



# City of Marietta

## Meeting Minutes

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

### 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***

Tuesday, June 2, 2020

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:*  
*Shelby Little, Planning & Zoning Manager*  
*Robin Osindele, Urban Planner*  
*Doug Haynie, City Attorney*  
*Ines Embler, Secretary to the Board*

### CALL TO ORDER & ROLL CALL:

*Chairman Kinney called the June 2, 2020 Planning Commission Meeting to order at 6:00PM.*

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

### MINUTES:

**20200408**

**May 5, 2020 Regular Planning Commission Meeting Minutes**

**Review and Approval of the May 5, 2020 Regular Planning Commission Meeting Minutes.**

*Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 7-0-0.*

**A motion was made by Diffley, seconded by Davis, that this matter be Approved and Finalized. The motion carried by the following vote:**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

**REZONINGS:****20200143****Z2020-11 [REZONING] ALI GHADRAN (STEPHEN THOMPSON)**

**Z2020-11 [REZONING] ALI GHADRAN (STEPHEN THOMPSON) are requesting the rezoning of 3.15 acres located in Land Lots 140 & 141, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.**

*File number Z2020-11 was presented by Ms. Little for a request to rezone property known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).*

*A public hearing was held.*

*Mr. Stephen Thompson, Mr. Peter Boagderum and Mr. Ali Ghadrán are requesting to rezone property known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).*

*Mr. McClure said he has had a few people concerned about ingress and egress and asked if there plans are to pull out of Hickory and then Hickory out to Powder Springs. Mr. Thomson affirmed. He said that would be the minimal impact to traffic on Powder Springs Street.*

*There were two (2) in opposition to this request. Ms. Cathryn Seaburn opposed in person and Ms. Diane Heinrich opposed virtually.*

*Ms. Seaburn opposed siting concerns over the impact to her street. She also expressed concern over the wildlife that resides in the trees in their neighborhood. She asked that this request be denied.*

*Ms. Heinrich opposed siting concerns over traffic and safety with ingress and egress from her neighborhood street. She would prefer the entrance to this new development be off Powder Springs Street.*

*Mr. Thompson stated in his rebuttal that he cares about the environment and his neighbors and that he chose to sell to a residential developer rather than a commercial developer because it would be less impact to wildlife and the neighbors.*

*Ms. McCrae asked the applicant to address the opposition's concerns over the impact to wildlife and the trees. Mr. Boagderum said they will keep as many trees as possible. He said they will be happy to have a specialist come in and examine any owl habitat.*

*Mr. Anderson asked if they looked into putting the entrance off Powder Springs Street. Mr. Boagderum stated that is was reviewed and the recommendation from his engineer was to be off Hickory.*

*The public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Chairman Kinney, Mr. Diffley and Mr. McClure were for. Mr. Anderson, Mr. Davis, Mr. Hunter and Ms. McCrae opposed. The motion failed.*

*Ms. McCrae made a 2nd motion, seconded by Mr. Hunter to deny the application. Mr. Anderson, Mr. Hunter and Ms. McCrae were for. Chairman Kinney, Mr. Diffley, Mr. Davis and Mr. McClure were against. The 2nd motion failed.*

*Chairman Kinney made a 3rd motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Mr. Hunter and Ms. McCrae opposed. The motion carried 5-2-0.*

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

- 1. Letter of stipulations from Ali Ghadrhan and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 22, 2020, and;*
- 2. Letter containing additional stipulations from Ali Ghadrhan and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.*

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

**Absent: 0**  
**Vote For: 5**  
**Vote Against: 2**

**20200345**

**Z2020-19 [REZONING] PULTE HOME COMPANY, LLC**

**Z2020-19 [REZONING] PULTE HOME COMPANY, LLC is requesting the rezoning of 3.8 acres located in located in Land Lots 290, District 17, Parcel 0640 of the 2nd Section, Cobb County, Georgia, and being known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.**

*File number Z2020-19 was presented by Ms. Little for a request to rezone property known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).*

*A public hearing was held.*

*Mr. James Balli, Esq., for the Applicant is requesting to rezone property known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).*

*There was no opposition to this request. Mr. Stanley Knowles had some questions regarding the site plan.*

*Mr. Fox asked how deep are the driveways; where are guest parking spaces going to be; is he correct that there will be no on street parking in the community and said you are looking at a minimum of maybe 100 cars coming out and asked acceleration and deceleration lanes onto Atlanta Rd.*

*Mr. Balli pointed out that even though there is not a requirement to do so, they reached out to the community and mailed letters to all of the adjacent property owners in that area, included the site plan and invited them to call or email them, so they've had conversations with them and he thinks that may be the reason why there was no opposition tonight. He addressed Mr. Fox's questions stating that there will be two cars in the garage and two cars on the driveway and that the sidewalk would not be blocked. He said they have not asked for any variance for that and that the Applicant will comply with City requirements. He said there will be 10 guest parking spaces and affirmed that there will be no need for on street parking.*

*Mr. Davis said if a traffic study will be required to verify that the intersection of Kings Court and Atlanta Street is adequate, there might be a need to improve Kings Court. He asked staff if the City pays for that or if the developer pays for that. Ms. Little said the developer would pay for those improvements. Mr. Balli said they are agreeable to doing that and that they are also going to have the engineer look at all of that as part of the plan review process.*

*Mr. Diffley asked if he's talking about widening Kings Court. Mr. Balli said he believes that Staff's comments were that that would need to be looked at, especially where they are having their entrance and that this will also be handled during the plan review process.*

*Ms. McCrae asked if the garages were in the back and the front will face Kings Court. Mr. Balli affirmed.*

*The public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval as submitted including the letter of stipulations dated May 22, 2020, except that item #4 be amended to restrict the number of leasable units at any one time to no more than five percent. The motion carried 7-0-0.*

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

- 1. Letter of stipulations and variances from Rob Hosack and James A. Balli, Taylor English Decisions, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 22, 2020, except that item #4 be amended to restrict the number of leasable units at any one time to no more than five percent.*

**A motion was made by Diffley, seconded by Anderson, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote:**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

**20200348            Z2020-20 [REZONING] MARK LEWIS**

**Z2020-20 [REZONING] MARK LEWIS is requesting the rezoning of 0.74 acres located in Land Lot 1144, District 16, Parcel 1680 of the 2nd Section, Cobb County, Georgia, and being known as 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density. Ward 5A.**

*File number Z2020-20 was presented by Ms. Little for a request to rezone property known as 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density.*

*A public hearing was held.*

*Mr. Mike Williams, for the Applicant, is requesting to rezone property known as 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density.*

*There was no opposition to this request.*

*Mr. Diffley said there were fine trees on the property and asked is they were keeping them or if they would clear cut the area. Mr. Williams said they are keeping as many trees as they can.*

*The public hearing was closed.*

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

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

- 1. Variance to increase the density from 4 units/acre to 4.05 units/ acre.*

**A motion was made by Anderson, seconded by Diffley, that this matter be Recommended for Approval. The motion carried by the following vote:**

**Absent: 0  
Vote For: 7  
Vote Against: 0**

**20200365            Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY**

**Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY are requesting the rezoning of approximately 1.6 acres located in Land Lots 506 & 575, District 17, Parcel 0620 of the 2nd Section, Cobb County, Georgia, and being known as a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise). Ward 1A.**

File number Z2020-22 was presented by Ms. Little for a request to rezone property known as a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise).

A public hearing was held.

Mr. Edrick Harris and Mr. Noel Taylor are requesting to rezone property known as a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise).

Chairman Kinney asked for clarification as to the total units. Mr. Harris said they originally applied for 94 units but have since determined that they will only have 74 units. He said that will not change the site plan. He stated that the current owner is not selling the outparcel, so that is not part of their development.

There was one (1) opposition to this request. Mr. Robert Potter opposed virtually.

Mr. Potter opposed. He is the one of the owners of the adjacent property. He said learning that there will now only be 74 units and that the outparcel is not for sale is new information for him. His concerns were that there are insufficient parking spaces for the residents; that there weren't any guest parking spots or parking for maintenance and there was no location for the dumpster. He said the Applicant's presentation included information about schools and feels that the property may convert in the future to allow children or become student housing. He said this development is supported in the Comprehensive Plan. Mr. Potter also submitted in advance a letter stating all of his concerns.

Mr. Harris stated in his rebuttal that the parking was addressed with the reduction in units and that there is a bus stop in front that will also help reduce the need for parking. Mr. Taylor who is with Marietta Housing Authority said that they will own the land and ground lease it to the Applicant and that there will be land use restriction for twenty years, it will be a senior development, there is no concern that the property would convert to student housing or anything else.

Mr. McClure noted that a service area is not shown on the plans. Mr. Harris said they have not shown it on the plans but they would typically put it where there is a turn around for the dumpster to come out.

Mr. McClure asked if the parcel owners did not want to sell the outparcel to them or if they did not want to buy it and asked if they will keep 94 parking spaces even after the dumpster location is established. Mr. Harris said the owners did not want to sell the outparcel and affirmed that they commit to having 1 or more parking space per unit.

Ms. McCrae asked what amenities outside were planned. Mr. Harris said the site plan does not show all of the additional amenities, but they will work with Georgia DCA and will have to have outside gathering areas as well as indoor amenities.

Ms. McCrae questioned if the seniors would be exiting the building in the back and having to walk around to the front to catch the bus. Mr. Harris said there will be an entryway in the front but that the primary ingress and egress to the building would be in the rear to the parking lot.

Chairman Kinney asked about the relationship with the Housing Authority. Mr. Taylor said they partners and are submitting a joint application to the Department of Community Affairs for low income housing tax credits for this particular site.

Chairman Kinney asked how they legally lock it in to just being senior people. Mr. Taylor said it would be in the covenants and restrictions and they would have a Lirk Land Use Restriction Agreement (AKA Laura) which would be recorded and it would say it's 55 and older.

Chairman Kinney asked for history on Prestwick and Mr. Harris explained satisfactorily.

Mr. Diffley asked if they will allow pets. Mr. Harris said yes, that they cannot restrict pets, but there will be a size limit.

Mr. Diffley said the drawing is pretty, he would prefer to see more details in their plans.

Ms. McCrae said she likes the layout but it concerned with seniors having to walk a long way from where they have to park and enter the building.

Chairman Kinney asked if Church Road is a City Street. Ms. Little said it is not.

The public hearing was closed.

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

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

1. Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac. [§708.13 (H)]
2. Variance to reduce the minimum building height from 5 stories to 4 stories. [§708.13 (H)]
3. Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'. [§708.13 (H)]
4. Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'. [§708.13 (H)]
5. Variance to reduce the parking minimum from 188 to 94 parking spaces. [§716.07 and §708.13 (H)]

**A motion was made by Diffley, seconded by Hunter, that this matter be Recommended for Approval. The motion carried by the following vote:**

**Absent: 0  
 Vote For: 7  
 Vote Against: 0**

20200366

**Z2020-23 [REZONING] 33 HOLDINGS LLC**

**Z2020-23 [REZONING] 33 HOLDINGS LLC is requesting the rezoning of 3.26 acres located in Land Lot 433, District 17, Parcel02 0140 of the 2nd Section, Cobb County, Georgia, and being known as 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre). Ward 1A.**

*File number Z2020-23 was presented by Ms. Little for a request to rezone property known known as 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre).*

*A public hearing was held.*

*Mr. Sanjay Raghavaraju, Samwel Kimani, Ms. Sandra Lynn Neuse is requesting to rezone property known as 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre).*

*There was no opposition to this request.*

*Mr. Diffley questioned the lack of recreation area and asked how they plan to come into compliance. Mr. Raghavaraju said walking areas will be included.*

*Chairman Kinney asked why RM12 rather than PRD-SF. Mr. Raghavaraju said their initial intent was to do condominiums and have no reason why it could not be PRD-SF.*

*Chairman Kinney asked Staff if any variance would disappear if they rezoned to PRD-SF and Ms. Little replied satisfactorily.*

*Ms. McCrae asked for clarification on paragraph 6 of the stipulation letter dated 5/29. Mr. Raghavaraju said the two car garages are to be used primarily for parking and not storage.*

*Mr. Diffley asked if there will be an HOA and Mr. Raghavaraju affirmed.*

*The public hearing was closed.*

*Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval as submitted with the change in zoning from RM12 to PRD-SF. The motion carried 7-0-0.*

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

- 1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.*

**A motion was made by McClure, seconded by Diffley, that this matter be Recommended for Approval. The motion carried by the following vote:**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

**20200367**

**Z2020-24 [REZONING] BERCHER HOMES, LLC**

**Z2020-24 [REZONING] BERCHER HOMES, LLC is requesting the rezoning of 0.43 acres located in Land Lot 1231, District 16, Parcels 0260 & 0270 of the 2nd Section, Cobb County, Georgia, and being known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.**

File number Z2020-23 was presented by Ms. Little for a request to rezone property known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant is requesting to rezone property known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

There was one (1) joint opposition to this request. Mr. and Mrs. Kaman opposed.

Mr. and Mrs. Kaman opposed stating that these townhouses are in the back and will be facing their deck. They said there is no natural buffer to offer privacy and expressed concern that there might be a dumpster or dog area right behind them. They would like to have mature plants put in as a buffer to protect the sanity of their environment.

Mr. Moore stated in his rebuttal that this will be residential and will have garbage corral's rather than a dumpster, as it would if they left it commercial. He said the area directly behind Mr. and Mrs. Kaman will be green space. He said Mr. Bercher has met with them and that they have looked at and can provide additional plantings, which will provide privacy for them and the new residents.

Mr. Moore noted that a small bridge has been built connecting the back of the Kaman's property across onto the Bercher property and that they did not build that bridge. He assumes that the Kaman's have used that for their own use to explore this as their own personal park.

Mr. Diffley asked if the alley way that comes off of Crescent Circle goes out and behind, if there is a way to get out at the farther end of the development. Mr. Moore said you have to go back out the same way you came in.

Chairman Kinney asked if the back piece of the property will be accessible from the houses. Mr. Moore affirmed.

Mr. McClure asked if there is an HOA and Ms. Little said yes, affirmed by Mr. Moore.

Chairman Kinney said the plans show three stray parking spaces and asked what that was about. Mr. Moore said they are for the adjacent office. He said there is an easement that they have for parking on the property.

The public hearing was closed.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulation from Mr. Moore dated May 29, 2020. The motion carried 7-0-0.

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

1. 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 May 29, 2020.

**A motion was made by McClure, seconded by Diffley, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote:**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

20200160

**CA2020-04 [CODE AMENDMENT]**

**CA2020-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.11, Residential Infill Development Overlay District.**

*File number CA2020-04 was presented by Ms. Little for a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.11, Residential Infill Development Overlay District.*

*A public hearing was held.*

*There was no opposition to this request.*

*There were no questions from the Board Members.*

*The public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval as written. The motion carried 7-0-0.*

**A motion was made by Diffley, seconded by Davis, that this matter be Recommended for Approval. The motion carried by the following vote:**

- Absent: 0**
- Vote For: 7**
- Vote Against: 0**

**ADJOURNMENT:**

*The June 2, 2020 Planning Commission Meeting adjourned at 8:00PM.*

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*ROBERT W. KINNEY, CHAIRMAN*

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*INES EMBLER, SECRETARY*