



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

Tuesday, June 4, 2019

6:00 PM

City Hall Council Chambers

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

Absent: Byron "Tee" Anderson

Staff:

Rusty Roth, Director, Development Services

Shelby Little, Planning & Zoning Manager

Robin Osindele, Urban Planner

Daniel White, City Attorney

Ines Embler, Secretary to the Board

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the June 4, 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:

20190479

May 1, 2019 Regular Planning Commission Meeting Minutes

Review and Approval of the May 1, 2019 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 6-0-0. Mr. Anderson was absent.

Approved and Finalized

Absent: 1
Vote For: 6
Vote Against: 0

REZONINGS:**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).

A public hearing was held.

Mr. William Ziegler is requesting 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).

There was one (1) in support and many in opposition to this request. Two (2) spoke in opposition. Mr. Evan Basman and Mr. John Hightower spoke in opposition.

Chairman Kinney asked Mr. Ziegler for clarification stating that the write up also spoke about extended stay. Mr. Ziegler said that they would like to also have extended stay at their hotel in order to capture any government contractors that are at Lockheed or the like as well as family visiting someone at the hospital. He said the zoning code is conflicting, stating that CBD says extended stay motels are allowed in that use, then further down it says it's only allowed in certain categories and requires a Special Land Use Permit. Therefore he feels the code contradicts itself.

Mr. Basman opposed stating that he is opposed to any commercial development that would allow any kind of extended stay. He feels an extended stay has the excellent potential to reverse all of the improvements that the City has done. He is not against a boutique style hotel as long as it is not an extended stay. He said that he had a conversation with Mr. Ziegler, who is not a City resident, and was told that he intends to sell at some point. Therefore Mr. Basman feels that would leave the risk with the Citizens. He said extended stays also bring the potential for violent crimes and loitering.

Mr. Hightower opposed and handed staff a petition of signatures against this development. He feels Mr. Ziegler statement about people needing a place to stay for weddings is not valid as he had his wedding in the City and his guests were able to walk to the square. He also supports a boutique style hotel but not an extended stay.

In his rebuttal Mr. Ziegler said he cannot remove all risks from the table but feels it is a risk worth taking. He said a lot of the extended stays are in blighted areas where crime is already a problem. His product is different than your typical standard stay. It will uphold it's value and what you can charge in rental rates. They plan on charging around \$130 per night.

Mr. McClure asked for clarification as to his intent to transition to apartments down the road and what he envisions will be the commercial part of it. Mr. Ziegler said his investment group would like a backup plan to have the extended stay now and then in a year convert to apartments. They have not spoken to anyone about their vision for the commercial part yet.

Chairman Kinney said it was his understanding that construction requirements for a hotel are different for an apartment. Mr. Ziegler said they would build to the standards that qualify for both.

Mr. Davis asked staff if the first floor is a hotel can the second floor be apartments. Ms. Little said it could be approved that way.

Mr. Davis expressed concern with extended stays in general stating that other extended stay hotels have had issues and they have had crime and families moving into them. He feels that even if Mr. Ziegler's price points are higher, if someone is adamant about moving into the City for a school or something like that, they would be at the extended stay for 90 days before they get kicked out, so in the meantime they would have gone through the school enrollment process. He said he likes the building and the idea of a boutique hotel, but it is a risk. Mr. Ziegler said he grew up in Marietta, went to Wheeler and he fully understands what happened in the 90's and what the City has done to address those issues and fix up the City.

Ms. McCrae asked how he plans on monitoring the parking because if it's open anybody can park there. Mr. Ziegler said they would hire a fulltime and a back up property manager that would interact with guests and monitor parking issues. He said they could require that guests send them their license plate and have someone check it daily to make sure the cars belong to guests.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend denial. The motion carried 6-0-0.

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

- 1. Variance to allow an extended stay hotel in the CBD zoning district. [§712.01 (A.) and §712.03 (B.)]*
- 2. Variance to allow four residential units on the ground floor. [§708.18 (B.46.a)] and [§712.09 (G.1.b.vi)]*
- 3. Variance to reduce the minimum floor area for a residential unit to 300 square feet. [§708.18 (B.46.d)] and [§712.09 (G.1.b.ix)]*
- 4. Variance to reduce the minimum floor area devoted to commercial use in a development containing residential and commercial uses from 20% to 10%. [§712.09 (G.1.b.v)]*
- 5. Variance to increase the density for residential units from one unit per 1,742 square feet of lot area to 731 square feet of lot area. [§712.09 (G.1.b.vii)]*

6. Variance to waive the requirement that 95% of all residential units shall be owner-occupied. [§712.09 (G.1.b.viii)]
7. Variance to reduce the size of parking spaces from 9'x20' to 8.5'x18'. [§716.08 (C.4)]
8. Variance to allow 2 out of 24 parking spaces be no less than 8 feet by 16 feet. [§716.08 (C.4)]
9. Variance to reduce the required lot size for an extended stay hotel from 2 acres to 0.403 acres. [§712.03 (B.2)]
10. Variance to waive the active recreation requirement of 750 square feet for an extended stay hotel. [§712.03 (B.3)]
11. Variance to reduce the minimum open space requirement from 25% to 24%. [§712.03 (B.8)]

Recommended for Denial

Absent: 1
 Vote For: 6
 Vote Against: 0

20190296

Z2019-16 [REZONING] SIX POINTS HOMES, LLC (LAWRENCE R. HARRIS, JR. & EDDIE A. FRITZ)

Z2019-16 [REZONING] SIX POINTS HOMES, LLC (LAWRENCE R. HARRIS, JR. & EDDIE A. FRITZ) are requesting the rezoning of 0.759 acres located in Land Lot 1234, District 16, Parcels 0340, 0350, & 0970 of the 2nd Section, Cobb County, Georgia, and being known as 127, 135, & 141 South Avenue from CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

File number Z2019-16 was presented by Ms. Little for a request to rezone property known as 127, 135, & 141 South Avenue from CRC (Community Retail Commercial) 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 127, 135, & 141 South Avenue from CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family).

There were five (5) in opposition to this request. Mr. David Wade, Mr. Stephen Imler, Ms. Sarah Cant and Ms. Debra Newman opposed.

The opposition expressed concern that the area is mostly commercial; small business occupied type businesses. They are concerned about traffic and parking as the development currently does not have street parking. They feel this would be a lot of people in a very small area. It's a highly dense forced in neighborhood with a lot of variances in order to make it happen. They also said there is not enough green space and that visually it is too modern and they would prefer to be in keeping with other townhomes in the area; a home town feel. Ms. Cant expressed concern over five of the townhomes backing up directly to the Cobb Humane dog runs. She said the dogs might not be able to use the facility as intended. It was pointed out that the parking spaces look awfully small and that large pick up trucks might end up on the sidewalk.

Mr. Moore stated in his rebuttal that the visual (view A) provided is the view from South Avenue and that is it a great visual to have. He said he would have gladly provided more information to anyone that would have called him. He said their study found that you cannot make it economically viable for retail in this area. He said what he was hearing tonight was a push away into the future, but that the market for this is now and that it builds on the success they've had with similar projects in the area like Manget.

Chairman Kinney asked if he submitted the letter of stipulation today and Mr. Moore affirmed.

Chairman Kinney said he saw it at 3:30PM and he did not have a chance to read it because it was submitted so late.

Chairman Kinney addressed variances that were not listed in his stipulation letter but were listed in the staff analysis and also pointed out a typo in one of the variances requested. Mr. Moore said he trusted whatever staff recommends.

Chairman Kinney noted that he did not see a sidewalk in the pictures. Staff noted that they do show up on the site plan.

Chairman Kinney asked if people will be required to park in the garage. Mr. Moore said it will be in the covenants that the garage must only be used to park vehicles.

Mr. McClure noted that he went from 14 to 10 homes and asked if the homes changed in size. Mr. Moore said the home sizes did not change.

Mr. Hunter asked if the buffer is a landscape and fence on all three sides and Mr. Moore affirmed.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. McClure, to recommend approval as submitted including the letter of stipulation from Mr. Kevin Moore, Esq., to Ms. Little dated June 4, 2019. The motion carried 6-0-0.

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

Letter of stipulations from J. Kevin Moore, Moore Ingram, Johnson & Steele, LLP to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 4, 2019.

Recommended for Approval

Absent: 1
Vote For: 6
Vote Against: 0

20190435 Z2019-19 [REZONING] Traton Homes, LLC (Hartwood investments llc)

Z2019-19 [REZONING] Traton Homes, LLC (Hartwood investments llc) is requesting the rezoning of 9.58 acres located in Land Lot 505, District 17, Parcel 0170 and Land Lot 1282, District 16, Parcels 0720, 0710, 0700, & 0690 of the 2nd Section, Cobb County, Georgia, and being known as 315 Frey's Gin Road; 1222, 1230, 1238, & 1246 Banberry Road from LI (Light Industrial) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development Single Family). Ward 7A.

File number Z2019-19 was presented by Ms. Little for a request to rezone property known as 315 Frey's Gin Road; 1222, 1230, 1238, & 1246 Banberry Road from LI (Light Industrial) and R-4 (Single Family Residential - 4 units/acre) 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 315 Frey's Gin Road; 1222, 1230, 1238, & 1246 Banberry Road from LI (Light Industrial) and R-4 (Single Family Residential - 4 units/acre) to PRD-SF (Planned Residential Development Single Family).

There was no opposition to this request.

Mr. Davis asked what the darker boxes on the site plan were. Mr. Moore said that it was just how the copies showed up and that it was not anything significant.

Mr. Hunter asked if they have any consideration for a common area, guest parking and a pool. Mr. Moore said their concept for amenities is a gathering spot with a pavilion and not pool.

Mr. Davis asked Mr. Moore to address the 128 families living in such tiny open space. Mr. Moore said that from a market standpoint, it is not views as 128 family units. It will be very popular from the market standpoint with singles, couples and older couples. Mr. Davis clarified saying he was referring to 128 people. Mr. Moore said they felt it was adequate. Mr. Poston with Traton Homes, expanded more on that and said the pool is under strong consideration.

Chairman Kinney said he personally has a philosophical issue with a development of this size asking for variances on open space and active vs. passive and driveways. He feels a development of this size should not need those variances.

Mr. Diffley asked how much open space as it is drawn now is there. Mr. Moore said it is .35 (1/3) acres.

Mr. Diffley asked if Kathleen Drive was not never intended to be used as a regular access point in and out. Mr. Moore said from their standpoint and in reviewing it they feel it will be a great location for a rear access point that could be gated. Mr. Diffley pointed out that they have a neighborhood there. Mr. Moore said it would not be a main access point. Just a way for folks to exit and go that direction. Mr. Diffley stated that his point is that somebody in the neighborhood could park on that side of the fence rendering it unusable and you would not be able to get emergency personnel through there, so basically there is only one full time in and out and it's over on Banberry Rd.

Chairman Kinney asked if residents would be able to open the gate or just emergency personnel and if they would be able to also enter through there. Mr. Moore said residents would be able to open the gate as well, but that allowing an entry point would trigger additional City requirements that would have to be considered.

Mr. McClure asked if they were two car garages and Mr. Moore affirmed. Mr. McClure express concern over 250 cars traveling through there saying that was a lot of traffic and asked Mr. Moore what his thoughts were. Mr. Moore said there are several different ways to come in and out because people would generally have multiple places to go. Mr. McClure said he was referring to 250 cars, not direction which they can travel. Mr. Moore said it is just like the Braves home game. There are 14 ways to get into the Braves Stadium, but there's 40,000 people going at the same time. They would be able to manage that traffic at that location because of the different access points that people can come in and leave from. Mr. McClure pointed out that there is only one way in and out of the proposed development. Mr. Moore countered saying just one entrance on Banberry, but that from there they could go right or left or out multiple ways.

Mr. Diffley added that a lot of cars is an issue and a real burden on those streets for even 1/3 of those people. He said Powers Ferry has picked up traffic something fierce because of the new toll lanes and he finds it quite distressing.

Mr. Davis asked if there was a way to do a traffic study. Mr. Moore said they have not done a traffic study and it is not required as part of the process.

Ms. McCrae asked if a fire truck would be able to get in there with those two parking spaces there and Mr. Moore said yes.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Chairman Kinney, to recommend denial. The motion carried 5-1-0. Mr. Hunter opposed.

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

Letter of stipulations from J. Kevin Moore, Moore Ingram, Johnson & Steele, LLP to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 4, 2019.

Recommended for Denial

Absent: 1
Vote For: 5
Vote Against: 1

ADJOURNMENT:

The June 4, 2019 Planning Commission Meeting adjourned at 7:30PM.

 ROBERT W. KINNEY, CHAIRMAN

 INES EMBLER, SECRETARY