



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*

Tuesday, September 5, 2023

6:00 PM

City Hall Council Chambers

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

*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 Tuesday, September 5, 2023, Planning Commission meeting to order at 6:00PM.

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

MINUTES:

20230728

August 1, 2023 Planning Commission Work Session and Meeting Minutes
Approval of the Tuesday, August 1, 2023, Planning Commission Work Session, and Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Anderson, to approve the August 1, 2023, Planning Commission Work Session, and Meeting Minutes. The motion carried with a vote of 6-0-1 . Mr. Smith abstained.

Approved and Finalized

- Absent:** 0
- Vote For:** 6
- Abstain:** 1

REZONINGS:

20230668 **Z2023-18 [REZONING] CAPITAL CITY PROPERTIES, LLC.** is requesting the rezoning of 0.27 acres located in Land Lot 1214, District 16, Parcel 0880 of the 2nd Section, Cobb County, Georgia, and being known as 695 Lawrence Street from OI (Office Institutional) to R-4 (Single-family Residential - 4 units/acre). Ward 1A.

Ms. Little introduced case Z2023-18.

A public hearing was held in consideration.

Mr. Peter Bright, Capital City Properties, represented the request. He explained the details of the project and stated the 4th variance regarding impervious surface was no longer required as a driveway and a walkway were to be removed from the plans and replaced with landscaping. Mr. Bright also pointed out that surrounding properties were presently being used as residences, having inquired at each and received no negative comments regarding his plans.

There was no support present however Ms. Teryl Brand (neighborhood resident), was present to offer comment. She asked if the Commission would make provisions to ensure the two (2) trees located on the property would be protected.

In response Mr. Bright stated the trees on the property would not be disturbed with the exception of a tree in the rear of the property which would need to be removed. He noted the other tree mentioned as one of the two (2) was within the right of way.

The Commission asked how much impervious surface would be included in the final plan. Mr. Bright was unable to give a confirmed percentage but stated there would be less than 50% impervious surface.

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

Mr. Smith made a motion, seconded by Mr. Diffley, to recommend approval with stipulation. The motion carried with a vote of 7-0-0.

Upon Council's approval of the request to rezone, the following variances would be incorporated as conditions of zoning.

- 1. Variance to reduce the major side setback from 25 feet to 17.4 feet [§708.04 (H)];*
- 2. Variance to reduce the minor side setback from 10 feet to 3.7 feet [§708.04 (H)];*
- 3. Variance to reduce the distance of an accessory structure from the rear and side property lines from 10 feet to 2 feet and 4 feet, respectively [§708.04 (H)].*

Recommended for Approval as Stipulated

Absent: 0

Vote For : 7

20230674

Z2023-19 [REZONING] KENNY PROPERTIES LLC is requesting the rezoning of 3.528 acres located in Land Lot 781, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 2349 Windy Hill Road from GC (General Commercial - Cobb County) to CRC (Community Retail Commercial - City). Ward 7A.

Ms. Little introduced case Z2023-19.

Mr. Kevin Moore, Attorney for the applicant, presented the request. He stated the reason for requesting rezoning and annexation was based on the owners preference to conduct business with the City of Marietta verses Cobb County. He added, there were no immediate plans to make changes to the property.

There was no opposition to or support for the request.

The Commission asked if rezoning would affect any of the businesses currently operating at the address. Mr. Moore confirmed, no businesses would be affected by rezoning or annexation.

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

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval of the request to rezone. The motion carried with a vote of 7-0-0.

Recommended for Approval

Absent: 0

Vote For: 7

20230675

A2023-01 [ANNEXATION] KENNY PROPERTIES, LLC. is requesting the annexation of property located in Land Lot 781, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 2349 Windy Hill Road, consisting of 3.528 acres. Ward 7A.

Ms. Little introduced case A2023-01.

Mr. Kevin Moore presented the request. He incorporated his previous comments regarding the rezoning of the property with the request for annexation.

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

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

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval of the request for annexation. The motion carried with a vote of 7-0-0.

Recommended for Approval

Absent: 0

Vote For: 7

20230676 CA2023-04 [CODE AMENDMENT] KENNY PROPERTIES, LLC. In conjunction with the requested annexation of property located in located in Land Lot 781, District 17, Parcel 0120 of the 2nd Section, Cobb County, Georgia, and being known as 2349 Windy Hill Road, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7A.

Ms. Little introduced case CA2023-04.

There was no opposition to or support for the request.

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

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval of the request. The motion carried with a vote of 7-0-0.

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval of the code amendment in conjunction with the annexation. The motion carried with a vote of 7-0-0.

Recommended for Approval

Absent: 0

Vote For: 7

ADJOURNMENT:

The September 5th, 2023, Planning Commission Meeting adjourned at 6:21PM.


ROBERT W. KINNEY, CHAIRMAN


LISA H. RAJABNIK, SECRETARY