



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes - Revised PLANNING COMMISSION

Bob Kinney - Chairman
Kent Rosenbury, Ward 1
Vacant, Ward 2
Hicks Poor, Ward 3
Roy Vanderslice, Ward 4
Brenda McCrae, Ward 5
Stephen Diffley, Ward 7

Tuesday, June 2, 2015

6:00 PM

City Hall Council Chambers

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

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Planning & Zoning Manager
Ines Embler, Secretary to the Board
Jasmine Chatman, Planner
Daniel White, City Attorney

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the June 2, 2015 Planning Commission Meeting to order at 6:04PM

MINUTES:

20150429 May 5, 2015 Regular Planning Commission Meeting Minutes

Review and Approval of the May 5, 2015 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Ms. McCrae to approve the May 5, 2015 Regular Planning Commission Meeting Minutes, as written. Mr. Kinney abstained. Motion carried 5-0-1.

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

Vacant: 1
 Vote For: 5
 Vote Against 0
 Abstain: 1

REZONINGS:

20150382 Z2015-16 [REZONING] SONDR A ROWAN (SUSAN RAPER)

Z2015-16 [REZONING] SONDR A ROWAN (SUSAN RAPER) requesting rezoning for property located in Land Lot 1146, District 16, Parcel 0370, 2nd Section, Marietta, Cobb County, Georgia and being known as 319 Church Street from RM-8 (Multi Family Residential - 8 units / acre) to R-4 (Single Family Residential - 4 units/ acre). Ward 4

File number Z2015-16 was presented by Mr. Roth for a request to rezone property located at 319 Church Street from RM 8 (Multi Family Residential - 8 units / acre) to R 4 (Single Family Residential - 4 units/ acre).

A public hearing was held.

Ms. Susan Raper, is requesting to rezone property located at 319 Church Street from RM 8 (Multi Family Residential - 8 units / acre) to R 4 (Single Family Residential - 4 units/ acre) in order to split the lots, demolish the small houses currently on the parcel and rebuild a home facing Church Street and another facing Brumby Street.

There was one in opposition to this request.

Mr. Keith Rowan, the ex-husband of Ms. Rowan, opposed and requested to table this request for rezoning due to pending legal matters pertaining to the property.

Mr. White, City Attorney, stated that the only evidence in the file, the Security Deed, does show Mr. Rowan as co-owner with Ms. Rowan and therefore recommended to the Board that the matter be tabled until the pending legal matters be resolved.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Poor to table until further legal clarity is obtained. The motion carried 6-0-0.

A motion was made by Diffley, seconded by Poor, that this Ordinance be Tabled. The motion CARRIED by the following vote.

Vacant: 1
 Vote For: 6
 Vote Against: 0

20150383 Z2015-17 [REZONING] SANSEA PROPERTIES, LLC

Z2015-17 [REZONING] SANSEA PROPERTIES, LLC requesting rezoning for property located in Land Lot 1153, District 16, Parcel 0620, 2nd Section,

Marietta, Cobb County, Georgia and being known as a portion of 257 Mountain View Ridge Road from R-4 (Single Family Residential - 4 units/acre) to R-2 (Single Family Residential - 2 units/acre. Ward 4.

File number Z2015-17 was presented by Mr. Roth for a request to rezone property known as 257 Mountain View Ridge Road from R 4 (Single Family Residential - 4 units/acre) to R 2 (Single Family Residential - 2 units/acre.

A public hearing was held.

Mr. Colby Henson, representing the applicant, is requesting to rezone property known as 257 Mountain View Ridge Road from R 4 (Single Family Residential - 4 units/acre) to R 2 (Single Family Residential - 2 units/acre in order to facilitate the deeding of subject property to the contiguous property owner and be able to align the property lines.

Mr. Rosenbury recused himself pending a business arrangement.

There was no one in opposition to this request.

Mr. Kinney asked about the location of the new property line and about the stages of construction and whether the new owners where aware of the rezoning request.

Mr. Henson explained and said that the new property owners were aware of the rezoning request.

Mr. Kinney asked if it was the same development company for all of the houses in the subdivision.

Mr. Henson said they are all partners in different companies, so they are all in the same group per se, but that they are all actual different entities.

Mr. Kinney asked what started this transaction of the piece of land from one to the other and Mr. Henson explained that it was due to the topography of the land.

The public hearing was closed.

Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval as submitted. Mr. Rosenbury abstained. The motion carried 5-0-1.

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

**Vacant: 1
Vote For: 5
Vote Against: 0
Abstain: 1**

20150384

Z2015-18 [REZONING] JW HOMES LLC (MARIETTA HOUSING AUTHORITY)

Z2015-18 [REZONING] JW HOMES LLC (MARIETTA HOUSING AUTHORITY) requesting rezoning for properties located in Land Lots 1161 and 1216, District 16, Parcels 0950, 0010, and 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 306 & 321 Lemon Street and 345

Fort Street PRD-MF (Planned Residential Development - Multi Family) to PRD-SF (Planned Residential Development - Single Family). Ward 5.

File number Z2015-18 was presented by Mr. Roth for a request to rezone properties known as 306 & 321 Lemon Street and 345 Fort Street from PRD-MF (Planned Residential Development-Multi Family) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Kevin Moore, attorney for Moore, Ingram, Johnson & Steele, representing the applicant is requesting to rezone properties known as 306 & 321 Lemon Street and 345 Fort Street from PRD-MF (Planned Residential Development-Multi Family) to PRD-SF (Planned Residential Development-Single Family) for the purpose of building a subdivision consisting of single family homes and town homes.

There were three (3) in opposition to this request.

Mr. Larry Zenoni, Ms. Contente Terry and Mr. John Cole expressed concern over various topics including traffic flow, parking, storm drainage, student population and density and lack of information by the builder to the surrounding neighborhoods that are outside of the required two hundred foot buffer public notices area.

Mr. Moore responded to the concerns of the opposition and stated that Councilman Coleman was hosting a community meeting on June 9th and invited the developer to attend and provide a presentation to interested citizens. Mr. Rosenbury asked if they have reached out to the citizens and Mr. Moore said they did not.

The board members expressed concern over the objections in the memo from the Fire Department dated June 1, 2015. Tim Nalley, Marietta Fire Department, explained some of the Fire Departments issues.

The public hearing was closed.

Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval of rezoning request with the following two (2) conditions:

- 1. In the Detailed Plan Review Comments from Shelby Little, dated June 2, 2015, only approve Variance #2 and Variance #10.*
- 2. All items in the Memo from Keith Person, Marietta Fire Department, dated June 1, 2015 need to be resolved.*

The motion carried 6-0-0.

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

**Vacant: 1
Vote For: 6
Vote Against: 0**

20150386

Z2015-20 [REZONING] RANDY WOMACK

Z2015-20 [REZONING] RANDY WOMACK requesting rezoning for property located in Land Lots 1000, 1001, 1016 and 1017, District 16, Parcel

0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 915 Cobb Parkway North from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 5.

File number Z2015-20 was presented by Mr. Roth for a request to rezone property known as 915 Cobb Parkway North from LI (Light Industrial) to CRC (Community Retail Commercial).

A public hearing was held.

Mr. Kevin Moore, attorney for Moore, Ingram, Johnson & Steele, representing the applicant is requesting to rezone property known as 915 Cobb Parkway North from LI (Light Industrial) to CRC (Community Retail Commercial) in order to bring the property that has been used as a restaurant for many years into the proper zoning and match its' historical use as well as its' current use.

There was no one in opposition to this request.

Mr. Diffley asked if there would be any changes to the parking or any physical changes to the property and Mr. Moore said there are no changes proposed or planned, that the request is just to change the rezoning so it allows it to continue operating as a restaurant.

Mr. Rosenbury asked about the sign being non-conforming and if there were any plans to change the signage. Mr. Moore said there were no plans to change the signage.

Mr. Rosenbury noted that traffic has to go through the restaurant parking lot in order to get to the Light Industrial property behind the subject property and asked if that was correct and if there was any changes to the Light Industrial property. Mr. Moore affirmed and said that was part of the parcel and that there were no proposed changes to the Light Industrial property.

Mr. Kinney asked if the property owner owns all of the three parcels shown on the zoning map and if they were indeed three separate parcels. Mr. Moore said they are three separate tax parcels and that they are owned by the same owner.

The public hearing was closed.

Mr. Poor made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. The motion carried 6-0-0.

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

**Vacant: 1
Vote For: 6
Vote Against: 0**

CODE AMENDMENT:

**20150240 CA2015-04 [CODE AMENDMENT] Proposed Amendments to the zoning ordinance regarding Section 712.07, Telecommunications Towers and Infrastructure.
Motion to amend the Zoning Ordinance regarding Telecommunications**

Towers and Infrastructure.

File number CA2015-04 was presented by Mr. Roth for a Proposed Amendment to the zoning ordinance regarding Section 712.07, Telecommunications Towers and Infrastructure in order to comply with new Federal regulations.

A public hearing was held.

There was no one in opposition to this request.

The public hearing was closed.

Mr. Vanderslice made a motion, seconded by Mr. Rosenbury to recommend approval as submitted with minor changes discussed in the work session. The motion carried 6-0-0.

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

**Vacant: 1
Vote For: 6
Vote Against: 0**

OTHER BUSINESS:

20150420 Planning Commission Rules of Procedures

Review of the Rules of Procedure for the Planning Commission.

A public hearing was held.

There was no one in opposition to this request.

The public hearing was closed.

Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with change to Article III, Paragraph 5, from five (5) members to four (4) members. The motion carried 6-0-0.

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

**Vacant: 1
Vote For: 6
Vote Against: 0**

ADJOURNMENT:

The June 2, 2015 Planning Commission Meeting adjourned at 8:03 PM.


ROBERT W. KINNEY, CHAIRMAN


INES EMBLER, SECRETARY