



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, January 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
Robin Osindele, Urban Planner
Sarah Hegener, Associate City Attorney
Ines Emblar, Secretary to the Board

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the January 2, 2018 Planning Commission Meeting to order at 6:00PM.

Sarah Hegener, Associate City Attorney, explained the rules and procedures used in conducting the public hearings.

MINUTES:

20171196 December 5, 2017 Regular Planning Commission Meeting Minutes

Review and Approval of the December 5, 2017 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:

20171186 Z2018-03 [REZONING] ALICEY INC

Z2018-03 [REZONING] ALICEY INC is requesting the rezoning of approximately 1.97 acres located in Land Lot 714, District 17, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1222 Franklin Gateway from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 1A.

File number Z2018-03 was presented by Mr. Roth for a request to rezone property known as 1222 Franklin Gateway from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 1A.

A public hearing was held.

Dr. Choi presented a request to rezone property known as 1222 Franklin Gateway from OI (Office Institutional) to CRC (Community Retail Commercial).

There was no opposition to this request.

The board members asked if there were any tenants currently, if the property has been remodeled and if he has tried using a leasing agency to assist with leasing his spaces. Dr. Choi said there is currently a chiropractor in one of the offices and that the HVAC was recently updated. He said they also painted and replaced carpets/tile. Mr. Choi said they did use a leasing agency but that they were unable to find tenants in the current zoning.

Chairman Kinney and Mr. Poor expressed concern about Dr. Choi’s request to rezone to CRC without having a specific plan, citing the variable allowable uses in CRC and asked if he would be willing to table this request until he was able to provide a detailed plan for the property. Dr. Choi explained that one possible tenant would be an online business, which would not have any foot traffic, it would strictly be online sales and he said he would never allow a tattoo type of business on his property. He was not amendable to tabling the request.

The public hearing was closed.

Ms. McCrae made a motion to recommend denial. There was no second. The motion failed. Mr. Poor made a motion, seconded by Mr. Diffley, to recommend approval with the following variances and stipulation. The motion carried 6-1-0. Ms. McCrae opposed.

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

- 1. Variance to reduce the required road frontage for a free-standing sign from 75’ to 40’.*
- 2. Variance to allow signage to be 15’ tall.*

Stipulation: The following uses will not be allowed on the property without a future Special Land Use Permit:

- 1. Adult entertainment shops*
- 2. Dry cleaning utilizing petrochemicals*
- 3. Helicopter landing areas*
- 4. Pawn shops*
- 5. Motels/Hotels - Extended Stay*
- 6. Shelters for the homeless*

Recommended for Approval as Stipulated

**Absent: 0
Vote For: 6
Vote Against: 1**

20171184

Z2018-01 [REZONING] CITY OF MARIETTA

Z2018-01 [REZONING] CITY OF MARIETTA is requesting the rezoning of 7,460 square feet of property located in Land Lots 1213 & 1236, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of the Covington Avenue right of way from unzoned to CRC (Community Retail Commercial). Ward 1A.

File number Z2018-01 was presented by Mr. Roth for a request to rezone property known as a portion of the Covington Avenue right of way from unzoned to CRC.

A public hearing was held.

Mr. Roth, Staff presented a request to rezone property known as a portion of the Covington Avenue right of way from unzoned to CRC.

There was no opposition to this request.

There were no questions from the Board Members.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Hunter, to recommend approval as submitted. The motion carried 7-0-0.

Recommended for Approval

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

20171185

Z2018-02 [REZONING] CITY OF MARIETTA

Z2018-02 [REZONING] CITY OF MARIETTA is requesting the rezoning of 8,445 square feet of property located in Land Lot 1238, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as Freys Gin Court from unzoned to CRC (Community Retail Commercial). Ward 7A.

File number Z2018-02 was presented by Mr. Roth for a request to rezone property known as Freys Gin Court from unzoned to CRC.

A public hearing was held.

Mr. Roth, Staff presented a request to rezone property known as Freys Gin Court from unzoned to CRC.

There was no opposition to this request.

There were no questions from the Board Members.

The public hearing was closed.

Mr. Poor made a motion, seconded by Mr. Hunter, to recommend approval as submitted. The motion carried 7-0-0.

The meeting adjourned at 6:36PM. Immediately afterwards, Mr. Richard N. Hubert, stood up and opposed this rezoning request. Mr. Diffley made a motion to open the meeting and allow Mr. Hubert to speak. Mr. Hunter seconded. The motion carried 7-0-0.

Mr. Hubert opposed because he feels the public notice was lacking in specificity as to exactly what the City intends to do with the property. He is interested in the property and would like to bid if it is abandoned.

Chairman Kinney explained that the right of way will be offered first to the adjacent neighbors and asked if he has an adjacent interest. Mr. Hubert said he did not know because the City did not specify exactly what property was being rezoned. Chairman Kinney suggested he contact Mr. Dan Conn, Public Works Department as he is the contact person for the sale of this right of way.

Mr. Roth, City Staff explained that the rezoning is not for a piece of property, it is for a right of way and that we can provide him with the legal description if he desired.

Ms. Hegener, Associate City Attorney, briefly explained the procedure for abandonment and suggested he secure legal advice if he feels his interest is in jeopardy.

After Mr. Hubert spoke, Mr. Diffley made a motion to close the public session. Ms. McCrae seconded. The motion carried 7-0-0.

Recommended for Approval

Absent: 0
Vote For: 7
Vote Against: 0

ADJOURNMENT:

The January 2, 2018 Planning Commission Meeting adjourned at 6:36PM. The meeting was re-opened at 6:38PM and re-adjourned at 6:52PM.

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY