



Meeting Minutes - Final Planning and Zoning Commission

Monday, April 13, 2015

6:00 PM

Council Chambers

Roll Call

Present 8 - Chair Person Joel Powell, Board Member Michael Seagraves, Board Member Dale Holmes, Board Member Steve Kemp, Board Member Ed Whittington, Board Member Denny Campo, Board Member Earl Rice, and Board Member Ron Roberts

Also Present 3 - Heather Corn, Russell Martin, and Joey Staubes

1. Call To Order

The meeting of the Planning and Zoning Committee was called to order by Chairperson Joel Powell at 6:00 pm.

2. Business:

A. Public Hearing - Zoning Request Z15-002 - Rezoning of the subject property from Residential Townhouse District (RTD) to General Commercial (GC) for use of the property for commercial purposes - 5.039 Acres - Land Lot 342 - Vacant landlocked property off South Cobb Drive at the terminus of Ask-Kay Drive - William L. Askea

Sponsors: Wilkinson

Attachments: [Z15-002 Memo](#)
[Zoning Vicinity Map_Z15-002](#)
[Land Use Vicinity Map_Z15-002](#)
[Rezoning Application_Z15-002](#)
[Property Survey_Z15-002](#)
[Legal Description_Z15-002](#)

Applicant will be requesting to rezone subject property from RTD to GC for to extend use of existing commercial business. Rusty Martin, Senior Planner, presented the recommendation to the Board. The subject property is a vacant land locked parcel at the terminus of Ask Kay Drive. Rusty Martin discussed staff recommendation. The case will proceed to Mayor and Council on May 18, 2015. The subject property currently has no means of access except through the adjacent parcel. The request to rezone to GC is the same zoning as adjoining property to east, owned by applicant. The subject property is adjacent to residential, and commercial property to east. There is a stream to the west and southern property line. The request also requires a change in land use from Medium Density Residential to Commercial Activity Center. The proposed building and parking will be on a small portion of property, with access from Ask Kay and adjoining property. A 75 foot stream buffer, and 50 foot residential

buffer apply to subject property. The subject property is also within the flood plain for the majority of its area, reducing the amount of developable area. Community Development recommends approval of rezoning to GC, with conditions in Section 802.

Chairman Powell asked the applicant to provide additional information. Kevin Moore, representing applicant, stated that the subject property has been owned by the adjoining property owner and planned to develop parcel in 1990's. Stream buffers and flood plain limit developable area of land, which self limits how intense the property can be developed. Current zoning regulations restrict development of the subject property due to the parcel being land locked, and the current proposal is the only means by which to develop it.

Chairman Powell opened the floor for the Public Hearing.

Heidi Morton, Westfield Trace, stated concerns about noise, pollution, and commercial activity next to residential land uses and the impact it may have on residential property values.

Chairman Powell stated that the stream buffer provides protection, and is imposed on both sides of stream. On either side of the stream is a 50 foot undisturbed buffer as well as an additional 25 foot impervious buffer.

Ray Marrero, Westfield Trace, states concerns that public notice was only posted on S Cobb Drive. Concerned about not having enough notice, and potential for property owner to remove trees. Noted visibility concerns due to sewer work performed by the City.

Inez Lewis, stated concerns about the buffer, and does not want to see S Cobb Drive from her property. Has concerns that development could allow pedestrian access to and from S Cobb Drive. Has concerns about seeing commercial activity from her property. Sewer line has provided some sight lines that previously did not exist.

Rusty Martin provided more details about stream buffer. Referenced site plan on projector. A 50 foot undisturbed stream buffer exists from rest of vegetation, and 25 foot additional impervious surface buffer. Within the impervious buffer trees may be removed and landscaped, but may not include pavement or construction. Stream buffer exists to the west and south 50 foot of the buffer applies on the residential side, and 50 foot on the commercial side. On the commercial side flood plain issue limit area of developable land. Most of the site will remain undisturbed due to flood plain and stream buffer. City Engineer and Planning Department will review civil plans to ensure the stream buffer is not impacted. Referenced zoning map with aerial photography and referenced the amount of existing vegetation. Only a conceptual plan was presented for the rezoning request. Detailed civil plans and hydrology study will be required before any land disturbance activity occurs.

Inez Lewis, has concerns that stream buffer will not be enforced. Rusty Martin explained the development review process and that the City will not approve plans that impact the undisturbed buffer.

Kevin Moore, came forward to address concerns regarding pollution, safety, commercial activity, and visibility. Mr. Moore ensured that trees will remain along stream. Only portion on property that can be developed is just behind existing parking area of adjoining property and that a fence is proposed to block access to S Cobb Drive.

Board Member Roberts asked what the proposed use for the building would be. Mr. Moore responded that the use will be office/warehouse which is the current use of the adjoining property; it will not be used for distribution.

Steve Kemp, inquired how much of property is in flood plain. Mr. Moore responded that approximately 4 out of 5 acres are within the flood plain. Flood plain is along the stream area.

Rusty Martin addressed notification issues brought forward by Mr. Marrero. State Law and City Ordinance state that notice shall be posted on the nearest public thoroughfare. Site presents challenges due to access issues. Notice was posted on property within commercial development, S Cobb Dr, and Ask Kay Drive intersection. City ordinance does not require rezoning applications to notify adjacent properties,

however notice will be posted in the Marietta Daily Journal 15 days prior to M& C hearing.

No further questions.

Chairman Powell requested a motion from the Board.

A motion was made by Boardmember Ed Whittington to approve item 2015-124 a zoning request (Z15-002), a rezoning of the subject property from Residential Townhouse District (RTD) to General Commercial (GC) for use of the property for commercial purposes on 5.039 Acre, Land Lot 342 a vacant landlocked property off South Cobb Drive at the terminus of Ask-Kay Drive, applicant William L. Askea, seconded by Boardmember Ron Roberts. The motion carried by the following vote:

Aye: 7 - Board Member Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Rice and Seagraves

B. Public Hearing - Zoning Request - Z15-003 - Rezoning of the subject property from R-15 to RAD-Conditional for the development of six (6) single-family homes - 1.31 Acres - Land Lot 592 - 1514 Hawthorne Avenue - Tuley & Tuley, Inc.

Sponsors: Anulewicz and Kemp

Attachments: [Z15-003 Memo](#)
[Proposed Site Plan Z15-003](#)
[Proposed Tree Plan Z15-003](#)
[Zoning Vicinity Map Z15-003](#)
[Land Use Vicinity Map Z15-003](#)
[Rezoning Application Z15-003](#)
[HomeElevations Z15-003](#)
[Floor Plans Z15-003](#)
[Legal Description Z15-003](#)

Rusty Martin provided background on the proposed request. The subject property is located within Ward 3, and currently consists of a vacant site with cemetery located on it. Property formerly had a church that was destroyed by fire 7 years ago. The Church pursued variances to rebuild but never proceeded with construction. The property has been vacant for 7 years and is zoned R15. Surrounding zoning is R-15 and RAD. The Future Land Use is Moderate Density Residential which allows up to 4.5 units per acre and applicant is requesting 4.58 per acre, thus requiring a Land Use change to Medium Density Residential.

The proposed site plan is maximizing all available land.

The proposed storm water detention facility will be on Hawthorne. Seven variances are required for the proposed site plan, which include reduction in lot size, increase in lot coverage from 45% to 79%, lot width reduction from 100 to 34 linear feet, as well as set back requests..Community Development recommends denial of request due to the amount of variances needed and increase in density.

Chairman Powell asked the applicant to speak regarding the request.

Kevin Moore, attorney representing applicant, addressed the Board and requested the item be tabled to the next Planning and Zoning Board Hearing, on May 11, 2015, so that adjustments can be made to the proposed plan and address staff's concerns. Chairman Powell opened the floor for the public hearing.

Casey Claven, came forward to speak. The subject property is on the boundary of

her property. Mrs. Claven suggested that the Board deny the request, due to the lack of access to the cemetery and unresolved ownership and maintenance concerns of the cemetery.

No others came forward to speak.

Chairman Powell requested a motion.

A motion was made Boardmember Ron Roberts to table item 2015-125 until the May 11, 2015 Planning and Zoning Meeting per the applicants request, a zoning request (Z15-003) a rezoning of the subject property from R-15 to RAD-Conditional for the development of six (6) single-family homes on 1.31 Acres, Land Lot 592 located at 1514 Hawthorne Avenue, applicant Tuley & Tuley, Inc., seconded by Boardmember Steve Kemp. The motion carried by the following vote:

Aye: 7 - Board Member Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Rice and Seagraves

- C.** Public Hearing - Zoning Request Z15-005 - Annexation and rezoning of the subject property from NS (Smyrna) & OI (Cobb County) to MU-Conditional - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Nilhan Developers, LLC - This item is to be tabled until the completion of the DRI review by the Atlanta Regional Commission.

Sponsors: Pritchett and Roberts

Attachments: [Zoning Vicinity Map_Z15-005](#)
[Land Use Vicinity Map_Z15-005](#)
[Rezoning Application_Z15-005](#)
[Proposed Site Plan_Z15-005](#)
[Legal Description_Z15-005](#)

Joey Staubes, Planner I, addressed the Board and explained that staff has recommended the item be tabled until Development of Regional Impact (DRI) review is completed by Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA).

Chairman Powell opened the floor for the public hearing.

Mr. Barnes and Joe Alvarez, both business owners in the existing multi tenant commercial center in the City that fronts on Spring Road. Both business owners have concerns about what will happen with the existing commercial structure.

Chairman Powell commented that more information will be available as the DRI process is completed, as the site plan will most likely be modified. Currently the site plan consists of a proposed hotel, office building, and multi-family residential structure, with commercial space in the same area as the existing commercial structure. The modified site plan will be available after review is complete, and suggested they contact staff to receive up to date information as the project evolves. Chairman Powell requested a motion from the Board.

A motion was made by Boardmember Dale Holmes to table item 2015-126, a zoning request (Z15-005) annexation and rezoning of the subject property from NS (Smyrna) & OI (Cobb County) to MU-Conditional on 8.7 Acres, Land Lots 880 & 881 located at 2800 & 2810 Spring Road, applicant Nilhan Developers, LLC., until the completion of the DRI review by the Atlanta Regional Commission, seconded by Boardmember Earl Rice. The motion carried by the following vote:

Aye: 7 - Board Member Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Rice and Seagraves

3. Approval of Minutes:

A. Approval of the February 9, 2015 Planning and Zoning Board Meeting Minutes

Attachments: [04-13-215 April 13, 2015 P&Z Final Minutes.pdf](#)

A motion was made by Boardmember Ron Roberts to approve the February 9, 2015 Planning and Zoning Board Meeting Minutes, seconded by Boardmember Dale Holmes. The motion carried by the following vote:

Aye: 7 - Board Member Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Rice and Seagraves

4. Adjournment

The meeting of the Planning and Zoning Board was adjourned at 6:55PM by Chairperson Joel Powell.