



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

PLANNING COMMISSION

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

Tuesday, March 2, 2021

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

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 February 2, 2021 Planning Commission Meeting to order at 6:00PM.

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

MINUTES:

20210151 February 2, 2021 Regular Planning Commission Meeting Minutes

Review and Approval of the February 2, 2021 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as

submitted. The motion carried 5-0-1. Mr. Davis abstained and Mr. McClure was not present for the vote.

A motion was made by Diffley, seconded by McCrae, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 1
Vote For: 5
Vote Against: 0
Abstain: 1

REZONINGS:

20200890 Z2020-34 [REZONING] NEXUS MARIETTA, LLC

Z2020-34 [REZONING] NEXUS MARIETTA LLC is requesting the rezoning of 16.82 acres located in Land Lot 649, District 17, Parcels 0390, 0380, 0370, 0210, 0990, 0220, 0360, 0230, 0350, 0240, 1580, 1440, 0270, 1590, 0030; Land Lot 648, District 17, Parcel 0790; Land Lot 650, District 17, Parcels 0610 & 0620; and Land Lot 647, District 17, Parcel 0020 of the 2nd Section, Cobb County, Georgia, and being known as 350 Virginia Place; 411, 417, 420, 421, 430, 431, 440, 441, 450, 456, 460, 464, 470, 500, 506, 510, 520, & 524 Meadowbrook Drive from CRC (Community Retail Commercial) and RRC (Regional Retail Commercial) to MXD (Mixed Use Development). Ward 6A.

File number Z2020-34 was presented by Ms. Little for a request to rezone property 350 Virginia Place; 411, 417, 420, 421, 430, 431, 440, 441, 450, 456, 460, 464, 470, 500, 506, 510, 520, & 524 Meadowbrook Drive from CRC (Community Retail Commercial) and RRC (Regional Retail Commercial) to MXD (Mixed Use Development).

Mr. Kevin Moore, Esq., for the Applicant, requested to table this request in order that Public Works would have more time to review the newly received traffic study.

Mr. Diffley made a motion, seconded by Ms. McCrae to deny the request to table. The motion carried 4-2-0. Chairman Kinney, Mr. Diffley, Mr. Hunter and Ms. McCrae voted in favor of denial. Mr. Anderson and Mr. Davis voted against. Mr. McClure was not present for the vote.

The public hearing was held.

There were many in opposition to this request. Four spoke. Mr. James Rosich, Ms. Anna Holladay, Mr. Hill Wright and Ms. Lillie Read spoke in opposition.

The parties in opposition expressed concern over not having a traffic study available to review in time for the meeting; high density use; traffic impact, environmental concerns; shoddy site plan and safety issues.

Mr. Moore addressed the concerns of the public in his rebuttal.

There were no questions from the Board members.

The public hearing was closed.

Mr. Diffley made a second motion, seconded by Mr. Hunter to recommend denial. The motion carried 7-0-0.

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

1. *Letter of stipulations from Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated February 1, 2021.*

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

Absent: 0
Vote For: 7
Vote Against: 0

20200891

Z2020-35 [REZONING] NEXUS MARIETTA, LLC

Z2020-35 [REZONING] NEXUS MARIETTA, LLC is requesting the rezoning of 29.76 acres located in Land Lot 1281, District 16, Parcels 0700, 0720, 0730, 0740, 0750, 0760; Land Lot 1280, District 16, Parcels 0050, 0070, 0080; Land Lot 577, District 17, Parcel 0020; Land Lot 648, District 17, Parcels 0310, 0340, 0320, 0350, 0800, 0370, 0380, 0520, 0540, 0570, 0330, 0530 of the 2nd Section, Cobb County, Georgia, and being known as 1438, 1454, 1462, 1470, 1480, 1486, 1496 Blanche Drive; 1532 & 1554 Blanche Court; 1651, 1663, 1664, 1665, 1680, 1690, 1696, & 1706 Crestridge Drive; 218, 222, 224, & 226 Herbert Drive; and 382 Scott Drive from R-2 (Single Family Residential - 2 units/acre, R-4 (Single Family Residential - 4 units/acre), and RRC (Regional Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 7A.

File number Z2020-35 was presented by Ms. Little for a request to rezone property as 1438, 1454, 1462, 1470, 1480, 1486, 1496 Blanche Drive; 1532 & 1554 Blanche Court; 1651, 1663, 1664, 1665, 1680, 1690, 1696, & 1706 Crestridge Drive; 218, 222, 224, & 226 Herbert Drive; and 382 Scott Drive from R-2 (Single Family Residential - 2 units/acre, R-4 (Single Family Residential - 4 units/acre), and RRC (Regional Retail Commercial) to PRD-SF (Planned Residential Development - Single Family).

Mr. Kevin Moore, Esq., for the Applicant, requested to table this request in order to allow completion of the traffic study. The Board Members moved forward with the public hearing.

A public hearing was held.

There were many in opposition to this request. Nine spoke. Mr. Brian Peters, Ms. Liore Friedman, Mr. George Balbona, Mr. Brad York, Ms. Jennifer Anderson, Mr. Mark Preetorius, Ms. Marlene Miller, Mr. Scott Denton and Mr. Donald Barth spoke in opposition.

The parties in opposition expressed concern about no longer having peaceful and quiet enjoyment in their homes. They also were concerned about an inadequate site plan, excessive traffic, noise, safety, neighborhood values going down and the density being too high.

Mr. Moore stated his intent was to be as transparent and honest as possible regardless of the outcome.

The Board Members asked questions pertaining to the sewer line that is not shown on the site plan as well as not enough parking spaces and concern over the driveway sizes. Mr. Moore addressed the concerns satisfactorily.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend denial. The motion carried 7-0-0.

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

1. Variance to reduce the minimum lot size from 4,000 sq. ft. to the individual unit's building footprint. [§708.09 (H)]
2. Variance to allow the proposed 156 single family units to be accessed off local streets as shown on submitted plan. [§730.01 (A)]
3. Variance to reduce the width of a private alley for two-way travel along Lots 7 - 10 from 20 ft. to 16 ft. [§716.06 (B)].

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

Absent: 0
 Vote For: 7
 Vote Against: 0

20210070

Z2021-04 [REZONING] PDC LAND ACQUISITION, LLC & MARIETTA HOUSING AUTHORITY

Z2021-04 [REZONING] PDC LAND ACQUISITION, LLC & MARIETTA HOUSING AUTHORITY are requesting the rezoning of 2.27 acres located in Land Lot 1076, District 16, Parcels 0160 & 0110 of the 2nd Section, Cobb County, Georgia, and being known as 343 Roselane Street and 361 Petty Drive from OI (Office Institutional) to RHR (Residential High Rise). Ward 4B.

File number Z2021-04 was presented by Ms. Little for a request to rezone property as 343 Roselane Street and 361 Petty Drive from OI (Office Institutional) to RHR (Residential High Rise).

A public hearing was held.

Mr. Pete Waldrep and Mr. Edrick Harris are requesting to rezone property as 343 Roselane Street and 361 Petty Drive from OI (Office Institutional) to RHR (Residential High Rise).

There were four (4) in opposition to this request. Mr. James Clay, Mr. Steven Early, Mr. Rick Springfield and Mr. James Snuggs spoke in opposition.

The opposition expressed concern over the possibility that the building may be built on top of a floodplain. They are concerned with increased traffic in an already busy Roselane Street. Mr. Snugg also feels the area should remain as it is currently zoned to support the hospital and medical community needs.

In his rebuttal, Mr. Harris said they have done dozens of traffic studies that show senior communities have the least traffic impact. He feels seniors would benefit living near a hospital and medical community.

The Board Members asked if any efforts were made to speak with the surrounding residents; how many two-bedroom apartments will there be and expressed concern over the variance request to reduce parking spaces. Mr. Harris said they have not made any effort to speak with the neighbors and that there will be 34 two-bedroom units.

The Board Members asked staff questions pertaining to the floodplain and the status of the parcel on Petty Drive owned by the City. Staff replied satisfactorily.

Chairman Kinney asked Mr. Harris if they would be willing to table the request until they can speak with the adjacent neighbors. Mr. Harris said they are on time constraints but would be willing to speak with the neighbors before the City Council meeting next week.

The public hearing was closed.

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

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

The following variances are incorporated as conditions of zoning:

- 1. Variance to reduce the minimum building height from 5 stories to 4 stories. [§708.13 (H)]*
- 2. Variance to reduce the minor side yard setback for a property zoned RHR from 30' to 15'. [§708.13 (H)]*
- 3. Variance to reduce the rear yard setback for a property zoned RHR from 40' to 20'. [§708.13 (H)]*
- 4. Variance to reduce the minimum required parking from 186 to 62 spaces. [§708.13 (H)]*
- 5. Variance to waive the 10-foot planted border along Petty Drive. [§712.08 (G.2.a.)]*

The following stipulations are incorporated as conditions of zoning:

- 1. The subject of abandonment of Petty Drive be discussed with the City.*
- 2. The applicants will discuss project with adjacent property owners to see if there are opportunities to resolve any concerns.*
- 3. Development is site-plan specific and must comply with the Fair Housing Act's "Housing For Older Persons" requirements.*

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

Absent: 0
Vote For: 7
Vote Against: 0

ADJOURNMENT:

The March 2, 2021 Planning Commission Meeting adjourned at 7:39PM.

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY