City of Marietta

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

Tuesday, March 5, 2019 6:00 PM City Hall Council Chambers


Staff:
Rusty Roth, Director, Development Services
Shelby Little, Planning & Zoning Manager
Jasmine Thornton, Planning & Zoning Administrator
Daniel White, City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the March 5, 2019 Planning Commission Meeting to order at 6:00PM.

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

MINUTES:

20190161 February 5, 2019 Regular Planning Commission Meeting Minutes

Review and Approval of the February 5, 2019 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Ms. McCrae, 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
REZONINGS:

20190016  Z2019-05 [REZONING] LAMBERTO CAMPOS

Z2019-05 [REZONING] LAMBERTO CAMPOS is requesting the rezoning of 0.062 acres located in Land Lot 1216, District 16, Parcel 0740 of the 2nd Section, Cobb County, Georgia, and being known as 386 Fort Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a variance to increase density to 16.2 units/acre. Ward 5A.

File number Z2019-05 was presented by Ms. Little for a request to rezone property known as 386 Fort Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a variance to increase density to 16.2 units/acre.

A public hearing was held.

Mr. Lamberto Campos and Ms. Brenda Campos are requesting to rezone property known as 386 Fort Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a variance to increase density to 16.2 units/acre.

There was no opposition to this request.

Ms. McCrae asked what the parking situation. Ms. Campos explained that Mr. Campos also owns the property next door and that he is currently working with an architect to see how they can have shared parking with two spaces.

Ms. McCrae asked if the other house would remain the same. Ms. Campos said that house was built in the 1900's and he would like to keep it, but would consider tearing it down if the architect advises him to.

Mr. Difieley asked which street was the main entrance to the building. Ms. Campos said you would have to come up from Lemon Street in order to cross Fort Street. The front door faces Rigby Street.

Ms. McCrae asked if the driveway would be off of Fort Street and Ms. Campos affirmed.

Chairman Kinney noted that the diagram does not show a garage and asked if they will have a garage. Ms. Campos said the architect is trying to remain with the same space to add a garage or to try and do space for parking two cars on the driveway.

Ms. McCrae noted that there are currently three vehicles parked there and asked if that would be enough space for parking. Ms. Campos said those cars will be gone by then. They are planning on having that house vacant the whole time they are constructing the new house.

Mr. Davis asked for clarification regarding the possibility of a garage and Ms. Campos explained satisfactorily.
The public hearing was closed.

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

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

VARIANCES:
1. Variance to increase the density from 4 units/acre to 16.2 units/acre. [§708.04 H]
2. Variance to reduce the minimum lot size from 7,500 sq.ft. to 2,700 sq.ft. [§708.04 H]
3. Variance to reduce the minimum lot width (Fort Street) from 75’ to 42’. [§708.04 H]
4. Variance to reduce the front setback from 25’ to 10’. [§708.04 H]
5. Variance to reduce the major side setback from 25’ to 10’. [§708.04 H]
6. Variance to reduce the minor side setback from 10’ to 7’. [§708.04 H]
7. Variance to reduce the rear setback from 30’ to 10’. [§708.04 H]

Recommended for Approval as Stipulated

Absent: 0
Vote For: 7
Vote Against: 0

20190076

Z2019-09 [REZONING] WALTER K. CARLISLE

Z2019-09 [REZONING] WALTER K. CARLISLE is requesting the rezoning of approximately 0.14 acres located in Land Lot 1147, District 16, Parcel 0420 of the 2nd Section, Cobb County, Georgia, and being known as 379 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 4B.

File number Z2019-09 was presented by Ms. Little for a request to rezone property known as 379 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).

A public hearing was held.

Mr. Walter Carlisle is requesting to rezone property known as 379 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).

There was one (1) in opposition to this request. Mr. Donals Gillis opposed.

Mr. Gillis stated that he is not exactly opposed, but would like to see the property cleaned up and if he should sell it in the future, he would like to see the property revert back to NRC.

Mr. Carlisle stated in his rebuttal that he would not be opposed to the property reverting back to NRC if he should sell it. He said he has come down with muscular dystrophy and is doing his best to clean up the property with the help of neighbors.
Mr. Anderson asked if he is currently living there and if he will be moving out while he does the work. Mr. Carlisle said he currently lives there with his disabled son and he will not be moving out.

Chairman Kinney asked about the police vehicle that is parked on his driveway. Mr. Carlisle said he lets his neighbor who is a Marietta Police Office park there because he (the officer) does not have adequate parking at his place.

Chairman Kinney explained that if this request is approved, he will have to bring the property up to code and that would include clean up.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval with the following variances. The motion carried 7-0-0.

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

Stipulation:
1. Applicant must obtain a Certificate of Occupancy.

Variances:
2. Variance to reduce the minimum lot size from 7,500 sq.ft. to 5,660 sq.ft. [§708.04 H]
3. Variance to reduce the minimum house size from 1,200 sq.ft. to approximately 750 sq.ft. for the existing principal structure. [§708.04 H]
4. Variance to reduce the front yard setback for the existing principal structure to remain as-is. [§708.04 H]
5. Variance to reduce the side and rear yard setbacks for the barn and shed to remain as-is. [§708.04 F.1.]
6. Variance to allow the area of the accessory structures’ footprint to exceed more than 50% that of the principal structure. [§708.04 F.5]
7. Variance to allow density of 7.2 units per acre.

Recommended for Approval as Stipulated

Absent: 0
Vote For: 7
Vote Against: 0
20190074  Z2019-08 [REZONING] KENNESTONE HOSPITAL INC

Z2019-08 [REZONING] KENNESTONE HOSPITAL INC is requesting the rezoning of approximately 3 acres located in Land Lot 1002, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia, and being known as 1045 Cobb Parkway North from OI (Office Institutional) to HI (Heavy Industrial). Ward 5B.

File number Z2019-08 was presented by Ms. Little for a request to rezone property known as 1045 Cobb Parkway North from OI (Office Institutional) to HI (Heavy Industrial).

A public hearing was held.

Mr. Richard Calhoun is requesting to rezone property known as 1045 Cobb Parkway North from OI (Office Institutional) to HI (Heavy Industrial).

There was no opposition to this request.

Mr. McClure asked if he as anyone lined up to buy the property. Mr. Calhoun said he does not have a buyer at this time.

The public hearing was closed.

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

Recommended for Approval

Absent:  0  
Vote For:  7  
Vote Against:  0

20190017  Z2019-06 [REZONING] POLK STREET RESIDENTIAL LLC

Z2019-06 [REZONING] POLK STREET RESIDENTIAL LLC is requesting the rezoning of 8.96 acres located in Land Lot 1224, District 16, Parcels 0530, 0430, 0460, 0420, 0450, 0480, & 1000 of the 2nd Section, Cobb County, Georgia, and being known as 807, 811, 819, 871, 875, & 931 Polk Street, and 103 Mountain View Road from R-1 (Single Family Residential/Agriculture) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.
File number Z2019-06 was presented by Ms. Little for a request to rezone property known as 807, 811, 819, 871, 875, & 931 Polk Street, and 103 Mountain View Road from R-1 (Single Family Residential/Agriculture) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant, is requesting to rezone property known as 807, 811, 819, 871, 875, & 931 Polk Street, and 103 Mountain View Road from R-1 (Single Family Residential/Agriculture) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development - Single Family).

There were many in opposition to this request and five (5) spoke. Mr. William (Bill) Paulsen, Mr. Daniel Gavvis, Mr. Cory Mull, Mr. Tadd Weaver and Mr. Patrick McKeown spoke in opposition.

The opposition expressed concern over the considerable amount of traffic that currently exists in the area. Mr. McKeown stated that his driveway is blocked with all the traffic. They feel they chose to live there for the greenery and wooded areas and that this proposal is asking for variances that would occupy approximately 75% of the already small lots, leaving minimal green space. They expressed concern over public safety; siting that most of Polk Street side walks are on one side of the road, therefore walkability would be difficult. Concern for irrigation was also expressed; asking where the runoff would go.

Mr. Moore stated in his rebuttal that they are currently performing a traffic study and it will be available very soon. He said that traffic is a matter of statistics and that 57 homes would not add to the impact of traffic pattern that is already there. He said that the suggestion of building 25 homes for $700K each instead of the proposed subdivision is an insult and that it would likely not be financially feasible for the developer.

The Board Members expressed concern over the driveways and asked what the size would be. Staff noted that detached homes do not have a minimum driveway length requirement. Mr. Moore said they will be 15’ to 20’.

Mr. McClure asked if he has a plan B and Mr. Moore said they do not.

Mr. Anderson asked what the stormwater plans were. Mr. Moore said they will tie-in to the assisted living facility or go underground. He said the engineer will make sure it’ll tie to an existing facility.

Mr. Difflley asked if they have thought about reducing the number of homes; possibly from 57 to 40 or 45? Mr. Moore said if that is the direction of the Planning Commission, they would evaluate a reduction.

Chairman Kinney asked what the price range and lot sizes are and if all the houses are on slab. Mr. Moore said the price point is in the $400’s. The houses are 2200 square feet and up and that some houses will have basements.

Chairman Kinney asked why he decided against the single family lots being maintained by the homeowner’s association as they have done in other subdivisions and if the trash pick-up would be curbside. Mr. Moore said the other subdivisions were townhomes and age restricted communities and that it would not be appropriate for this subdivision to have the homeowner’s association maintain the lots. He said sanitation plans are laid out in accordance with discussions they had with Public Works department.
Chairman Kinney noted the variance request for 100ft turning radius and asked what turning radius he was looking for. Mr. Moore said that was the initial site plan, but after meeting with staff that’s no longer applicable. That the only variances needed are listed in the Stipulation letter dated March 4, 2019.

Ms. McCrae expressed concern over not having enough parking for the proposed homes.

Chairman Kinney asked if he would like to table this until they can provide more information or if he would like the Board to make a motion. Mr. Moore stated that due to time constraints he would like to move forward and would prefer that the Board make a motion.

The public hearing was closed.

Mr. Diffley made a motion to recommend approval striking variances 17A and 17B from the letter of stipulation dated March 4, 2019 and to reduce the number of homes of the subdivision from 57 to 45. The motion died for lack of a second.

Chairman Kinney made a motion, seconded by Mr. Davis to recommend approval striking variances 17A and 17B from the letter of stipulation dated March 4, 2019. The motion died for majority opposed. Chairman Kinney and Mr. Davis voted for and Mr. Hunter, Mr. McClure, Mr. Anderson, Ms. McCrae and Mr. Diffley voted against.

Mr. McClure made a motion, seconded by Mr. Diffley, to recommend denial. The motion carried 5-2-0. Chairman Kinney and Mr. Davis opposed.

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

Stipulations:
1. Letter of stipulations from Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated March 4, 2019.

Recommended for Denial

Absent: 2
Vote For: 5
Vote Against: 0

Z2019-12 [REZONING] CITY OF MARIETTA

Z2019-12 [REZONING] CITY OF MARIETTA is requesting the rezoning of property located in Land Lot 1237, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as Coggins Place right-of-way from unzoned to CRC (Community Retail Commercial). Ward 7A.
File number Z2019-12 was presented by Ms. Little for a request to rezone property known as Coggins Place right-of-way from unzoned to CRC (Community Retail Commercial).

A public hearing was held.

City of Marietta is requesting to rezone property known as Coggins Place right-of-way from unzoned to CRC (Community Retail Commercial).

There was no opposition to this request.

There were no questions from the Board Members.

The public hearing was closed.

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

Recommended for Approval

Absent: 0
Vote For: 7
Vote Against: 0

ADJOURNMENT:

The March 5, 2019 Planning Commission Meeting adjourned at 7:24PM

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY