



**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*                    *Vacant, Ward 7*

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Tuesday, February 3, 2009

6:00 PM

City Hall Council Chambers

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

*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:**

*Chairman Dollar called the February 3, 2009 Planning Commission Meeting to order at 6:00 p.m.*

**MINUTES:**

**20090077      January 6, 2009 Regular Planning Commission Meeting Minutes**

Review and Approval of the January 6, 2009 Planning Commission Meeting Minutes

*Mr. Kinney made a motion to accept the January 6, 2009 Planning Commission Meeting Minutes as submitted, seconded by Mrs. Sonnenfeld. Motion carried 4 - 0 - 1 with Mrs. Watkins abstaining.*

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

**Vote: 4 - 0 - 1**

**Approved**

**Abstain: 1 - Ann Watkins**

**REZONINGS:**

**20090003      Z2009-01 James W. Friedewald 589 Campbell Hill St., 555 Sugar Hill Dr., 558 St. Joseph Way, 95 Lacy St., 570 Nancy St., 574 Nancy St.**

Z2009-01 [REZONING AND SPECIAL LAND USE PERMIT] ST. JOSEPH CATHOLIC CHURCH request rezoning and special land use permit for property

located in Land Lot 10860, 16th District, Parcels 0010, 0460, 0370, 0220, 0230, 0240 and 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 589 Campbell Hill Street, 555 Sugar Hill Drive, 558 St. Joseph Way, 95 Lacy Street, 570 Nancy Street, 574 Nancy Street and 543 Sugar Hill Drive from R-4 (Single Family Residential 4 units/acre) and OI (Office Institutional) to R-4 (Single Family Residential 4 units/acre). Ward 4.

*File #20090003 (Z2009-01) was presented by Mr. Roth for property located in Land Lot 10860, 16th District, Parcels 0010, 0460, 0370, 0220, 0230, 0240 and 0450 and being known as 589 Campbell Hill Street, 555 Sugar Hill Drive, 558 St. Joseph Way, 95 Lacy Street, 570 Nancy Street, 574 Nancy Street and 543 Sugar Hill Drive.*

*The applicant, James W. Friedewald, is representing St. Joseph Catholic Church, for a rezoning from R-4 (Single Family Residential) and OI (Office Institutional) to R-4 (Single Family Residential) and a Special Land Use Permit (SLUP). Also in attendance was Father John Walsh and Jim Arnold, Facilities Director.*

*As Mr. Friedewald explained, when the church purchased a home on Sugar Hill Road, they realized the need to consolidate other properties.*

*Mr. Jim Friedewald requested variances to:*

- Allow the curb cuts on Sugar Hill Drive to remain;*
- Allow the 4' in height fence to remain as a chain link fence along St. Joseph Way, Nancy Street and Lacy Street;*
- Allow reduction in required parking from 252 to 211;*
- Allow more than 12 parking spaces in a row without a planter island*
- Allow the 20' planted evergreen buffer be waived at this time, however, should property be developed later buffer would be installed as required.*
- Allow unpaved parking lot to be used, however, within 2 years, if lot has not been paved, use of parking facility will cease.*
- Allow curb cut for unpaved parking facility into St. Joseph Way.*

*Discussion between Chairman Dollar and Mr. Friedewald continued about being compliant and consistent with any future building and petition submitted from St. Joseph Way and Sugar Hill which did not include feedback from Nancy Street residents.*

*As a member of St. Joseph Catholic Church, Mrs. Sonnenfeld abstained from voting.*

*Mr. Kinney made a motion, seconded by Mr. Carter, to recommend approval of the Special Land Use Permit and rezoning with the following stipulation and variances:*

*Stipulation:*

- Any exterior property changes that include the addition of occupiable space be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.

*Variances:*

- Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street. [Section 710.04 (A)(1)]
- Variance to reduce the required 75 foot setback to 15 feet for the property at 543 Sugar Hill Drive. [Section 708.04 (E)]
- Variance to reduce required parking for a place of assembly and an elementary school from 252 to 211. [Section 716.07 TABLE J]
- Variance to allow more than 12 parking spaces in a row without a planter island. [Sec. 712.08 (G)(1)]

The motion carried 4 - 0 - 1 with Mrs. Sonnenfeld abstaining.

**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 - 0 - 1 Recommended for Approval as Stipulated**  
**Abstain: 1 - Carol Sonnenfeld**

**20090031 Z2009-02 Lee Jaraysi 555 Commerce Avenue**

*Ord 7290*

Motion to approve the ordinance for the rezoning of property located at 555 Commerce Avenue from CRC (Community Retail Commercial) to CRC (Community Retail Commercial), as stipulated with the following additional stipulations:

- 1.)The site plan initialed by the applicant shall be incorporated as a condition of the rezoning.
- 2.)The Nazareth building elevations initialed by the applicant and dated February 25, 2009 shall be incorporated as a condition of the rezoning.
- 3.)The Nazareth building elevations shows the number of windows for the completed project; however, the round facade shown in the bottom right hand corner of the elevations shall not be included and shall be overwritten by the site plan.

*File #20090031 (Z2009-02) was presented by Mr. Roth for property located in Land Lot 578, 17th District, Parcel 0130, and being known as 555 Commerce Avenue. The rezoning request is from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with stipulations and variances.*

*Mr. Lee Jaraysi, owner of 555 Commerce Avenue, is proposing to develop an*

*office building and is requesting rezoning from CRC to CRC with stipulations and variances.*

*Mr. Roth explained that staff has been working with Mr. Jaraysi and his engineers are currently working on revised plans to address issues related to this project.*

*Mr. Kinney discussed with Mr. Jaraysi his plans for the 3-story, 26,496 square foot office building. The steel structure will be part of the top of the building. Mr. Jaraysi has interested tenants and that it should be complete within 5 to 6 months.*

*Mr. Kinney made a motion, seconded by Mr. Carter, to recommend to City Council rezoning the property from CRC to CRC (with stipulations and variances) subject to the following stipulations and variances:*

*STIPULATIONS:*

- 1. The applicant agrees to address the issues identified in the letter dated February 2, 2009 from Dan Conn, Public Works Director for the City of Marietta to Waleed Jaraysi, regarding the structural evaluation of the building.*
- 2. The use of the building will be for office only.*

*VARIANCES:*

- 1. Reduction of the required 10 foot landscape strip along Commerce Avenue from 10' to 5'.*
- 2. Reduction of the required 10 foot landscape strip along South Marietta Parkway from 10' to 3' (to the retaining wall as currently built on the property).*
- 3. Reduction of the required side yard building setback for the northwest corner of the existing building from 15 feet to 9 feet.*
- 4. Reduction of the required side yard building setback for the southwest side of building - the elevator shaft and stairwell - from 15 feet to 13.9 feet.*
- 5. Reduction of the minimum required number of parking spaces from 80 to 79.*
- 6. If the property is 1.16 acres (50,530 s.f.), the FAR is 0.524 and a variance will be required.*
- 7. If the percentage of impervious coverage exceeds 80%, a variance will be required.*
- 8. Waiver of the requirements of the Landscaping and Tree Protection Ordinance, including a waiver of the requirement to pay into the Alternate Tree Fund.*

*For the record, Mr. Roth gave Mr. Jaraysi a copy of the stipulations and variances.*

*This motion carried 5 - 0 - 0.*

*This motion carried 5 - 0 - 0.*

**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: 5 - 0 - 0**

**Recommended for Approval as Stipulated**

**ADJOURNMENT:**

*The February 3, 2009 Planning Commission Meeting adjourned at 6:35 p.m.*

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*KEN DOLLAR, CHAIRMAN*

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*PATSY BRYAN, SECRETARY*