



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

Wednesday, May 1, 2019

6:00 PM

City Hall Council Chambers

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

Staff:

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

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the May 1, 2019 Planning Commission Meeting to order at 6:00PM.

Daniel White, City Attorney, explained the rules and procedures used in conducting the public hearings.

MINUTES:

20190372

April 2, 2019 Regular Planning Commission Meeting Minutes

Review and Approval of the April 2, 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 7-0-0.

Approved and Finalized

Absent: 0
Vote For: 7
Vote Against: 0
Abstain: 0

REZONINGS:

20190071 Z2019-07 [REZONING] WAYMON AHART, TRUSTEE (JOE KNIGHT)

Z2019-07 [REZONING] WAYMON AHART, TRUSTEE (JOE KNIGHT) is requesting the rezoning of approximately 3.77 acres located in Land Lot 02900, District 17, Parcel 0640, 2nd Section, Marietta, Cobb County, Georgia, and being known as 521 Atlanta Street from OI (Office Institutional) to OS (Office Services). Ward 1A.

File number Z2019-07 was presented by Ms. Little for a request to rezone property known as 521 Atlanta Street from OI (Office Institutional) to OS (Office Services).

Mr. Joe Knight requested to withdraw his request to rezone property known as 521 Atlanta Street from OI (Office Institutional) to OS (Office Services).

There was no opposition to this request.

Chairman Kinney asked for clarification as to whether he intended to table or withdraw with or without prejudice. Mr. Knight said he would like to withdraw without prejudice.

Mr. White, City Attorney, advised the Board that the code states that Council will need to approve the withdrawal without prejudice.

Chairman Kinney advised Mr. Knight to be present at the Council Meeting next week in order to withdraw without prejudice. Mr. Knight said he will attend.

Mr. Diffley made a motion, seconded by Mr. Davis, to recommend withdrawal without prejudice. The motion carried 7-0-0.

Recommended Withdrawal without prejudice

Absent: 0
Vote For: 7
Vote Against: 0
Abstain: 0

20190292

Z2019-13 [REZONING] DARRELL BULLOCK

Z2019-13 [REZONING] DARRELL BULLOCK is requesting the rezoning of approximately 0.41 acres located Land Lot 1160, District 16, Parcels 0580 & 1070 of the 2nd Section, Cobb County, Georgia and being known as 291 & 301 Lemon Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for vehicle leasing. Ward 5A.

File number Z2019-13 was presented by Ms. Little for a request to rezone property known as 291 & 301 Lemon Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for vehicle leasing.

A public hearing was held.

Mr. Darrell Bullock is requesting to rezone property known as 291 & 301 Lemon Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for vehicle leasing.

There was one (1) in opposition and three (3) in support to this request. Mr. Perry Price, Mr. Carlos Hicks and Ms. Valerie Bullock spoke in support. Ms. Laura Caro spoke in opposition.

Mr. Price said he is a longtime friend of Mr. Bullock's and would like to see him get this approved. Mr. Hicks said he owns the catering company next door and he has gained a pretty good amount of new clientele due to people coming in for a U-Haul. He feels it would be a tribute for the City to receive more revenue from this. Mrs. Bullock, Mr. Bullock's wife said business has gone down and this would benefit his business to have this opportunity. She said this is temporary, for three years; they plan to retire in about ten years.

Ms. Caro opposed stating that there are four U-Haul locations in Marietta within a two-mile radius of this particular location already. She said the application states that he would park no more than three trucks, but as the City pointed out in their report there are more than three. She took a picture last night showing there were two trucks and three trailers. She said Hunt Street is the logical in and out point for someone renting one of these vehicles and she feels the road is narrow (16 ½ feet wide) and a U-Haul is approximately 8 feet wide. She feels it is just not logical for these types of trucks to be in a residential area. She also said some neighbors who recently purchased \$600K homes at the Quad expressed concern over U-Haul trucks in their residential area. She does not see the value in allowing this to proceed.

Mr. Bullock stated in his rebuttal that you do not need to pull out of Hunt Street, you can pull out on Lemon Street. He is not opposed to meeting with Ms. Caro to see if he can reach a compromise.

Mr. McClure asked what was the time line on selling the property. Mr. Bullock said he is going to speak with the church that is adjacent to the property right now.

Mr. Hunter asked if it was possible to park these vehicles on the parking lot behind the building on Hunt Street in order to minimize visibility. Mr. Bullock said that property is not part of this request and that vehicles would actually be more visible if they were parked there.

Mr. Diffley asked if he had plans to pave the gravel area. Mr. Bullock said it would not be financially feasible at this time.

Ms. McCrae expressed concern over the lot not being paved stating that in the past they have turned down people who had not paved.

Ms. McCrae asked how many vehicles are parked there and Mr. Bullock said two U-Haul trucks and three trailers but that he will be getting rid of the trailers.

Mr. Davis asked Chairman Kinney for clarification pertaining to the FLU (Future Land Use) and Chairman Kinney explained satisfactorily.

Mr. McClure asked Mr. Bullock what was currently on 180 Hunt Street and how big was the lot. Mr. Bullock said there is nothing there and that it is a very small piece.

Mr. Bullock explained his desire to sell the property to the church next door and said that is why he is only asking for a temporary rezoning of three years. Chairman Kinney explained that changes like this are not temporary, they are permanent.

Ms. McCrae asked is he has thought about selling it and making it residential. Mr. Bullock said he has negotiated with John Wieland, but negotiations did not go well.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Anderson, to recommend denial. The motion carried 4-2-1. Ms. McCrae and Mr. Hunter opposed. Mr. McClure abstained.

Recommended for Denial

Absent: 0

Vote For: 4

Vote Against: 2

Abstain: 1

20190293

Z2019-14 [REZONING] WILLIAM EVANS ZIEGLER (STEPHEN P. THOMPSON, MARY JANE & LINCOLN STONE)

Z2019-14 [REZONING] WILLIAM EVANS ZIEGLER (STEPHEN P. THOMPSON, MARY JANE & LINCOLN STONE) are requesting the rezoning of 0.403 acres located in Land Lot 1231, District 16, Parcel 0880 and abandoned right of way, 2nd Section, Marietta, Cobb County, Georgia, and being known as 134 Atlanta Street and abandoned right of way from unzoned property and OI (Office Institutional) to CBD (Central Business District). Ward 5A.

File number Z2019-14 was presented by Ms. Little for a request to rezone property known as 134 Atlanta Street and abandoned right of way from unzoned property and OI (Office Institutional) to CBD (Central Business District).

Mr. William Ziegler requested to table his request to rezone property known as 134 Atlanta Street and abandoned right of way from unzoned property and OI (Office Institutional) to CBD (Central Business District) to the June meetings.

There was no opposition to this request.

Chairman Kinney asked for clarification that he wanted to table until the June meetings and Mr. Ziegler affirmed.

Mr. Diffley made a motion, seconded by Mr. McClure, to table to the June meetings. The motion carried 7-0-0.

Tabled

Absent: 0
Vote For: 7
Vote Against: 0
Abstain: 0

20190295

Z2019-15 [SPECIAL LAND USE PERMIT] COBB COUNTY YOUTH MUSEUM, INC

Z2019-15 [SPECIAL LAND USE PERMIT] COBB COUNTY YOUTH MUSEUM, INC is requesting a Special Land Use Permit for a place of assembly (museum) for property located in Land Lot 41, District 19, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 649 Cheatham Hill Drive (a/k/a 393 Terrell Drive), currently zoned R-2 (Single Family Residential - 2 units/acre). Ward 2A.

File number Z2019-15 was presented by Ms. Little a request for a Special Land Use Permit for a place of assembly for property known as 649 Cheatham Hill Drive (a/k/a 393 Terrell Drive), currently zoned R-2 (Single Family Residential - 2 units/acre).

A public hearing was held.

Ms. Kristi Storey, Mr. Kelly Davis and Ms. Meredith Sparks are requesting a Special Land Use Permit for a place of assembly for property known as 649 Cheatham Hill Drive (a/k/a 393 Terrell Drive), currently zoned R-2 (Single Family Residential - 2 units/acre).

There was no opposition to this request. Ms. Edith Boy asked a question.

Ms. Boy said her property backs up to this property for over 32 years. She is not opposed and feels they have been great neighbors. She wanted to know with any variance that they are putting in, will that allow them at a later to move closer to the residential area if they wanted? Ms. Little said that the variances are only for the existing and proposed structures.

Mr. Diffley asked for confirmation that they are wanting to reduce the number of parking spaces from 18 to 14. Mr. Davis affirmed and explained that they need more space for the busses than for cars, so they feel 14 spaces will be sufficient. He said they cater to school groups more than private citizens.

Mr. Davis asked how they get their funding. Ms. Storey said they are a non-profit and that they get their funding through donations, a grant from Cobb County School District and they charge admission.

Chairman Kinney asked if they are surround by the park with the exception of the houses around the left hand edge of the site plan and Ms. Storey affirmed.

Chairman Kinney asked Mr. Davis to explain about the septic systems, both current and proposed. Mr. Davis explained satisfactorily and said they are working with Staff and Marietta Water.

Chairman Kinney asked if all of the financing is in place. Ms. Storey said they are currently fundraising and plan to be able to break ground in a year to 18 months.

The public hearing was closed.

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

Recommended for Approval

Absent: 0
Vote For: 7
Vote Against: 0
Abstain: 0

20190297

Z2019-17 [REZONING] KATHRYN HARBOUR (MICHAEL LANGSTON & SHANNON R. MOORE)

Z2019-17 [REZONING] KATHRYN HARBOUR (MICHAEL LANGSTON & SHANNON R. MOORE) is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

File number Z2019-17 was presented by Ms. Little for a request to rezone property known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional).

A public hearing was held.

Ms. Kathryn Harbour and Mr. Britt Harbour are requesting to rezone property known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional).

There was one (1) opposition and one (1) in support to this request. Ms. Shannon Moore spoke in support. Mr. Johnny Walker spoke in opposition.

Ms. Moore stated that she is one of the owners of this property and she is in total support of this rezoning.

Mr. Johnny Walker disclosed that he is a sitting City of Marietta Council Member, Ward 3. He wanted to make it clear that he was not planning on speaking but since the Board members had questions for him, he would be glad to answer as best he could.

Chairman Kinney asked if it was fair to say he was speaking personally and not as a Council Member and Mr. Walker affirmed.

Mr. Diffley asked what his basic opposition to this rezoning was. Mr. Walker said there is new housing behind the property and that the people probably bought their unit knowing that it was residential. He also felt that parking was an issue. He didn't think it was proper to go back and forth with zonings and feels this property would be very suitable for residential.

Mr. Harbour in his rebuttal stated that Traton Communities started building those properties well before this was rezoned to residential, so they knew it was commercial property before they ever broke ground. He said most of those properties sit directly behind Councilman Walker's property. He said Mr. Walker has less parking spots than they do. He said Mr. Walker has over 20 agents at that location. They have nine spots, which is more than what they need with four to six people being there daily. He feels if it works for Mr. Walker, he doesn't see why it doesn't work for them. He said the market has spoken. Nobody has tried to buy this building for residential use. In six months there has not been any inquiries.

The Board Members asked no questions to the Applicant.

The public hearing was closed.

Ms. McCrae made a motion, seconded by Mr. Hunter, to recommend denial. The motion carried 7-0-0.

Recommended for Denial

Absent: 0
Vote For: 7
Vote Against: 0
Abstain: 0

ADJOURNMENT:

The May 1, 2019 Planning Commission Meeting adjourned at 7:11PM.

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY