



City of Marietta

-205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, May 13, 2020

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris,
Reggie Copeland, Michelle Cooper Kelly, and Joseph R. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:02 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Morris to give the invocation.

PLEDGE OF ALLEGIANCE:

Everyone was asked to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

PROCLAMATIONS:

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Prior to the consent agenda, a motion was made by Council member Chalfant, seconded by Council member Kelly, to suspend the rules of order to add an item to the consent agenda to approve a motion authorizing a variance from the Underground Utilities ordinance requested by Gregory, Doyle and Calhoun, LLC., to allow the installation of fiber to be over lashed on existing fiber along Waddell Street from the building at 45 Atlanta Street to 57 Waddell Street. This motion does not grant a perpetual variance. The applicant must relocate underground at their expense if other utilities at the location are moved underground. The motion carried by the following vote:

*Vote: 7 – 0 – 0 Approved
(see agenda item 20200413)*

Mayor Pro tem Michelle Cooper Kelly briefly explained the consent agenda process.

City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Council Appointments: Agenda item 20200333 was added to the consent agenda and amended to read, "Appointment of Juanita Carmichael to the Board of Zoning Appeals (Ward 5)"

-under Ordinance: Agenda item 20200295 was added to the consent agenda as a Motion to Table until the June 10, 2020 City Council meeting.

-under Finance/Investment: Agenda item 20200368 was removed from the consent agenda.

A motion was made by Council member Walker, seconded by Council member Chalfant, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

MINUTES:

* **20200357 Regular Meeting – April 6, 2020**

Review and approval of the April 6, 2020 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20200359** **Special Meeting - April 28, 2020**
- Review and approval of the April 28, 2020 special meeting minutes.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

MAYOR’S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

- * **20200332** **Board of Zoning Appeals Appointment (Ward 6)**
- Reappointment of Bobby Van Buren to the Board of Zoning Appeals (Ward 6), for a three-year term expiring May 13, 2023.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200334** **Marietta Historic Board of Review Reappointment (Ward 3)**
- Reappointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two-year term, expiring May 13, 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200335** **Historic Board of Review Appointment at Large**
- Reappointment of Johnny Walker to the Marietta Historic Board of Review for the Council At Large Appointment for a two-year term, expiring May 13, 2022.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20200333** **Board of Zoning Appeals Appointment (Ward 5)**
- Consideration of an appointment to the Board of Zoning Appeals (Ward 5), for a three-year term, expiring May 13, 2023.
- Appointment of Juanita Carmichael to the Board of Zoning Appeals (Ward 5).*
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

ORDINANCES:**20200077 Z2020-10 [REZONING] 20 HOLDINGS, LLC**

Z2020-10 [REZONING] 20 HOLDINGS, LLC is requesting the rezoning of 4.2 acres located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia, and being known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 3A.

The Planning Commission on March 3, 2020 recommended approval as stipulated.

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

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

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated March 10, 2020.

2. Applicant must comply with noise attenuation construction requirements as identified in the letter from Kenneth W. Williams, Base Civil Engineer, Dobbins ARB to Rusty Roth, Development Services Director for the City of Marietta, dated March 2, 2020.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request for the rezoning for property located at 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City.

Kevin Moore, attorney for the applicant, requested to rezone the subject property for the development to build thirty-three (33) attached single-family townhouses. It should be noted that the applicant has applied for annexation in conjunction with the filing of this rezoning. The subject property consists of two (2) parcels located on the corner of Sandtown Road and Osborne Road in unincorporated Cobb County.

Mr. Moore presented architectural renderings/elevations and site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made by Council member Walker, seconded by Council member Chalfant, to approve the rezoning for property located at 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City, with the following stipulations are incorporated as conditions of zoning:

1. *Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated March 2, 2020.*

2. *Applicant must comply with noise attenuation construction requirements as identified in the letter from Kenneth W. Williams, Base Civil Engineer, Dobbins ARB to Rusty Roth, Development Services Director for the City of Marietta, dated March 2, 2020.*

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

20200078

A2020-02 [ANNEXATION] 20 HOLDINGS, LLC

A2020-02 [ANNEXATION] 20 HOLDINGS, LLC is requesting the annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia and being known as 1501 & 1521 Sandtown Road, and any associated right of way, consisting of approximately 4.2 acres. Ward 3A.

The Planning Commission on March 3, 2020 recommended approval.

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

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

The applicant requested that his presentation from the rezoning be incorporated for the annexation.

Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Walker, seconded by Council member Kelly, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

20200079

CA2020-02 [CODE AMENDMENT]

CA2020-02 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, and being known as 1501 & 1521 Sandtown Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 3A.

The Planning Commission on March 3, 2020 recommended approval.

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

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

The applicant requested that his presentation from the rezoning be incorporated for the code amendment.

Seeing no one else wishing to speak, the public hearing was closed.

A motion was made by Council member Walker, seconded by Council member Kelly, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

20200073

Z2020-09 [REZONING] TRATON, LLC

Z2020-09 [REZONING] TRATON, LLC is requesting the rezoning of 6.7 acres located in located in Land Lots 863 & 866, District 16, Parcels 0030, 0040, & 1090 of the 2nd Section, Cobb County, Georgia, and being known as 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard from MXD (Mixed Use Development - City) and GC (General Commercial - County) to MXD (Mixed Use Development) in the City. Ward 4B.

The Planning Commission recommends approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulations from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible. If Council approves the rezoning, the following stipulations would be incorporated as conditions of zoning:

Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 1, 2020.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request for the rezoning for property located at 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Blvd from MXD (Mixed Use Development - City) and GC (General Commercial - County) to MXD (Mixed Use Development) in the City.

Kevin Moore, attorney for the applicant, requested to rezone the subject property to develop a forty-six (46) unit townhouse community. The development would include two properties within the City, 1540 Cobb Parkway North and 1497 Hamilton

Grove Boulevard, and one property within the County, 1468 Cobb Parkway North. It should be noted that the applicant has applied for annexation in conjunction with the filing of this rezoning.

Mr. Moore presented architectural renderings/elevations and site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.

Those speaking regarding this rezoning request:

Carol Brown, Judy Skeel, Ruben Mateos and Jonathan Sobel

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made by Council member Morris, seconded by Council member Walker, to approve the rezoning for property located at 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard from MXD (Mixed Use Development - City) and GC (General Commercial - County) to MXD (Mixed Use Development) in the City, with the following stipulations are incorporated as conditions of zoning:

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 1, 2020.

The motion carried by the following vote:

Vote: 6 – 1 – 0 Approved
Voting Against: Joseph R. Goldstein

20200074

A2020-01 [ANNEXATION] TRATON, LLC

A2020-01 [ANNEXATION] TRATON, LLC is requesting the annexation of property located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North consisting of approximately 3.42 acres. Ward 4B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

The applicant requested that his presentation from the rezoning be incorporated for the annexation.

Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Morris, seconded by Council member Richardson, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

20200075

CA2020-01 [CODE AMENDMENT]

CA2020-01 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

The applicant requested that his presentation from the rezoning be incorporated for the code amendment.

Seeing no one else wishing to speak, the public hearing was closed.

A motion was made by Council member Morris, seconded by Council member Chalfant, that this matter be Approved. The motion carried by the following vote:

Vote: 6 – 1 – 0 Approved
Voting Against: Joseph R. Goldstein

20200156

Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN

Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN are requesting the rezoning of 0.4 acres located in Land Lot 1147, District 16, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval including variances 1-6 and noting that variance 2 was corrected to be 25' to 24' rather than 25' to 0'. The motion carried 6-0-0. Mr. Davis was inaudible.

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

1. Variance to reduce the side setback for an existing structure from 10' to 0' for Tract 1 [§708.04 (H)]
2. Variance to reduce the front setback for an existing structure from 25' to 24' for Tract 1 [§710.14] & [§708.04 (H)]
3. Variance to reduce the lot width for a property zoned R-4 from 75' to 59' for Tract 1 [§708.04 (H)]
4. Variance to reduce the lot width for a property zoned R-4 from 75' to 51' for Tract 2 [§708.04 (H)]
5. Variance to increase the density from 4 units/acre to 4.78 units/acre for the construction of two homes on 0.418 acres. [§708.04 (H)]
6. Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip. [§732.07 (C)]

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request for the rezoning of property located at 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density.

The owners would like to subdivide the property into two lots and develop an additional single-family residence on the new adjacent parcel west of the subject property. Currently, there is one single-family home on the 0.418-acre lot along Stewart Avenue. The applicants have proposed a site plan showing the subdivision of the existing lot into two lots - Tract 1 would be 9,363 square feet and Tract 2 would be 8,012 square feet - with both fronting Stewart Avenue. Several variances would be necessary to subdivide the property into two lots.

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the rezoning of property located at 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density, with the following variances are incorporated as conditions of zoning:

1. Variance to reduce the side setback for an existing structure from 10' to 0' for Tract 1
2. Variance to reduce the front setback for an existing structure from 25' to 24' for Tract 1
3. Variance to reduce the lot width for a property zoned R-4 from 75' to 59' for Tract 1
4. Variance to reduce the lot width for a property zoned R-4 from 75' to 51' for Tract 2
5. Variance to increase the density from 4 units/acre to 4.78 units/acre for the construction of two homes on 0.418 acres.
6. Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

20200169

Z2020-14 [REZONING] WILLIAM C. HAGEMANN

Z2020-14 [REZONING] WILLIAM C. HAGEMANN is requesting the rezoning of 5.25 acres located in Land Lots 214 & 215, District 17, Parcels 1180, 1120, 1140, and 1150 of the 2nd Section, Cobb County, Georgia, and being known as 84, 88, 100 & 150 Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

The Planning Commission recommends approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Hunter to recommend approval including the letter of stipulations from Mr. Rozen dated 4/23/20. The motion carried 6-0-0. Mr. Davis was inaudible. If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

Letter of stipulations and variances from Adam J. Rozen, PC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 23, 2020.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request for the rezoning for property located at 84, 88, 100 & 150 Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

Adam Rozen, attorney for the applicant, requested to rezone the subject property to construct thirty-six (36) detached homes along a new public roadway connecting with Fairlane Drive and Hagemann Drive. The project site consists of 84, 88, 100, & 150 Fairlane Drive and is currently zoned R-2 (Single Family Residential). The density of the proposed development would be 6.8 units/acre, which would be denser than most single family detached residential subdivisions but would be consistent with other developments that have recently been completed or are under construction nearby.

Mr. Rozen presented architectural renderings/elevations and site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed. Based on the submitted information, the following variances would be necessary:

- 1. Variance to reduce the minimum lot size from 4,000 to 3,500 sq. ft.*
- 2. Variance to reduce the required open space from 25% to 5.7%*

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made by Council member Walker, seconded by Council member Copeland, to approve the rezoning for property located at 84, 88, 100 & 150

Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family), with the following stipulations are incorporated as conditions of zoning:

Letter of stipulations and variances from Adam J. Rozen, PC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 23, 2020.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

Prior to the next item, Mayor Tumlin disclosed that he represents the sellers in the rezoning matter Z2020-15, 881 & 887 Powder Springs Street.

Mayor Tumlin stepped down from the dais prior to the discussion and Mayor Pro-tem Michelle Cooper Kelly presided.

20200170

Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE)

Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE) are requesting the rezoning of 6.42 acres located in Land Lots 140 & 141, District 17, Parcels 0030 & 0730 of the 2nd Section, Cobb County, Georgia, and being known as 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

The Planning Commission recommends approval as Stipulated.

Mr. Diffeley made a motion, seconded by Mr. Anderson to recommend approval including the letter of stipulation from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible. If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 1, 2020.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request for the rezoning for property located at 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

Kevin Moore, attorney for the applicant, requested the rezoning of approximately 6.416 acres along Powder Springs Street to build fifty-one (51) townhomes. The proposed density of the development is 7.94 units/acre, which would fall within the wide range of densities in this area and should not adversely impact any surrounding residential properties.

Mr. Moore presented architectural renderings/elevations and site plan for the project, as well as a letter of stipulations outlining the stipulations and conditions to which the applicant has agreed.

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held by Council, specifically regarding the active recreation requirement.

A motion was made by Council member Chalfant, seconded by Council member Morris, to approve the rezoning for property located at 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family), with the following stipulations are incorporated as conditions of zoning:

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 1, 2020, except to strike item #10a so the development would contain an active recreation feature.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved as Amended

Mayor Tumlin returned to the dais.

20200290

Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL

Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL is requesting the rezoning of 8.9 acres located in Land Lot 1086, District 16, Parcels 0010, 0450, 0460, 0370, 0220, 0210, 0230, & 0240 of the 2nd Section, Cobb County, Georgia, and being known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 4B.

The Planning Commission recommends approval as Stipulated.

Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted with the stipulation that the proposed retaining wall and black chain link fence is limited to around the recreation area and not allowed near adjacent residential properties. The motion carried 6-0-0. Mr. Davis was inaudible.

If Council approves the rezoning with the special land use permit, the following stipulations and variances would be incorporated as conditions of zoning:

Stipulations:

1. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

2. The new 12' chain link fence and 10' retaining walls only be allowed in the new recreation area and not adjacent or near any adjacent residential property.

Variances:

1. Variance to reduce the required 75-foot setback for the restroom/storage building to no less than 49 feet from a property not owned by the Church. [§708.04 (E)]
2. Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet. [§712.08 (G.2.a)]
3. Variance to increase the impervious surface from 50% to 60%. [§708.04 (H)]
4. Variance to allow parking in the front yard. [§716.08 (C.8)]
5. Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet. [§716.02 (B)]
6. Variance to reduce the minimum turning radii from 25 feet to 10 feet. [§730.01 (I.3.b)]
7. Variance to allow a black vinyl chain link fence as an approved material seen from the road. [§710.04 (B)]
8. Variance to increase the allowable fence height from 6 feet to 12 feet, as shown on plans. [§710.04 (D)]

The following variances and stipulations should be carried over from Z2009-01 Special Land Use Permit to keep the property in compliance:

1. Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.
2. Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street.
3. Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.
4. Variance to reduce required parking for a place of assembly and an elementary school from 252 to 242 spaces.
5. Variance to allow more than 12 parking spaces in a row without a planter island.
6. Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request for the rezoning for property located at 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly.

Saint Joseph Catholic Church is requesting both the rezoning of 105 Lacy Street and an amendment to the existing Special Land Use Permit (SLUP) for a new recreation area and a small addition to the school building. The property at 105 Lacy Street is zoned OI (Office Institutional), is approximately 0.359 acres in area. This parcel was recently acquired by Saint Joseph Catholic Church, which currently operates a church and elementary school. This request would allow the Church to operate on eight (8) contiguous properties totaling 8.9 acres.

The scope of work includes fully developing the four parcels into a basketball court, playground, open field, parking lot, and a new 800-square foot storage/restroom building. Also, there would be a 300-square foot addition to the existing school lobby at 589 Campbell Hill Street. This SLUP contained numerous variances and stipulations, most of which pertained to work that was proposed at the time. In addition to the rezoning, the applicant is requesting an amendment to the 2009 SLUP for the proposed work.

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the rezoning for property located at 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly, with following variances are incorporated as conditions of zoning:

- 1. Variance to reduce the required 75-foot setback for the restroom/storage building to no less than 49 feet from a property not owned by the Church.*
- 2. Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet.*
- 3. Variance to increase the impervious surface from 50% to 60%.*
- 4. Variance to allow parking in the front yard.*
- 5. Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet.*
- 6. Variance to reduce the minimum turning radii from 25 feet to 10 feet.*
- 7. Variance to allow a black vinyl chain link fence as an approved material seen from the road*
- 8. Variance to increase the allowable fence height from 6 feet to 12 feet, as shown on plans.*

The following stipulations are hereby incorporated as conditions of zoning:

- 1. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.*
- 2. The new 12' chain link fence and 10' retaining walls only be allowed in the new recreation area and not adjacent or near any adjacent residential property.*

And the following variances and stipulations should be carried over from Z2009-01 Special Land Use Permit to keep the property in compliance:

- 1. Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.*
- 2. Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street.*
- 3. Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.*
- 4. Variance to reduce required parking for a place of assembly and an elementary school from 252 to 211.*

5. *Variance to allow more than 12 parking spaces in a row without a planter island.*
6. *Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.*

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

20200295

Z2020-17 [REZONING] MICHAEL LANGSTON

Z2020-17 [REZONING] MICHAEL LANGSTON is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

The Planning Commission recommends approval as Stipulated.

Mr. Difley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.

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

Stipulation:

The exterior of the property be brought into compliance within three (3) months.

Variances:

1. *Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]*
2. *Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]*
3. *Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]*
4. *Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]*
5. *Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]*

Public Hearing (all parties are sworn in)

Motion to table until the June 10, 2020 City Council meeting.

This Matter was Tabled on the Consent Agenda.

Vote: 7 – 0 – 0

Tabled

20200296

Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC

Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC is requesting the rezoning of approximately 2.5 acres located in Land Lots 1141 & 1142, District 16, Parcels 0230, 0900, 0100, 0030, 0040, 0680, 0100, & 0790, 2nd Section, Marietta, Cobb County, Georgia, and being known as 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 5B.

The Planning Commission recommends approval.

If Council approves the rezoning, the following stipulation would be incorporated as a condition of zoning:

City support of two curb cuts, which may include the penetration of a concrete wall, to serve the property with final approval to be presented to the Georgia Department of Transportation.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the request for the rezoning for property located at 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial).

Fred Bentley, attorney for the applicant, stated that as part of a settlement with the City, the applicant is requesting rezoning of the subject property totaling 2.5 acres, for potential commercial development. Currently the applicant is only requesting the rezoning to consolidate the parcels into two separate lots with a commercial zoning designation. Prior to development, plans must be submitted that adhere to City Ordinances. It should also be noted that single family homes lie to the east, west, and south of the subject properties and are zoned R-4, while property to the north, across North Marietta Parkway, is zoned OS (Office Services).

Speaking in opposition:

Randall Green, who lives on Skyview Drive

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held by Council.

A motion was made by Council member Copeland, seconded by Council member Kelly, to the Deny the rezoning request. The motion failed by the following vote:

Vote: 2 – 3 – 1 Failed

Voting Against: Grif Chalfant, Andy Morris, and Joseph R. Goldstein

Abstaining: Johnny Walker

Absent for the vote: Cheryl Richardson

A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the rezoning for property located at 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial), with the following stipulations are incorporated as conditions of zoning:

1. City support of two curb cuts, which may include the penetration of a concrete wall, to serve the property with final approval to be presented to the Georgia Department of Transportation.

2. A new site plan be submitted for review by City Council prior to development of the parcel(s).

The motion carried by the following vote:

Vote: 3 – 2 – 1

Approved

Voting Against: Reggie Copeland and Michelle Cooper Kelly

Abstaining: Johnny Walker

Absent for the vote: Cheryl Richardson

20200234

CA2020-03 [CODE AMENDMENT] PROPOSED AMENDMENT TO DIVISION 706, NONCONFORMING USES

CA2020-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 706, Nonconforming Uses.

The Planning Commission recommends Approval.

Mr. Difley made a motion, seconded by Ms. McCrae, to recommend approval as submitted. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth presented information regarding the proposal to amend the Comprehensive Development Code of the City of Marietta, Division 706, Nonconforming Uses.

Seeing no one wishing to speak, the public hearing was closed.

The motion was made by Council member Kelly, seconded by Council member Chalfant, that this matter be Approved.

Vote: 6 – 1 – 0

Approved

Voting Against: Joseph R. Goldstein

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Johnny Walker, Chairperson*** 20200349 CDBG Citizen Participation Plan Amendment**

Motion approving the amendments to the CDBG Citizen Participation Plan to address new CDBG COVID-19 funds.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

2. Finance/Investment: Joseph R. Goldstein, Chairperson**20200368 Modification of Lease Agreement**

Motion approving the fourth modification of the lease agreement with the Marietta Leasehold L.P. / Remington Hotel Management.

Discussion was held and several minor clerical errors were corrected in the agreement.

A motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved as Amended

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson*** 20200160 CA2020-04 [CODE AMENDMENT]**

CA2020-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.11, Residential Infill Development Overlay District.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20200353 Revised Detailed Plan - 218 & 234 Roswell Street

Motion to approve the request by Tanalta Real Estate to modify the plan for the two office buildings at the corner of Meeting Street and Roswell Street. Modifications include enclosing four of the parking spaces at 218 Roswell Street and adding a 4th floor to the building at 234 Roswell Street. The 4th floor of the building at 234 Roswell Street will be for two residential condos only.

Public Hearing Required

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the revised detailed plan for 218 & 234 Roswell Street.

Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Copeland, seconded by Council member Kelly, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

5. Personnel/Insurance: Cheryl Richardson, Chairperson

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20200346 Colston Road Traffic Calming**

Motion authorizing Public Works to conduct a speed study on Colston Road and report the results of this study back to Council for final consideration of reducing the posted speed limit to 25 MPH.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20200369 Coryell Street and Alexander Circle Street Parking**

Motion authorizing a no parking zone to be installed along the following streets: Coryell Street from Roswell Street to Chester Street (both sides of street); Lakewood Drive from Roswell Street to Chester Street (both sides of street); and along the west side of Alexander Circle from Frasier Street to Phillips Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20200341 Title VI Program Documents**

Motion approving the Title VI Nondiscrimination Agreement and Assurances between the City of Marietta and the Georgia Department of Transportation for compliance with 23 CFR Part 200, Title VI of the Civil Rights Act of 1964, along with approval of the City of Marietta Title VI Policy and DBE Policy statements. Additionally, this motion appoints the Director of Human Resources and Risk Management as the City of Marietta Title VI Coordinator.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

OTHER BUSINESS:

20200037 V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC

V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC is requesting variances for property located in Land Lots 1215 & 1234, District 16, Parcels 0600 & 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 27 North Fairground Street and 546 Washington Avenue. Ward 5A.

1. Variance to eliminate the 10' planted border along Rock Street. [§712.08 G.2.a]
2. Variance to reduce the setback on Rock Street from 40' to 1'. [§708.16 H.]
3. Variance to reduce the southern side setback for the new building from 15' to 3'.
4. Variance to reduce the northern side setback for the new building from 15' to 3'.
5. Variance to increase the impervious surface from 96% to 98%. [§708.16 H]

Public Hearing (All parties are sworn in)

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

Rusty Roth, Development Services Director, presented information regarding the variance request for property located at 27 North Fairground Street and 546 Washington Avenue.

Kevin Moore, attorney for the applicant, requested variances for properties located at 27 North Fairground Street and 546 Washington Avenue, which were recently acquired from Bellsouth Telecommunications LLC.

This location is near the intersection of North Fairground Street and Roswell Street and is located within the Commercial Corridor Design Overlay - Tier A. The subject property and all surrounding properties are zoned CRC (Community Retail Commercial). Adjacent uses include a retail paint store, a veterinary office, a shopping center, and a legally nonconforming residence.

Mr. Moore stated that the property has road frontage along Rock Street, Washington Avenue, and North Fairground Street, but only has vehicular access from North Fairground Street. Bellsouth used this location for offices and parking utility contractor vehicles. Carlson Construction Services, an electrical

contracting company wishes to use the property as Bellsouth did. The submitted application indicates the removal of a one-story building and canopy near the center of the 1.371-acre site. A 65'x102' building is proposed to be constructed at the rear of the property, one (1) foot from the Rock Street right of way. Mr. Moore mentioned that the site plan, as submitted, would require multiple variances for building setbacks, as well as the elimination of the required 10' planted border along Rock Street.

Seeing no one wishing to speak, the public hearing was closed.

Discussion was held regarding the requested variances.

A motion was made by Council member Copeland, seconded by Council member Richardson, to approve variances requested for property located at 27 North Fairground Street and 546 Washington Avenue. The variances included:

- 1. Variance to reduce the setback on Rock Street from 40' to 10'.*
- 2. Variance to reduce the southern side setback for the new building from 15' to 5'.*
- 3. Variance to reduce the northern side setback for the new building from 15' to 5'.*
- 4. Variance to increase the impervious surface from 96% to 98%.*

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved as Amended

20200154

North Fairground Street Sidewalk Access

Motion authorizing the signing of an indemnification and release agreement by the property owner, compensation of \$1800.00 from the property owner for the removal of the 6-foot section of decorative wall to be returned to the applicable Special Local Option Sales Tax (SPLOST) account, return the remaining area of decorative wall to its current condition, and authorization of the installation of the side door and access directly onto the sidewalk at 27 North Fairground Street.

Public Hearing Required

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak.

The applicant requested that his presentation from the prior variance request be incorporated for the matter.

Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Copeland, seconded by Council member Chalfant, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

* **20200385** **Outdoor Cafes-Proposed Changes (COVID-19)**

Motion to approve the ordinance for the proposed rate of \$1 per square foot for outdoor cafes, through August 31, 2020.

Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. (This waiver requires the unanimous consent of the City Council).

Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20200416** **Marietta Square Parking**

Motion to authorize staff to reserve one additional temporary 15-minute parking space in the downtown area for merchant/restaurant pick up or dine out.

Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20200415** **AT&T**

Motion to authorize the Marietta City Attorney to take appropriate action to require AT&T to install its utilities along Powder Springs Street underground in compliance with Marietta’s Underground Utility Ordinance. The City Attorney is further authorized to take any action deemed necessary or appropriate in this matter.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20200304 **BLW Actions of May 11, 2020**

Review and approval of the May 11, 2020 actions and minutes of Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* 20200413 **Waddell Street Utilities**

Motion authorizing a variance from the Underground Utilities ordinance by Gregory, Doyle and Calhoun, LLC., to allow the installation of fiber to be overlashed on existing fiber along Waddell Street from the building at 45 Atlanta Street to 57 Waddell Street. This motion does not grant a perpetual variance. The applicant must relocate underground at their expense if other utilities at the location are moved underground.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 9:11 p.m.

Date Approved: _____

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk