



# City of Marietta

## Meeting Minutes

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

### 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, July 5, 2023**

**6:00 PM**

**City Hall Council Chambers**

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

*Absent: Brenda McCrae*

*Staff: Rusty Roth, Director, Development Services  
Paige Dunson, Urban Planner  
Daniel White, City Attorney  
Lisa Rajabnik, Planning & Zoning Coordinator*

#### **CALL TO ORDER & ROLL CALL:**

*Chairman Kinney called the Wednesday, July 5, 2023, Planning Commission meeting to order at 6:00PM.*

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

#### **MINUTES:**

##### **20230561 June 7, 2023 Planning Commission Meeting Minutes**

*Approval of the Wednesday, June 7, 2023, Planning Commission Work Session, and Regular Meeting Minutes.*

*Mr. Diffley made a motion, seconded by Mr. Hunter, to approve the June 7, 2023, Planning Commission Work Session, and regular Meeting Minutes. The motion carried 4-0-2. Mr. Kinney and Mr. Anderson abstained.*

#### **Approved and Finalized**

**Absent:** 1  
**Vote For:** 4  
**Abstain:** 2

**REZONINGS:****20230356            Z2023-13 [REZONING] 5TH STREET CAPITAL PARTNERS, LLC (YK DELK ROAD, LLC.)**

**Z2023-13 [REZONING] 5TH STREET CAPITAL PARTNERS, LLC (YK DELK ROAD, LLC.)** are requesting the rezoning of 4.76 acres located in Land Lots 786 & 799, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 2360 Delk Road from CRC (Community Retail Commercial) to RHR (Residential High Rise). Ward 7A.

*Mr. Roth introduced case Z2023-13.*

*A public hearing was held in consideration.*

*Ms. Julie Sellers, representative for the applicant, presented the request in detail.*

*There was no opposition for the request.*

*Mr. Nicholas Kavali, property manager, offered supportive comment for the proposed project and suggested the plans would help address problematic and criminal activity in the area.*

*The Commission members asked questions about occupancy criteria, property management plans and previous experience with motel conversions.*

*Ms. Sellers and Mr. Griffin, 5th Street Capital, responded to questions. They stated, there would be a limit of two occupants per room who, with qualifying back ground approval, would be required to sign a minimum one year lease. Ms. Sellers also stated, the applicant had developed a similar project in Rome, Georgia which was also a motel conversion with positive results.*

*Mr. Kinney asked what options would current occupants have if unable to qualify for residency. Ms. Sellers explained, any applicant not able to satisfy the requirements would be expected to vacate.*

*Mr. Kinney asked if there was intent to provide assistance to those who would be displaced. Ms. Sellers stated there was no provision planned however showed willingness on her client's behalf to consider implementing some kind of support.*

*All further questions by the commission were responded to accordingly by Ms. Sellers.*

*With no further comment, the public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. Anderson, to recommend approval. The motion carried with a vote of 5-1-0. Mr. McClure opposed.*

*If Council approves the request, the following stipulation would be incorporated as a condition of zoning.*

- 1. Letter (email) to the attention of Mr. Roth; Director of Development Services dated July 5, 2023, from Ms. Julie L. Sellers of Dillard Sellers, Attorneys at Law - Itemized stipulations 1 through 6.*

*Planning Commission further recommends an additional stipulation requiring the applicant to provide an aid and assistance program for displaced residents.*

**Recommended for Approval as Stipulated**

**Absent:** 1  
**Vote For:** 5  
**Vote Against:** 1

**20230451            Z2023-15 [REZONING] FORTUS INVESTMENT, LLC.**

**Z2023-15 [REZONING] FORTUS INVESTMENT, LLC.** is requesting the rezoning of 0.375 acres located in Land Lot 726, District 17, Parcel 0040 of the 2nd Section, Cobb County, Georgia, and being known as 1045 Franklin Gateway from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7A.

*Mr. Roth introduced case Z2023-15.*

*A public hearing was held in consideration.*

*Mr. Befekadu, tenant and representative for the applicant, presented the request and read a letter from the Mr. Weisser respectfully requesting consideration for the request.*

*There was no opposition to or support for the request.*

*Mr. Befekadu responded to the commissioners' questions satisfactorily.*

*The public hearing was closed.*

*A motion was made by Mr. Duffley, seconded by Mr. Smith, to recommend approval. The motion carried with a vote of 6-0-0.*

**Recommended for Approval**

**Absent:** 1  
**Vote For:** 6

20230507

**Z2023-16 [REZONING] H. LELAND WHITFIELD, III (1141 WHITLOCK AVENUE, LP.)**

**Z2023-16 [REZONING] H. LELAND WHITFIELD, III (1141 WHITLOCK AVENUE, LP.)** are requesting the rezoning of 1.64 acres located in Land Lots 324 & 325, District 20, Parcel 1450 of the 2nd Section, Cobb County, Georgia, and being known as 1141 Whitlock Avenue from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 3A

*Mr. Roth introduced case Z2023-16.*

*A public hearing was held in consideration.*

*Mr. Leland Whitfield represented the request and explained the project was in the planning stages.*

*There was no support but several present in opposition.*

*Michael Osborne, Brighton Court resident and representative for the HOA, expressed concern over reduced setbacks and buffers. Mr. Osborne wanted the commission to be aware, the plat submitted by the applicant was not current and did not include buildings that should be considered when reviewing the application.*

*Jim Singleton, Brighton Court resident, described the current storm water drainage issues and concern that further development would compound the problem. Mr. Singleton was concerned for emergency service access and traffic congestion.*

*Mitch Tenney, resident representative, questioned the feasibility of the proposed development and added his concerns.*

*Mr. Whitfield returned for rebuttal. He responded by reiterating the project was still in the development stage, but the end goal was to improve the property and build homes to be an asset in the area.*

*The public hearing was closed.*

*Mr. McClure suggested a lack of information prevented an informed decision. There was overall agreement.*

*Mr. Kinney asked Mr. Whitfield if he would consider tabling the request. Mr. Whitfield affirmed.*

*A motion was made by Mr. Diffley, seconded by Mr. McClure, to table the request. The motion carried with a vote of 6-0-0.*

**Tabled**

**Absent: 1**

**Vote For: 6**

20230481

**CA2023-03 [CODE AMENDMENT] Division 712, Tree Protection and Landscaping.**

Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712, Supplementary Use Regulations, Section 712.08, Tree Protection and Landscaping, Paragraph N, Interior Landscaping of Vehicle Use Areas.

*Mr. Roth introduced case CA2023-03.*

*A public hearing was held in consideration.*

*There was no opposition to or support for the request.*

*The public hearing was closed.*

*A motion was made by Mr. Diffley, seconded by Mr. Anderson, to recommend approval. The motion carried with a vote of 6-0-0.*

**Recommended for Approval**

**Absent: 1**

**Vote For: 6**

**OTHER BUSINESS:**

20230557

**Planning Commission - Election of Chairman**

Election of Chairman to serve for one year from August 2023 to July 2024.

*Mr White opened the floor for nominations to elect a Chairman to serve for one year from August, 2023 to July, 2024.*

*Mr. Diffley nominated Mr. Kinney.*

*Mr. Hunter made a motion, seconded by Mr. Diffley, to elect Mr. Kinney as Chairman for the period from August, 2023 to July, 2024. The motion carried with a vote of 5-0-1. Mr. Kinney abstained.*

**Approved and Finalized**

**Absent: 1**

**Vote For: 5**

**Abstain: 1**

20230558

**Planning Commission - Election of Vice Chairman**

Election of Vice Chairman to serve for one year from August 2023 to July 2024.

*Mr White opened the floor for nominations to elect a Vice Chairman to serve for one year from August, 2023 to July, 2024.*

*Mr. Kinney nominated Mr. Diffley.*

*Mr. McClure nominated Mr. Anderson.*

*Mr. Anderson withdrew his nomination.*

*Mr. Kinney made a motion, seconded by Mr. Smith, to elect Mr. Diffley as Vice Chairman for the period from August, 2023 to July, 2024. The motion carried with a vote of 5-0-1. Mr. Diffley abstained.*

**Approved and Finalized**

**Absent: 1**

**Vote For: 5**

**Abstain: 1**

**ADJOURNMENT:**

*The Wednesday, July 5, 2023 Planning Commission meeting adjourned at 7:26 pm.*

  
ROBERT W. KINNEY, CHAIRMAN

  
LISA H. RAJABNIK, SECRETARY