



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*

Tuesday, August 4, 2020

6:00 PM

City Hall Council Chambers

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

Staff:

- Rusty Roth, Director, Development Services*
- Robin Osindele, Urban Planner*
- Daniel White, City Attorney*
- Ines Emblar, Secretary to the Board*

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the August 4, 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:

20200615

July 1, 2020 Regular Planning Commission Meeting Minutes

Review and Approval of the July 1, 2020 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 5-0-2. Ms. McCrae and Mr. Anderson abstained.

A motion was made that this matter be Approved and Finalized. The motion carried by the following vote:

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

**REZONINGS/ANNEXATIONS/CODE AMENDMENTS/SPECIAL
LAND USE PERMITS:****20200038 Z2020-07 [REZONING] VENTURE COMMUNITIES, LLC**

Z2020-07 [REZONING] VENTURE COMMUNITIES, LLC is requesting the rezoning of 8.782 acres located in Land Lot 9, District 17, Parcels 0040 & 0160 of the 2nd Section, Cobb County, Georgia, and being known as 1520, 1540, & 1560 Cunningham Road from R-20 (Single Family Residential - County) and R-2 (Single Family Residential - 2 units/acre - City) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

File number Z2020-07 was presented by Mr. Roth for a request to rezone property as 1520, 1540, & 1560 Cunningham Road from R-20 (Single Family Residential - County) and R-2 (Single Family Residential - 2 units/acre - City) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Sean Randall is requesting to rezone property known as 1520, 1540, & 1560 Cunningham Road from R-20 (Single Family Residential - County) and R-2 (Single Family Residential - 2 units/acre - City) to PRD-SF (Planned Residential Development - Single Family).

There were three (3) in opposition to this request, two (2) spoke. Ms. Karen Molohon and Ms. Lori Trentham spoke in opposition.

Ms. Molohon objected to the density of the development, not the development itself. She said a second entry would be right behind her driveway, which would create difficulty getting in and out of her driveway. She expressed concern that the extra traffic would cause accidents.

Ms. Trentham expressed concern over the environmental implications from visiting deer in her backyard. She said traffic is a problem and people are constantly speeding along that road. She said a boy was killed two years ago on Cunningham Road. She said more traffic, tree removals and mowing would create more air pollution. She stated that this area is a single-family area and townhomes do not fit.

In his rebuttal, Mr. Randall stated that Venture Communities cares very much about the environment and that they try and leave as little impact as they can. He said the Ordinance requires that they do a tree survey and they will actually end up re-planting better caliber trees than they take out. He said the two entrances is a requirement of the City.

Mr. McClure asked if there is any way to put traffic control like a four way stop at Cunningham Road. Mr. Randall said they would have to meet certain thresholds by DOT and that they are not near that.

Mr. Anderson asked if the fee simple townhomes only include the building. Mr. Randall said it would include the lot that goes to the right of way and a plot in the backyard.

Mr. Anderson asked for confirmation that they are requesting a variance to waive 25% of space requirement but that they will still have open space. Mr. Randall affirmed.

Mr. McClure asked what happened to 1530 property. Mr. Randall said they are still in the County and do not want to sell.

Mr. Diffley asked what the length of the driveways are. Mr. Randall did not have that information with him but said it is detailed in the site plan.

Mr. Diffley asked where the garbage collection will be. Mr. Randall said each unit will push out their containers to the front yard on collection day.

Chairman Kinney noted a discrepancy where Mr. Randall stated to Mr. Anderson that the fee simple property includes a plot of land, but variance #3 being requested is for reducing the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit for fee simple townhomes. Mr. Roth said he and Mr. Randall will have to speak further about this.

Ms. McCrae said there are 9 extra parking spaces and asked if he could add more. Mr. Randall said they could but that this meets the City Code and that they also have two car space in each driveway.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval including the letter of stipulations and variances from Sean G. Randall of Venture Communities, LLC to Russell J. Roth, Director of Development Services, and Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 4, 2020 and excluding variance #3 (Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit for fee simple townhomes). The motion carried 4-3-0. Mr. Hunter, Ms. McCrae and Mr. McClure opposed.

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

1. Letter of stipulations and variances from Sean G. Randall of Venture Communities, LLC to Russell J. Roth, Director of Development Services, and Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 4, 2020.

Recommended for Approval as Stipulated

Absent: 0
Vote For: 4
Vote Against: 3

20200547

A2020-04 [ANNEXATION] VENTURE COMMUNITIES, LLC

A2020-04 [ANNEXATION] VENTURE COMMUNITIES, LLC is requesting the annexation of property located in Land Lot 9, District 17, a portion of Parcel 0040 of the 2nd Section, Cobb County, Georgia and being known as 1520 Cunningham Road, and any associated right of way, consisting of approximately 0.503 acres. Ward 2B.

File number A2020-04 was presented by Mr. Roth for a request to annex property known as 1520 Cunningham Road, and any associated right of way, consisting of approximately 0.503 acres.

A public hearing was held.

Mr. Sean Randall is requesting to annex property known as 1520 Cunningham Road, and any associated right of way, consisting of approximately 0.503 acres.

Chairman Kinney asked Mr. Randall if he is incorporating his previous remarks to this request and he affirmed.

There was one (1) in opposition to this request. Ms. Vicki Lucas opposed.

Ms. Lucas opposed stating that this is a family neighborhood and expressed concern that this would bring more traffic and pollution to an already suffocating area.

There were no questions from the board members.

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

20200548

CA2020-05 [CODE AMENDMENT]

CA2020-05 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 9, District 17, a portion of Parcel 0040 of the 2nd Section, Cobb County, Georgia and being known as 1520 Cunningham Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 2B.

File number CA2020-05 was presented by Mr. Roth for a Code Amendment in conjunction with the requested annexation of property located in Land Lot 9, District 17, a portion of Parcel 0040 of the 2nd Section, Cobb County, Georgia and being known as 1520 Cunningham Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential).

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. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 6-1-0. Mr. Hunter opposed.

Recommended for Approval

Absent: 0
Vote For: 7
Vote Against: 0

20200577

Z2020-25 [SPECIAL LAND USE PERMIT] RED HARE BREWING CO. LLC

Z2020-25 [SPECIAL LAND USE PERMIT] RED HARE BREWING CO. LLC is requesting a Special Land Use Permit for 1.2 acres located in Land Lot 715, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1998 Delk Industrial Boulevard from LI (Light Industrial) to LI (Light Industrial) with a special land use permit for a mobile retail food establishment. Ward 1A.

File number Z2020-25 was presented by Mr. Roth for a Special Land Use Permit for 1.2 acres located in Land Lot 715, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1998 Delk Industrial Boulevard from LI (Light Industrial) to LI (Light Industrial) with a special land use permit for a mobile retail food establishment.

A public hearing was held.

Mr. Roger Davis is requesting a Special Land Use Permit for 1.2 acres located in Land Lot 715, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1998 Delk Industrial Boulevard from LI (Light Industrial) to LI (Light Industrial) with a special land use permit for a mobile retail food establishment.

There was no opposition to this request.

Mr. Diffley asked how many days per week will the food trailer be on site. Mr. Davis said four days, Thursday through Sunday.

Mr. Diffley asked for affirmation that his company will not be providing the food and Mr. Davis affirmed.

Chairman Kinney asked if this was a truck or trailer and if it leaves at night. Mr. Davis said it's a trailer and it will stay there the four days and then it will be hauled away.

Ms. McCrae asked who will be serving the food? Mr. Davis said that the State regulates that they hold all the permits, but that they will hire Mojitos Cuban Restaurant to provide the food.

Ms. McCrae asked how they are handling the Covid19 regulations. Mr. Davis said that is a fluid situation and that they follow whatever the requirements are at that 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**

20200578

Z2020-26 [REZONING] ZMW LLLP

Z2020-26 [REZONING] ZMW LLLP is requesting the rezoning of approximately 3.3 acres located in Land Lot 362, District 17, Parcel 0110 of the 2nd Section, Cobb County, Georgia, and being known as 590 Commerce Park Drive from LI (Light Industrial) to LI (Light Industrial) with an additional use for a bank and/or financial institution. Ward 1A.

File number Z2020-26 was presented by Mr. Roth for a request to rezone property as 590 Commerce Park Drive from LI (Light Industrial) to LI (Light Industrial) with an additional use for a bank and/or financial institution.

A public hearing was held.

Mr. Jeffrey Jones is requesting to rezone property known as 590 Commerce Park Drive from LI (Light Industrial) to LI (Light Industrial) with an additional use for a bank and/or financial institution.

Mr. Jones joined the meeting virtually. Mr. Payton McWhirter his real estate representative spoke in person on Mr. Jones behalf.

There was no opposition to this request.

Mr. Diffley asked what the name of the bank is. Mr. McWhirter said it is LGE. He said they are moving over from 430 Commerce Park Drive.

Mr. Anderson asked if they are completely moving out of the other building and Mr. McWhirter said eventually yes.

Chairman Kinney asked what the time frame to move out is and Ms. Carol Wagner who works for LGE stepped up to the podium and explained that they have already moved the corporate offices to Cumberland Mall area and what is left, the retail/banking portion, will be moving out by December 1st. They are moving next door to 590.

Mr. Davis asked if they are adding more jobs or to explain how the jobs are being distributed. Ms. Wagner explained the jobs are not changing. They just moved to separate locations.

Mr. Diffley asked how many teller windows are there. Ms. Wagner said they got rid of teller lines and only have self service areas now. The employees that are there assist with loans.

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

ADJOURNMENT:

The August 4, 2020 Planning Commission Meeting adjourned at 7:05 PM.

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY