



# 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**

Wednesday, July 1, 2020

6:00 PM

City Hall Council Chambers

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

*Absent:* Frasure Hunter and Brenda McCrae

*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 July 1, 2020 Planning Commission Meeting to order at 6:00PM.*

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

### MINUTES:

#### **20200508 June 2, 2020 Regular Planning Commission Meeting Minutes**

#### **Review and Approval of the June 2, 2020 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 5-0-0. Mr. Hunter and Ms. McCrae were absent.*

#### **Approved and Finalized**

- Absent: 2**
- Vote For: 5**
- Vote Against: 0**

**REZONINGS:****20200167      Z2020-13 [REZONING] CAMPUS REALTY ADVISORS, LLC  
(HARTWOOD INVESTMENTS, LLC)**

**Z2020-13 [REZONING] CAMPUS REALTY ADVISORS, LLC (HARTWOOD INVESTMENTS, LLC) are requesting the rezoning of 9.57 acres located in Land Lots 505 & 576, District 17, Parcels 0170, 0720, 0710, 0700, & 0690 of the 2nd Section, Cobb County, Georgia, and being known as 315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road from PRD-SF (Planned Residential Development - Single Family) to PRD-MF (Planned Residential Development - Multi Family). Ward 7A.**

*File number Z2020-13 was presented by Ms. Little for a request to rezone property known as 315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road from PRD-SF (Planned Residential Development - Single Family) to PRD-MF (Planned Residential Development - Multi Family).*

*A public hearing was held.*

*Mr. Kevin Moore, Esq., for the Applicant, is requesting to rezone property known as 315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road from PRD-SF (Planned Residential Development - Single Family) to PRD-MF (Planned Residential Development - Multi Family).*

*There were five (5) in opposition to this request, four (4) spoke. Mr. Donald Barth, Mr. James Epps, Jr., Ms. Robin York and Mr. Brian Peters spoke in opposition.*

*The opposition expressed concern over the density being proposed. They also feel access out of Banberry Road would cause traffic problems. They said the traffic study is from 2013 and not current for today's traffic issues.*

*In his rebuttal, Mr. Moore said they are agreeable to closing access to Banberry Road and adding a new access off Kathleen Drive. He said the traffic study looks at historical patterns and is calculated for current situations.*

*Mr. McClure asked if KSU has any plans to build facilities on campus and if they will offer bus service. Mr. Moore said they are not aware of what KSU has planned for their campus and that they have a bus named BOB.*

*Mr. Davis asked if there has been any conversation with the City about enhancing the crosswalk for student safety. Mr. Moore said they have had multiple meetings with Public Works about the traffic study and crosswalks.*

*Mr. Diffley asked how wide the passive recreation area would be between buildings and if the bottom floor apartments will have a landing out of their door. Mr. Moore said the area would be around 50 feet wide and that there will not be any individual access from the units.*

*Chairman Kinney asked how mail and trash would be handled and if the storm water area on the right of the plans was covered. Mr. Moore said mail will be at the clubhouse; there will be a central collection location for trash and the area on the right side of the plans is a detention pond, which normally has no water in it and it is not covered.*

*Chairman Kinney asked what the timeline for completion will be if Council approves this rezoning and how long will it take to complete an environmental study. Mr. Moore said the timing is for Summer of 2022 and that the environmental study is complete and no serious environmental problems were uncovered.*

Chairman Kinney asked if they are going back to the stipulation letter dated June 29th instead of the one dated June 30th. Mr. Moore said neither. They will re-design the area to close Banberry Rd and open access to Kathleen Drive and will have this ready for next week's City Council meeting.

Chairman Kinney asked Mr. Moore to tell them about the traffic study and Mr. Moore explained satisfactorily and stated that the study was completed in February/March 2020 timeframe.

Mr. Davis asked if the traffic study shows data with Banberry Road access closed. Mr. Moore said the traffic study reflects by way of Banberry Road access.

Mr. Anderson asked what if ten years from now they want to sell the property and turn it into regular apartments and if there is a way to stipulate that they remain student housing. Mr. Moore said The Fair Housing Act prohibits anyone from restricting this to students only, but that the way it's being developed with accommodations necessary for students, it would not be viable as regular apartments. He also stated KSU is not going anywhere, therefore student housing will always be necessary.

Mr. Diffley asked who takes care of the grounds and maintenance. Mr. Moore said Campus Realty would take care of it.

Chairman Kinney asked what the typical unit lease goes for. Mr. Moore said \$700 a month to upwards of \$1000, depending on the unit.

Mr. McClure asked how you would access Kathleen Drive. Mr. Moore said once you go out of Kathleen Drive there is an office business park with access to a public road that leads to South Marietta Parkway.

The public hearing was closed.

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

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

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 June 30, 2020.
2. The access on Banberry Road will be restricted to emergency vehicles only and an additional access point will be opened onto Kathleen Drive.

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

**Absent: 2**  
**Vote For: 5**  
**Vote Against: 0**

### **OTHER BUSINESS:**

**20200502**

**Planning Commission - Election of Chairman**

**Election of Chairman to serve for one year to July 2021.**

*Daniel White, City Attorney, opened the floor for nominations for the position of Chairman for the term of one year to July 2021.*

*Mr. Diffley nominated Mr. Kinney for election as Chairman. Hearing no other nominations, the nominations were closed.*

*Mr. Diffley made a motion to elect Mr. Kinney, seconded by Mr. Davis. The motion carried 4-0-1. Mr. Kinney Abstained.*

**Approved and Finalized**

**Absent: 2**  
**Vote For: 5**  
**Vote Against: 0**

**20200503**

**Planning Commission - Election of Vice Chairman**

**Election of Vice Chairman to serve for one year to July 2021.**

*Daniel White, City Attorney, opened the floor for nominations for the position of Vice Chairman for the term of one year to July 2021.*

*Mr. Kinney nominated Mr. Diffley for election as Vice Chairman. Hearing no other nominations, the nominations were closed.*

*Mr. Kinney made a motion to elect Mr. Diffley, seconded by Mr. Anderson. The motion carried 4-0-1. Mr. Diffley Abstained.*

**Approved and Finalized**

**Absent: 2**  
**Vote For: 5**  
**Vote Against: 0**

**ADJOURNMENT:**

*The July 1, 2020 Planning Commission Meeting adjourned at 7:04 PM.*

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 ROBERT W. KINNEY, CHAIRMAN

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 INES EMBLER, SECRETARY