



205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL SPECIAL CALLED MEETING

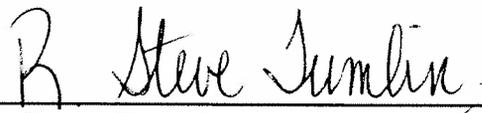
Wednesday, January 26, 2011

7:00 PM

**Council Chamber
City Hall**

Memo to: **All Members of City Council
City Manager
City Attorney
City Clerk**

From: **R. Steve Tumlin, Mayor**


R. Steve Tumlin, Mayor *(as authorized) by Suzanne Johnson*

You are hereby notified of a special meeting of City Council as per City Code Section 2.9(b) for items listed in the following agenda:



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda

CITY COUNCIL SPECIAL MEETING

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, January 26, 2011

7:00 PM

Council Chamber

CALL TO ORDER:

BUSINESS:

20101328 Z2011-01 Amanda S. Kirk 1395 Cobb Parkway North

Z2011-01 [REZONING] THE WILLIAM W. SCOGIN, JR. FAMILY INVESTMENTS, LLLP (AMANDA S. KIRK) request rezoning for property located in Land Lot 09340, District 16, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 1395 Cobb Parkway North from CRC (Community Retail Commercial) to CRC with additional use (Community Retail Commercial with additional use). Ward 4.

Planning Commission recommends for approval with stipulation Vote: 6 – 0 – 0

Motion: Mr. Gillis made a motion, seconded by Mr. Kinney, to approve the request.

Stipulation: To waive all Tree Protection and Landscaping requirements to allow the property to remain as-is.

PUBLIC HEARING (all parties are sworn in)

This item was on the January 12, 2011 City Council Meeting but no discussion was held. The item was postponed until this Special Called Meeting.

20101329 Z2011-02 Petroleum Realty V, LLC (David Malone) 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)

Z2011-02 [REZONING] DAVID MALONE request rezoning for property located in Land Lot 12060, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1912 Lower Roswell Road from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. Ward 6.

Planning Commission recommends approval with stipulations Vote: 6 – 0 – 0

Motion: Mr. Kinney moved, seconded by Mr. Diffley, to recommend to City Council that this petition be accepted as submitted.

Stipulation: In addition to a wooden privacy fence being constructed between the residential areas, the following variances are included in this recommendation and should be for the current developed property only, and should be discontinued upon the redevelopment of the site:

- *Variance to reduce the required buffer from 40 feet to 0 feet. [Sect. 708.16 (I)]*
- *Variance to allow the continuance of a nonconforming pylon sign. [Sect. 714.04 (E)]*
- *Variance to increase the allowable impervious surface from 80% to 100%. [Sect. 708.16 (H)]*
- *Variance to reduce the required landscaped area from 15% to 0%. [Sect. 708.16 (H)]*
- *Variance to waive all Tree Protection and Landscaping requirements to allow the property remain as-is. [Section 712.08]*

PUBLIC HEARING (all parties are sworn in)

This item was on the January 12, 2011 City Council Meeting but no discussion was held. The item was postponed until this Special Called Meeting.

20101330 A2011-01 Petroleum Realty V, LLC (David Malone) 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)

A2011-01 [ANNEXATION] PETROLEUM REALTY V, LLC request annexation for property located in Land Lot 12060, District 16, Parcel 0080, and being known as 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road), 2nd Section, Cobb County, Georgia consisting of .86 acres. Ward 6.

Planning Commission recommends approval Vote: 6 – 0 – 0

Motion: Mr. Diffley made a motion to annex subject property, seconded by Mr. Carter.

Stipulation: N/A

PUBLIC HEARING (all parties are sworn in)

This item was on the January 12, 2011 City Council Meeting but no discussion was held. The item was postponed until this Special Called Meeting.

20101331 CA2011-01 David Malone 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)

CA2011-01 [CODE AMENDMENT] DAVID MALONE in conjunction with the requested annexation of property located in Land Lot 12060, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 6.

Planning Commission recommends approval Vote: 6 – 0 – 0

Motion: Mr. Kinney made a motion to recommend to City Council that the proposal made by the City of Marietta to designate the Future Land Use as CAC (Community Activity Center) be set, seconded by Mrs. Watkins.

Stipulation: N/A

PUBLIC HEARING (all parties are sworn in)

This item was on the January 12, 2011 City Council Meeting but no discussion was held. The item was postponed until this Special Called Meeting.

20101252 Personal Care Homes and Assisted Living Facilities

Approval of an Ordinance amending the Comprehensive Development Code of the City of Marietta, Division 708.01 (B), Division 708.02 (B), Division 708.03 (B), Division 708.04 (B), Division 712.02 (B) and Division 724.02, regarding group homes and personal care homes.

Planning Commission recommends approval Vote: 6 – 0 – 0

Motion: Mr. Kinney moved to recommend to City Council that this be accepted as submitted, seconded by Mrs. Watkins.

Stipulation: N/A

PUBLIC HEARING (all parties are sworn in)

This item was on the January 12, 2011 City Council Meeting but no discussion was held. The item was postponed until this Special Called Meeting.

20101354 V2011-01 Burnt Hickory, LLC (William R. Candler) 800 Whitlock Avenue

Motion to approve the following variances for property located in Land Lot 12240, District 16, Parcel 0560 and being known as 800 Whitlock Avenue:

1. Variance to reduce the required street trees along Whitlock from 16 to 12 [Section 712.08 Table G];
2. Variance to allow four (4) Crape Myrtle trees to be allowed to remain in planter islands. Crape Myrtle trees are not included in the list of acceptable tree species [Section 712.08(L); Table G].

20101189 Z2010-12 MRW Properties, LLC 313 Marble Mill Road

Z2010-12 [SPECIAL LAND USE PERMIT] MRW PROPERTIES request a Special Land Use Permit for property located in Land Lot 1005, District 16, Parcel 0280, 2nd Section, Marietta, Cobb County, Georgia and being known as 313 Marble Mill Road in order to operate a vehicle towing company at this location. The property is currently zoned HI (Heavy Industrial). Ward 5.

*Planning Commission recommends approval with stipulations Vote: 5 – 0 – 1**

Motion: Mrs. Watkins made a motion, seconded by Mr. Kinney, to recommend to City Council that the Special Land Use Permit be granted.

Stipulations:

Include the Letter of Stipulations dated November 29, 2010 from Melissa P. Haisten to Russell J. Roth, with the exception of Stipulation #1 referring to the existing Special Land Use Permit for a plastic recycling facility be excluded. In addition, the following stipulations are incorporated as a part of the approval:

1. *Towing would be limited to normal passenger class vehicles;*
2. *Towing intake outside the normal hours of operation would be limited to the front 2/3 (two-thirds) of the property;*
3. *Wrecked vehicles would be stored on a paved surface with proper approved drainage runoff and filtration systems;*
4. *Accommodations would be made to prevent any runoff into the adjacent residential area;*
5. *Vehicle storage would not exceed the height of the fence;*
6. *Business would not enter into any contracts with any municipalities (cities or counties).*

**Motion carried 5 – 1 – 0 with Chairman Dollar opposed.
At the request of Chairman Dollar, votes were retaken.
Motion carried 5 – 0 – 1 with Chairman Dollar abstaining.*

PUBLIC HEARING (all parties are sworn in)

*This item was on the January 12, 2011 City Council Meeting but no discussion was held.
The item was postponed until this Special Called Meeting.*

ADJOURNMENT: