



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

Bob Kinney - Chairman
Stephen Diffley - Vice Chairman
Craig Smith, Ward 1
Frasure Hunter, Ward 2
Boozer McClure, Ward 3
Byron "Tee" Anderson, Ward 4
Brenda McCrae, Ward 5

Wednesday, March 1, 2023

6:00 PM

City Hall Council Chambers

*Present: Robert Kinney, Stephen Diffley, Frasure Hunter, Boozer McClure,
Byron 'Tee' Anderson, Brenda McCrae*

Absent: Craig Smith

*Staff: Rusty Roth, Director of Development Services;
Shelby Little, Planning & Zoning Manager;
Daniel White, City Attorney;
Lisa Rajabnik, Planning & Zoning Coordinator.*

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the Wednesday, March 1, 2023, Planning Commission Meeting to order at 6:00PM.

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

MINUTES:

20230160

February 1, 2023 Planning Commission Meeting Minutes

Approval of the February 1, 2023, Planning Commission Work Session, and Regular Meeting Minutes.

Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval of the February 1, 2023, Planning Commission Work Session and regular Meeting -

Minutes as submitted. The motion carried 5-0-1. Mr. Anderson abstained.

Approved and Finalized

Absent: 1
Vote For: 5
Abstain: 1

REZONINGS:

20230102 Z2023-04 [REZONING] TOTAL PROPERTY ADVISORS, LLC.

Z2023-04 [REZONING] TOTAL PROPERTY ADVISORS, LLC. is requesting the rezoning of 10.05 acres located in Land Lot 138, District 17, Parcel 0030 of the 2nd Section, Cobb County, Georgia, and being known as 400 Booth Road from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family Residential). Ward 3B.

Request Z2023-04 was presented by Ms. Little.

A public hearing was held.

Mr. Huff of Sams, Larkin & Huff, LLP., and Mr. Randall of Total Property Advisors, LLC., represented the request. Mr. Huff explained the details of the project.

There were several individuals present in opposition.

Mr. Alan Sullivan (resident, Sugar Springs Subdivision) had questions regarding proposed privacy fencing around the development, sewer and water utilities, plans to address the increased traffic, and the historical use of the property and possible chemical contamination.

Mr. James Tarvin (resident, Sugar Springs Drive), expressed opposition to the development and stated that more homes would mean more traffic in an already 'terribly' congested area. He asked if the property had been tested for chemical contamination.

Mr. Keith Ambersley (resident, Sugar Springs Lane), asked for more details of proposed entrances and exits.

Ms. Sherone Fentress and Ms. Amna Mahmood (residents, Scipps Court) had concerns as to how the developer would address flood and erosion issues and storm water management. They also aired concern over traffic problems.

Ms. Jacqueline Collins (resident, Sugar Springs Lane) opposed to the development due to increase of traffic.

Ms. Delores Powell, asked about the previous use of the property to be developed and expressed concern over land disturbance in relationship to any previous use. She stated that she experiences sink holes on her property.

Ms. Patricia Ambersley (resident, Sugar Springs Lane) stated, as a parent of a child with special needs, she purchased her residence as part of a small subdivision on a dead-end street with the safety and security of her son in mind. She believes the proposed development would be detrimental for her family and for other residents of the neighborhood.

Mr. Huff addressed the concerns brought forward by the opposition. He stated that the proposed access to and from the neighborhood would only be from Booth Road; there had been no previous use of the property to his knowledge however, evidence of illegal dumping does exist; the developer has performed environmental testing and no chemical contamination was reported; stringent storm water regulations will prevent damage to surrounding property; privacy fencing and buffering will be present.

Ms. McCrae asked for more detail regarding privacy fencing. In response Mr. Randall stated privacy fencing would be as needed and the abundant natural buffering would be undisturbed where possible.

Ms. McCrae asked about flooding concerns. Mr. Randall explained required hydrology studies would dictate watershed detention requirements and the improved water controls would most likely benefit neighboring properties presently experiencing flooding and erosion issues.

Mr. Kinney asked for clarification of the PRD-SF zoning and each of the required variances. He asked if an alternative zoning could be considered. Ms. Little and Mr. Roth explained that the applicant was requesting PRD-SF to allow for higher density and smaller lot size. An alternative would be R-4 which dictates larger lot requirements.

Mr. Huff rebutted other zoning suggestions stating that R-4 zoning would produce a development with houses build over the span of the acreage eliminating more of the natural aspect of the property the developer wished to preserve.

With no further questions the public hearing was closed.

Mr. McClure made a motion, seconded by Mr. Anderson, to recommend approval of the request as stipulated. The motion carried with a vote of 4-2-0. Ms. McCrae and Mr. Hunter opposed.

Should council approve the request, the following variances and stipulation would be incorporated as condition of zoning:

Variances:

- 1) Variance to waive the Purpose and Intent of the PRD SF district [§708.09 (A)]*
- 2) Variance not to extend or connect a new street to an existing street. [§716.03 (B)]*
- 3) Variance to allow proposed street not to extend to the boundary line of the tract in order to provide normal circulation of traffic within the vicinity. [§730.01 (B)]*
- 4) Variance to allow a cul-de-sac road to exceed 700 feet in length. [§730.01 (E)]*

Stipulation:

- 1) Letter of stipulations and conditions from Mr. Parks Huff of Sams, Larkin and Huff, LLP., to Mr. Rusty Roth, City of Marietta Director of Development Services, dated February 22, 2023.*

Recommended for Approval as Stipulated

Absent: 1

Vote For: 4

Vote Against: 2

20230139 Z2023-05 [REZONING] WC ACQUISITIONS, LLC.

Z2023-05 [REZONING] WC ACQUISITIONS, LLC. is requesting the rezoning of 4.78 acres located in Land Lot 925, District 17, Parcel 0290 of the 2nd Section, Cobb County, Georgia, and being known as 1122 Powers Ferry Road from CRC (Community Retail Commercial) to MXD (Mixed Use Development). Ward 7A.

Request Z2023-05 was presented by Ms. Little.

A public hearing was held.

Mr. Garvis Sams of Sams, Larkin & Huff, LLP., represented the request on behalf of WC Acquisitions, LLC. Mr. Sams outlined the details of the project.

Ms. Patti Rice (President) representing the Powers Ferry Corridor Alliance offered supporting comments. She added, after review of the plans and meetings with the developers the alliance asked the Commission to add specific stipulations requiring the height of the parking structure and any other roof top protrusions such as stair or elevator towers to not exceed the height of the residences.

Mr. Donald Barth, (resident Ward 7) offered supporting comments for residential developments such as the one being proposed.

Mr. Jonathan Jackson, (resident Cedar River Court) expressed concern for the proposed location of the entrance and exit points and compounded negative effects on traffic flow.

Mr. William Casaday, representing WC Acquisitions, offered rebuttal. He stated, as a primarily residential development traffic would be significantly reduced from that generated by a grocery store. He referred to Kimley - Horn's traffic study to support his comments.

Mr. Kinney asked Mr. Casaday to address comments made by Ms. Rice. Mr. Casaday stated that the parking deck would be concealed by the roof line however fire stairs and lights would protrude above the height of the deck. He suggested that a maximum height be stipulated.

The Commission asked questions and Mr. Sams and Mr. Casaday responded satisfactorily.

With no further questions or comments the public hearing was closed.

Mr. Difley made a motion, seconded by Mr. Hunter, to recommend approval of the request as stipulated. The motion carried with a vote of 6-0-0.

Should council approve the request, the following variances and stipulation would be incorporated as conditions of zoning:

Variance:

- 1) Variance to reduce the minimum tract size in MXD from 5 acres to 4.784 acres (Section 708.20 H)*

Stipulation:

- 1) Letter of stipulations and conditions from Mr. Garvis Sams, Jr. of Sams, Larkin and Huff, LLP., to Mr. Rusty Roth, City of Marietta Director of Development Services dated February 20, 2023.*

Recommended for Approval as Stipulated

Absent: 1

Vote For: 6

20230043

CA2023-01 [CODE AMENDMENT] COMPREHENSIVE DEVELOPMENT CODE, SECTION 718.02.

CA2023-01 [CODE AMENDMENT] COMPREHENSIVE DEVELOPMENT CODE, SECTION 718.02. Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 718, Administration and Enforcement, Section 718.02, Administrative Variances.

Code Amendment CA2023-01 was presented by Ms. Little.

A public hearing was held.

There was no opposition of support for the amendment.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. McClure, to recommend approval of the request. The motion carried with a vote of 6-0-0.

Recommended for Approval

Absent: 1

Vote For: 6

OTHER BUSINESS:

ADJOURNMENT:

The March 1, 2023, Planning Commission meeting adjourned at 7:59PM.


ROBERT W. KINNEY, CHAIRMAN


LISA H. RAJABNIK, SECRETARY