



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman
Kent Rosenbury, Ward 1
Byron "Tee" Anderson, Ward 2
Hicks Poor, Ward 3
Roy Vanderslice, Ward 4
Brenda McCrae, Ward 5
Stephen Diffley, Ward 7*

Wednesday, April 1, 2015

6:00 PM

City Hall Council Chambers

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

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Planning & Zoning Manager
Ines Embler, Secretary to the Board
Shelby Little, Planning Administrator
Daniel White, City Attorney

CALL TO ORDER & ROLL CALL:

*Chairman Kinney called the April 1, 2015 Planning Commission Meeting to order at
6:02PM*

MINUTES:

20150211 **March 3, 2015 Regular Planning Commission Meeting Minutes**

Review and Approval of the March 3, 2015 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Vanderslice to approve the March 3, 2015 Regular Planning Commission Meeting Minutes, as written. Motion carried 7-0-0.

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

Absent: 0

Vote For: 7

Vote Against: 0

REZONINGS:**20150202 Z2015-11 [REZONING] MARK A. DEAL**

Z2015-11 [REZONING] MARK A. DEAL requests rezoning for a portion of property located in Land Lot 1161, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia and being known as 367 & 369 McArthur Drive 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 5.

File number Z2015-11 was presented by Mr. Roth for a request to rezone a portion of the property located at 367 & 369 McArthur Drive 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.

A public hearing was held.

The applicant, Mr. Mark Deal is requesting to rezone a portion of the property located at 367 & 369 McArthur Drive 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 in order to accumulate enough cash flow to eventually convert it to a single family home.

There was no one in opposition to this request.

Mr. Kinney asked Mr. White for clarification about possibly changing this request to a Special Land Use Permit. Mr. White referred to Mr. Roth, who stated that a Special Land Use Permit is not a category would allow a duplex – it would require rezoning.

Mr. Vanderslice asked questions pertaining to the code violations referenced in the staff report. Mr. Deal stated that every violation he received was quickly remedied.

Mr. Vanderslice asked if he owns other investment properties and Mr. Deal said this was his first property in a very short run of investment properties. He has purchased other properties since then, but not very many.

Mr. Vanderslice questioned the notation in the staff report about not getting required permits for some of the repairs done on the property. Mr. Deal answered that he always used a general contractor, who was responsible for getting any necessary permits and he wasn't aware if any permits were pulled or needed.

Mr. Vanderslice stated that parking should be 2.2 spaces for each side of the unit and questioned how he plans to address that. Mr. Deal responded that he was not planning on addressing that because it hasn't been an issue before and prefers to let the market address that.

Mr. Vanderslice reminded Mr. Deal that not having 2.2 spaces for each side of the unit is a City code violation and that he'd be getting code violations for non-compliance.

Mr. Deal asked if it would be possible to get a variance in order to maintain the current parking situation.

Mr. Rosenbury asked staff if the City was obligated to notify new owners of what the special use or rezoning of the newly purchased property was and Mr. Roth said that there is really no avenue for the City to notify anyone.

Mr. Rosenbury asked how long it would take him to convert the property to a single family home and Mr. Deal did not know. He said his immediate need was finances. His plans are to slowly renovate the units and create cash flow.

Mr. Deal commented regarding utilities and stated that he has always maintained utilities on both sides and pays the bills monthly.

Mr. Rosenbury questioned how the need of cash flow correlates to his previous comment about slowly renovating? Mr. Deal stated that rent is not in high demand during the cold months and that he also had time constraints due to a demanding job at the time.

Mr. Rosenbury asked if he was aware that there have been four other non-conforming duplexes in the neighborhood that have lapsed and subsequently been converted to single family and Mr. Deal responded in agreement.

Ms. McCrae asked if he did a home inspection on the property so that he would know what the costs of repair would be going forward? Mr. Deal stated that he did not see a need for a home inspection.

Mr. Anderson asked for confirmation that the renovations to the units are now complete and the property is ready to be rented. Mr. Deal affirmed that the units are ready to be rented and he is just waiting for approval of the rezoning to proceed.

Mr. Rosenbury asked Mr. White if it were possible to grant a six month extension of the rezoning and then convert to single family and Mr. White said no.

The public hearing was closed.

Mr. Vanderslice made a motion, seconded by Ms. McCrae, to recommend denial of the request. Mr. Kinney, Mr. Anderson and Mr. Poor opposed. The motion carried 4-3-0

A motion was made by Vanderslice, seconded by McCrae, that this ordinance be recommended for denial. The motion CARRIED by the following vote.

Absent: 0

Vote For: 4

Vote Against: 3

20150205 Z2015-14 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN

Z2015-14 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN requests rezoning for property located in Land Lot 1158, District 16, Parcel 1240, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 180 Locust Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units / acre). Ward 3.

File number Z2015-14 was presented by Mr. Roth for a request to rezone the property known as a portion of 180 Locust Street from OI (Office Institutional) to R-4

(Single Family Residential 4 units / acre).

A public hearing was held.

The applicant, Mr. Bill Hagemann is requesting to rezone the property known as a portion of 180 Locust Street from OI (Office Institutional) to R 4 (Single Family Residential 4 units / acre) in order to give the buyer of the adjacent residential lot more square footage.

There was no one in opposition to this request.

Mr. Kinney offered a synopsis of Mr. Hagemann's previous rezoning request for the adjacent lot and then asked Mr. Hagemann to bring the board up to speed from September to now.

Mr. Hagemann explained that the buyer of the adjacent lot wants an additional two feet in order to build a privacy fence in the back and have a bigger yard for his child. He said the portion of land that he is requesting a rezoning for is about 1200 square feet and that it would square off the lot.

Mr. Kinney asked if there would be an exemption plat to incorporate that strip into lot 194 and Mr. Hagemann affirmed and said that they have already presented the plat to Planning and Zoning for review.

Mr. Vanderslice asked if he owns the property that he is cutting the strip out of and Mr. Hagemann stated that he owns both properties.

Mr. Kinney asked if he is intending to keep the balance of lot 180 as OI and if the future of it was undetermined and Mr. Hagemann said yes and explained that he would like to see it one day change to single family, but is currently planning to let the market determine that.

Mr. Rosenbury commented that he noticed there is no buffer required on this and questioned if he was planning on doing some kind of landscape buffer between this lot and the North Loop. Mr. Hagemann stated that their usually is no buffer requirement on single family use to buffer to a commercial use.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Rosenbury, to recommend approval as submitted. Mr. Poor abstained. The motion carried 6-0-1

A motion was made by Diffley, seconded by Rosenbury, that this ordinance be recommended for approval. The motion CARRIED by the following vote.

Absent: 0

Vote For: 6

Abstain: 1

SPECIAL LAND USE:

20150204

Z2015-13 [SPECIAL LAND USE PERMIT] CUSTOM DISPOSAL SERVICE, INC. (D & N INVESTORS, LLC)

Z2015-13 [SPECIAL LAND USE PERMIT] CUSTOM DISPOSAL SERVICE, INC. (D & N INVESTORS, LLC) request a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of sanitation trucks for property located in Land Lot 926, District 16, Parcels 0460 and 0060, 2nd Section, Marietta, Cobb County, Georgia and being known as 1392 & 1394 Cobb Industrial Way and currently zoned HI (Heavy Industrial). Ward 5.

File number Z2015-13 was presented by Mr. Roth for a request for a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of sanitation trucks for property located at 1392 & 1394 Cobb Industrial Way and currently zoned HI (Heavy Industrial).

A public hearing was held.

Mr. Kevin Moore, representing the applicant is requesting a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of sanitation trucks for property located at 1392 & 1394 Cobb Industrial Way and currently zoned HI (Heavy Industrial) for the purpose of renovating the existing building to use as office space and parking for the trucks. They also plan to have an indoor washout station on site.

Mr. Moore stated that solid waste/trash will not be stored on site. The trucks leave in the morning empty and will return in the evening empty for maintenance and washing. He made it clear that this was a condition of the Special Land Use Permit.

There was no one in opposition to this request.

Mr. Rosenbury asked if they were purchasing property and what the prior use of the property was. Mr. Moore affirmed their intent to purchase the property and Mr. Brian Warren, of Custom Disposal, stated that the prior use was metal fabrication.

Mr. Rosenbury asked how many more than the current dozen trucks they plan on having on site and what their ultimate plans for the building were. Mr. Moore said that they do want the opportunity to expand, but that how many would be would be very difficult to come up with at this time. He stated that the plan now was to renovate the current building, to spruce it up so that it was a presentable building.

Mr. Rosenbury asked if there was going to be some kind of capture system for catching excess when they wash the trucks and Mr. Moore said that there would indeed be an indoor washout station specifically designed for washing the trucks.

Mr. Rosenbury asked if they have received any comments or feedback from other neighbors in the area. Mr. Moore said that Mr. Warren tried to meet with a couple of adjacent neighbors who did not voice any objection and that he met tonight with the gentlemen that are in the audience, who also own adjacent property and that they expressed to him that given the conditions stated in this hearing that they did not have any objections.

Mr. Rosenbury asked for the timing of the trucks coming in and out and Mr. Moore said that the timing is staggered leaving in the morning and staggered coming back when they are done, but that they are not coming and going all day.

Mr. Kinney asked if he still had the stipulation letter from the previous request and if he still agreed to the clauses in those stipulations and Mr. Warren said yes.

Mr. Kinney asked to be on record that there is a stipulation letter that was prepared for the last request and it may come up at the Council Meeting. He said it would not be part of the board's motion, but wanted it on record that such letter exists. He advised Mr. Warren to proactively offer it to the City Council.

Mr. Kinney paid Mr. Warren a compliment as to the appearance of his trucks and asked when the exterior renovations of the building were complete, if it was going to be as nice as their trucks and Mr. Warren thanked him and affirmed it.

Mr. Kinney asked if he planned on closing on the real estate transaction shortly after getting approval from the City Council and Mr. Warren said they still have some things to do, which they couldn't invest money into without approval first, but that the intent was to purchase the property soon.

Mr. Rosenbury asked when they expected to be operational and Mr. Warren said that they don't have a current deadline to meet and that there is no big rush.

Mr. Moore clarified on the stipulations, adding that as far as what he understands, that the conditions that they are proposing include no storage of solid waste on site and an indoor wash station with its' own water capture.

The public hearing was closed.

Mr. Vanderslice made a motion, seconded by Mr. Diffley, to recommend approval as submitted. The motion carried 7-0-0

A motion was made by Vanderslice, seconded by Diffley, that this ordinance be recommended for approval . The motion CARRIED by the following vote.

Absent: 0

Vote For: 7

Vote Against: 0

ADJOURNMENT:

The April 1, 2015 Planning Commission Meeting adjourned at 6:39 PM.


ROBERT W. KINNEY, CHAIRMAN


INES EMBLER, SECRETARY