



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

(Col. Ret.) Kenneth Dollar, Ward 2 - Chairman
Ann Watkins, Ward 1
Patrick Thompson, Ward 3
John Schupp, Ward 4
Kenneth Carter, Ward 5
Bob Kinney, Ward 6
Stephen Diffley, Ward 7

Wednesday, August 1, 2012

6:00 PM

City Hall Council Chambers

Present: Kenneth Dollar, R. W. "Bob" Kinney, John J. Schupp, Stephen Diffley, Patrick Thompson

Absent: Kenneth Carter and Ann Watkins

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Shelby Little, Urban Planner
Daniel White, City Attorney

CALL TO ORDER & ROLL CALL:

Chairman Dollar called the August 1, 2012 Planning Commission meeting to order at 6:00 p.m. A change to the agenda was noted by Chairman Dollar that elections for Chairman and Vice Chairman will take place by voice vote not by ballot.

Patrick Thompson made a motion to modify the agenda, seconded by Mr. Diffley. Motion carried 5 – 0 – 0.

MINUTES:

20120485 May 1, 2012 Regular Planning Commission Meeting Minutes

Review and Approval of the May 1, 2012 Planning Commission Meeting Minutes

A public hearing was held.

File #20120485 - Mr. Kinney moved that the May 1, 2012 Regular Planning Commission Meeting Minutes be accepted as submitted, seconded by Mr. Thompson.

Motion carried 4-0-1 with John Schupp abstaining.

A motion was made by R. W. "Bob" Kinney, seconded by Patrick Thompson, that this matter be Approved and Finalized. The motion carried by the following vote:

4 – 0 – 1

Absent: 2 – Carter and Watkins

Abstain: 1 - Schupp

REZONINGS:

20120615

Z2012-04 Keith Cristal 85 Atlanta Street

Z2012-04 [REZONING] KEITH CRISTAL request rezoning for property located in Land Lot 12310, District 16, Parcel 1060, 2nd Section, Marietta, Cobb County, Georgia and being known as 85 Atlanta Street from CBD (Central Business District) to CBD (Central Business District) with an additional use to allow for auto rental. Ward 5.

File #20120615 (Z2012-04) was presented by Mr. Roth for property located in Land Lot 12310, District 16, Parcel 1060, and being known as 85 Atlanta Street.

A public hearing was held.

The applicant, Keith Cristal, is requesting rezoning from CBD (Central Business District) to CBD (Central Business District) with an additional use to allow for auto rental.

Mr. Cristal operates JDS Auto Clearance Outlet and Car Fanatics on Atlanta Street and wants to offer customers rental cars while their vehicles are being repaired.

No one in support or opposition to this request.

Discussion between Mr. Diffley and Mr. Cristal indicated late model vehicles to be used as rental cars.

In response to Mr. Kinney's concerns, Mr. Cristal will not be making structural changes to the building but will paint the exterior. Parking concerns were addressed by Mr. Cristal. Rental business is not a rental chain business but private name.

Mr. Thompson questioned the anticipated monthly volume of rental and the anticipated inventory. Mr. Cristal will start with about 10 cars with 70% rental time.

Chairman Dollar confirmed hours of rental service to be 9 to 6 Monday through Friday, a half day on Saturday and closed Sunday.

As discussed with Mr. Schupp, Mr. Cristal will not be parking vehicles being repaired in rental car spaces.

Mr. Thompson made a motion to approve the rezoning request as presented, seconded by Mr. Schupp. Motion carried 5 – 0.

**A motion was made by Patrick Thompson, seconded by John J. Schupp that this matter be Recommended for Approval. The motion carried by the following vote:
5 – 0 – 0**

Absent: 2 - Carter and Watkins

20120665

Z2012-05 Kolawole Asatola, et al 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road and 1472 Bellemeade Farms Road

Z2012-05 [REZONING] KOLAWOLE ASATOLA, ET AL request rezoning for property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410, 0400 and 0390, 2nd Section, Marietta, Cobb County, Georgia and being known as 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road and 1472 Bellemeade Farms Road from R-15 (Residential 15,000 sq. ft. - County) to R-3 (Single Family Residential 3 units/acre). Ward 3.

File #20120665 (Z2012-05) was presented by Mr. Roth for property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410, 0400, and 0390, and being known as 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road, and 1472 Bellemeade Farms Road.

A public hearing was held.

The applicants, Kolawole Asatola, et al are requesting rezoning from R-15 (Residential 15,000 sq. ft. – County) to R-3 (Single Family Residential 3 units/acre – City).

Stuart Gittens, a resident of 1480 Bellemeade Farms Road, spoke on behalf of petitioners. A small subdivision with a total of 21 homes is interested in being rezoned into the City so their children can attend Marietta Schools.

Patrick Reese, a resident of 1484 Bellemeade Farms Road, is also interested in having his children attend Marietta schools. Mr. Reese is a teacher in the Cobb County School System.

Monsuru O. Ojulari, a resident of 1476 Bellemeade Farms Road, is interested as well as the other applicants in sending his children to city schools.

Ezuma Gabrel, who is not a petitioner at this time, would like to rezone and annex in order for his children to attend City schools.

Questioning by Mr. Thompson continued regarding the 30 day appeal process and rules and procedures of the city school system.

Mr. Kinney expressed concern about splitting a subdivision between city and county. Mr. Kinney encouraged all 22 homeowners to be at the city council meeting.

Chairman Dollar suggested the residents who have not submitted an application get a signed petition requesting annexation into the city and submit it to city council.

Mr. Diffley advised the petitioners that their tax situation will change and the applicants are aware of this. Further advice from Mr. Diffley is for the petitioner's name to be the name on the deed.

It was recommended that the other petitioners provide statistics on the number of children and the grade level at the next city council meeting.

Mr. Thompson moved to approve the rezoning request for the 6 properties listed with the recommendation that council consider total annexation of the entire subdivision, seconded by Mr. Kinney.

Motion carried 5-0.

A motion was made by Patrick Thompson, seconded by R. W. "Bob" Kinney that this matter be Recommended for Approval. The motion carried by the following vote: 5 – 0 – 0

Absent: 2 - Carter and Watkins

ANNEXATION:

20120666 **A2012-01 Kolawole Asatola, et al 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road and 1472 Bellemeade Farms Road**

A2012-01 [ANNEXATION] Kolawole Asatola etal request annexation for property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410, 0400, and 0390, and being known as 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road, and 1472 Bellemeade Farms Road, 2nd Section, Cobb County, Georgia consisting of a total of 2.37 acres. Ward 3.

File #20120666 (A2012-01) was presented by Mr. Roth for property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410,0400, and 0390, and being known as 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road, and 1472 Bellemeade Farms Road.

A public hearing was held.

The applicants are requesting annexation in order to become a part of the Marietta City School System so that their children can attend City schools and utilize other City services.

No one in opposition or in favor of this request.

Mr. Diffley moved to accept annexation, seconded by Mr. Thompson. Mr. Kinney made a motion to encompass the entire subdivision, seconded by Mr. Thompson Motion carried 5 – 0 – 0.

A motion was made by R. W. "Bob" Kinney, seconded by Patrick Thompson, that this matter be Recommended for Approval. The motion carried by the following vote: 5 – 0 – 0

Absent: 2 - Carter and Watkins

FUTURE LAND USE:

- 20120667** **CA2012-03[CODE AMENDMENT]** in conjunction with the requested annexation of property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410, 0400 and 0390, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 3.

File #20120667 (CA2012-03) The City of Marietta in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410, 0400 and 0390, and being known as 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road, and 1472 Bellemeade Farms Road 2nd Section, Marietta, Cobb County, Georgia, as LDR (Low Density Residential).

A public hearing was held.

Stuart Gittens confirmed his approval of the Future Land Use (FLU) as Low Density Residential (LDR).

Mr. Thompson made a motion, seconded by Mr. Diffley, to approve the Future Land Use as Low Density Residential (LDR). Motion carried 5 – 0 – 0.

A motion was made by Patrick Thompson, seconded by Stephen Diffley that this matter be Recommended for Approval. The motion carried by the following vote: 5 – 0 – 0

Absent: 2 – Carter and Watkins

NEW BUSINESS:

- 20120678** **Report of Accomplishments/Short Term Work Programs**

Approval of a Resolution to transmit the City of Marietta 5-Year Short Term Work Program 2012 Update to the Comprehensive Plan 2006-2030.

File #20120678 Report of Accomplishments/Short Term Work Programs under the City of Marietta Comprehensive Plan.

A public hearing was held.

Mr. Roth explained that the City of Marietta, like all jurisdictions in the state of Georgia, is required to prepare a Comprehensive Plan. Comprehensive Plans are required to do major revisions every 5 years to make sure the properties identified in the plan have current Future Land Uses associated with them and also requires a Short Term Work Program (STWP) that is prepared for a five year period. The last STWP Marietta completed was in 2005. It identified a number of projects and the status of each project.

The task on hand is to identify the status of those projects and to identify a new set of projects starting in 2012 and extending for a five year period. These projects are identified on the excel sheets both for 2005-2012 period and for the five year period beginning in 2012. There are also some future land use categories that have been discussed and proposed to be changed, (i.e. allowing mixed use designation to include office use; this as a result of some properties in the Kennestone Hospital area which carry a mixed use designation but are primarily developed as medical offices. This will clarify that medical offices and other offices are compatible with the Future Land Use category of Mixed Use Development.

No one in support or opposition to the Comprehensive Plan Revision.

Mr. Kinney made two motions; the first motion covering the change to the Mixed Use Designation adding various office categories to it. Mr. Kinney moved to recommend to city council that it be accepted as submitted, seconded by Mr. Thompson. Motion carried 4 – 1 – 0. Mr. Schupp opposed.

The second motion made by Mr. Kinney is to forward the report for 2005 and the 2012 Short Term Work Program on to council without a recommendation because the revisions were not received in time to review with staff. Mr. Diffley seconded this motion. Motion carried 5 – 0 – 0

A motion was made by R. W. "Bob" Kinney, seconded by Stephen Diffley that this matter be Referred to the City Council. The motion carried by the following vote: 5 – 0 – 0

Absent: 2 – Carter and Watkins

COMMENTS:

At this time, Chairman Dollar expressed his disappointment to Mr. Binzer regarding updated information that was presented during the work session. Chairman Dollar will discuss with his council person updated documents that are given to them for review on short notice. It is unacceptable to give a changed document to the commission members at the work session.

Mr. Binzer replied that the planning commission members received their report about 10 days ago about the same time city council received these documents. City council reviewed these documents at the committee meeting and made changes. Staff took those changes and made changes to the document. Mr. Binzer apologized for not getting the changes to them sooner.

As discussed in the pre-meeting, Mr. White recommended amending the Bylaws in order to proceed with the election of Chairman and Vice Chairman of the Planning Commission.

OTHER BUSINESS:

20120773 Motion to amend the Planning Commission Rules of Procedure

The Rules of Procedure, Article 2, Section 4, shall be amended as follows:

Subsection A shall read: The city attorney shall ask for nominations from the commission. Subsection B shall read: The city attorney shall announce all nominations for Chairman and voting shall proceed by open vote.

File #20120773 Motion to amend the Planning Commission Rules of Procedure

A public meeting was held.

The Rules of Procedure Article 2, Section 4 shall be amended as follows:

Subsection A shall read: The city attorney shall ask for nominations from the commission. Subsection B shall read: The city attorney shall announce all nominations for Chairman and voting shall proceed by open vote.

Mr. Kinney offered a motion to amend the Rules of Procedure Article 2, Section 4 as follows: Subsection A shall read: The city attorney shall ask for nominations from the commission. Subsection B shall read: The city attorney shall announce all nominations for Chairman and voting shall proceed by open vote, seconded by Mr. Thompson. Motion carried 5-0.

A motion was made by R. W. "Bob" Kinney, seconded by Patrick Thompson, that this matter be Approved as Amended. The motion carried by the following vote: 5 – 0 – 0

Absent: 2 – Carter and Watkins

20120225 **Planning Commission - Election of Chairman**

Election of Chairman to serve for one year from July 2012 to July 2013.

File #20120225 – Election of Chairman -

Chairman Dollar nominated Mr. Kinney as Chairman. Chairman Dollar moved that the nomination for Chairman be closed, seconded Mr. Diffley. Motion carried 5 – 0 – 0.

Chairman Dollar made a motion that Mr. Kinney, by acclamation, be elected as Chairman, seconded by Mr. Thompson. Motion carried 4 – 0 - 1.

Mr. Kinney will serve as Chairman from August 2012 to July 2013.

A motion was made by Kenneth Dollar, seconded by Patrick Thompson, that this matter be Approved and Finalized. The motion carried by the following vote: 4 – 0 - 1

Absent: Carter and Watkins

Abstain: 1 - Kinney

20120697 Planning Commission - Election of Vice Chairman

Election of Vice Chairman to serve for one year from July 2012 to July 2013

File #20120225 – Election of Vice Chairman -

Mr. Kinney nominated Mr. Thompson as Vice Chairman. Chairman Dollar nominated Mr. Diffley. Motion carried 5 – 0 – 0.

Chairman Dollar made a motion to close the nominations for Vice Chairman on the said two names, seconded by Mr. Schupp. Motion carried 5 – 0.

Mr. Thompson withdrew his name from nomination.

Chairman Dollar made a motion to elect Mr. Diffley as Vice Chairman, seconded by Mr. Kinney. Motion carried 4 – 0 – 1.

Mr. Diffley will serve as Vice Chairman from August 2012 to July 2013.

A motion was made by Kenneth Dollar, seconded by R. W. "Bob" Kinney, that this matter be Approved and Finalized. The motion carried by the following vote: 4 – 0 – 1

Absent: 2 – Carter and Watkins

Abstain: 1 - Diffley

ACKNOWLEDGEMENT

At this time, Chairman Dollar took a moment to express his appreciation to Brian Binzer, Rusty Roth, Shelby Little, Patsy Bryan, and Daniel White for their support.

Chairman Dollar expressed his gratitude to his colleagues.

ADJOURNMENT:

The August 1, 2012 Planning Commission Meeting adjourned at 7:25 p.m.

KEN DOLLAR, CHAIRMAN

PATSY BRYAN, SECRETARY