



City of Marietta
Meeting Minutes
PLANNING COMMISSION

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

(Col. Ret.) Kenneth Dollar, Ward 2 - CHAIRMAN
Ann Watkins, Ward 1 *Carol Ann Sonnenfeld, Ward 3*
Donald Gillis, Ward 4 *Kenneth Carter, Ward 5*
Bob Kinney, Ward 6 *Stephen Diffley, Ward 7*

Tuesday, May 5, 2009

6:00 PM

City Hall Council Chambers

Present: (Col. Ret.) Kenneth Dollar, R. W. "Bob" Kinney, Carol Sonnenfeld, Kenneth Carter, Donald Gillis, Ann Watkins and Stephen Diffley

Staff:

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

CALL TO ORDER & ROLL CALL:

MINUTES:

Chairman Dollar called the May 5, 2009 Planning Commission Meeting to order at 6:00 p.m.

MINUTES:

20090391 April 1, 2009 Regular Planning Commission Meeting Minutes

Review and Approval of the April 1, 2009 Planning Commission Meeting Minutes

File #20090391 - April 1, 2009 Regular Planning Commission Meeting Minutes

Mr. Kinney made a motion to accept the April 1, 2009 Planning Commission Meeting Minutes as submitted, seconded by Mrs. Sonnenfeld. Motion carried 7 - 0.

A motion was made by Commissioner Kinney, seconded by Commissioner Sonnenfeld, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

REZONINGS:

20090101 Z2009-04 Acme American, LLC (Joel Digby) 301 and 311 Old Clay Street

Ord 7314 Z2009-04 [REZONING] Acme American, LLC (Joel A. Digby) request rezoning for property located in Land Lots 02880 and 02890, 17th District, Parcels 0390 and 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 301 and 311 Old Clay Street from OI (Office Institutional) and R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

File #20090101 (Z2009-04) was presented by Mr. Roth for property located in Land Lot 02880 and 02890, 17th District, Parcels 0390 and 0120, and being known as 301 and 311 Old Clay Street.

The petitioner, Joel Digby with Acme American, is requesting rezoning from OI (Office Institutional) and R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Mr. Jan Hunnicut, owner, was also present.

In March, the applicant came before the Planning Commission and has since adjusted the plans to form a more transitional property as compared to the previous design with more of a residential character and design that fits into the neighborhood and city.

The building is now designed as a 4-story building, with commercial use and offices on the lower level and storage for the upper floor levels.

One story below grade contains about 13,000 square feet of office and retail use and a parking deck. The parking deck is described as a ramp with a circular pattern connecting back to Old Clay Street.

According to Mr. Digby, the first variance request is reduce the residential buffer to zero. Due to current market conditions, the second variance request is to vary the residential component that is required under the overlay district to zero. A variance to waive the 10% minimum open space requirement is being requested as the third variance.

Hydrology issues have been discussed with professional engineers.

Issues regarding a sidewalk along Old Clay Street were discussed; however, the 120 Loop is DOT property and applicant cannot commit to providing sidewalk.

Kathy Scott, resident of 329 Atlanta Street spoke in opposition. As Mrs. Scott stated, this plan is considerably less intense than the previous plan. The detention pond or the dumpster on site plan was not addressed.

According to Mrs. Scott, the plan indicates that the residential buffer is to be reduced to zero feet. Efforts to purchase 319 Old Clay Street, in the name of Mrs. Evelyn Bledsoe, are unsuccessful. Although the property taxes have not been paid for five (5) years, Mrs. Scott paid these taxes in March to avoid property being sold on the courthouse steps (See Exhibit "A").

Mrs. Scott's last comment was the demolition permit process for these two houses, as they back up to the Atlanta Street National Registry. One last comment by Mrs. Scott referred to the plan showing Stephens Avenue, which has not existed since before 1976, and is in the wrong place.

Mr. Digby stated that the height of the building and the Floor Area Ratio (FAR) is also within allowable limits.

Mr. Kinney, Mr. Digby and Mr. Roth discussed the practicality of putting in a sidewalk along DOT right-of-way, topography and connectivity to other sidewalks.

Further discussion regarding acquisition of the Bledsoe property took place.

Mr. Diffley clarified the location of the dumpster being in the rear of property with a circulation pattern for vehicles. As Mr. Diffley mentioned, the radius of Old Clay Street cannot be negotiated by a truck and Mr. Digby responded that details would have to be worked out.

Mr. Gillis and Mr. Digby discussed Tier B overlay requirements.

Dialogue continued between Chairman Dollar and Mr. Digby regarding the plan presented being the same footprint, smaller building, and designed to fit within the overlay requirements.

Mr. Kinney moved to recommend approval of this submission to City Council, seconded by Mr. Carter, with variances and stipulations as indicated in the staff analysis and listed as follows:

Variances:

- 1. Variance to waive the required forty (40) foot buffer area adjacent to a residential district. [Section 708.16.I]*
- 2. Variance to increase the maximum floor area ratio from 0.5 to 2.0. [Section 712.09.G.1.b.ii]*
- 3. Variance to waive the 10% minimum open space requirement. (Open Space is defined as "any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment." [Section 712.09.G.2.b.iv]*

Stipulations:

- 1. Permitted uses shall be limited to those stated in a letter from Joel A. Digby, dated January 20, 2009. Any future changes to the proposed list of approved uses*

shall be subject to approval by City Council.

2. *Leadership in Energy and Environmental Design (LEED) certification shall be obtained from the U. S. Green Building Council prior to issuance of a Certificate of Occupancy.*

3. *A six foot sidewalk zone shall be constructed on the Clay Street property line abutting the public right of way. Future consideration shall be given to a right of way for a trail, sidewalk, bicycle path, etc, if ever constructed along the South Marietta Parkway.*

4. *Exterior garage access doors shall be of residential or historic character in design.*

5. *That the applicant be required to comply with Tier B Overlay requirements in the Commercial District.*

Motion carried 4 - 3 with Mr. Diffley, Mrs. Watkins, and Chairman Dollar opposed.

A motion was made by Commissioner Kinney, seconded by Commissioner Carter, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote:

Vote: 4 - 3 - 0

Recommended for Approval as Stipulated

Vote Against: 3 - (Col. Ret.) Kenneth Dollar, Ann Watkins and Stephen Diffley

20090303

Z2009-07 Marietta Housing Authority 268-300 Victory Drive and 127 Vista Circle

Ord 7312

Z2009-07 [REZONING] MARIETTA HOUSING AUTHORITY request rezoning for property located in Land Lot 1286, 16th District, Parcels 68, 69, 70, 71, 72, 85, and 67, 2nd Section, Marietta, Cobb County, Georgia and being known as 268, 272, 280, 284, 286 and 300 Victory Drive and 127 Vista Circle from R-4 (Single Family Residential 4 units/acre) to RM-10 [Multi-Family Residential (10 units/acre)]. Ward 1.

File #20090303 (Z2009-07) was presented by Mr. Roth for property located in Land Lot 1286, 16th District, Parcels 68, 69, 70, 71, 72, 85, and 67, and being known as 268, 272, 280, 284, 286 and 300 Victory Drive and 127 Vista Circle.

The applicant, Marietta Housing Authority, represented by Pete Waldrep and Jim Hartsfield, is requesting rezoning from R-4 (Single Family Residential 4 units/acre) to RM-10 [Multi-Family Residential (10 units/acre)] for the Branson Homes Public Housing Senior Project.

The project currently taking place is to remove on-street parking and put parking pads in front of units. The second phase will be the addition of 15 units.

Mr. Waldrep mentioned that MHA would like to invigorate Victory Park.

David Dixon, President of the Frasier Street Homeowners Association, expressed concerns regarding fence between Frasier Circle and the MHA development,

notice of meeting not received by mail, discrepancy of 286 Victory Drive as listed on application, public input on detail plans, confirmation of one-story where RM-10 allows condominiums, fraternity houses, etc. As explained by Mr. Roth, density is why RM-10 was selected as zoning classification.

Mr. Dixon continued with concerns regarding maintaining the existing tree canopy between properties, culvert, light screening, and a 15-foot easement on Frasier properties.

Mr. Waldrep explained that the 286 Victory Drive is property previously owned by the City but sold to MHA. RM-10 is designed to meet density and will be a site-plan specific--once plans are designed, city council has to approve. Communication had previously taken place between Mr. Waldrep, Kathy Kelly and Council Member Annette Lewis regarding project. Mr. Waldrep extended an offer to meet with Mr. Dixon and Frasier Street residents.

Mr. Waldrep continued to address concerns regarding appearance of existing buildings to the newly constructed units, tree save, decorative fencing, and drainage.

Mrs. Watkins made a motion to recommend the approval of the rezoning, as submitted, with the stipulation that any specific site plans for future redevelopment must be brought back before City Council for approval, seconded by Mr. Kinney.

Chairman Dollar made a friendly amendment, seconded by Mr. Carter, that the rezoning be approved with the stipulation that any changes made to the approved plan must be reviewed and approved by Planning Commission and, therefore, City Council for final approval.

Motion carried 7 - 0 - 0.

A motion was made by Commissioner Watkins, seconded by Commissioner Carter, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Recommended for Approval as Stipulated

20090304 Z2009-08 Union Chapel United Methodist Church and First Landmark Bank 315 Cole Street

Ord 7313 Z2009-08 [REZONING] UNION CHAPEL UNITED METHODIST CHURCH & FIRST LANDMARK BANK request rezoning for property located in Land Lot 11450, 16th District, Parcel 1330, 2nd Section, Marietta, Cobb County, Georgia and being known as 315 Cole Street from R-4 (Single Family Residential 4 units/acre) to OI (Office Institutional). Ward 5.

File #20090304 (Z2009-08) was presented by Mr. Roth for property located in Land Lot 11450, 16th District, Parcel 1330, and being known as 315 Cole Street.

construct additions to the existing building.

Mr. Moore, representing Union Chapel United Methodist Church, is seeking a SLUP for church property currently zoned residential.

The church is considered grandfathered; therefore, a Special Land Use Permit would be required in order to rebuild if partially destroyed or for any future expansions. In order for the church to expand, several variances are required.

Mr. Moore stated that it was agreed upon with Mr. Gober that there be tree landscape buffer and fencing along his property line.

Reverend Martha Randall, Pastor of Union Chapel United Methodist Church, spoke well of Landmark Bank and found them to be open to suggestions and willing to cooperate; therefore, they are in support of this land use permit request.

Mr. Kinney questioned when construction will begin and Mr. Moore stated fairly soon after approvals are obtained as the bank plans to open within the year.

Mr. Leroy Gober came forward to ask for clarification of fence along his property line.

Mr. Kinney moved to recommend to City Council, seconded by Mrs. Sonnenfeld, that the Special Land Use Permit (SLUP) be approved as submitted, including variances as follows:

- Variance to reduce the front setback from 75 feet to 21 feet. [708.04.E.1.b]*
- Variance to reduce the major side setback from 75 feet to 27 feet. [708.04.E.1.b]*
- Variance to reduce the side setback from 75 feet to 16 feet. [708.04.E.1.b]*
- Variance to reduce the rear setback from 75 feet to 46 feet. [708.04.E.1.b]*
- Variance to reduce the 10 foot landscape strip to 0 feet to allow existing parking lot to remain. [712.08.G.2 and 712.08.G Table G]*
- Variance to allow required parking to occur on an adjacent property to the east. [716.07.A]*

Motion carried 7 - 0 - 0.

A motion was made by Commissioner Kinney, seconded by Commissioner Sonnenfeld, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Recommended for Approval as Stipulated

ADJOURNMENT:

The May 5, 2009 Planning Commission adjourned at 7:37 p.m.

KEN DOLLAR, CHAIRMAN

PATSY BRYAN, SECRETARY