



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman*  
*Jay Davis, Ward 1*  
*Frasure Hunter, Ward 2*  
*Boozer McClure, Ward 3*  
*Byron "Tee" Anderson, Ward 4*  
*Brenda McCrae, Ward 5*  
*Stephen Diffley, Ward 7*

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Tuesday, April 2, 2019

6:00 PM

City Hall Council Chambers

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*Present: Bob Kinney, Jay Davis, Boozer McClure, Byron "Tee" Anderson, Brenda McCrae and Stephen Diffley*

*Absent: Frasure Hunter*

*Staff:*

*Rusty Roth, Director, Development Services*

*Shelby Little, Planning & Zoning Manager*

*Robin Osindele, Urban Planner*

*Douglas Haynie, City Attorney*

*Ines Embler, Secretary to the Board*

### CALL TO ORDER & ROLL CALL:

*Chairman Kinney called the April 2, 2019 Planning Commission Meeting to order at 6:00PM.*

*Douglas Haynie, City Attorney, explained the rules and procedures used in conducting the public hearings.*

### MINUTES:

**20190258**

**March 5, 2019 Regular Planning Commission Meeting Minutes**

**Review and Approval of the March 5, 2019 Regular Planning Commission Meeting Minutes.**

*Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 6-0-0. Mr. Hunter was absent.*

**Approved and Finalized**

**Absent: 1**  
**Vote For: 6**  
**Vote Against: 0**

**REZONINGS:**

**20190009            Z2019-04 [REZONING] Traton Homes, LLC (53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; Alvaro & Elizabeth Arauz)**

**Z2019-04 [REZONING] Traton Homes, LLC (53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; Alvaro & Elizabeth Arauz) are requesting the rezoning of approximately 7.48 acres located Land Lot 1206, District 16, Parcels 0030, 0070, 0300, 0280, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895, 1905, 1923, & 1935 Lower Roswell Road and 53, 56, 63, 73, & 76 Indian Trail from R-20 (Single Family Residential - Cobb County) and CRC (Community Retail Commercial - City) to PRD-SF (Planned Residential Development Single Family - City). Ward 6A.**

*File number Z2019-04 was presented by Ms. Little for a request to rezone property known as 1895, 1905, 1923, & 1935 Lower Roswell Road and 53, 56, 63, 73, & 76 Indian Trail from R-20 (Single Family Residential - Cobb County) and CRC (Community Retail Commercial - City) to PRD-SF (Planned Residential Development Single Family - City).*

*A public hearing was held.*

*Mr. Kevin Moore, Esq., for the Applicant, is requesting to rezone property known as 1895, 1905, 1923, & 1935 Lower Roswell Road and 53, 56, 63, 73, & 76 Indian Trail from R-20 (Single Family Residential - Cobb County) and CRC (Community Retail Commercial - City) to PRD-SF (Planned Residential Development Single Family - City).*

*There were many in opposition to this request, five spoke. Ms. Theresa Gernatt, Mr. Mark McGregor, Ms. Robin Moody, Mr. William Warwick and Ms. Jill Flamm spoke in opposition.*

*The parties in opposition expressed concern over traffic, safety and density. They feel that the proposed density does not fit with the existing community or others in the neighborhood. They said there are no sidewalks in the neighborhood and this new development and added traffic would create a danger for people and children who walk in the neighborhood. Concern was also stressed over some children going to City Schools while others will go to Cobb County Schools. They feel emergency calls to 911 will be delayed until they figure out which jurisdiction to dispatch. They said the proposed development does not offer adequate parking and they feel that spill over will be parking in their neighborhood. They said that 2/3 of the proposed open space is concrete and not usable. They would like to continue living in a quiet and peaceful neighborhood.*

*In his rebuttal, Mr. Moore said that the open space will include plenty of green space. He said 911 is controlled by state law. He noted that Mr. Warwick's property is a rental property and not his current residence.*

*Ms. McCrae asked if there are open space plans where the billboard is located and if there will be benches. Mr. Moore said the billboard area will be congregated open space, not concrete. He said it will be grassed and will also have trees and bushes and heavy planting material and picnic tables.*

*Ms. McCrae asked for clarification as to which townhomes face Lower Roswell and the Loop. Mr. Moore explained that the townhomes along the Loop face inward and the townhomes along Lower Roswell have front facing.*

*Mr. Diffley asked if Cobb County is still objecting. Mr. Moore said that based on this new plan, he believes the objection will be withdrawn. He said that was his understanding and it has not been formally addressed.*

*Ms. McCrae asked when we will receive formal notice from Cobb County and Mr. Moore said any minute, any day.*

*Mr. McClure asked what prices would be and Ms. McCrae asked what the sizes will be. Mr. Moore said high 300s for the single-family homes and high 200s for the townhomes. He said the size range is from 1800 square feet to up to 3000 or greater.*

*Ms. McCrae pointed to a large section on the site plan and asked what was planned for that open space. Mr. Moore said that is Mr. Warwick's rental property.*

*Chairman Kinney asked what the larger looking home on the site plan was. Mr. Moore said that is a detached home on a larger lot that is deeper into the neighborhood.*

*Mr. Davis asked for clarification on variance #5 for reducing the center line radii. Mr. Moore explained and said that if it's not approved they are willing to make adjustments.*

*Mr. Anderson asked if he has any idea how long the lease on the billboard runs to. Mr. Moore said 2025 was his understanding.*

*Ms. Davis asked if the billboard will be owned by Traton Homes. Mr. Moore affirmed. He said it is currently owned by the property owner and leased to the billboard company, therefore ownership would transfer to Traton Homes.*

*The public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. McClure, to recommend denial. The motion carried 4-2-0. Mr. Anderson and Mr. Davis opposed.*

*If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:*

*The following stipulations and variances are incorporated as conditions of zoning:*

- *Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 1, 2019.*

*The following variances are incorporated as conditions of zoning:*

1. *Variance to reduce the required driveway length from 20 feet to 18 feet, as measured from back of curb or sidewalk. [§708.09 (B.2.e)]*
2. *Variance to waive the active recreational feature. [§708.09 (B.2.i)]*
3. *Variance to reduce the minimum open space from 25% to 21% (1.63 acres). [§708.09 (H)]*

4. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit. [§708.09 (H)]
5. Variance to reduce the minimum centerline radii from 100 feet to what is shown on the plan dated 3/20/19 (received by staff 3/26/19). [§730.01 (H)]
6. Variance to waive the requirement to install a sidewalk along S. Marietta Parkway. [§732.07]
7. Variance to allow sidewalks as designated on the plans dated 3/20/19 (received by staff 3/26/19). [§732.07 (C)]
8. Variance to waive the requirements of an acceleration and deceleration lane into the new subdivision. [§730.01 (I.4.b)]
9. Variance to allow a single-family development of more than 51 dwelling units to provide one access point to an arterial street. [§730.01 (A)]
10. Variance to allow a billboard outside 100' of I-75. [§714.04 (G)]
11. Variance to waive the requirement that a billboard be regulated as a principal use. [§714.04 (G.1)]
12. Variance to allow a billboard within 500' of a residential zoning district. [§714.04 (G.2)]
13. Variance to increase the allowable number of faces for a billboard from two (2) to three (3). [§714.04 (G.4)]
14. Variance to allow a billboard remain within 1000' radius of another billboard. [§714.04 (G.5)]
15. Variance to allow a billboard on property zoned PRD-SF. [§714.04 (G.11)]
16. Variance to waive fire access from Private Alley D due to inadequate turnaround design.
17. Variance to reduce the minimum turning radii from 35' to 20.' [§710.06]

**Recommended for Denial**

**Absent: 1**  
**Vote For: 4**  
**Vote Against: 2**

**20190010**

**A2019-01 [ANNEXATION] TRATON HOMES, LLC (53 INDIAN TRAIL, LLC; 56 INDIAN TRAIL, LLC; 63 INDIAN TRAIL, LLC; 76 INDIAN TRAIL, LLC; ALVARO & ELIZABETH ARAUZ)**

**A2019-01 [ANNEXATION] TRATON HOMES, LLC (53 INDIAN TRAIL, LLC; 56 INDIAN TRAIL, LLC; 63 INDIAN TRAIL, LLC; 76 INDIAN TRAIL, LLC; ALVARO & ELIZABETH ARAUZ) are requesting the annexation of properties located in Land Lot 1206, District 16, Parcels 0030, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, and any associated right of way, consisting of approximately 5.5 acres. Ward 6A.**

*File number A2019-01 was presented by Ms. Little for a request to annex property known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, and any associated right of way, consisting of approximately 5.5 acres.*

*A public hearing was held.*

*Mr. Kevin Moore, Esq., for the Applicant, is requesting to annex property known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, and any associated right of way, consisting of approximately 5.5 acres.*

*There were many in opposition to this request.*

*Chairman Kinney asked the parties opposed if they are incorporating their previous remarks to this request and they affirmed.*

*Chairman Kinney asked Mr. Moore if he is incorporating his previous remarks to this request and he affirmed.*

*There were no questions from the board members.*

*The public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. McClure to recommend denial. The motion carried 4-2-0. Mr. Anderson and Mr. Davis opposed.*

**Recommended for Denial**

**Absent: 1**

**Vote For: 4**

**Vote Against: 2**

**20190011**

**CA2019-01 [CODE AMENDMENT]**

**CA2019-01 [CODE AMENDMENT] In conjunction with the requested annexation of properties located in Land Lot 1206, District 16, Parcels 0030, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, the City of Marietta proposes to designate the Future Land Use of said property as HDR (High Density Residential). Ward 6A.**

*File number CA2019-01 was presented by Mr. Roth for a Code Amendment in conjunction with the requested annexation of property located in Land Lot 1206, District 16, Parcels 0030, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895 Lower Roswell Road; 53, 56, 63, 73, & 76 Indian Trail, the City of Marietta proposes to designate the Future Land Use of said property as HDR (High Density Residential).*

*A public hearing was held.*

*There were many in opposition to this request.*

*Chairman Kinney asked the parties opposed if they are incorporating their previous remarks to this request and they affirmed.*

*There were no questions from the board members.*

*The public hearing was closed.*

*Mr. Diffley made a motion to recommend denial. The motion died for lack of a second.*

*Mr. Anderson made a motion, seconded by Ms. McCrae to recommend approval designating*

*the Future Land Use of said properties to MDR (Medium Density Residential). The motion carried 5-1-0. Mr. Diffley opposed.*

**Recommended for Approval**

**Absent: 1**  
**Vote For: 5**  
**Vote Against: 1**

**OTHER BUSINESS:**

**20190290 Board Attorney**

**According to Code Section 1-10-6-100 (F), consideration by the Marietta Planning Commission for attorney services provided by Haynie, Litchfield, & White.**

*Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval for the retention of attorney services from Haynie, Litchfield & White. The motion carried 6-0-0.*

**Recommended for Approval**

**Absent: 1**  
**Vote For: 6**  
**Vote Against: 0**

**ADJOURNMENT:**

*The April 2, 2019 Planning Commission Meeting adjourned at 6:52PM.*

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*ROBERT W. KINNEY, CHAIRMAN*

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*INES EMBLER, SECRETARY*