commercial) to RHR (Residential High-Rise).

A Public Hearing was held.

Mr. Kevin Moore, Esq. (representing) is requesting the rezoning of the property known as 680 Powder Springs Street and 103 Fairlane Drive from CRC (Community Retail Commercial) to RHR (Residential High-Rise).

Mr. Len Sutton (resident) presented opposition to the application, expressing concern that application seems broad and questioned whether the property would be completed as proposed.

Steven Rich (tenant - business owner) presented opposition to the application stating that the existing property has been misrepresented by the applicants and wanted to commission to know that there is business occupancy of 65% which includes a family-owned restaurant, a market and two insurance agencies and requests they be given consideration for their contribution to the community.

Steve Beasley (resident) presented opposition to the application stating the proposed property is too large for the location and appears to be out of compliance with several city ordinances. He has significant concerns over increased traffic challenges caused by the development and requested a traffic study of the area.

Darren Freeburg (resident) commented that the 5-story property is inappropriate for the area as comparable facilities are generally 2-3 stories only. He also has concerns as to traffic congestion in the area and the increased impact caused by the proposed facility.

Mr. Moore responded satisfactorily to the comments of opposition.

Mr. Smith asked about a traffic study. Mr. Moore responded that the study was not required by the city during the application process.

Further comment was exchanged regarding traffic congestion and concerns.

Ms. McCrae stated that she was not in agreement with a 5-story building with reduced parking variance and questioned whether the building could be reduced to 4-story to maintain the existing variance. Ms. McCrae stated that she was not in favor of the project as proposed and suggested diversified housing options would be more beneficial to the community.

Chairman Kinney closed the public hearing.

Ms. McCrae made a motion for the commission to recommend a denial of the application with the variance. Mr. Smith seconded the motion. The motion was carried with a vote of 4-3-0. Mr. Kinney, Mr. Hunter and Mr. Anderson opposed the denial.

If Council approves the rezoning as submitted, the following variances would be required:

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated January 3, 2022.

Recommended for Denial

Absent: 0

Vote For: 4

Vote Against: 3

20211079 Z2022-06 [REZONING] NORTH RIVER CHURCH OF CHRIST, INC.

Z2022-06 [REZONING] NORTH RIVER CHURCH OF CHRIST, INC. is requesting the rezoning of 0.58 acres located in Land Lot 1163, District 16, a portion of Parcel 0020 of the 2nd Section, Cobb County, Georgia, and being known as a portion of 320 Austin Avenue from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

File number Z2022-06 was presented by Ms. Shelby Little requesting the rezoning of 0.58 acres and being known as portion of 320 Austin Avenue from OI (Office Institutional) to R-4 (Single Family Residential -4 units/acre).

A Public Hearing was held.

Mr. Gray McWhirter is requesting the rezoning of 0.58 acres and being known as portion of 320 Austin Avenue from OI (Office Institutional) to R-4 (Single Family Residential -4 units/acre).

No opposition to the request was given.

Mr. Smith asked for clarification regarding specifics of driveway and landscaping plans.

There was comment and exchange regarding details of the request which were unable to be determined clearly.

Chairman Kinney suggested the request be tabled for further consideration by the applicant.

Mr. McWhirter agreed to the suggestion to table the application until the next meeting of the Planning Commission.

Chairman Kinney closed the public hearing.

Vice Chairman Duffley made a motion, seconded by Mr. Smith, to table the application. The motion carried 7-0-0.

Tabled

Absent: 0

Vote For: 7

20211026

CA2022-03 [CODE AMENDMENT] Storage of Portable Sanitation Units

CA2022-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.10 Multi-Family Residential (RM-8), Division 708.11 Multi-Family Residential (RM-10), Division 708.12 Multi-Family Residential (RM-12), Division 708.13 Residential High Rise (RHR), Division 708.15 Neighborhood Retail Commercial (NRC), Division 708.16 Community Retail Commercial (CRC), Division 708.17 Regional Retail Commercial (RRC), Division 708.18 Central Business District (CBD), Division 708.19 Planned Commercial District (PCD), Division 708.20 Mixed Use Development (MXD), Division 708.24 Office Services (OS), Division 708.26 Light Industrial (LI), Division 708.27 Heavy Industrial (**HI**), Division 708.28 Planned Industrial Development (PID), Division 708.29 Railroads and railroad crossings (**RRX**), Division 712.01 Special Land Use Permits, and Division 724.02 Definition of terms regarding the storage of portable sanitation units.

*File number CA2022-02 was presented by Ms. Shelby Little requesting the Code Amendment to amend the Comprehensive Development Code of the City of Marietta, Division 708.10 Multi-Family Residential (RM-8), Division 708.11 Multi-Family Residential (RM-10), Division 708.12 Multi-Family Residential (RM-12), Division 708.13 Residential High Rise (RHR), Division 708.15 Neighborhood Retail Commercial (NRC), Division 708.16 Community Retail Commercial (CRC), Division 708.17 Regional Retail Commercial (RRC), Division 708.18 Central Business District (CBD), Division 708.19 Planned Commercial District (PCD), Division 708.20 Mixed Use Development (MXD), Division 708.24 Office Services (OS), Division 708.26 Light Industrial (LI), Division 708.27 Heavy Industrial (**HI**), Division 708.28 Planned Industrial Development (PID), Division 708.29 Railroads and railroad crossings (**RRX**), Division 712.01 Special Land Use Permits, and Division 724.02 Definition of terms regarding the storage of portable sanitation units.*

A Public Hearing was held.

There was no opposition.

Chairman Kinney closed the public hearing.

Vice Chairman Diffley made a motion, seconded by Mr. McClure, to recommend approval of the requested amendment as written. The motion carried 7-0-0.

Recommended for Approval

Absent: 0

Vote For: 7

OTHER BUSINESS:

ADJOURNMENT:

The January 4, 2022 Planning Commission Meeting adjourned at 8:07PM.


ROBERT W. KINNEY, CHAIRMAN


LISA RAJABNIK, SECRETARY

