



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

Bob Kinney - Chairman
Cheryl Richardson, Ward 1
Jason Allen Waters, Ward 2
Hicks Poor, Ward 3
Roy Vanderslice, Ward 4
Vacant, Ward 5
Stephen Diffley, Ward 7

Tuesday, December 3, 2013

6:00 PM

City Hall Council Chambers

Present: Jason Allen Waters, Stephen Diffley, R. W. "Bob" Kinney, Cheryl Richardson, Roy Vanderslice
Absent: Hicks Poor

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

MINUTES:

20131365 November 6, 2013 Regular Planning Commission Meeting Minutes

Review and Approval of the November 6, 2013 Regular Planning Commission Meeting Minutes

Mr. Diffley made a motion to accept the November 6, 2013 Planning Commission Minutes as written, seconded by Mr. Vanderslice. Motion carried 5 – 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: 5 – 0 – 0

Absent: 1 - Poor

REZONING:

20131256 Z2013-28 Richmond Tree Experts, Inc. (Patrick Lombardo) 1356 Cobb Industrial Drive

Z2013-28 [SPECIAL LAND USE PERMIT] RICHMOND TREE EXPERTS, INC. (PATRICK LOMBARDO) request a Special Land Use Permit for a mulching and chipping facility on property located in Land Lot 09260, District 16, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia and being known as 1356 Cobb Industrial Drive currently zoned HI (Heavy Industrial). Ward 5.

File #20131256 (Z2013-28) was presented by Mr. Roth for property located in Land Lot 09260, District 16, Parcel 0040, and being known as 1356 Cobb Industrial Drive.

A public hearing was held.

The applicant, Patrick Lombardo, with Richmond Tree Experts, Inc., is requesting a Special Land Use Permit in order to operate a mulching and chipping facility on the property.

Mr. Lombardo specializes in debris management and has been in business since 1976. The front parking lot will be used along with access for emergency vehicles.

Discussion took place regarding Leland Cypress or Crepe Myrtle trees and it was recommended using another species of tree.

There was no one in support or in opposition to this request.

The public hearing was closed.

Mr. Diffley questioned the piles of finished product which is not to exceed 12 feet high.

Mr. Waters questioned the risk of fire as it decomposes and the possibility of spontaneous combustion. Mr. Lombardo explained that the pile can be no higher than 12 feet high and it is necessary to keep turning the mulch. The temperature has to reach almost 180 degrees to 200 degrees before a fire is started. There are control measures to prevent a fire.

Mr. Vanderslice discussed with Mr. Lombardo about demand. There is a high demand for mulch in the area, as well as an electric company in the southern part of Georgia and a pulp wood company in Rome. These companies buy the mulch and use it for biofuel or other products.

Chairman Kinney expressed a concern about noise. Mr. Lombardo addressed all concerns regarding the decibel levels and the entire process of grinding. Mr. Lombardo stated that the grinder is a lower pitch and a chipper makes a whining pitch.

Chairman Kinney continued questioning about sound insulation. The hours of operation will be Monday through Friday from 9:00 a.m. to noon and 1:00 p.m. to 3:00 p.m. The facility will be open on Saturday until noon but no grinding involved.

Mr. Diffley was advised that the finished product is reduced to about 2 inches and is good for landscaping.

Mr. Vanderslice questioned water runoff and Mr. Lombardo stated that they would follow and meet all EPA guidelines.

Mr. Vanderslice made a motion, seconded by Mr. Waters, to recommend to city council the approval of this Special Land Use Permit with the following stipulations:

1. Hours of operation for the grinder will be 8:00 a.m. to 5:00 p.m. on weekdays. The grinder will not run on weekends unless a declared storm emergency.
2. All noise ordinances shall be strictly adhered to.

Motion carried 5 – 0 – 0.

A motion was made by Vanderslice, seconded by Waters, that this Ordinance be Recommended for Approval as Stipulated. The motion CARRIED by the following vote: 5 – 0 – 0

Absent: 1 - Poor

20131297

Z2013-30 Noel Palmer 120-122 Gramling Street

Z2013-30 [REZONING] NOEL PALMER request rezoning for property located in Land Lot 02180, District 17, Parcel 0680, 2nd Section, Marietta, Cobb County, Georgia and being known as 120-122 Gramling Street from R-4 (Single Family Residential 4 units/acre) to R-4 (Single Family Residential 4 units/acre) with an additional use as a duplex. Ward 3.

File #20131297 (Z2013-30) was presented by Mr. Roth for property located in Land Lot 02180, District 17, Parcel 0680 and being known as 120-122 Gramling Street.

A public hearing was held.

The property owner, Noel Palmer, is requesting rezoning from R-4 (Single Family Residential 4 units/acre) to R-4 (Single Family Residential 4 units/acre) with an additional use so the property may be legally reestablished as a duplex.

Liz Helenek spoke in favor of this request. She is the South Square Neighborhood Association President which comprises West Dixie, Hedges, and all of the side streets. She has also been a resident of Gramling Street since 1979. Mrs. Hellenic also stated that this is the best improvement so far for this area.

There was no one in opposition.

The public hearing was closed.

Mr. Diffley made a motion to recommend to city council that this request be approved, as submitted, seconded by Mrs. Richardson. Motion carried 5 – 0 – 0.

A motion was made by Diffley, seconded by Richardson, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 5 – 0 – 0

Absent: 1 - Poor

20131296

Z2013-31 Alberto Chamorro 107-109 Gramling Street

Z2013-31 [REZONING] ALBERTO CHAMORRO request rezoning for property located in Land Lot 02180, District 17, Parcel 0260, 2nd Section, Marietta, Cobb County, Georgia and being known as 107-109 Gramling Street from R-4 (Single Family Residential 4 units/acre) to R-4 (Single Family Residential 4 units/acre) with an additional use as a duplex. Ward 3.

File #20131296 (Z2013-31) was presented by Mr. Roth for property located in Land Lot 02180, District 17, Parcel 0260 and being known as 107-109 Gramling Street.

A public hearing was held.

Mr. Alberto Chamorro purchased the property in April 2012. A building permit was obtained in April 2013. Mr. Chamorro understands that he must provide 2 driveways.

The public hearing was closed.

Mr. Waters made a motion, seconded by Mrs. Richardson, to recommend to city council that this application be approved as submitted. Motion carried 5 – 0 – 0.

A motion was made by Waters, seconded by Richardson, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 5 – 0 – 0

Absent: 1 - Poor

20131258 Z2013-29 Christina & Emory Cody Lowry, Jr. 1638 Burnt Hickory Road

Z2013-29 [REZONING] CHRISTINA & EMORY CODY LOWRY, JR. request rezoning for property located in Land Lot 02880, District 20, Parcel 0590, 2nd Section, Marietta, Cobb County, Georgia and being known as 1638 Burnt Hickory Road from R-20 (20,000 sq. ft. per lot [Cobb County]) to R-2 (Single Family Residential 2 units/acre [City]). Ward 4.

File #20131258 (Z2013-29) was presented by Mr. Roth for property located in Land Lot 02880, District 20, Parcel 0590, and being known as 1638 Burnt Hickory Road.

A public hearing was held.

The applicants and owners, Christina and Emory Cody Lowry, Jr., are requesting rezoning from R-20 (20,000 sq. ft. in the County) to R-2 (Single Family Residential 2 units/acre in the City).

The property is approximately two-thirds of an acre in size and surrounded by other similarly zoned and developed properties. The home is already constructed, therefore, causing no projected environmental impact.

The public hearing was closed.

Mr. Waters made a motion, seconded by Mr. Vanderslice, to approve this rezoning as submitted. Motion carried 5 – 0 – 0.

A motion was made by Waters, seconded by Vanderslice, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 5 – 0 – 0

Absent: 1 - Poor

ANNEXATION:**20131259 A2013-06 Christina and Emory Cody Lowry, Jr., 1638 Burnt Hickory Road**

A2013-06 [ANNEXATION] CHRISTINA AND EMORY CODY LOWRY, JR. request annexation for property located in 02880, District 20, Parcel 0590, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1638 Burnt Hickory Road, consisting of a total of .67 acres; along with all required right-of-way. Ward 4.

File #20131259 (A2013-06) was presented by Mr. Roth for property located in Land Lot 02880, District 20, Parcel 0590, and being known as 1638 Burnt Hickory Circle.

A public hearing was held.

The applicants and owners, Christina and Emory Cody Lowry, Jr., are requesting annexation for their property located at 1638 Burnt Hickory Circle. Aside from the few additional children into the school system, this annexation should not negatively impact the City's ability to provide quality services to the community.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Waters to recommend to city council that this annexation request be accepted as submitted. Motion carried 5 – 0 – 0.

A motion was made by Diffley, seconded by Waters, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote 5 – 0 – 0.

Absent: 1 - Poor

CODE AMENDMENT(S):

20131260 CA2013-14 Christina and Emory Code Lowry, Jr. 1638 Burnt Hickory Road CA2013-14 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 02880, District 20, Parcel 0590, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1638 Burnt Hickory Road, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4.

File #20131260 (CA2013-14) was presented by Mr. Roth for property located in Land Lot 02880, District 20, Parcel 0590, and being known as 1638 Burnt Hickory Circle.

The applicants and owners, Christina and Emory Cody Lowry, Jr., are agreeable to the City's Future Land Use designation of LDR (Low Density Residential).

A public hearing was held.

Mr. Vanderslice made a motion, seconded by Mr. Waters, to recommend to city council that the future land use request be approved, as presented. Motion carried 5-0.

A motion was made by Vanderslice, seconded by Waters, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 5 – 0 – 0

Absent: 1 - Poor

20131061 Sign Ordinance Revision

Approval of an Ordinance amending the Comprehensive Development Code of the City of Marietta, Division 714, Signs.

File #20131061 (CA2013-12) was presented by Mr. Roth for the proposed amendment to the Comprehensive Development Code of the City of Marietta regarding Signs (Section 714).

A public hearing was held.

As Mr. Roth explained, over the past few months staff and city council members have been working on amendments to the sign ordinance. The initial change that brought about these amendments dealt with the proposal to allow LED billboards along Cobb Parkway in exchange for reducing the number of billboards elsewhere in the city. Changes were incorporated that would reduce the regulatory aspect regarding content on the signs themselves and utilizing an outside attorney to prepare the ordinance so that it would meet constitutional requirements. In addition, these findings and amendments that are being considered are based on studies that have been done and approved by other jurisdictions.

At this time, Mr. Binzer asked that the following information be entered into the record. Approximately 13 different studies have been done by different groups in regard to, not just billboards, but to signs in general and how public signs are different from private signs and how they are placed. This is listed in the Findings and Purpose Statement, A, B, C, D, and E in the draft ordinance. These studies are available to the public for review. They have a lot of good information and definitely contribute to the changes made in the sign code.

Chairman Kinney mentioned the flag ordinance coming back next month or the following month and whether it would be best to do both simultaneously.

Mr. Binzer stated that this would be up to the city council. This was discussed at the last committee meeting. Council wants to have some regulation on flags, and will look at changing the code in a month or two where flags are part of the zoning but not in the sign ordinance. If there were to be a challenge to the sign ordinance, a judge could not strike the entire ordinance just because of the section on flags. This will be brought back to the Planning Commission and City Council in the coming months. For now, flag regulations allow 3 flags plus one additional flag for every 10 feet of road frontage. City Council will be coming back to change both codes to add a flag ordinance and amending the sign ordinance to take out flags altogether.

Mrs. Richardson asked if this would cause any change to any existing signs. According to Mr. Binzer, the biggest change is weekend directional, now called weekend standard informational signs. It also reduces the size of the signs and could limit some of the larger signs directing people around town.

As far as billboards, we do not allow LED billboards on Cobb Parkway (41). The idea here is that we would now allow a billboard company to take out 4 billboard panels, roughly two signs, and replace a panel on an existing billboard. Right now this can be done only on Interstate 75 and this change would allow this to be done of Cobb Parkway (41). Other than making the sign ordinance content neutral, this is the biggest change.

Chairman Kinney questioned the legality of weekend directional signs. They are legal if on private property and a permit is required. A sign on the right-of-way is not legal and should be brought to the attention of code enforcement.

Mr. Vanderslice made a motion, seconded by Mr. Waters, to recommend to city council that this code amendment be approved, as submitted. The motion carried 5 – 0 – 0.

A motion was made by Vanderslice, seconded by Waters, that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 5 – 0 – 0

Absent: 1 - Poor

OTHER BUSINESS:

20131396 2014 Planning Commission Calendar of meeting dates

Review and Approval of the 2014 Planning Commission calendar

File #20131396 – 2014 Planning Commission Calendar with amendments –

Mr. Diffley made a motion to accept the 2014 Planning Commission Calendar, as amended, and seconded by Mrs. Richardson. The motion carried 4 – 0 – 1. Mr. Waters abstained.

RWK

A motion was made by Diffley, seconded by Richardson, that this Discussion Item be Approved and Finalized. The motion CARRIED by the following vote: 4 – 0 – 1 with Mr. Waters abstaining.

Absent: 1 - Poor

as amended

ADJOURNMENT:

Mr. Diffley made a motion to adjourn, seconded by Mr. Vanderslice.

The December 2, 2013 Planning Commission Meeting adjourned at 7:07 p.m.



ROBERT W. KINNEY, CHAIRMAN



PATSY BRYAN, SECRETARY