



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

Tuesday, April 5, 2022

6:00 PM

City Hall Council Chambers

Present: Chairman Kinney, Vice Chair Diffley, Brenda McCrae, Boozer McClure

Absent: Craig Smith, Frasure Hunter, Byron 'Tee' Anderson

Staff: Rusty Roth, Director of Development Services;
Shelby Little, Planning & Zoning Manager; Doug Haynie, City Attorney;
Robin Osindele, Urban Planner; Lisa Rajabnik, Planning and Zoning
Coordinator

CALL TO ORDER & ROLL CALL:

MINUTES:

20220299 Planning Commission Work Session and Meeting Minutes Approval

Approval of the Tuesday, March 1, 2022, Planning Commission Work Session, and Meeting Minutes.

Mr. Diffley made a motion, seconded by Mrs. Brenda McCrae to approve the Planning Commission Work Session and Regular Meeting Minutes as written. The motion carried 3-0-1. Chairman Kinney abstained due to absence.

Approved and Finalized

Absent: 3

Vote For: 3

Abstain: 1

BUSINESS:

20211702 Z2022-05 [REZONING] TRATON, LLC. (JAMES & GLORIA ADAMS)

Z2022-05 [REZONING] TRATON, LLC. (JAMES & GLORIA ADAMS) are requesting the rezoning of 10.19 acres located in Land Lot 931, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia, and being known as 1326 Old Bells Ferry Road from R-20 (Single Family Residential - County) to MXD (Mixed Use Development - City). Ward 4B.

Ms. Little presented rezoning request Z2022-05.

Mr. Kevin Moore, representing the applicant, presented the request for rezoning. A public hearing was held. Mr. Mark Naugle (Owner of adjoining property) spoke in opposition. He expressed concern regarding water shed from the proposed development flooding his property which includes a 40' x 60' workshop and equipment.

Mr. Moore responded to Mr. Naugle's concerns stating that, storm water management provisions would be part of the redevelopment plans and would prevent potential increased watershed issues.

The commission discussed concerns over the development's proposed single access and challenges for residents, neighbors, and emergency services.

The commission also discussed potential issues for residents located on the far side of the planned culvert should the culvert be damaged or fail due to significant flooding.

With no further comment or questions, the public hearing was closed.

Mr. McClure made a motion to approve the request as submitted. The motion was not seconded.

Mrs. McCrae made a motion, seconded by Mr. Diffley, to recommend denial as submitted. The motion carried 3-1-0. Mr. McClure opposed the denial.

If Council approves the rezoning, the following variances would be incorporated as a condition of rezoning:

- 1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated March 31, 2022, with the removal of variance 12(a).*

Recommended for Denial

Absent: 3

Vote For: 3

Vote Against: 1

20211073 A2022-02 [ANNEXATION] TRATON, LLC. (JAMES & GLORIA ADAMS)

A2022-02 [ANNEXATION] TRATON, LLC. (JAMES & GLORIA ADAMS) is requesting the annexation of property located in Land Lot 931, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia and being known as 1326 Old Bells Ferry Road, and any associated right of way, consisting of approximately 10.19 acres. Ward 4B.

Ms. Little presented rezoning request Z2022-02 in conjunction with Z2022-05[REZONING].

Mr. Moore requested his previous remarks regarding Z2022-05[REZONING] be incorporated with this annexation request.

Mr. Moore further stated that this annexation request would be withdrawn should the Council deny the rezoning request.

A public hearing was held. There was no opposition.

With no further comment, the public hearing was closed.

Mrs. McCrae made a motion, seconded by Mr. Diffley, to recommend denial as submitted. The motion carried 3-1-0. Mr. McClure opposed the denial.

Recommended for Denial

Absent: 3

Vote For: 3

Vote Against: 1

20211074 CA2022-02 [CODE AMENDMENT]

CA2022-02 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lot 9310, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia and being known as 1326 Old Bells Ferry Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

Ms. Little presented code amendment request CA2022-02 on behalf of the city.

Mr. Kinney suggested that approval of the amendment in the event Council approved requests Z2022-05 [REZONING] and A2022-02 [ANNEXATION].

Mr. Diffley made a motion, seconded by Mr. McClure, to recommend approval as submitted. The motion carried 4-0-0.

Recommended for Approval

Absent: 3

Vote For: 4

20220228 Z2022-10 [REZONING] DAN DURSO (SOUTH COAST INVESTORS LLC)

Z2022-10 [REZONING] DAN DURSO (SOUTH COAST INVESTORS LLC) are requesting the rezoning of 0.73 acres located in Land Lot 1216, District 16, Parcel 0430 of the 2nd Section, Cobb County, Georgia, and being known as 362 Lawrence Street from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A

Ms. Little presented rezoning request Z2022-10.

Mr. Pete Bilson (Land Planner), representing the applicant, presented the request for rezoning and gave details of the proposed development.

A public hearing was held. There was no opposition.

Mrs. McCrae expressed concern over limited parking for residents and guests and asked Mr. Bilson if potential Lawrence Street widening plans had been considered while planning the circular driveway and parking accommodations. Mr. Bilson responded that he was aware of preliminary plans and that with this proposal there would be room for two parked vehicles in each property’s driveway.

There was further discussion regarding the proposed appearance of the homes and landscaping plans. Mr. Bilson responded to questions satisfactorily.

With no further comment, the public hearing was closed.

Mrs. McCrae made a motion, seconded by Mr. Diffley, to recommend denial as submitted. The motion failed with a vote of 2-2-0. Chairman Kinney and Mr. McClure opposed the recommendation.

No Recommendation

Absent: 3

Vote For: 2

Vote Against: 2

20220230 Z2022-11 [REZONING] PSR INVESTOR, LLC. (MATALON PROPERTIES, LLC.)

Z2022-11 [REZONING] PSR INVESTOR, LLC. (MATALON PROPERTIES, LLC.) are requesting the rezoning of 7.2 acres located in Land Lot 260, District 19, Parcels 0010, 0090, 0230, & 0220 of the 2nd Section, Cobb County, Georgia, and being known as 1401 & 1409 Powder Springs Street and 1405 & 1411 Dura Drive from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) and PRD-SF (Planned Residential Development - Single Family). Ward 2B.

Ms. Little presented rezoning request Z2022-11.

Mr. Moore requested that the request be tabled for one (1) month for revisions.

Mr. Diffley made a motion, seconded by Mr. McClure, to table at the applicant's request. The motion carried 4-0-0.

Tabled

Absent: 3

Vote For: 4

20220231

Z2022-12 [REZONING] KING ROOF RENOVATIONS, LLC.

Z2022-12 [REZONING] KING ROOF RENOVATIONS, LLC. is requesting the rezoning of 0.2 acres located in Land Lot 1143, District 16, Parcel 0370 of the 2nd Section, Cobb County, Georgia, and being known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre) with an additional use as a duplex. Ward 5A.

Ms. Little presented rezoning request Z2022-12.

Mr. DeNiz (Owner/Applicant) and Mr. Broughman (General Contractor) presented the request.

A public hearing was held. Mr. Killion (neighboring Business Owner) presented comments in opposition to the request.

Mr. Killion and his wife own and operate a Dog Daycare, Boarding and Grooming business at 392 N. & 376 Fairground Street. He asked that Council consider that rezoning the property would be detrimental to the future of his business as he is required to maintain a 100ft distance from residentially zoned properties.

Further discussion and comment was had regarding the request as submitted.

Mr. Kinney suggested the application be withdrawn to allow for further consideration by the owner before presenting to Council. Mr. DeNiz agreed to withdraw the request for rezoning.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mrs. McCrae, to accept withdrawal at the applicant's request. The motion carried 4-0-0.

Withdrawn

Absent: 3

Vote For: 4

20220232 Z2022-13 [REZONING] WHITE HAWK BUSINESS PARK III, LLC.

Z2022-13 [REZONING] WHITE HAWK BUSINESS PARK III, LLC is requesting the rezoning of 2.01 acres located in Land Lot 874, District 16, Parcels 0240 & 0250 of the 2nd Section, Cobb County, Georgia, and being known as 1377 & 1395 Canton Road from NRC (Neighborhood Retail Commercial) and CRC (Community Retail Commercial) to LI (Light Industrial). Ward 6B.

Ms. Little presented rezoning request Z2022-13.

Mr. Rozen, representing the applicant, presented the request for rezoning.

A public hearing was held. There was no opposition to the request.

The request was discussed and with no further questions the public hearing was closed.

Mr. Diffley made a motion, seconded Mrs. McCrae, to recommend approval as submitted. The motion carried 4-0-0.

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

Letter of stipulations and variances from Adam J. Rozen, P.C. to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 1, 2022.

Recommended for Approval

Absent: 3

Vote For: 4

20220153 CA2022-04 [CODE AMENDMENT] Code Amendment Section 712.08 Tree Protection and Landscaping

CA2022-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.08 Tree Protection, and landscaping regarding appropriate tree species on small residential lots.

Ms. Little presented the code amendment request on behalf of the city.

A public hearing was held. There was no opposition.

Mr. Kinney asked questions regarding the request. Mr. Roth answered the questions satisfactorily.

The public hearing was closed.

Mrs. McCrae made a motion, seconded by Mr. Diffley, to recommend approval as submitted. The motion carried 4-0-0.

Recommended for Approval

Absent: 3

Vote For: 4

OTHER BUSINESS:

ADJOURNMENT:

The April 5, 2022, Planning Commission Meeting adjourned at 7:37PM.

ROBERT W. KINNEY, CHAIRMAN

LISA RAJABNIK, SECRETARY