



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, September 3, 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*
- Jasmine Thornton, Planning & Zoning Administrator*
- Daniel White, City Attorney*
- Ines Emblar, Secretary to the Board*

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the September 3, 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:

20190745

August 6, 2019 Regular Planning Commission Meeting Minutes

Review and Approval of the August 6, 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 6-0-1. Mr. Kinney abstained.

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: 6**
- Vote Against: 0**
- Abstain: 1**

REZONINGS:

20190674

Z2019-27 [REZONING & SPECIAL LAND USE PERMIT] MARIETTA CHURCH OF GOD

Z2019-27 [REZONING & SPECIAL LAND USE PERMIT] MARIETTA CHURCH OF GOD is requesting the rezoning of approximately 15 acres located in Land Lots 949 & 996, District 16, Parcel 0260 of the 2nd Section, Cobb County, Georgia, and being known as 1083 Allgood Road from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City) with a Special Land Use Permit for a place of assembly. Ward 6B.

File number Z2019-27 was presented by Mr. Roth for a request to rezone property known as 1083 Allgood Road from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City) with a Special Land Use Permit for a place of assembly.

A public hearing was held.

Mr. James Northcutt is requesting to rezone property known as 1083 Allgood Road from R-20 (Single Family Residential - Cobb County) to R-2 (Single Family Residential - 2 units/acre - City) with a Special Land Use Permit for a place of assembly.

There was no opposition and one (1) inquiry to this request. Mr. Bill Parsons had an inquiry.

Mr. Parsons asked about the parcels surrounding the church. Chairman Kinney explained that this request only pertains to the Church property and not the surrounding parcels.

Mr. Parsons asked questions pertaining to his future tax value if he were to annex into the City in the future. Chairman Kinney explained that the tax rates are similar to the County and said that only contiguous properties to the City border may Annex into the City. Mr. Parsons excused himself stating his property is not within Marietta jurisdiction.

Mr. Diffley asked if there were any plans to make changes or additions of other buildings to the property. Mr. Northcutt said there are no changes planned and that they are land locked with floodplains.

Chairman Kinney asked if the voting precinct would remain. Mr. Northcutt said as far as he knows the voting will continue.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Davis, 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 reduce the seventy-five (75) foot setback along the southern and northern property lines for as-built conditions only. [§708.02 (E.1.b)].*

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
Abstain: 0

20190675

A2019-03 [ANNEXATION] MARIETTA CHURCH OF GOD

A2019-03 [ANNEXATION] MARIETTA CHURCH OF GOD is requesting the annexation of properties located in Land Lots 949 & 996, District 16, Parcel 0260 of the 2nd Section, Cobb County, Georgia and being known as 1083 Allgood Road, and any associated right of way, consisting of approximately 15 acres. Ward 6B.

File number A2019-03 was presented by Mr. Roth for a request to annex property known as 1083 Allgood Road, and any associated right of way, consisting of approximately 15 acres.

A public hearing was held.

Mr. James Northcutt is requesting to annex property known as 1083 Allgood Road, and any associated right of way, consisting of approximately 15 acres.

There was no opposition to this request.

Chairman Kinney asked Mr. Northcutt 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 approval as submitted. The motion carried 7-0-0.

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

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

20190676

CA2019-03 [CODE AMENDMENT]

CA2019-03 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lots 949 & 996, District 16, Parcel 0260 of the 2nd Section, Cobb County, Georgia and being known as 1083 Allgood Road the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Service and Institutional). Ward 6B.

File number CA2019-03 was presented by Mr. Roth for a Code Amendment in conjunction with the requested annexation of property located Land Lots 949 & 996, District 16, Parcel 0260 of the 2nd Section, Cobb County, Georgia and being known as 1083 Allgood Road the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Service and Institutional).

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. Hunter to recommend approval as submitted. The motion carried 7-0-0.

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
Abstain: 0

20190691

Z2019-28 [SPECIAL LAND USE PERMIT] KELLY TOWERS III (INTERNATIONAL ASSOCIATION OF MACHINISTS)

Z2019-28 [SPECIAL LAND USE PERMIT] KELLY TOWERS III (INTERNATIONAL ASSOCIATION OF MACHINISTS) is requesting a Special Land Use Permit for a telecommunication tower at property located in Land Lots 434 & 503, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1032 South Marietta Parkway, currently zoned LI (Light Industrial). Ward 1A.

File number Z2019-28 was presented by Mr. Roth for a request for a telecommunication tower at property located in Land Lots 434 & 503, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1032 South Marietta Parkway, currently zoned LI (Light Industrial).

A public hearing was held.

Ms. Kathy Kelly is requesting a Special Land Use Permit for a telecommunication tower at property located in Land Lots 434 & 503, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1032 South Marietta Parkway, currently zoned LI (Light Industrial).

There was no opposition to this request and two (2) in support.

Mr. Diffley asked for affirmation that they are reducing the height from 150 to 120 and Ms. Kelly affirmed.

Mr. Diffley asked how many parking spaces they are taking and if they are for the union hall. Ms. Kelly said they are taking 12 spaces and they are part of the union hall. She said the whole back parking lot is part of the union hall.

Chairman Kinney asked about the driveway between the parking lot and the college. Ms. Kelly said the college has an agreement in place with the Machinists lodge to lease out the parking area. They have reached out to the school and have not received any opposition.

Chairman Kinney asked if they lease the entire lot and she said yes. Mr. Bill Vagan, Secretary/Treasurer for the Machinists said they have an agreement with Kennesaw State. They lease 420 parking spaces plus an additional paved area that is not marked off. They are in the process of renegotiating the parking lease. The school has asked for first right of refusal should the Machinists sell the place and they are not opposed.

Mr. Anderson asked if they are asking for variances to waive the landscape buffer because it's already in a parking lot and we don't want to tear up any asphalt to plant a bush. Ms. Kelly affirmed stating they don't want to take up any more parking spaces than they have to.

The public hearing was closed.

Mr. Davis made a motion, seconded by Mr. Anderson, to recommend approval as submitted with the following variances. The motion carried 7-0-0.

If Council approves the Special Land Use Permit, the following variances would be incorporated as conditions of the Special Land Use Permit:

Variances:

- 1. Variance to waive the 50-foot landscape buffer and fence along the property line adjacent to residentially zoned property (960 Hudson Road). [§712.07 (B.5)]*
- 2. Variance to waive the required landscaping outside the perimeter fencing. 712.07 (B.6)]*

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

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

20190692

Z2019-29 [REZONING & SPECIAL LAND USE PERMIT] THE EXTENSION INC.

Z2019-29 [REZONING & SPECIAL LAND USE PERMIT] THE EXTENSION INC. is requesting the rezoning of 1.42 acres located in Land Lots 941 & 942, District 16, Parcels 0230 & 0080, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1503 & 1507 Church Street Extension from CRC (Community Retail Commercial) to OI (Office Institutional) with an additional use as a homeless shelter and Special Land Use Permit for a halfway house. Ward 5B.

File number Z2019-29 was presented by Mr. Roth for a request to rezone property known as 1503 & 1507 Church Street Extension from CRC (Community Retail Commercial) to OI (Office Institutional) with an additional use as a homeless shelter and Special Land Use Permit for a halfway house.

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant, is requesting to rezone property known as 1503 & 1507 Church Street Extension from CRC (Community Retail Commercial) to OI (Office Institutional) with an additional use as a homeless shelter and Special Land Use Permit for a halfway house.

There were two (2) in opposition and two (2) in support to this request. Ms. Rose Massey and Mr. Derek Tiederman opposed.

Ms. Massey opposed saying she does not feel changing the zoning is fair to people in the surrounding area. She is concerned that property values will drop. She said there are already people camping out in the area using drugs and doing undesirable acts. She also said the location is not a good option because the area is already very congested and busy 24/7. She would prefer to see this somewhere where the zoning is already OI. She mentioned that there is an online petition with close to 100 people.

Mr. Tiederman reiterated what Ms. Massey said. He also said he moved here from Smyrna because it's a beautiful nice area right next to Kennesaw Mountain and everybody felt safe. However, he feels that in the last year or so there has been an increase in homeless people. He doesn't feel safe driving through the area anymore. He feels what the Applicant is trying to do is a good thing, but it should be done in an area zoned for this. He expressed concern about property values declining.

In his rebuttal, Mr. Moore stated that what the opposition is complaining about is exactly what The Extension solves, one man at a time. He said the homeless problem just doesn't go away just because they keep shoving them someplace else. The Extension provides treatment and helps get to the root of homelessness. The homeless people walking around in the area are not the people in The Extension. Homeless people coming to the area are not there because of The Extension. He also said that the area is not a residential area and that one of the most dangerous chemical plants that we could have is sitting right behind this place. This isn't where children play. It is exactly where it should be and where it has been located. They have been there for thirty years doing this. The only reason they are getting the zoning is because long ago it was grandfathered and they want to expand.

Mr. Diffley asked if the area behind the proposed building in the site plan was a service entrance and if it connects around. Mr. Moore said it connects around, but it is basically for service and emergency services.

Mr. Diffley noted that the sidewalk does not look like it's five feet wide. Mr. Moore said they plan on repairing the sidewalk, but it is projected to remain the same size as it is now.

Chairman Kinney asked for a little history on The Extension. Mr. Moore said they are a non-profit organization; they have been in existence for 32 years. They started as a homeless shelter, but quickly became a treatment center with over 1,000 graduates.

Chairman Kinney asked if they have other locations. Mr. Moore said this is the location for men and that they have another location in the City for women.

Ms. McCrae asked what the success rate of the current 47 bed facility was. Mr. Tom Driver with The Extension said those who stay for 60 days or longer have a 76% completion rate.

Ms. McCrae asked if they have vehicles and how will the new facility accommodate for parking. Mr. Driver said that parking will not be an issue as some have vehicles, but most do not.

Ms. McCrae asked if everyone in the facility works in the evening. Mr. Driver said the clients work during the day and do classes and therapy in the evening. He said the property is staffed 24/7.

Ms. McCrae asked if the doors are locked at lights out and how are they monitored. Mr. Driver said doors are not locked at night and that they have staff on site 24/7.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. McClure, 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:

Variances:

1. Variance to reduce the rear yard setback from 35 ft. to 20 ft. [§708.23 (H)]
2. Variance to reduce the number of parking spaces to 43. [§716.07 (E.)]
3. Variance to waive the required sidewalk along Loudermilk Drive. [§732.07]

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

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

20190693

Z2019-30 [REZONING] BJF, JR., LLC

Z2019-30 [REZONING] BJF, JR., LLC is requesting the rezoning of 0.42 acres located in Land Lots 215 & 218, District 17, Parcel 0700 of the 2nd Section, Cobb County, Georgia, and being known as 11 Garrison Road from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with an additional use for light assembly and fabrication. Ward 1A.

File number Z2019-30 was presented by Mr. Roth for a request to rezone property known as 11 Garrison Road from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with an additional use for light assembly and fabrication.

A public hearing was held.

Mr. Adam Rozen, Esq., for the Applicant, is requesting to rezone property known as 11 Garrison Road from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with an additional use for light assembly and fabrication.

There was no opposition to this request.

Mr. Diffley asked if pieces for tables/chairs, etc. would be cut and assembled on the premises and if they would be transported using a personal vehicle. Mr. Rozen said some pieces would be cut and assembled on the premises and some would be done at the job site. It depends on the type of furniture being built. He said all supplies including lumber will be transported in his personal pick-up truck. There will not be any commercial trucks on site.

Mr. Diffley asked if the only vehicles there would be for his personal truck and for the employee vehicles. Mr. Rozen affirmed stating that there is no retail component at this time.

Chairman Kinney said the building needs a fair amount of work and asked when they would start production. Mr. Rozen affirmed and said they are working on fixing the interior and they would like to start as soon as they get done with the plan review process.

Chairman Kinney highly recommended that sprinklers be considered. Mr. Rozen said they are at the mercy of the International Fire Code/Building Code and that they are in the process of figuring out what they will require.

Mr. Diffley said the gravel parking has a lot of vegetation and asked if it will be maintained. Mr. Rozen said that knowing his client well, he feels they will maintain it properly.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval as submitted including the letter of stipulation from Mr. Adam Rozen, Esq., to Ms. Little dated August 29, 2019. The motion carried 7-0-0.

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

Stipulations:

- 1. Letter of stipulations from Sams, Larkin, Huff & Balli, LLP, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated August 29, 2019.*

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

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

20190284

CA2019-04 [CODE AMENDMENT]

CA2019-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708, District Standards and Permitted Uses, and Division 724.02, Division of Terms, regarding Mobile Food Truck Establishments.

File number CA2019-04 was presented by Mr. Roth for a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708, District Standards and Permitted Uses, and Division 724.02, Division of Terms, regarding Mobile Food Truck Establishments.

A public hearing was held.

Mr. Roth, City Staff, presented a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708, District Standards and Permitted Uses, and Division 724.02, Division of Terms, regarding Mobile Food Truck Establishments.

There was no opposition to this request.

There were no questions from the Board Members.

The public hearing was closed.

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

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

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

ADJOURNMENT:

The September 3, 2019 Planning Commission Meeting adjourned at 7:19PM

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY

