



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, June 5, 2018

6:00 PM

City Hall Council Chambers

Present: Stephen Diffley, Jay Davis, Frasure Hunter, Hicks Poor, Byron "Tee" Anderson

Absent: Bob Kinney and Brenda McCrae

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:

Vice Chairman Diffley called the April 3, 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:

20180569

May 1, 2018 Regular Planning Commission Meeting Minutes

Review and Approval of the May 1, 2018 Regular Planning Commission Meeting Minutes.

Mr. Poor 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 5-0-0. Chairman Kinney and Ms. McCrae were absent.

Approved and Finalized**Absent:** 2**Vote For:** 5**REZONINGS:****20170009 Z2017-08 [REZONING] OCHOA GLORIA TORRES (NICHOLAS TORRES)**

Z2017-08 [REZONING] OCHOA GLORIA TORRES (NICHOLAS TORRES) is requesting the rezoning of approximately 0.54 acres located in Land Lots 287 & 290, District 17, Parcel 0670, 2nd Section, Marietta, Cobb County, Georgia, and being known as 566 W Atlanta Street, from NRC (Neighborhood Retail Commercial) to CRC (Community Retail Commercial). Ward 1A.

File number Z2017-08 was presented by Ms. Little for a request to rezone property known as 566 W Atlanta Street NRC (Neighborhood Retail Commercial) to CRC (Community Retail Commercial).

A public hearing was held.

Mr. Adam Rozen, Esq., for the Applicant is requesting to rezone property known as 566 W Atlanta Street NRC (Neighborhood Retail Commercial) to CRC (Community Retail Commercial).

There was no opposition to this request.

Mr. Davis asked if the house on the corner was a separate parcel with the same owner? Mr. Rozen stated it is a separate parcel with a different owner.

Mr. Hicks asked if the trailers in the back were strictly for storage; if this was a new or existing business; the hours of operation and asked for more information on the typical customer for this business. Mr. Rozen said the trailers in the back will leave when emptied and new trailers will arrive; it is an existing business, currently located on Lower Roswell Road. They are open Monday through Saturday from 7:00AM to 5:00PM. He explained that the typical customers are commercial landscapers, but consumer retail is a possibility down the road.

Mr. Hicks asked if all the parking will be in the back and what the fencing material will be. Mr. Rozen said everyone will park in the back; the best way to assure this will be with signage and striping. He said it will be a privacy fence, but the specifics are not yet known.

Mr. Davis stated that this property is in an "Opportunity Zone" and asked if the applicant will be taking advantage of the Georgia Department of Community Affairs tax credits. Mr. Rozen said it is something that could possibly be looked at if the business grows.

The public hearing was closed.

Mr. Davis made a motion, seconded by Mr. Poor, to recommend approval as stipulated. The motion carried 5-0-0.

The following stipulations are incorporated as conditions of zoning:

- *Letter of stipulations from Sams, Larkin, Huff & Balli, LLP to Jasmine Thornton, Planning & Zoning Administrator, for the City of Marietta, dated May 25, 2018.*

Recommended for Approval as Stipulated

Absent: 2
Vote For: 5
Vote Against: 0

20180518

Z2018-18 [REZONING] JAIRO A. MURILLO

Z2018-18 [REZONING] JAIRO A. MURILLO is requesting the rezoning of 0.17 acres located in Land Lot 1224, District 16, Parcel 0440, 2nd Section, Marietta, Cobb County, Georgia, and being known as 803 Polk Street from R-1 (Single Family Residential/Agriculture) to R-4 (Single Family Residential - 4 units/acre). Ward 3A.

File number Z2018-18 was presented by Ms. Little for a request to rezone property known as 803 Polk Street from R-1 (Single Family Residential/Agriculture) to R-4 (Single Family Residential - 4 units/acre).

A public hearing was held.

Mr. Jairo Murillo is requesting to rezone property known as 803 Polk Street from R-1 (Single Family Residential/Agriculture) to R-4 (Single Family Residential - 4 units/acre).

There was no opposition to this request.

Mr. Anderson asked if he is planning to move into this home and the reason for a carport instead of a garage. Mr. Murillo said the house is for his mother and that the property is so narrow that a carport will be better. He is thinking of possibly extending the driveway all around the house so that for safety reasons she can exit toward the right of the house and not have to back out.

Vice Chairman Diffley asked if the structure is wood and brick and if the upper floor is fully developed. Mr. Murillo said it is a frame wood house with cedar shake on the outside and affirmed that the upper level is fully developed.

Mr. Hicks noted that a driveway circling toward the right of the house is not in the plans provided in the application. Mr. Murillo explained that the idea for the driveway circling toward the right just came to them, but he would like to continue with the rezoning request as originally submitted and if they decide at a later time to do the driveway to the right and need to come back to the Board, they will do so.

Mr. Anderson asked staff what the maximum percentage of impervious surface is in R4. Ms. Little said it is 50% for the whole site but is also limited to 30-35% of the front yard, that is why he needs a variance to pave 45% of the front yard.

The public hearing was closed.

Mr. Poor made a motion, seconded by Mr. Anderson, to recommend approval as submitted. The motion carried 5-0-0.

The following variances are incorporated as conditions of zoning:

Variance to allow up to 45% of the front yard be paved. [§716.08 C.8]

Variance to reduce the minimum lot size from 7,500 sf. to 7,349 sf. [§708.04 H]

Variance to reduce the minimum lot width from 75 ft. to 60 ft. [§708.04 H]

Variance to increase the density to allow one unit on 0.192 acres. [§708.04 H]

Recommended for Approval

Absent: 2

Vote For: 5

Vote Against: 0

ADJOURNMENT:

The June 5, 2018 Planning Commission Meeting adjourned at 6:34PM.

STEPHEN DIFFLEY, VICE CHAIRMAN

INES EMBLER, SECRETARY