



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes PLANNING COMMISSION

*(Col. Ret.) Kenneth Dollar, Ward 2 - Chairman*  
*Donald Gillis, Ward 4, Vice Chairman*  
*Ann Watkins, Ward 1*  
*Kenneth Carter, Ward 5*  
*Bob Kinney, Ward 6*  
*Stephen Diffley, Ward 7*

---

Tuesday, August 2, 2011

6:00 PM

City Hall Council Chambers

---

Present: Stephen Diffley, Kenneth Dollar, R. W. "Bob" Kinney, Kenneth Carter, Donald Gillis, and Ann Watkins

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

*Chairman Dollar called the August 2, 2011 Planning Commission meeting to order at 6:00 p.m.*

*Under New Business, Chairman Dollar added Legistar #20110728 regarding a recommendation to City Council for a Feasibility/Impact Assessment for the Canton Road corridor.*

### MINUTES:

**20110648**

**July 5, 2011 Regular Planning Commission Meeting Minutes**

**Review and Approval of the July 5, 2011 Planning Commission Meeting Minutes**

*Mr. Diffley made a motion to approve the July 5, 2011 Planning Commission Meeting Minutes, seconded by Mrs. Watkins. Mr. Kinney abstained as he was not at the meeting. Motion carried 5 – 0 – 1.*

**A motion was made by Stephen Diffley, seconded by Ann Watkins, that this matter be Approved and Finalized. The motion carried by the following vote: 5 – 0 – 1.**

**Abstain: 1 - Kinney**

**REZONINGS:**

**20110602**            **Z2011-10 75 Property Partners, LLC and 1345 Canton, LLC, 1335 Canton Road and 1345 Canton Road**

**Z2011-10 [REZONING] 75 PROPERTY PARTNERS, LLC AND 1345 CANTON, LLC** request rezoning for property located in Land Lot 09270 AND 08740, District 16, Parcels 0160 and 0510, 2nd Section, Marietta, Cobb County, Georgia and being known as 1335 Canton Road and 1345 Canton Road from CRC (Community Retail Commercial) and LI (Light Industrial) to OI (Office Institutional). Ward 6.

*File #20110602 (Z2011-10) was presented by Mr. Roth for property located in Land Lot 09270 and 08740, District 16, Parcels 0160 and 0510, and being known as 1335 Canton Road and 1345 Canton Road. The applicants, 75 Property Partners, LLC and 1345 Canton, LLC are requesting rezoning from CRC (Community Retail Commercial) and LI (Light Industrial) to OI (Office Institutional).*

*The petitioner, Margie Stagmeier, has been the managing partner for 11 years. Eventually the larger parcel will be subdivided and sold as individual buildings. There is a demand in the market for owner occupied buildings and tenants want to own instead of lease.*

*Mrs. Stagmeier is requesting rezoning for the larger parcel to OI (Office Institutional) from CRC (Community Retail Commercial) and the smaller parcel from LI (Light Industrial) to OI (Office Institutional). Variances to increase impervious surfaces on 4 parcels, one variance for parking on 1 parcel, variances to reduce landscaped area on 3 parcels, and one side yard setback on 1 parcel are necessary. No new construction is planned.*

*Mr. Kinney expressed concern regarding access for parcels located in the rear of the property. Mrs. Stagmeier stated that there is a reciprocal easement agreement which gives all 6 parcels the right to have access for parking, driveway, utilities, maintenance and landscaping. An Owners' Association will be formed to address common areas and ownership issues. Membership will be required as part of the ownership and there will be monthly dues to pay for landscaping and maintenance.*

*Mr. Diffley expressed concern about the ingress and egress of the complex regarding emergency vehicles. Mrs. Stagmeier welcomed the idea of getting another curb cut.*

*Mr. Gillis is concerned about drainage at 1345 Canton Road. The drainage has never been finished properly. Mr. Gillis took photographs of the open hole in the curb to allow water from parking lot to drain into the woods. Manhole sections were never set according to Mr. Gillis.*

*Mr. Gillis asked for a stipulation that the drainage at 1345 Canton Road will be brought up to code. Another photograph taken by Mr. Gillis indicated an unstable wall that will require examination by a structural engineer.*

*Chairman Dollar gave his comments about the drainage.*

Mr. Kinney made a motion, seconded by Mr. Gillis, to accept the application for rezoning as submitted with the following stipulations:

1. Any of the variances granted (listed below) as part of this application will dissolve if there is any redevelopment of this site.

- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped.

Parcel 2 (1339 Canton Road)

- Variance to increase the allowable impervious surface coverage from 80% to 81.7%.

Parcel 3 (1337 Canton Road)

- Variance to reduce the required parking from 60 spaces to 48 spaces.
- Variance to increase the allowable impervious surface coverage from 80% to 86.8%.
- Variance to reduce the required landscaped area from 15% to 12.4%.

Parcel 4 (1341 Canton Road)

- Variance to increase the allowable impervious surface from 80% to 86.5%.
- Variance to reduce the required landscaped from 15% to 13.5%.

Parcel 5 (1343 Canton Road)

- Variance to increase the allowable impervious surface coverage from 80% to 85.3%.
- Variance to reduce the required landscaped area from 15% to 14.7%.
- Variance to reduce the side yard setback from 15 feet to 10 feet.

2. Formation of an owners' association to take care of landscaping which was addressed by the applicant, and that there be a common easement for parking and access so that no building owner would have any control over access and parking.

3. The drainage situation be reviewed with the Public Works Department and if the Public Works Department has any objections to the current situation that they be resolved.

Chairman Dollar unsuccessfully attempted to clarify and shorten the stipulations.

Motion carried 6 – 0.

**A motion was made by R. W. "Bob" Kinney, seconded by Donald Gillis, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote: 6 – 0.**

## **OTHER BUSINESS:**

**20110661**

**CA2011-05 Amendment to the Comprehensive Development Code regarding Signs**

CA2011-05 [Code Amendment] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 714.03 Signs exempt from permit regulations; Section 714.06 Prohibited Signs; Section 714.08 Downtown Marietta Sign District; Section 714.09 Definitions; and Section 724.02 Definition of terms.

*File #20110661 (CA2011-05) was presented by Mr. Roth regarding the Amendment to the Comprehensive Development Code regarding Signs.*

*The proposed amendment to the Comprehensive Code is primarily to deal with changes regarding neon signs and announcement signs in the city of Marietta and to clarify where and how they are approved under our sign ordinance.*

*Mr. Diffley asked for clarification of the boundaries for the Downtown Marietta Sign District.*

*Mr. Roth described the boundaries as irregular, primarily around the square, a short distance down Atlanta Street, a short distance down Church and Cherokee, down Mill Street and Whitlock just to the Loop and almost to Waverly at Wendy's.*

*According to Mr. Roth, Tier A primarily goes along Roswell Street and stops when you get to the Historic District of downtown. The Historic Downtown District is the Downtown Marietta Sign District, as well.*

*Mr. Diffley asked if regulation by sign type is throughout the entire city or just in the Downtown Marietta Sign District.*

*Mr. Roth stated that clarification of the language will affect both the Downtown Marietta Sign District and the remainder of the city as well for these particular issues that are changing.*

*Mr. Roth explained that the entire sign ordinance was not included and there are regulations for all different types of signs for the entire city. There is a separate section just for Downtown Marietta Sign District because they have different regulations, in that they are not allowed to have monument or pole signs downtown. Those changes in this particular issue that dealt with the downtown and several sections of the other parts of the sign ordinance.*

*Mr. Kinney clarified 714.03 for the entire city and 714.08 for the downtown district.*

*As Mr. Roth explained, the entire Division 714 of the Zoning Ordinance covers signs and not just the specific sections discussed.*

*Mr. Diffley requested a copy of the entire sign ordinance.*

*Mr. Kinney made a recommendation to city council that these changes be accepted as submitted, seconded by Mr. Carter. Motion carried 6 – 0.*

**A motion was made by R. W. "Bob" Kinney, seconded by Kenneth Carter, that this matter be Recommended for Approval. The motion carried by the following vote: 6 – 0.**

## **NEW BUSINESS:**

**20110728**

### **Feasibility / Impact Assessment**

Chairman Dollar recommended a Feasibility/Impact Assessment for annexation of the Canton Road and Canton Road Connector.

*File #20110728 – Feasibility / Impact Assessment for Annexation*

*Chairman Dollar recommended a Feasibility/Impact Assessment for annexation of the Canton Road and Canton Road Connector.*

*Mr. Gillis made a motion, seconded by Mrs. Watkins to recommend an Impact and Feasibility Study for the possibility of annexing the islands located between the Canton Road and Canton Road Connector. Motion carried 6 – 0.*

**This matter was Approved and Finalized. Motion carried 6 – 0.**

### **ADJOURNMENT:**

*The August 2, 2011 Planning Commission Meeting adjournment at 6:30 p.m.*

\_\_\_\_\_  
*KEN DOLLAR, CHAIRMAN*

\_\_\_\_\_  
*PATSY BRYAN, SECRETARY*