



City of Marietta
Meeting Minutes
PLANNING COMMISSION

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

(Col. Ret.) Kenneth Dollar, Ward 2 - CHAIRMAN
William Florence, Ward 1 *Carol Ann Sonnenfeld, Ward 3*
Donald Gillis, Ward 4 *Kenneth Carter, Ward 5*
Bob Kinney, Ward 6 *Benjamin Parker, Ward 7*

Tuesday, October 2, 2007

6:00 PM

City Hall Council Chambers

Present: William Florence, (Col. Ret.) Kenneth Dollar, R. W. "Bob" Kinney, Benjamin Parker, Carol Sonnenfeld, Kenneth Carter and Donald Gillis

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Shelby Little, Urban Planner
Daniel White, City Attorney

CALL TO ORDER & ROLL CALL:

Chairman Dollar called the October 2, 2007 Planning Commission Meeting to order to 6:00 p.m.

MINUTES:

20071059 September 4, 2007 Regular Planning Commission Meeting Minutes

Review and Approval of September 4, 2007 Planning Commission Meeting Minutes

Mr. Kinney made a motion to approve the September 4, 2007 Planning Commission Meeting Minutes, seconded by Mrs. Sonnenfeld. Motion carried 7 - 0.

NEW BUSINESS:

20070963 Z2007-15 [REZONING] 727 Cobb Parkway Realty, LLC 727 and 757 Cobb Parkway South

Ord 7089 Z2007-15 [REZONING] 727 COBB PARKWAY REALTY, LLC, requests rezoning for property located in Land Lot 05740, District 17, and being known as 727 Cobb Parkway South (Parcel 0064) from Community Retail Commercial to Community Retail Commercial and 757 Cobb Parkway South (Parcel 0220) from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7.

File #20070963 (Z2007-15) was presented by Mr. Roth for property located in Land Lot 05740, District 17, Parcels 0064 and 0220 and being known as 727 Cobb Parkway South and 757 Cobb Parkway South.

The applicant, 727 Cobb Parkway Realty, LLC, being represented by Melissa Haisten of Sams, Larkin and Huff, is requesting rezoning from LI (Light

Industrial) and CRC (Community Retail Commercial) to CRC (Community Retail Commercial).

The subject property consists of a 4.364-acre tract with one parcel zoned LI and another parcel zoned CRC. Ms. Haisten stated that her client is agreeable to the stipulations listed in her letter dated September 28, 2007 and becoming a part of the granting of the rezoning and binding to the subject property.

The property will be developed as a high-quality vehicle sales facility, including a new building consisting of approximately 9,600 square feet for offices and new car showroom. The existing buildings on the property, as well as the billboard, are going to be torn down.

Although this is a great proposal as Mr. Kinney mentioned, he suggested that Ms. Haisten try to stay within the impervious surface due to the size of the property so as not to require a variance for impervious surface. Ms. Haisten is willing to work with engineer between now and City Council meeting.

Mr. Parker moved to accept rezoning with requested variance and impervious surface issues be worked out with city engineers and Public Works department, seconded by Mr. Florence. Mr. Kinney made a friendly amendment to Mr. Parker's motion to include the letter of stipulation dated September 27, 2007. Motion carried 7 - 0.

20070964 Z2007-16 [REZONING] The Sons of Thunder Realty Investments, Inc. 140 Blackwell Lane

Ord 7090 Z2007-16 [REZONING] THE SONS OF THUNDER REALTY INVESTMENTS, INC., requests rezoning for property located in Land Lot 11590, District 16, Parcel 0900 and being known as 140 Blackwell Lane from RM-8 (Multi-Family Residential 8 units/acre) to PRD-MF (Planned Residential Development Multi-Family). Ward 4.

File #20070964 (Z2007-16) was presented by Mr. Roth for property located in Land Lot 11590, District 16, Parcel 0900 and being known as 140 Blackwell Lane.

The applicant, Michael Brown, president of The Sons of Thunder Realty Investments, Inc., is requesting rezoning from RM-8 (Multi-Family Residential 8 units/acre) to PRD-MF (Planned Residential Development Multi-Family).

Mr. Brown is proposing to remove the existing building that is dilapidated and beyond repairs and replace with upscale condominiums.

Questions between Mr. Gillis and Mr. Brown determined that the condominiums in rear would have screen porch and front porches on other units, kitchen upgrades, and master suite with walk-in closet. Mr. Gillis expressed concern regarding level of variances necessary. Discussion continued between Mr. Gillis

and Mr. Brown. Price points would be in the \$325,000 range.

Chairman Dollar reiterated brick, stucco and stacked stone for architectural design, mandatory homeowners agreement and no rental units.

Mr. Gillis made motion to deny. Motion died for lack of second.

Mr. Kinney stated that small pieces such as this are problematic and have to be dealt with on an individual basis and rules and regulations may need to be stretched.

Having said that Mr. Kinney made a motion to approve, seconded by Mr. Carter.

Motion carried 5-2 with Mr. Gillis and Chairman Dollar opposed.

20070965 Z2007-17 [REZONING] Circle A Fences, Inc. a portion of 1589 Canton Road, 698 Collins Road, 639 Collins Road, 643 Collins Road, 655 Collins Road and 663 Collins Road

Z2007-17 [REZONING] CIRCLE A FENCES, INC., requests rezoning in LL 08540, Dist 16: Portion of 1589 Canton Rd (Pcl 014), General Commercial (County) to Community Retail Commercial(City); 698 Collins Rd, Pcl 002, Single Family Residential(County) to Community Retail Commercial(City); 639 Collins Rd, Pcl 010, 643 Collins Rd, Pcl 011 and 655 Collins Rd, Pcl 012, Single Family Residential(City) to Light Industrial(City); 663 Collins Rd, Pcl 013, Single Family Residential(County) to Light Industrial(City) w/variances and all associated right-of-way. Ward 6.

File #20070965 (Z2007-17) was presented by Mr. Roth for property located in Land Lot 08540, District 16, as follows: a portion of 1589 Canton Road, Parcel 014 [GC (General Commercial-County) to CRC (Community Retail Commercial-City)]; 698 Collins Road, Parcel 002 [R-20 (Single Family Residential-County) to CRC (Community Retail Commercial-City)]; 639 Collins Road, Parcel 010 [R2 (Single Family Residential-City) to LI (Light Industrial-City)]; 643 Collins Road, Parcel 011 [R2 (Single Family Residential-City) to LI (Light Industrial-City)]; 655 Collins Road, Parcel 012 [R2 (Single Family Residential-City) to LI (Light Industrial-City)]; 663 Collins Road, Parcel 013 [R20 (Single Family Residential-County) to LI (Light Industrial-City)] with necessary variances and to include all associated right-of-way for each address.

Jimmy Miller owner of Circle A Fences, Inc., has been located in Cobb County since 1977, selling all types of fence supplies to contractors as well as the public. Mr. Miller purchased adjoining properties in order to gain additional space for future expansion of business. 698 Collins Road consisting of .35 acres will be developed as an employee parking lot. Property currently occupied by Circle A Fence is included in this merge and has two warehouses located on this lot and used for storage, with no utilities. Properties known as 655, 643 and 639 Collins Road, all within the city limits, would be used for additional storage. These lots also adjoin the rear of three residential properties.

Maxine Brown, resident of 621 Oakhurst Drive, owns 2 lots that abut Mr.

Miller's Collins Road property. Her concern is how close building will be to property line and she presently has a 6-foot chain link fence and would prefer a chain link fence.

Mr. Gillis and Mrs. Brown exchanged comments and again Mrs. Brown stated that she has no objection to building but concerned about close proximity to property line and type of fence.

Bob Anderson, a resident of 587 Oakhurst Drive, is not completely in opposition but concerned about rear buffer. Mr. Anderson's property is behind 639 Collins Road and would like fencing and 25' buffer of Leland Cyprus.

Mr. Miller stated that the building would be a minimum of 75 feet away from Mrs. Brown's property. Mrs. Brown's fence will not be affected and Mr. Miller is willing to have privacy slats in his security fence

The closest any point of the building could be to Mr. Anderson's property would be 40 feet. Mr. Miller is willing to build a fence and buffer but still needs to keep buffer to 10 feet.

Cindy Giles, engineer with Center Point Engineering, pointed out the hatched area on site plan along Collins Road as the location for detention pond either above ground or underground and to include drainage upgrades. All design standards and water quality standards will be met according to Ms. Giles.

Questions regarding hydrology studies between Chairman Dollar and Ms. Giles determined that site plan and preliminary analysis have been produced. A full hydrology analysis will be completed as soon as rezoning and variances have been resolved and then determine amount of land left to work with.

Chairman Dollar expressed his concern regarding the number of requested variances. Ms. Giles explained that this area has gone from a primarily residential area to a light industrial area and needs variances.

Mr. Kinney made a motion to recommend for approval to city council subject to getting agreement with affected neighbors on Oakhurst Drive as far as boundaries between properties by next Wednesday, seconded by Mr. Carter. Motion carried 7 - 0 - 0.

20070966 A2007-05 [ANNEXATION] Circle A Fences, Inc. a portion of 1589 Canton Road, 663 and 698 Collins Road

A2007-05 [ANNEXATION] CIRCLE A FENCES, INC. requests annexation for properties located in Land Lot 08540, District 16, as follows: a portion of 1589 Canton Road (Parcel 014), 698 Collins Road (Parcel 002) and 663 Collins Road (Parcel 013), and all associated right-of-way for each address, in the 2nd Section, Cobb County, Georgia consisting of 2.70 acres. Ward 6.

File #20070966 (A2007-05) was presented by Mr. Roth for property located in Land Lot 08540, District 16, as follows: and a portion of 1589 Canton Road (Parcel 014), 698 Collins Road (Parcel 002) and 663 Collins Road (Parcel 013), and all associated right-of-way along Collins Road, in the 2nd Section, Cobb County, Georgia consisting of 2.70-acres.

The applicant, Jimmy Miller, stated that he is requesting a portion of property located at 1589 Canton Road be annexed into the City, as well as 698 Collins Road and 663 Collins Road.

Mr. Florence made a motion to approve as submitted, seconded by Mr. Kinney. Motion carried 7 - 0.

20070967 CA2007-21 [CODE AMENDMENT] Circle A Fences, Inc. a portion of 1589 Canton Road, 663 and 698 Collins Road

CA2007-21 [CODE AMENDMENT] CIRCLE A FENCES, INC. in conjunction with the requested annexation of properties located in Land Lot 08540, District 16, as follows: a portion of 1589 Canton Road (Parcel 014); 698 Collins Road (Parcel 002); and, 663 Collins Road (Parcel 013), 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 6.

File #20070967 (CA2007-21) was presented by Mr. Roth. In conjunction with the requested annexation of property located in Land Lot 08540, District 16, as follows: a portion of 1589 Canton Road (Parcel 014), 663 Collins Road (Parcel 013), 698 Collins Road (Parcel 002), and all associated right-of-way along Collins Road, in the 2nd Section, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as Industrial Warehousing (IW).

Mr. Kinney made a motion to approve the proposal made by the City of Marietta to designate the Future Land Use as IW (Industrial - Warehousing), seconded by Mrs. Sonnenfeld. Motion carried 7-0.

20071053 Z2007-18 [REZONING] City of Marietta 1161 Whitlock Avenue

Ord 7091 Z2007-18 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 03250, District 20, Parcel 0440 and being known as 1161 Whitlock Avenue from NS (Neighborhood Shopping-County) to NRC (Neighborhood Retail Commercial-City), Ward 2.

File #20071053 (Z2007-18) was presented by Mr. Roth for property located in Land Lot 03250, District 20, Parcel 0440 and being known as 1161 Whitlock Avenue from NS (Neighborhood Shopping-County) to NRC (Neighborhood Retail Commercial-City).

The applicant, City of Marietta, is requesting rezoning because this is a piece of property that is an island, completely surrounded by the city limits of Marietta.

There is an issue of duplication of services for the road and business in the area. The city has a policy of reducing islands whenever possible.

Chairman Dollar asked what the advantage is to the city and Mr. Roth stated that it is an opportunity for one more business and service providers such as police, fire and other services are already in place.

Mr. Florence made a motion to approve as presented, seconded by Mr. Kinney. Motion carried 7 -0.

20071054 A2007-06 [ANNEXATION] City of Marietta 1161 Whitlock Avenue

Ord 7092

A2007-06 [ANNEXATION] CITY OF MARIETTA requests annexation for property located in Land Lot 03250, District 20, Parcel 0440 and being known as 1161 Whitlock Avenue, and all associated right-of-way, in the 2nd Section, Cobb County, Georgia consisting of 0.30 acres. Ward 2.

File #20071054 (A2007-06) was presented by Mr. Roth for property located in Land Lot 03250, District 20, Parcel 0440 and being known as 1161 Whitlock Avenue.

The applicant, City of Marietta, is requesting annexation.

Mr. Florence made a motion to approve as submitted, seconded by Mr. Kinney. Motion carried 7-0.

20071055 CA2007-24 (A2007-06) [CODE AMENDMENT] City of Marietta 1161 Whitlock Avenue

Ord 7093

CA2007-24 [CODE AMENDMENT] CITY OF MARIETTA in conjunction with the requested annexation of properties located in Land Lot 03250, District 20, Parcel 0440 and being known as 1161 Whitlock Avenue,, the City of Marietta proposes to designate the Future Land Use of said property as NAC (Neighborhood Activity Center). Ward 2.

File #20071055 (CA2007-24) was presented by Mr. Roth. In conjunction with the requested annexation of property located in Land Lot 03250, District 20, Parcel 0440, 2nd Section, Cobb County, Georgia and being known as 1161 Whitlock Avenue, the City of Marietta proposes to designate the Future Land Use of said property as Neighborhood Activity Center (NAC).

Mr. Florence made a motion to approve the proposal made by the City of Marietta to designate the Future Land Use as Neighborhood Activity Center (NAC), seconded by Mrs. Sonnenfeld. Motion carried 7 - 0 - 0.

20071056 Z2007-19 [REZONING] City of Marietta 761 Powder Springs Street

Z2007-19 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 01480, District 17, Parcel 0050 and being known as 761 Powder Springs Street from OI (Office Institutional-County) to OI (Office Institutional-City) in Ward 3.

File #20071056 (Z2007-19) was presented by Mr. Roth for property located in Land Lot 01480, District 17, Parcel 0050 and being known as 761 Powder Springs Street from OI (Office Institutional-County) to OI (Office Institutional-City).

According to Mr. Roth, the City is requesting that this proposal to be tabled until next month.

Mr. Florence made a motion to table to next month, seconded by Mrs. Sonnenfeld to table until next month. Motion carried 7 - 0 - 0.

20071057 A2007-07 [ANNEXATION] City of Marietta 761 Powder Springs Street

A2007-07 [ANNEXATION] CITY OF MARIETTA requests annexation for property located in Land Lot 01480, District 17, Parcel 0050 and being known as 761 Powder Springs Street, in the 2nd Section, Cobb County, Georgia consisting of 1.90 acres. Ward 3.

File #20071057 (A2007-07) was presented by Mr. Roth for property located in Land Lot 01480, District 17, Parcel 0050 and being known as 761 Powder Springs Street.

The city is requesting to table this annexation request per Mr. Roth.

Mr. Kinney made a motion to table to next month, seconded by Mrs. Sonnenfeld. Motion carried 7 -0.

20071058 CA2007-25 [CODE AMENDMENT] City of Marietta 761 Powder Springs Street

CA2007-25 [CODE AMENDMENT] CITY OF MARIETTA in conjunction with the requested annexation of properties located in Land Lot 01480, District 17, Parcel 0050 and being known as 761 Powder Springs Street, the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Service and Institutional). Ward 3.

File #20071058 (CA2007-25) was presented by Mr. Roth. In conjunction with the requested annexation of property located in Land Lot 01480, District 17, Parcel 0050, 2nd Section, Cobb County, Georgia, and being known as 761 Powder Springs Street, the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Service and Institutional).

Again, the City of Marietta is requesting to table this issue.

Mr. Kinney made a motion to table to next month, seconded by Mrs. Sonnenfeld. Motion carried 7 - 0 - 0.

OTHER BUSINESS:

20070813 CA2007-23 [CODE AMENDMENT] Amending the Comprehensive

Development Code regarding the Temporary/Conditional Uses Allowed by the Director

Ord 7094 Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.15(C), Division 708.16(C), Division 708.17(C) regarding Temporary/Conditional Uses Allowed by the Director.

File #20070813 (CA2007-23) was presented by Mr. Roth regarding Temporary/Conditional Uses Allowed by Director of Development Services.

Mr. Kinney asked for further explanation. Mr. Roth stated that this particular amendment would further restrict tent sales and similar types of activities in shopping centers and commercial businesses. It would limit the number of sales to 2 per year for a total each time of 45 days, for a total of no more than 90 days in a year.

Chairman Dollar requested that the Development Service Director be defined as the Director of the Department of Development Services and that it be used consistently.

Mr. Kinney moved to recommend to city council that this proposed amendment be adopted as submitted and that the job title of the Director be consistent, seconded by Mr. Florence. Motion carried 7-0.

20070814 CA2007-22 [CODE AMENDMENT] Amending the Comprehensive Development Code regarding container bins and donation boxes

Ord 7095 CA2007-22 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.15(F), Division 708.16(F), Division 708.17(F) and Division 710.08 regarding container bins and donation boxes.

File #20070814 (CA2007-22) was presented by Mr. Roth regarding container bins and donation boxes.

As explained by Mr. Roth, this proposed amendment would add additional restrictions to the location of container bins and donation boxes limiting to the side and rear of the property and also require that they be screened.

Again, Chairman Dollar requested that the Development Service Director be defined as the Director of the Department of Development Services and that it be used consistently.

Mr. Parker expressed concern about the container and donation boxes not being visible if moved to the rear or side yard. The public needs to be able to see containers and boxes so they can be used.

This issue came up because a lot of donation bins become overloaded and Mr. Roth stated that donations are all around bin and not inside. If required to be

either in the side or rear, this will keep those issues closer to the building and further away from street so people would not be inclined to drop off donation and leave and would keep it from being unsightly as seen from street. This would also regulate dumpsters. Screens would be required for all bins.

Mr. Kinney moved for recommendation of proposed code amendment change to city council as submitted, and that the job title of the Director be consistent as stated above, seconded by Mrs. Sonnenfeld. Motion carried 6 -1 with Mr. Parker in opposition.

SPECIAL NOTE:

Chairman Dollar acknowledged the fine work done by the Director of Development Services in overseeing the task given by Mr. Kinney of Planned and Permitted Townhomes for our city council.

ADJOURNMENT:

The October 2, 2007 Planning Commission Meeting adjourned at 7:40 p.m.

KEN DOLLAR, CHAIRMAN

PATSY BRYAN, SECRETARY