



# 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, September 6, 2022

6:00 PM

City Hall Council Chambers

*Present: Stephen Diffley, Craig Smith, Frasure Hunter, Byron 'Tee' Anderson, Brenda McCrae*

*Absent: Bob Kinney, Boozer McClure*

*Staff: Rusty Roth, Director of Development Services;  
Sarah Ciccone, Planning & Zoning Administrator;  
Daniel White, City Attorney;  
Lisa Rajabnik, Planning & Zoning Coordinator.*

### CALL TO ORDER & ROLL CALL:

*Vice-Chairman Diffley called the September 6, 2022, Planning Commission Meeting to order at 6:00PM.*

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

### MINUTES:

**20220768**

#### PLANNING COMMISSION MEETING MINUTES

Approval of the August 2, 2022, Planning Commission Work Session, and Regular Meeting Minutes.

*Ms. McCrae made a motion, seconded by Mr. Smith, to approve the August 2, 2022, Planning Commission Work Session, and Regular Meeting Minutes. The motion carried 5-0-0.*

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**Approved and Finalized****Absent:** 2**Vote For:** 5**REZONINGS:****20220716****Z2022-21 [REZONING] ROSS DOYLE (BABCOCK BUILDS, LLC.)**

**Z2022-21 [REZONING] ROSS DOYLE (BABCOCK BUILDS, LLC.)** are requesting the rezoning of approximately 0.359 acres located in Land Lot 288, District 17, Parcels 0620 & 0640 of the 2nd Section, Cobb County, Georgia, and being known as 202 & 204 Hedges Street from R-4 (Single Family Residential - 4 units/acre) and OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

*File number Z2022-21 was presented by Mr. Roth.*

*A public hearing was held.*

*Mr. Ross Doyle represented the case.*

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

*The Board asked questions regarding density and feasibility of revising plans for two homes verses 3. Mr Doyle explained that density was consistent for the area and that the proposed number of homes was contingent to the proposed sale price of each.*

*The public hearing was closed.*

*A motion was made by Mr. Hunter, seconded by Ms. McCrae, to recommend approval of rezoning without variance stipulations. The motion carried 4-1-0. Mr. Anderson opposed.*

*Should City Council approve the rezoning, the following (3) variance stipulations would be incorporated as conditions of zoning:*

- 1) Variance to increase the allowable density to 8.33 units/acre [§712.11 (N)]*
- 2) Variance to decrease the minimum lot size for Tract 3 from 5,000 sq.ft. to 3,200 sq.ft. [§712.11 (N)]*
- 3) Variance to reduce the minimum lot width from 40' to 35' [§712.11 (N)]*

**Recommended for Approval**

Absent: 2

Vote For: 4

Vote Against: 1

20220726

**Z2022-22 [REZONING] SK COMMERCIAL REALITY**

**Z2022-22 [REZONING] SK COMMERCIAL REALITY (MULTIPLE OWNERS)** are requesting the rezoning of approximately 1.3 acres located in Land Lot 1075, District 16, Parcels 0870, 0070, 0860, 0940 & 0270 of the 2nd Section, Cobb County, Georgia, and being known as 330, 332, & 334 Roselane Street and 683 & 687 North Avenue from R-2 (Single Family Residential - 2 units/acre) to OI (Office Institutional). Ward 4B.

*File number Z2022-22 was presented by Mr. Roth.*

*A public hearing was held.*

*Mr. Rob Hosack (Taylor English Decisions, LLC.) represented the case.*

*Ms. Vicky Carter (McLaren Gates Resident) spoke in opposition citing concerns over increase in traffic, reduction of setbacks and the developments infringements of area trails.*

*Mr. Orlando Lopez Jr. (Business Owner) spoke in opposition citing concerns over increased density verses utilization of existing unoccupied spaces, reduction of setbacks in an already congested area and cut-thru traffic issues.*

*Mr. Hosack responded to concerns and offered to provide a traffic study for consideration during the review process.*

*The Board asked questions regarding proposed occupancy and if proposed tenants would be limited to medical services. Mr. Hosack responded to the questions satisfactorily.*

*Mr. Smith stated that review of the request was difficult prior to a traffic study with indication of the potential impacts.*

*The public hearing was closed.*

*A motion was made by Ms. McCrae, seconded by Mr. Smith, to recommend denial. The motion carried 3-2-0. Mr. Difley and Mr. Anderson opposed.*

*Should City Council approve the rezoning, the following (5) variance stipulations would be incorporated as conditions of zoning:*

*1) Variance to reduce the required front yard setback on North Avenue from 30 feet to 10 feet [§708.23 (H.)]*

2) *Variance to reduce the required planted strip along a public street from 10-foot minimum width to five (5) feet [§ 712.08 (Table G-1)]*

3) *Variance to reduce the required buffer between OI and R-2 districts from 30 feet to 8 feet along the northern boundary of the property [§708.23 (I.)]*

4) *Variance to reduce the required buffer between OI and R-2 districts from 30 feet to 10 feet along the southern boundary of the property [§708.23 (I.)]*

5) *Variance to allow the buffer area not to be counted in addition to the setback requirement [§710.05 (F.)]*

**Recommended for Denial**

**Absent:** 2

**Vote For:** 3

**Vote Against:** 2

**20220751**

**CA2022-09 [CODE AMENDMENT] Amendments to Section 700**

**CA2022-09 [CODE AMENDMENT]** Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.16, Community Retail Commercial; Division 708.17, Regional Retail Commercial; Division 708.26, Light Industrial; Division 708.27, Heavy Industrial; Division 712.01, Special Land Use Permits; Division 712.06, Adult Entertainment; and Division 724.02, Definitions of terms regarding adult establishments.

*File number CA2022-09 was presented by Mr. White.*

*A public hearing was held.*

*Mr. Scott Bergthold (Outside Legal Counsel) presented the request and gave an in-depth explanation of the proposed amendments with supporting evidence and findings.*

*The was no opposition or support. The public hearing was closed.*

*A motion was made by Mr. Hunter, seconded by Anderson, to recommend approval. The motion carried 5-0-0.*

**Recommended for Approval**

**Absent:** 2

**Vote For:** 5

**20220761**

**CA2022-10 [CODE AMENDMENT] Amendments to Section 714**

**CA2022-10 [CODE AMENDMENT]** Proposal to amend the Comprehensive

Development Code of the City of Marietta, Section 714, Signs.

*File number CA2022-10 was presented by Mr. White.*

*A public hearing was held.*

*Mr. Scott Bergthold (Outside Legal Counsel) presented the request and gave an in-depth explanation of the proposed amendments with supporting evidence and findings.*

*Mr. Bergthold pointed out some additional changes required to the language of this amendment and CA2022-09 before presentation to City Council.*

*The was no opposition or support. The public hearing was closed.*

*A motion was made by Mr. Anderson, seconded by Mr. Hunter, to recommend approval with change in language recommended by legal counsel. The motion carried 5-0-0.*

**Recommended for Approval**

**Absent: 2**

**Vote For: 5**

**OTHER BUSINESS:**

**ADJOURNMENT:**

*The September 6, 2022, Planning Commission Meeting adjourned at 6:58PM.*

  
STEPHEN DIFFLEY, VICE-CHAIRMAN

  
LISA H. RAJABNIK, SECRETARY