



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

Bob Kinney - Chairman
Jay Davis, Ward 1
Frasure Hunter, Ward 2
Hicks Poor, Ward 3
Byron "Tee" Anderson, Ward 4
Brenda McCrae, Ward 5
Stephen Diffley, Ward 7

Tuesday, October 2, 2018

6:00 PM

City Hall Council Chambers

Present: Bob Kinney, Jay Davis, Frasure Hunter, Hicks Poor, 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 October 2, 2018 Planning Commission Meeting to order at 6:00PM.

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

MINUTES:

20181009 September 4, 2018 Regular Planning Commission Meeting Minutes

Review and Approval of the September 4, 2018 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 7-0-0.

Approved and Finalized

**Absent: 0
Vote For: 7
Vote Against: 0**

REZONINGS:

20180859 Z2018-24 [REZONING] TRATON HOMES LLC

Z2018-24 [REZONING] TRATON HOMES LLC is requesting the rezoning of 3.29 acres located in Land Lot 1289, District 16, Parcels 0730, 0580, 0290, 0250 & a portion of 0260; and Land Lot 288, District 17, a portion of Parcels 0340, 0370, 2nd Section, Marietta, Cobb County, Georgia, and being known as 208, 216, 230, 240, & a portion of 250 Frasier Street and portions of 423 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.

File number Z2018-24 was presented by Ms. Little for a request to rezone property known as 208, 216, 230, 240, & a portion of 250 Frasier Street and portions of 423 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Kevin Moore, Esq., for the Applicant is requesting to rezone property known as 208, 216, 230, 240, & a portion of 250 Frasier Street and portions of 423 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

There were three (3) in opposition to this request. Mr. Chris Brown, Mr. Thomas A. Scott and Ms. Amy Linton opposed.

Mr. Brown, Mr. Scott and Ms. Linton opposed siting concerns over the historic nature of the house and about ingress/egress to the subdivision due to the sharp corner of the entrance. Mr. Brown also said that the \$2,000.00 offered by the developer to assist with moving the house was helpful but not substantial. He said a similar property cost \$20,000.00 to move.

Mr. Moore explained in his rebuttal that they are happy to continue discussions with interested groups about assistance with moving the house. He agreed that the turn off the entrance is tight but said it has been navigated successfully since it has been there. He said there is no other access; it can only be accessed through Frasier Street.

Chairman Kinney asked if he would be willing to increase the financial assistance for moving the house to \$5,000.00. Mr. Moore said they are willing to continue discussions but that it is not appropriate at this time to discuss an exact amount. He said it was helpful to learn that a similar house cost \$20,000.00.

Mr. Diffley asked if there was a turnaround for emergency services. Mr. Moore said there is and pointed to the location on the site plan.

Chairman Kinney noted the two large trees in front of the house and said it would be a shame to remove them. He also asked about an opening that looks like a possible creek. Mr. Moore said they would like and plan to keep as many trees as possible. He said he can only speak to what Staff has said in their report and that they did not identify a creek.

Ms. McCrae expressed concern over the fact that they submitted the stipulation letter just before the meeting. She said that did not give her enough time to review the material and would feel more comfortable if they tabled this request to allow time for the Board to review these new changes. Chairman Kinney seconded Ms. McCrae's concerns stating that there are substantial changes that need to be reviewed. Mr. Moore explained that unique situations prevented him from submitting stipulation letter timely and said that the only thing that really changed was that they dropped to 2/10 of an acre and 7 units.

Ms. McCrae noted that driveways 1-5, 8, 26 and 27 needed reduction and asked about the parking options for these short driveways. She asked if street parking is allowed. Mr. Moore said there are plenty of guest parking spaces at the front, across 26 & 27 and across that. He said that street parking is not allowed and that the covenants will also show that parking in the garage is mandatory and that garages cannot be converted to living spaces.

Mr. Anderson asked what the time frame as far as saving the house would be once they come up with an agreement. Mr. Moore said his highly educated estimate would be 4-6 months from the time of City Council approval.

Mr. Poor asked Mr. Moore to go over by line item the stipulations requested in the letter provided just before the meeting. Mr. Moore addressed each line item as requested. Mr. Poor pointed out that a variance to reduce the minimum lot size requirement from 4,000 sq. ft. to 1,080 sq. ft. was missing from the stipulation letter and Mr. Moore affirmed.

The public hearing was closed.

Mr. Poor made a motion, seconded by Mr. Diffley, to recommend approval as stipulated and add a variance to reduce the minimum lot size requirement from 4,000 sq. ft. to 1,080 sq. ft. (footprint of the smallest unit). The motion carried 5-2-0. Chairman Kinney and Ms. McCrae opposed.

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

Stipulations:

1. Letter of stipulations from Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager, for the City of Marietta, dated October 2, 2018.

Variances:

1. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to 1,080 sq. ft. (footprint of the smallest unit). [§708.09 (H)]

Recommended for Approval as Stipulated

Absent: 0
Vote For: 5
Vote Against: 2

20180942

Z2018-26 [REZONING] A.B. BISHOP PROPERTIES LLC is requesting the rezoning of approximately 0.27 acres located in Land Lot 1241, District 16, Parcel 1040, 2nd Section, Marietta, Cobb County, Georgia, and being known as 135 Powers Ferry Road from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 7A.

File number Z2018-26 was presented by Ms. Little for a request to rezone property known as 135 Powers Ferry Road from CRC (Community Retail Commercial) to OI (Office Institutional).

A public hearing was held.

Mr. Rusty Epperson, for the Applicant is requesting to rezone property known as 135 Powers Ferry Road from CRC (Community Retail Commercial) to OI (Office Institutional).

There was no opposition to this request.

Mr. Diffley asked if the sprinklers were up to code. Mr. Epperson said there is no sprinklers system in the building.

Mr. Diffley said he noticed the HVAC system was surrounded by bamboo and asked if all those systems were going to be used. He asked if the bamboo and the wooden fence are part of their property. Mr. Epperson said they will have a modern HVAC system and that the bamboo belongs to the property behind them. He does not know who owns the fence.

Chairman Kinney observed that the surrounding properties are all CRC (Community Retail Commercial) and asked if he would be opposed to leaving the zoning CRC (Community Retail Commercial) and just adding an additional use to allow an assisted living facility. Mr. Epperson said they would be delighted to do that.

Chairman Kinney asked if they will be installing sprinklers. Mr. Epperson did not know.

Chairman Kinney said it is likely that it will be required.

Ms. McCrae asked if he plans on adding more trees to meet the tree requirements. Mr. Epperson said they could add a couple of trees if need be.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval as zoned (CRC-Community Retail Commercial) with an additional use to allow an assisted living facility and to waive the requirement for any additional vegetation. The motion carried 7-0-0.

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

Variances:

- 1. Variance to reduce the front setback for the existing building from 50' to 40'. [§708.23 H]*
- 2. Variance to increase maximum impervious surface area from 80% to 94%. [§708.23 H]*
- 3. Variance to reduce the minimum lot size from 20,000 sq. ft. to 11,939 sq. ft. [§708.23 H]*
- 4. Variance to waive Section 712.08, Tree Protection and Landscaping, and allow the existing vegetation to satisfy the requirements.*

Recommended for Approval as Stipulated

Absent: 0
Vote For: 7
Vote Against: 0

20180948

Z2018-27 [REZONING & SPECIAL LAND USE PERMIT] PAUL KEITH (KELLY COMMUNICATION TOWERS, LLC) is requesting the rezoning of 1.7 acres located in Land Lot 1085, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as 632 Kennesaw Avenue, from R-2 (Single Family Residential - 2 units/acre) to CRC (Community Retail Commercial) with a Special Land Use Permit for a telecommunications tower. Ward 4A.

File number Z2018-25 was presented by Ms. Little for a request to rezone property known as 632 Kennesaw Avenue, from R-2 (Single Family Residential - 2 units/acre) to CRC (Community Retail Commercial) with a Special Land Use Permit for a telecommunications tower.

A public hearing was held.

Ms. Ellen Smith (Parker Poe, Paul Keith) is requesting to rezone property known as 632 Kennesaw Avenue, from R-2 (Single Family Residential - 2 units/acre) to CRC (Community Retail Commercial) with a Special Land Use Permit for a telecommunications tower.

There were five (5) in opposition to this request. Mr. Benjamin Denhart, Ms. JoAllen Brabhams, Mr. Robert Coover, Mr. Bert Cohen and Ms. Mary Ansley Southerland opposed.

The opposition’s main concerns were the safety of the community with regard to the wind loading of a 180-foot structure; The amount of variances needed in order to be able to have the tower in this location; The possible pollution to the stream that runs along that property and into their subdivision; the type of fence being proposed and they feel that leaving the existing house sitting empty would invite problems.

Ms. Smith and Ms. Kathy Kelly spoke in the rebuttal explaining that the wind load requirements are addressed. Ms. Smith said the fall zone is less than 50% of the height of the tower. She said the gravel is already there and that they are willing to discuss other fence materials.

Mr. Diffley asked if they meet the state minimum distance for the creek and if the house will be left intact and in place. Ms. Smith said they are in compliance with the state mandated distance, not the City’s. They are willing to tear down the house once Mr. Keith moves out if that is what the City requests.

Mr. Anderson asked how often maintenance will be required with regards to trucks entering the site. Ms. Kelly said after it’s constructed and operational only a pick-up truck would be used for maintenance purposes and they visit less than once per month.

Chairman Kinney asked what type of branches are used for a mono-pine. Ms. Kelly said they have not created a mono-oak yet and that a mono-pine is what is used in this region. She said it will be dense and below the tree lines.

Chairman Kinney asked Staff what the City’s thought was on the house after someone moves out. Mr. Roth said that is a council decision.

Mr. Poor asked if the members of the community knew that this was for a T-Mobile tower. Members in the audience announced that they were aware; they read the documentation posted on the web.

The public hearing was closed.

Mr. Anderson made a motion, seconded by Mr. Hunter, to recommend denial. The motion carried 6-1-0. Chairman Kinney opposed.

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

Variances:

- 1. Variance to increase the allowable tower height for four or more users under CRC zoning district from 120 feet to 180 feet. [§712.07 (B.11-Table C)]*
- 2. Variance to locate a telecommunications tower within 360 ft. of residential structures and residentially zoned property. [§712.07 (B.1)]*
- 3. Variance to reduce the buffer from 50 feet to 40 feet along the northwestern property line and allow the existing vegetated area to be counted as the landscaped buffer. [§712.07 (B.5.)]*
- 4. Variance to allow a chain-link fence to be used within a buffer. [§712.07 (B.5)]*
- 5. Variance to allow gravel as an acceptable driving surface. [§716.08 (B)]*

Recommended for Denial

Absent: 0
Vote For: 6
Vote Against: 1

OTHER BUSINESS:

20181004 2019 Planning Commission Calendar of Meeting Dates

Review and Approval of the 2019 Planning Commission Calendar.

Mr. Diffeley made a motion, seconded by Mr. Poor that the 2019 Planning Commission Calendar of Meeting Dates be approved. The Motion carried 7-0-0.

Approved and Finalized

Absent: 0
Vote For: 7
Vote Against: 0

ADJOURNMENT:

The October 2, 2018 Planning Commission Meeting adjourned at 7:50PM

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY