



# 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*  
*Hicks Poor, Ward 3*  
*Byron "Tee" Anderson, Ward 4*  
*Brenda McCrae, Ward 5*  
*Stephen Diffley, Ward 7*

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Tuesday, September 4, 2018

6:00 PM

City Hall Council Chambers

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*Present: Bob Kinney, Jay Davis, Frasure Hunter, Hicks Poor, Byron "Tee" Anderson, Brenda McCrae and Stephen Diffley*

*Staff:*

*Rusty Roth, Director, Development Services*  
*Jasmine Chatman, Planning & Zoning Administrator*  
*Daniel White, City Attorney*  
*Ines Emblar, Secretary to the Board*

### CALL TO ORDER & ROLL CALL:

### MINUTES:

#### 20180900 August 1, 2018 Regular Planning Commission Meeting Minutes

#### **Review and Approval of the August 1, 2018 Regular Planning Commission Meeting Minutes.**

*Chairman Kinney called the September 12, 2018 Planning Commission Meeting to order at 6:00PM.*

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

**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/ANNEXATION/CODE AMENDMENTS:****20180754            Z2018-22 [REZONING] ESTATE OF HELEN MARVINE HITT  
MEDFORD (LOYD DEVELOPMENT SERVICES)**

**Z2018-22 [REZONING] ESTATE OF HELEN MARVINE HITT  
MEDFORD (LOYD DEVELOPMENT SERVICES) is requesting the  
rezoning of approximately 5.07 acres located in Land Lot 799, District 16,  
Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known  
as 1691 Bells Ferry Road from R-2 (Single Family Residential - 2 units/acre)  
to RA-8 (Single Family Residential Attached - 8 units/acre). Ward 5B.**

*File number Z2018-22 was presented by Mr. Roth for a request to rezone property known as 1691 Bells Ferry Road from RA-8 (Single Family Residential Attached - 8 units/acre).*

*A public hearing was held.*

*Mr. Adam Rozen, Esq., for the Applicant is requesting to rezone property known as 1691 Bells Ferry Road from RA-8 (Single Family Residential Attached - 8 units/acre).*

*There was one (1) in opposition to this request. Mr. Terrence P. Frank Opposed.*

*Mr. Frank opposed citing concerns with traffic. He feels people turning left out of the development will be dangerous. He proposes a right turn only out of the subdivision.*

*Mr. Rozen stated in his rebuttal that limiting left turns out of the property would create traffic problems because people would be doing U-Turns or going up the road and turning around. He said with the proposed acceleration and deceleration lanes is the best they can do.*

*Ms. McCrae asked about additional parking spots on the plan. Mr. Rozen affirmed that there are an additional six (6) parking spaces.*

*Mr. Poor asked for clarification that variance #1 from the Staff Report and that he no longer needed stipulation # 13 from his letter dated July 27, 2018.*

*Chairman Kinney asked whether they would be gated private roads. Mr. Rozen said it will be private roads but they will not be gated.*

*Chairman Kinney asked questions pertaining to the center left turn lane. Mr. Rozen said they will comply with Public Works Department requirements.*

*Chairman Kinney asked if interior sprinklers would be required; if Condo Association will take care grounds and who would take care of roof repairs. Mr. Rozen said the Association will take care of grounds, roof and exterior of buildings and sprinklers will be in the interior.*

*Chairman Kinney stated that Fire Department has 10% grade limit and asked if he will meet that. Mr. Rozen said they are in the 10%-12%. He said that at this point they are not asking for a variance for that, they will meet all requirements.*

*Chairman Kinney asked about tree buffers and whether they will be preserving any trees. Mr. Rozen affirmed stating that they will try to preserve existing trees.*

*The public hearing was closed.*

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

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

Stipulations:

- 1. Letter of stipulations from Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated July 27, 2018, striking stipulation #13: The granting of a contemporaneous variance to waive any requirements for the installation of an acceleration lane or center turn lane.
- 2. Site Plan submitted August 13, 2018 is included.
- 3. Architectural renderings presented at the meeting are included.
- 4. Coordinate with Fire Department to confirm grade requirements.

Variances:

- 1. Variance to reduce the lot size from 3,000 sq. ft. to an approximate 1,300 sq. ft. The minimum heated space is 1,300 sq. ft. The development will not plat the individual lots until constructed – however, the lot size will be approximately the area of the building footprint. [§708.07 (H)]
- 2. Variance to reduce minimum lot width from 35 ft. to 25 ft. [§708.07 (H)]
- 3. Variance to waive the requirement that the development must be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. §44-3-70, et seq.). [§708.07 (B.2(d))]

**Recommended for Approval as Stipulated**

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

**20180859**

**Z2018-24 [REZONING] TRATON HOMES LLC**

**Z2018-24 [REZONING] TRATON HOMES LLC is requesting the rezoning of 3.5 acres located in Land Lot 1289, District 16, Parcels 0730, 0580, 0290, 0250 & a portion of 0260; and Land Lot 288, District 17, a portion of Parcels 0340, 0370, & 360, 2nd Section, Marietta, Cobb County, Georgia, and being known as 208, 216, 230, 240, & a portion of 250 Frasier Street and portions of 423 & 431 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.**

File number Z2018-24 was presented by Mr. Roth for a request to rezone property known as 208, 216, 230, 240, & a portion of 250 Frasier Street and portions of 423 & 431 Atlanta Street 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 208, 216, 230, 240, & a portion of 250 Frasier Street and portions of 423 & 431 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

There were three (3) in opposition to this request. Dr. Thomas A. Scott, Mr. Chris Brown and Mr. Bennie Williams opposed.

Dr. Scott and Mr. Brown expressed concern for the structure at 208 Frasier Street because it is a historical house and they would like to see it preserved in some way.

Mr. Williams opposed stating that the last six units on the site plan are sitting on his property line and he is not in favor of this rezoning.

Mr. White, Counsel for the City, noted that Mr. Williams is listed as one of the owners on the Application and asked him if he was the person who signed the Application. Mr. Williams said he signed the application; that he was told to sign it but wasn't aware that it was to rezone the property.

Mr. White advised the Board Members stating that it would not be advisable to proceed with this request when at least one of the applicants was not clear on what he was signing.

Chairman Kinney asked Mr. Moore if would be opposed to tabling this request. Mr. Moore did not oppose and stated that this concern was just raised for him; that it would be appropriate for the City to follow Counsel's advice to make sure that all of the applicants are wanting to move forward with the application process.

The public hearing was closed.

Mr. Duffley made a motion, seconded by Mr. Davis, to table this request to the next Planning Commission meeting. The motion carried 6-0-0. Mr. Poor was absent from this point forward.

#### **Tabled**

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

20180857

**Z2018-25 [REZONING] JOANNE S. MERSEREAU (TRATON HOMES LLC)**

**Z2018-25 [REZONING] JOANNE S. MERSEREAU (TRATON HOMES LLC) is requesting the rezoning of 11.15 acres located in Land Lot 251, District 20, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1825 Stilesboro Road from R-20 (Single Family Residential) in Cobb County to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 4C.**

*File number Z2018-25 was presented by Mr. Roth for a request to rezone property known as 1825 Stilesboro Road from R-20 (Single Family Residential) in Cobb County to PRD-SF (Planned Residential Development - Single Family) in the City.*

*A public hearing was held.*

*Mr. Kevin Moore, Esq., for the Applicant is requesting to rezone known as 1825 Stilesboro Road from R-20 (Single Family Residential) in Cobb County to PRD-SF (Planned Residential Development - Single Family) in the City.*

*There were five (5) in opposition to this request and one (1) in support. Mr. William Lathem, Mr. Jack Lathe, Mr. Tom Feske, Ms. Patricia Duncan and Ms. Linda Crafton spoke in opposition. Ms. Joyce Stewart spoke in support.*

*Ms. Stewart said she is neither for or against it at this point. She is there to gather information. She agrees that that this kind of development is needed and expressed concern over the ingress/egress of fire trucks and sanitation trucks as there is no Cul-de-sac in the plans. She also stated that the road out front is a very dangerous curve.*

*Mr. Lathem, spoke on behalf of the Civil War Roundtable of Cobb County. He spoke regarding the historic fortifications located on the property. He strongly encouraged that an archaeological study be done on the property as part of the stipulations. He feels the study will show a combination of trench lines and artillery positions on the property. He provided the Board Members with a handout showing some of the ways they work with other developers in the county protecting the fortifications.*

*Mr. Lathe said there is an existing chain link fence that borders the property and asked if they will be replacing it. He suggested they replace it with a wrought iron fence if it's going to be replaced. He asked if they will replace trees with mature trees and would like for the developer to save as many of the current large trees as possible. He would like the homeowner's association covenants to include language that would include maintenance of the buffer area as well. He also objected to the density.*

*Mr. Feske said his biggest concern is the encroachment on his neighborhood, The Lakes of Stonegate. He is glad to hear they are putting up evergreens in their buffers, which will help in winter. He expressed concern about the exit of the property. He said it's on a curve on a 45mph speed zone. He said it's a short curve and short opening for visibility. He feels people 55 and older may not have the same reactions as a younger population. He feels it is a highly dangerous curve and asks that someone really studies that before they approve any development. He is also concerned about the variance request to minimize the green space from 25% to 4.76%. He feels that is a pretty broad difference of trying to cram in more homes as opposed to having more green space.*

*Ms. Patricia Duncan expressed concern over the traffic situation on that street. She doesn't think there is enough space for a left turn lane, but it would be helpful as it is a very narrow at the bottom of that curve. She was wondering if there will be an HOA and stated that she would prefer fewer homes.*

*Ms. Linda Crafton feels there are too many homes for the size of the lot. She expressed concern over traffic and not having enough designated green space. She said there are also a lot of deer running in front of vehicles. She is not understanding why the need to Annex into the City and commented that this community will be for people over 55 and when they turn 63 they will not pay school tax. She feels a development that also supports school tax would be more appropriate.*

*Mr. Moore stated in his rebuttal that they are agreeable to a historical survey and study. He said the homeowner's association will be one of the strongest you have ever seen. School age children will not be allowed to reside there for more than six months. They will take care of all of the exterior and buffer areas. They will work with Cobb DOT, who will control the road situation.*

*Mr. Davis asked what will be included in the 40' buffer; will the chain link fence be replaced and expressed concern over an aging population not having the same response time. Mr. Moore said some areas will be disturbed but will be replaced with mature trees. He said there are no plans to remove or replace the chain link fence and that Cobb DOT controls the roads in that area, but that they will work with them and take their recommendations under consideration.*

*Mr. Diffley asked if he was aware of any trenches with cannon balls and expressed concern over the severe damage they could cause. He said the whole area needs to be surveyed. Mr. Moore said that the historical survey will show what's on the property.*

*Ms. McCrae asked for confirmation that if for example an 18 year old cannot live there permanently and asked if there is a possibility of adding a gazebo. Mr. Moore affirmed, stating that they would only be allowed to stay 6 months and that adding a gazebo is a possibility.*

*Mr. Anderson questioned the variance request to reduce the minimum amount of green space from 25% to 5% and asked if have looked at any option for the storm water management to perhaps do underground detention in order to reduce the percentage. Mr. Moore said they will look into some other opportunities.*

*Chairman Kinney made the comment that if they are able to convert one of the storm water areas to open space, that would get it up to the 11% range. He noted that one of the applications was notarized with an Alaska notary seal. Mr. Moore agreed with Chairman Kinney's comments pertaining to the storm water area said the parties involved were in Alaska at that time.*

*Chairman Kinney asked where the mail box clusters are located. Mr. Moore said they will either be in the back of the subdivision or possibly in the front entrance.*

*Ms. McCrae asked Mr. Moore to explain for the opposition why Annex into the City. Mr. Moore said from an overall perspective the surrounding properties are already in the City limits. Traton Homes is based in the City and is very familiar with City Ordinances. The City only has one 55 plus community, currently in development.*

*The public hearing was closed.*

*Mr. Duffley made a motion, seconded by Mr. Anderson, to recommend approval as submitted including the August 31, 2018 stipulation letter from Moore, Ingram, Johnson & Steele. 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 Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated August 31, 2018.*

**Recommended for Approval as Stipulated**

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

**20180858**

**A2018-03 [ANNEXATION] JOANNE S. MERSEREAU (TRATON HOMES LLC)**

**A2018-03 [ANNEXATION] JOANNE S. MERSEREAU (TRATON HOMES LLC) is requesting the annexation of property located in Land Lot 251, District 20, Parcel 0070 (also known as 1825 Stilesboro Road) and all required right of way, of the 2nd Section, Cobb County, Georgia consisting of 11.15 acres. Ward 4C.**

*File number A2018-03 was presented by Mr. Roth for a request to annex property known as 1825 Stilesboro Road and all required right of way from R-20 (Single Family Residential) in Cobb County to PRD-SF (Planned Residential Development - Single Family) in the City.*

*A public hearing was held.*

*Mr. Kevin Moore, Esq., for the applicant is requesting to annex property known as 1825 Stilesboro Road and all required right of way from R-20 (Single Family Residential) in Cobb County to PRD-SF (Planned Residential Development - Single Family) in the City.*

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

*There was voiced opposition to this request, but no one spoke.*

*There were no questions from the board members.*

*The public hearing was closed.*

*Mr. Anderson made a motion, seconded by Mr. Davis to recommend approval as submitted. The motion carried 6-0-0.*

**Recommended for Approval**

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

**20180866**

**CA2018-05 [CODE AMENDMENT]**

**CA2018-05 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 251, District 20, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1825 Stilesboro Road, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4C.**

*File number CA2018-05 was presented by Mr. Roth for a Code Amendment in conjunction with the requested annexation of property located in Land Lot 251, District 20, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1825 Stilesboro Road, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential).*

*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. Davis made a motion, seconded by Ms. McCrae to recommend approval as submitted. The motion carried 6-0-0.*

**Recommended for Approval**

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

**20180712**

**CA2018-04 [CODE AMENDMENT] - MODEL HOME ORDINANCE**

**CA2018-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 726, Subdivision Regulations.**

*File number CA2018-04 was presented by Mr. Roth for a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 726,*

*Subdivision Regulations.*

*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 726, Subdivision Regulations.*

*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. Diffley, to recommend approval as submitted. The motion carried 6-0-0.*

**Recommended for Approval**

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

**ADJOURNMENT:**

*The September 4, 2018 Planning Commission Meeting adjourned at 8:12PM*

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*ROBERT W. KINNEY, CHAIRMAN*

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*INES EMBLER, SECRETARY*