



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman*  
*Kent Rosenbury, Ward 1*  
*Byron "Tee" Anderson, Ward 2*  
*Hicks Poor, Ward 3*  
*Roy Vanderslice, Ward 4*  
*Brenda McCrae, Ward 5*  
*Stephen Diffley, Ward 7*

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Tuesday, March 3, 2015

6:00 PM

City Hall Council Chambers

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Present: Bob Kinney, Stephen Diffley, Roy Vanderslice, Hicks Poor, Brenda McCrae,  
Kent Rosenbury and Byron "T" Anderson

Staff:

Brian Binzer, Development Services Director  
Rusty Roth, Planning & Zoning Manager  
Ines Embler, Secretary to the Board  
Shelby Little, Planning Administrator  
Daniel White, City Attorney

### CALL TO ORDER & ROLL CALL:

*Chairman Kinney called the March 3, 2015 Planning Commission Meeting to order at 6:00PM.*

### MINUTES:

**20150112 January 6, 2015 Regular Planning Commission Meeting Minutes**

**Review and Approval of the January 6, 2015 Regular Planning Commission Meeting Minutes.**

*Mr. Diffley made a motion, seconded by Mr. Vanderslice to approve the January 6, 2015 Regular Planning Commission Meeting Minutes, as written. Motion carried 7-0-0.*

**A motion was made by Diffley, seconded by Vanderslice, that this Minutes be Approved and Finalized . The motion CARRIED by the following vote.**

**Absent: 0**

Vote For: 7  
 Vote Against: 0

**OLD BUSINESS:**

**20141345            December 2, 2014 Regular Planning Commission Meeting Minutes**

**Review and Approval of the December 2, 2014 Regular Planning Commission Meeting Minutes.**

*Mr. Poor made a motion, seconded by Ms. McCrae to approve the December 2, 2014 Regular Planning Commission Meeting Minutes, as revised. Mr. Anderson abstained. Motion carried 6 0-1.*

**A motion was made by Poor, seconded by McCrae, that this Discussion Item be Approved as amended and Finalized . The motion CARRIED by the following vote.**

Absent: 0  
 Vote For: 6  
 Vote Against: 0  
 Abstain: 1

**REZONINGS:**

**20150106            Z2015-06 [REZONING] KEVIN KNOX**

**Z2015-06 [REZONING] KEVIN KNOX requests rezoning for a portion of property located in Land Lot 11450, District 16, Parcel 0820, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 380 Cherokee Street from R-3 (Single Family Residential - 3 units / acre) to R-4 (Single Family Residential - 4 units / acre).Ward 5.**

*File number Z2015-06 was presented by Mr. Roth for a request to rezone portion of the property located at 380 Cherokee Street from R 3 (Single Family Residential 3 units / acre) to R 4 (Single Family Residential 4 units / acre).*

*A public hearing was held.*

*The applicant, Mr. Kevin Knox is requesting to rezone a portion of the property located at 380 Cherokee Street from R 3 (Single Family Residential 3 units / acre) to R 4 (Single Family Residential 4 units / acre) in order to get his percentages in line for structure versus impervious surface and to get it zoned the same as his adjoining property.*

*There was no one in opposition to this request, however Ms. Cindy Little did address the board members with a question.*

*Ms. Little is a neighbor of the south side of Mr. Knox's property. She questioned the zoning stipulations that are attached to his property and whether those stipulations also be attached to the little piece that he is trying to rezone.*

*Mr. Roth stated that those conditions would need to be part of the motion and Mr. Kinney felt that the way it is currently written would suffice.*

*Ms. Little asked if a zoning stipulation can be changed or removed in the future and Mr. Kinney said yes, it could be changed or removed by the City Council.*

*Ms. Little stated that indeed the City Council removed a stipulation and she was not notified of that.*

*Mr. Rosenbury asked what stipulation was removed and she said that it pertained to the house plans and offered an explanation.*

*Mr. Kinney asked staff if there was a way to put her name on file so she would be notified of future changes and Mr. Roth said yes and stated that they have met with Ms. Little already about her concerns.*

*Regarding the exemption plat, Mr. Kinney asked Mr. Knox if he understood that once rezoning is granted the stipulations on his current property would also apply to the little piece being rezoned and Mr. Knox responded in agreement.*

*The public hearing was closed.*

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

**A motion was made by Anderson, seconded by McCrae, that this Ordinance be Recommended for Approval . The motion CARRIED by the following vote.**

**Absent: 0**

**Vote For: 7**

**Vote Against: 0**

**20150107**

**Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS**

**Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS requests rezoning for property located in Land Lot 12320, District 16, Parcel 0760, 2nd Section, Marietta, Cobb County, Georgia and being known as 233 Waterman Street from PRD-MF (Planned Residential Development - Multi Family) to MXD (Mixed Use Development). Ward 1.**

*File number Z2015-07 was presented by Mr. Roth for a request to rezone property located at 233 Waterman Street from PRD MF (Planned Residential Development Multi Family) to MXD (Mixed Use Development).*

*A public hearing was held.*

*Mr. Jason Garrett, VP of Development with John Wieland Homes is requesting to rezone property located at 233 Waterman Street from PRD MF (Planned Residential Development Multi Family) to MXD (Mixed Use Development) to allow them to extend their Meeting Park development into this parcel.*

*There was no one in opposition to this request.*

*Mr. Vanderslice asked when the house was originally built and if there was any historical significance to it. Mr. Garrett did not know the exact age of the home and did not believe there was any historical significance to it.*

Mr. Rosenbury stated that the Fire Department has raised an issue about access to the two individual homes in the back alley and asked if he has had discussions with them about it. Mr. Garrett stated that they have attempted to have a meeting and will work with staff and Fire Marshall to mitigate all of their concerns as far as fire access.

Mr. Rosenbury asked what Mr. Garrett saw as the best solution to that and Mr. Garrett said they plan to use grass pavers.

Mr. Rosenbury asked what his plans were as far as having a discussion with the fire department and Mr. Garrett said as quickly as they can get a meeting scheduled.

Mr. Kinney asked if he anticipated if this meeting would happen before next week and Mr. Garrett said yes, if they he is available. They are dependent on the Fire Marshall's schedule.

Mr. Vanderslice said that information in the write up stated that including this parcel would make the aggregate density higher than what was originally planned per acre. Mr. Garrett responded that the aggregate does go up slightly, from 11.58 to 11.74 units per acre. Mr. Vanderslice said that may be a point for discussion at the City Council and Mr. Garrett stated that if you look at it from the context of the overall land plan the programming is consistent with everything else in Meeting Park.

Mr. Diffley asked questions about the access road and how it would be paved and Mr. Garrett stated that they have not determined the surface treatment at this time, but imagined it would be a concrete blend to match everything else in the area.

Mr. Diffley asked if it would be an impervious surface and Mr. Garrett responded in agreement.

Mr. Kinney asked what he considered would be the front doors of these two units and where would visitors park and Mr. Garrett said it would be fronting the park and that they have guest parking on the road.

Ms. McCrae asked if on the road meant on the street and Mr. Garrett said that within the neighborhood they have off street parking.

Mr. Kinney asked if those parking arrangements are part of the existing site plan that's been approved by Council and Mr. Garrett affirmed.

Mr. Kinney asked what the address of those two units was and Mr. Garrett replied that GIS has not assigned addresses at this time.

Mr. Kinney asked about elevation change and how it would be dealt with and Mr. Garrett said the height is 8-9 feet that a retaining wall would be built.

Mr. Diffley asked questions about garbage service and asked for an explanation about a trash corral and Mr. Kinney asked if there would be roll carts. Mr. Garrett explained in detail about the trash corral and how sanitation would be handled.

Mr. Rosenbury asked if the townhouses have two car garages underneath them and if the new homes have two car garages and Mr. Garrett affirmed.

Mr. Rosenbury asked if he was going to create additional on street parking on Waterman and Mr. Garrett stated that they do not have the width on the right of way to create that at this time.

*Ms. McCrae asked if he was going to put a partition wall on the left side and Mr. Garrett offered the details on the partition wall and said there would be no grade change.*

*The public hearing was closed.*

*Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with the following stipulations:*

- 1. Written approval by the Marietta Fire Department*
- 2. Approval from GIS for the new addresses*
- 3. Subject to existing site plans being modified.*

*Ms. McCrae opposed. The motion carried 6-1-0.*

**A motion was made by Rosenbury, seconded by Diffley, that this Ordinance be Recommended for Approval as Stipulated . The motion CARRIED by the following vote.**

**Absent: 0**

**Vote For: 6**

**Vote Against: 1**

**20150108**

**Z2015-08 [REZONING] TITLEMAX OF GEORGIA, INC.**

**Z2015-08 [REZONING] TITLEMAX OF GEORGIA, INC. requests rezoning for property located in Land Lot 07990, District 17, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia and being known as 2390 Delk Road from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 7.**

*File number Z2015-08 was presented by Mr. Roth for a request to rezone property located at 2390 Delk Road from OI (Office Institutional) to CRC (Community Retail Commercial).*

*A public hearing was held.*

*Mr. Kevin Moore of Moore Ingram Johnson & Steele, LLP on behalf of the applicant TitleMax of Georgia, Inc., is requesting to rezone property located at 2390 Delk Road from OI (Office Institutional) to CRC (Community Retail Commercial) for the purpose of relocating TitleMax to that property and presented their plans for renovations and how they plan to share space with the existing motel.*

*There was no one in opposition to this request.*

*Mr. Vanderslice asked if they would be storing vehicles at this location and Mr. Moore stated that this location is only a lending office and that there would not be any vehicles stored on premises.*

*Mr. Rosenbury asked if the building to be renovated was only the tavern part of it and not the motel piece of it and if there was access from the tavern back into the motel from the inside of the building. Mr. Moore affirmed and said that there is no connection from the inside of the building.*

*Mr. Rosenbury asked if there were going to be any renovations to the motel part of it and if was going to stay vacant. Mr. Moore said that it is currently operated as a hotel/motel today.*

*Mr. Rosenbury asked if his previous statement that they are willing to stipulate that there would be no extended stay at the motel applies to the whole property or just the tavern part. Mr. Moore said it applies to the whole property.*

*Ms. McCrae asked what the hours of operation were? Mr. Moore stated that the hours are 9-6.*

*Mr. Kent asked how many employees do they have there on a typical day? Mr. Moore said 2 to 3.*

*Mr. Kinney asked for clarification on the exterior renovations as well as where the office of the hotel would be located. Mr. Moore offered the details and said that the motel office would remain on the far right section of that area. He said the entire exterior is being repainted, including the roof.*

*Ms. McCrae asked what signage will the hotel have? Mr. Moore said that they will have appropriate signage as allowed by the City Ordinance.*

*Mr. Kinney asked staff if the current signs were within code and Mr. Roth said it would depend on how much work they have to do.*

*Mr. Diffley asked who was going to own the building and Mr. Moore said the building would remain owned by the current owner, Southern Scottish Inn and that this would be a lease arrangement.*

*Mr. Rosenbury asked when he anticipates starting the renovations. Mr. Moore said as soon as the plans are approved, probably in April or May.*

*The public hearing was closed.*

*Mr. Vanderslice made a motion, seconded by Mr. Rosenbury to recommend approval as submitted with the following stipulations:*

- 1. Extended Stay is prohibited at the hotel*
- 2. The exterior renovations substantially comply with the diagram that's included in the package.*

*The motion carried 7-0-0*

**A motion was made by Vanderslice, seconded by Rosenbury, that this Ordinance be Recommended for Approval as Stipulated . The motion CARRIED by the following vote.**

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

**20150109**

**Z2015-09 [REZONING] HICKORY KENNESAW PARTNERS LLC**

**Z2015-09 [REZONING] HICKORY KENNESAW PARTNERS LLC requests rezoning for property located in Land Lot 05070, District 17, Parcels 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 2001 Polytechnic Lane from CRC (Community Retail Commercial) to CRC with an additional use for food production and storage. Ward 1.**

*File number Z2015-09 was presented by Mr. Roth for a request to rezone property located at 2001 Polytechnic Lane from CRC (Community Retail Commercial) to CRC*

*with an additional use for food production and storage.*

*A public hearing was held.*

*The applicant, Mr. Melvin Stowers is requesting to rezone the property located at 2001 Polytechnic Lane from CRC (Community Retail Commercial) to CRC with an additional use for food production and storage in order to accommodate a new tenant.*

*There was no one in opposition to this request.*

*Mr. Diffley asked for details on how the owner was going to dispose of food waste. Mr. Stowers did not know the answer and said he was sure they would have to abide by all of the health department regulations. He said the tenants operate two restaurants locally and are very familiar with the regulations pertaining to the food industry.*

*Mr. Kinney asked how much did he participate in the discussions about the MU2/LCI Initiative when they were being discussed. Mr. Stowers was not familiar with those discussions. Mr. Kinney proceeded to explain what MU2/LCI Initiative was.*

*Mr. Kinney asked what the length of the lease was and Mr. Stowers answered, three years.*

*Mr. Kinney asked if the branch of Kennesaw State University takes off and they show interest in his property, would he be averse to hearing what they have to say. Mr. Stowers said he would be in support of any interest from Kennesaw State University.*

*Mr. Kinney asked if the tenant is presently operating. Mr. Stowers said no, that the only activity on the premises is remodeling the building for their use while they wait for approval.*

*Mr. Kinney asked if there was going to be any exterior change to the building's appearance. Mr. Stowers said, none that he was aware of.*

*Mr. Kinney asked if he would be willing to table this rezoning request for a month until he can get the answer to the questions about food waste. Mr. Stowers respectfully asked that there be some other way to find a resolution that the tenant would comply with all of the necessary waste disposal regulations as they have already lost three months of rent.*

*Mr. Rosenbury asked what kind of traffic is expected from the tenant. Mr. Stowers stated that they will have daily deliveries and that they will have from 10-12 employees.*

*The public hearing was closed.*

*There was discussion between the board members as to whether or not to include a stipulation with the motion about the food waste disposal concerns and Mr. Anderson felt that with the tenant, being current owners of two local restaurants, had sufficient experience with the regulations on that matter.*

*Mr. Anderson made a motion, seconded by Ms. McCrae to recommend approval as submitted. Mr. Rosenbury and Mr. Diffley opposed. The motion carried 5-2-0.*

**A motion was made by Anderson, seconded by McCrae, that this Ordinance be Recommended for Approval . The motion CARRIED by the following vote.**

Absent: 0

Vote For: 5

Vote Against: 2

**20150124            Z2015-12 [REZONING] CITY OF MARIETTA**

**Z2015-12 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 215, District 17, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of Gramling Street right-of-way from unzoned to PRD-MF [Planned Residential Development (Multi-Family)]. Ward 3A.**

*File number Z2015-12 was presented by Mr. Roth for a request to rezone property located in Land Lot 215, District 17, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of Gramling Street right of way from unzoned to PRD MF [Planned Residential Development (Multi Family)]. Ward 3A.*

*A public hearing was held.*

*Mr. Roth explained the reasons for needing to rezone the portion of Gramling Street right-of-way.*

*There one in opposition to this request.*

*Ms. Stacey Schwab expressed concern because even though the legal description is correct, the zoning map provided in the public notice outlined the golf course as part of the rezoning request and she does not want the golf course rezoned. She requested that a new map be issued showing the correct outline of the area being rezoned.*

*Mr. Roth stressed that the golf course is not the property that is up for rezoning and said we can change the map to reflect the correct area being zoned.*

*Mr. Kinney asked who will own the property when that piece is rezoned. Mr. Roth stated that there would be another item on the City Council Agenda that will abandon the property and because the surrounding property is owned by one owner, it would go to the owner that is surrounding it. City Counsel, Mr. White, further explained the process.*

*Mr. Binzer asked Ms. Schwab for her contact information so that staff may email her the revised map.*

*The public hearing was closed.*

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

**A motion was made by Diffley, seconded by Rosenbury, that this Motion be Recommended for Approval . The motion CARRIED by the following vote.**

Absent: 0

Vote For: 7

Vote Against: 0

**REZONINGS/ANNEXATIONS/FUTURE LAND USE:**

**20141336            Z2015-10 [REZONING] CITY OF MARIETTA**

**Z2015-10 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 07320, District 17, Parcels 0140 and 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 2171 and 2181 Windy Hill Rd from GC [General Commercial - County] and CF [Future Commercial - County] to CRC [Community Retail Commercial - City]. Ward 7.**

*File number Z2015-10 was presented by Mr. Roth for a request to rezone property located at 2171 and 2181 Windy Hill Rd from GC [General Commercial County] and CF [Future Commercial County] to CRC [Community Retail Commercial City].*

*A public hearing was held.*

*Mr. Roth explained the reasons for the request to rezone the property located at 2171 and 2181 Windy Hill Rd.*

*There was no one in opposition to this request and no questions were asked.*

*The public hearing was closed.*

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

**A motion was made by Vanderslice, seconded by McCrae, that this Ordinance be Recommended for Approval . The motion CARRIED by the following vote.**

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

**20150110            A2015-02 [ANNEXATION] CITY OF MARIETTA**

**A2015-02 [ANNEXATION] CITY OF MARIETTA requests annexation for property located in Land Lot 07320, District 17, Parcel 0050 & 0140 (2171 & 2181 Windy Hill Rd) and all required right-of-way, of the 2nd Section, Cobb County, Georgia consisting of 0.392 & 0.395 acres. Ward 7.**

*File number A2015-02 was presented by Mr. Roth for a request to annex property located at 2171 and 2181 Windy Hill Rd.*

*A public hearing was held.*

*Mr. Kinney asked Mr. Roth if he was incorporating his previous remarks to this request and he affirmed.*

*There was no one in opposition to this request and no questions were asked.*

*The public hearing was closed.*

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

**A motion was made by Diffley, seconded by Poor, that this Ordinance be Recommended for Approval . The motion CARRIED by the following vote.**

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

**20150111 CA2015-02 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA**

**CA2015-02 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 07320, District 17, Parcels 0140 (2181 Windy Hill Rd) and 0050 (2171 Windy Hill Rd) as CAC (Community Activity Center). Ward 7.**

*File number CA2015-02 was presented by Mr. Roth for a Code Amendment to assign a Future Land Use in conjunction with the requested annexation of property located at 2171 and 2181 Windy Hill Rd. The proposed Future Land Use is CAC (Community Activity Center)*

*A public hearing was held.*

*Mr. Kinney asked Mr. Roth if he was incorporating his previous remarks to this request and he affirmed.*

*There was no one in opposition to this request and no questions were asked.*

*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*

**A motion was made by Anderson, seconded by Diffley, that this Ordinance be Recommended for Approval . The motion CARRIED by the following vote.**

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

**CODE AMENDMENTS:**

**20141017 CA2014-14 [CODE AMENDMENT]**

**CA2014-14 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Sections 728.04 and 728.07 regarding preliminary and final plat application procedures.**

*File number CA2014-14 was presented by Mr. Roth for a Code Amendment to amend the Comprehensive Development Code of the City of Marietta, Sections 728.04 and 728.07 regarding preliminary and final plat application procedures.*

*A public hearing was held.*

*Mr. Roth explained the reasons for the proposal to amend the Comprehensive Development Code of the City of Marietta, Sections 728.04 and 728.07 regarding preliminary and final plat application procedures.*

*There was no one in opposition to this request and no questions were asked.*

*The public hearing was closed.*

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

**A motion was made by Poor, seconded by McCrae, that this Ordinance be Recommended for Approval . The motion CARRIED by the following vote.**

**Absent: 0**

**Vote For: 7**

**Vote Against: 0**

**ADJOURNMENT:**

*The March 3, 2015 Planning Commission Meeting adjourned at 7:15PM.*

  
ROBERT W. KINNEY, CHAIRMAN

  
INES EMBLER, SECRETARY

