



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, December 10, 2014

7:00 PM

Council Chamber

20141315 Keep Marietta Beautiful Awards

Keep Marietta Beautiful presents the Mayor's Awards for

- o Most Festive House
- o Most Festive Street/Subdivision
- o Most Festive Business

Presented

20141293 2014 Digital Cities Survey Winners

Ronnie Barrett, IT Director, accepts award from the Center for Digital Government. On November 13, 2014 e-Republic's Center for Digital Government announced the top-ranked cities in the 2014 Digital Cities Survey. The top 10 ranked cities in each population category were honored at a special awards ceremony during the National League of Cities' annual conference in Austin on November 20th.

Presented

* **20141275 Regular Meeting - November 12, 2014**

Review and approval of the November 12, 2014 regular meeting minutes.

Approved and Finalized

* **20141276 Special Meeting - November 17, 2014**

Review and approval of the November 17, 2014 special meeting minutes.

Approved and Finalized

* **20141278** **Marietta Museum of History Appointments**

Motion to approve a recommendation by the Museum of History Board to appoint Pam Freeman and Ray Buday to the Board of Directors for a term of 3-years expiring December 31, 2017.

Approved and Finalized

* **20141204** **Z2014-23 Marietta Housing Authority 53, 75, 76, & 83 Beavers St; 57 Gunter St, 98, 110, &114 Howard St; 829, 891, & 895 Washington Ave**

Z2014-23 [REZONING] MARIETTA HOUSING AUTHORITY/BROCK BUILT HOMES LLC requests rezoning for property located in Land Lot 12310, District 16, Parcels 0050, 0040, 0020, 0030, 0100, 0660, 0740, 0280, 0060, 0860, and 0310, 2nd Section, Marietta, Cobb County, Georgia and being known as 53, 75, 76, & 83 Beavers St; 57 Gunter St, 98, 110, &114 Howard St; 829, 891, & 895 Washington Ave from RM-12 (Multi Family Residential - 12 units/acre), R-4 (Single Family Residential - 4 units/acre), OI (Office Institutional), and CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 5.

Motion to table until the January 14, 2015 City Council Meeting at the request of the applicant.

Tabled

* **20141205** **Z2014-24 Welcome Group of Hospitality, Inc., 2136 Kingston Court**

Z2014-24 [REZONING] WELCOME GROUP OF HOSPITALITY, INC. requests rezoning for property located in Land Lot 07260, District 17, Parcel 0090, 2nd Section, Marietta, Cobb County, Georgia and being known as 2136 Kingston Court from LI (Light Industrial) to OHR (Office High Rise). Ward 7.

Motion to approve the rezoning request for 2136 Kingston Court, with the following amendment:

- 1. Stipulation letter from Garvis L. Sams, Jr. to Russell J. Roth, AICP, dated December 9, 2014.*
- 2. If the property is not closed upon or developed within 12 months of rezoning, it would revert to the previous zoning category of LI.*

Approved as Amended

20141206 Z2014-25 Raymond O. Boyd 1895 Lower Roswell Rd; 53, 56, & 76 Indian Trail

Z2014-25 [REZONING] RAYMOND O. BOYD request rezoning for property located in Land Lot 12060, District 16, Parcels 0030, 0040, 0250, and 0270, 2nd Section, Marietta, Cobb County, Georgia and being known as 1895 Lower Roswell Rd; 53, 56, & 76 Indian Trail from R-20 [Single Family Residential - County] to R2 [Single Family Residential - City]. Ward 6.

Withdrawn

20141218 A2014-06 Raymond O. Boyd, 1895 Lower Roswell Road, 53 Indian Trail, 56 Indian Trail, 76 Indian Trail Annexation

A2014-06 RAYMOND O. BOYD requests annexation for property located in Land Lot 12060, District 16, Parcel 0030 (1895 Lower Roswell Road); Land Lot 12060, District 16, Parcel 0040 (53 Indian Trail); Land Lot 12060, District 16, Parcel 0250 (56 Indian Trail); Land Lot 12060, District 16, Parcel 0270 (76 Indian Trail); and all associated right-of-way for each address, of the 2nd Section, Cobb County, Georgia consisting of 2.529 acres. Ward 6.

Withdrawn

20141213 CA2014-15 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at Lower Roswell Road & Indian Trail

CA2014-15 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 12060, District 16, Parcels 0030, 0040, 0250, and 0270, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1895 Lower Roswell Road; 53, 56, and 76 Indian Trail, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 6

Withdrawn

*** 20141207 Z2014-26 Elliott Homes, LTD 1651 Gilbert Road**

Z2014-26 [REZONING] ELLIOTT HOMES, LTD. requests rezoning for property located in Land Lot 02510, District 20, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia and being known as 1651 Gilbert Road from R-20 [Single Family Residential - County] to R-2 [Single Family Residential - 2 units/acre (City)]. Ward 4.

Stipulation:

1. Stipulation letter from Garvis L. Sams, Jr. to Russell J. Roth, AICP, dated December 9, 2014.

Approved and Finalized

- * **20141219** **A2014-07 Elliott Homes, LTD 1651 Gilbert Road**
- A2014-07 ELLIOTT HOMES, LTD. requests annexation for property located in Land Lot 02510, District 20, Parcel 0910 (1651 Gilbert Road), of the 2nd Section, Cobb County, Georgia consisting of 15.14 acres. Ward 4.
- Approved and Finalized**
- * **20141214** **CA2014-16 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at 1651 Gilbert Road**
- CA2014-16 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 02510, District 20, Parcel 0910, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1651 Gilbert Road, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4.
- Approved and Finalized**
- * **20141208** **Z2014-27 Marietta Properties LLC 1541 Rosewood Circle**
- Z2014-27 [REZONING] MARIETTA PROPERTIES LLC requests rezoning for property located in Land Lot 12080, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia and being known as 1541 Rosewood Cir from GC [General Commercial - County] to CRC [Community Retail Commercial - City]. Ward 7.
- Motion to approve the rezoning request for 1541 Rosewood Circle, with the following amendment:*
- 1. Variance to allow automobile (including motorcycle) sales and/or repair, and warehousing as uses on the property and existing building as is.*
- Approved as Amended**
- * **20141220** **A2014-08 Marietta Properties LLC 1541 Rosewood Circle**
- A2014-08 MARIETTA PROPERTIES LLC requests annexation for property located in Land Lot 12080, District 16, Parcel 0430 (1541 Rosewood Circle) and all associated right-of-way, of the 2nd Section, Cobb County, Georgia consisting of a total of 0.249 acres. Ward 7.
- Councilman Goldstein is the owner and Manager of Marietta Properties, LLC. Council member Goldstein abstaining.
- Approved and Finalized**

* **20141215** **CA2014-17 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at 1541 Rosewood Circle**

CA2014-17 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 12080, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1541 Rosewood Circle, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7.

Councilman Goldstein is the owner and Manager of Marietta Properties, LLC. Council member Goldstein abstaining.

Approved and Finalized

20141209 **Z2014-28 City of Marietta Lower Roswell Road, Nekoma Street, Gable Road, Harris Drive, Scott Drive and Hazelwood Drive**

Z2014-28 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 12070, District 16, Parcels 0140 (1751 Lower Roswell Rd), 0150 (1749 Lower Roswell Rd), 0160 (1741 Lower Roswell Rd), 0170 (1733 Lower Roswell Rd), 0180 (1721 Lower Roswell Rd), 0190 (1713 Lower Roswell Rd), 0200 (1716 Nekoma St), 0210 (1724 Nekoma St), 0220 (1724 Nekoma St aka 1731 Nekoma St), 0230 (1740 Nekoma St), 0240 (1748 Nekoma St), 0260 (1789 Nekoma St), 0300 (1723 Nekoma St), 0320 (1715 Nekoma St), 0380 (99 Gable Rd), 0400 (89 Gable Rd), 0410 (1601 Lower Roswell Rd aka 1695 Lower Roswell Rd), 0510 (25 Harris Dr), 0560 (1694 Lower Roswell Rd aka 1698 Lower Roswell Rd), 0570 (1720 Lower Roswell Rd), 0590 (1750 Lower Roswell Rd), 0600 (41 Scott Dr), 0610 (31 Scott Dr), 0670 (42 Scott Dr), 0680 (1760 Lower Roswell Rd), 0690 (1766 Lower Roswell Rd), and 0730 (1758 Nekoma St); Land Lot 12420, District 16, Parcels 0110 (27 Harris Dr), 0120 (1689 Hazelwood Dr), 0130 (1673 Hazelwood Dr), 0180 (1670 Hazelwood Dr), 0400 (1690 Hazelwood Dr) from GC [General Commercial - County] to CRC [Community Retail Commercial - City]. Ward 7.

Denied

20141221**A2014-09 City of Marietta Lower Roswell Road, Nekoma Street, Gable Road, Harris Drive, Scott Drive and Hazelwood Drive**

A2014-09 CITY OF MARIETTA requests annexation for property located in Land Lot 12070, District 16, Parcels 0140 (1751 Lower Roswell Rd), 0150 (1749 Lower Roswell Rd), 0160 (1741 Lower Roswell Rd), 0170 (1733 Lower Roswell Rd), 0180 (1721 Lower Roswell Rd), 0190 (1713 Lower Roswell Rd), 0200 (1716 Nekoma St), 0210 (1724 Nekoma St), 0220 (1724 Nekoma St aka 1731 Nekoma St), 0230 (1740 Nekoma St), 0240 (1748 Nekoma St), 0260 (1789 Nekoma St), 0300 (1723 Nekoma St), 0320 (1715 Nekoma St), 0380 (99 Gable Rd), 0400 (89 Gable Rd), 0410 (1601 Lower Roswell Rd aka 1695 Lower Roswell Rd), 0510 (25 Harris Dr), 0560 (1694 Lower Roswell Rd aka 1698 Lower Roswell Rd), 0570 (1720 Lower Roswell Rd), 0590 (1750 Lower Roswell Rd), 0600 (41 Scott Dr), 0610 (31 Scott Dr), 0670 (42 Scott Dr), 0680 (1760 Lower Roswell Rd), 0690 (1766 Lower Roswell Rd), and 0730 (1758 Nekoma St); Land Lot 12420, District 16, Parcels 0110 (27 Harris Dr), 0120 (1689 Hazelwood Dr), 0130 (1673 Hazelwood Dr), 0180 (1670 Hazelwood Dr), 0400 (1690 Hazelwood Dr) and including all adjacent right-of-way, of the 2nd Section, Cobb County, Georgia consisting of 11.13 acres. Ward 7.

Denied**20141216****CA2014-18 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at Lower Roswell Road, Nekoma Street, Gable Road, Harris Drive, Scott Drive and Hazelwood Drive**

CA2014-18 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 12070, District 16, Parcels 0140 (1751 Lower Roswell Rd), 0150 (1749 Lower Roswell Rd), 0160 (1741 Lower Roswell Rd), 0170 (1733 Lower Roswell Rd), 0180 (1721 Lower Roswell Rd), 0190 (1713 Lower Roswell Rd), 0200 (1716 Nekoma St), 0210 (1724 Nekoma St), 0220 (1724 Nekoma St aka 1731 Nekoma St), 0230 (1740 Nekoma St), 0240 (1748 Nekoma St), 0260 (1789 Nekoma St), 0300 (1723 Nekoma St), 0320 (1715 Nekoma St), 0380 (99 Gable Rd), 0400 (89 Gable Rd), 0410 (1601 Lower Roswell Rd aka 1695 Lower Roswell Rd), 0510 (25 Harris Dr), 0560 (1694 Lower Roswell Rd aka 1698 Lower Roswell Rd), 0570 (1720 Lower Roswell Rd), 0590 (1750 Lower Roswell Rd), 0600 (41 Scott Dr), 0610 (31 Scott Dr), 0670 (42 Scott Dr), 0680 (1760 Lower Roswell Rd), 0690 (1766 Lower Roswell Rd), and 0730 (1758 Nekoma St); Land Lot 12420, District 16, Parcels 0110 (27 Harris Dr), 0120 (1689 Hazelwood Dr), 0130 (1673 Hazelwood Dr), 0180 (1670 Hazelwood Dr), 0400 (1690 Hazelwood Dr) as CAC (Community Activity Center). Ward 7.

Denied

* **20141210** **Z2014-30 City of Marietta 2187 and 2165 Windy Hill Rd**

Z2014-30 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 07320, District 17, Parcels 0060 and 0040, 2nd Section, Marietta, Cobb County, Georgia and being known as 2187 and 2165 Windy Hill Rd from GC [General Commercial - County] and CRC [Community Retail Commercial - County] to CRC [Community Retail Commercial - City]. Ward 7.

Approved and Finalized

* **20141222** **A2014-11 City of Marietta 2187 and 2165 Windy Hill Rd**

A2014-11 CITY OF MARIETTA requests annexation for property located in Land Lot 07320, District 17, Parcels 0060 (2187 Windy Hill Rd) and 0040 (2165 Windy Hill Rd), of the 2nd Section, Cobb County, Georgia consisting of 0.89 acres. Ward 7.

Approved and Finalized

* **20141217** **CA2014-20 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at Windy Hill Road**

CA2014-20 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 07320, District 17, Parcels 0060 (2187 Windy Hill Rd) and 0040 (2165 Windy Hill Rd) as CAC (Community Activity Center). Ward 7.

Approved and Finalized

20141017 **Amendments to the zoning ordinance regarding platting procedures.**

Motion to change the Zoning Ordinance regarding platting procedures, specifically in Section 728.04, Preliminary plat application procedures, and Section 728.07, Final plat application procedures.

Motion to table and refer back to the Judicial/Legislative Committee

Referred to the Judicial/Legislative Committee

* **20140715** **Amendments to the zoning ordinance regarding parking in planned developments.**

Motion to change the Zoning Ordinance regarding parking in planned development districts, specifically including the following: Section 708.09, PRD (SF), Planned Residential Development (single family); Section 708.14, PRD (MF), Planned Residential Development (multi-family); Section 708.20 MXD, Mixed Use Development; and Section 716.07, Parking spaces required - Table J.

Motion to table and refer back to the Judicial/Legislative Committee.

Referred to the Judicial/Legislative Committee

* **20141257** **Section 8**

Approval of an Ordinance amending the Fiscal Year 2015 Section 8 budget to appropriate \$130,000 of administrative reserves and transfer to the Marietta Housing Fund to cover the costs associated with the closure of the housing choice voucher program.

Approved and Finalized

* **20141232** **Revised Detailed Plan for Marietta Walk Amenity Area**

Motion approve the revised plans for the amenity area associated with the Detailed Plan for Marietta Walk, signed by the owner and dated December 10, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve the revised plans for the amenity area for Marietta Walk presented by the new developer, Minerva USA. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, and the site plan that was prepared by Baker Land Design, and dated November 13, 2014, are attached.

All other conditions of the previously approved detailed plan will remain in effect.

Approved and Finalized

* **20141254** **Street Closures Requests for Marietta Square Farmer's Market**

Motion to approve street closures for the 2015 Marietta Square Farmer's Market as follows:

Saturday closure of Mill St. (from the railroad tracks to West Park Sq.):

January 10, 2015 to March 28, 2015; from 7 a.m. to 2 p.m.

Saturday closure of North Park Square:

April 4, 2015 to November 21, 2015; from 7 a.m. to 2 p.m.

Saturday closure of Mill St. (from the railroad tracks to West Park Sq.):

November 28, 2015 to December 19, 2015; from 7 a.m. to 2 p.m.

Sunday closure of Mill St. (from the railroad tracks to West Park Sq.):

April 12, 2015 to November 22, 2015; from 12 noon to 5 p.m.

Also, to grant staff the authority to move the Farmer's Market location as necessary to accommodate Council approved sidewalk and tree improvements on Mill St.

Approved and Finalized

* **20141255** **Street Closure Request for Marietta Square Artist's Market**

A motion authorizing the closure of Mill St. from the railroad tracks to W. Park Square for the Marietta Square Artists Market the 2nd and 4th Saturdays of the month from April through November 2015. Also, to grant staff the authority to relocate the Artist's Market if necessary to conduct Council approved streetscape improvements to Mill Street.

Approved and Finalized

* **20141233** **Revisions to MPD Policies**

Motion approving the revisions to the following Standard Operating Procedures for the Marietta Police Department: A036 Ride Along Program, A051 Media & Public Relations (to include changes by the Public Safety Committee- see attachment #10 titled A051 R-psc), A052 Detention & Housing Detainees, C050 Crime Prevention, E010 SWAT & Tactical Medic, E014 Explosive Breaching, E020 Barricade Incidents, S043 Cyber Unit, and T050 Training.

Approved and Finalized

* **20141247** **24 Alexander Street**

Motion to approve modification of right-of-way documents whereby the city would return certain property to the property owner by Quitclaim Deed in exchange for the city conducting certain work as described in the attached memo. As part of this transaction, the property owner will accept the property “as is where is” six months following the completion of the installation. The Mayor and City Clerk are authorized to execute documents to carry out this motion, including a Quitclaim Deed from the city to the property owner, with all documents being subject to the final approval of the City Attorney and the Director of Public Works.

Approved and Finalized

* **20141264** **Request for Flashing Speed Signs**

Motion authorizing installation of two driver feedback signs on Polk Street including reallocating one uninstalled feedback sign previously authorized for Lee’s Trace.

Approved and Finalized

* **20141280** **Driver Speed Feedback Signs**

Motion to authorize staff to purchase 20 additional Driver Speed Feedback Signs.

Approved and Finalized

* **20141099** **Z2014-22 Brian Warren 1021 Marble Mill Circle**

Z2014-22 [SPECIAL LAND USE PERMIT] BRIAN WARREN requests a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of residential sanitation trucks for property located in Land Lot 10040, District 16, Parcel 0240, 2nd Section, Marietta, Cobb County, Georgia and being known as 1021 Marble Mill Circle, currently zoned HI (Heavy Industrial). Ward 5B.

Tabled

* **20141100** **V2014-48 Marietta High School 121 Winn Street**

V2014-48 [VARIANCE] MARIETTA HIGH SCHOOL requests variances for property located in Land Lot 12200, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Winn Street, currently zoned R-4 (Single Family Residential 4 units/acre). Variance to eliminate the planted border strip along Cleburne Avenue; variance to reduce the planted border strip along Polk Street, as shown on the attached plans with the submittal date of September 15, 2014. Ward 3A.

Approved and Finalized

* **20140953** **V2014-43 Clear Channel Outdoor, Inc. 611 Webb Industrial Drive**

V2014-43 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 09980, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 11'
2. Variance to reduce the rear setback for a billboard support structure from 40' to 23'
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0'
4. Variance to locate a billboard within 1,000' of other billboards
5. Variance to locate a billboard on a substandard lot
6. Variance to reduce the minimum lot width from 150' to 21'
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to
 or greater than the height of the sign

Motion to table this item until the January 14, 2015 City Council Meeting as requested by applicant.

Tabled

* **20140805** **V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road**

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request for variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft.
2. Variance to reduce the front, side, and rear setbacks.
3. Variance to allow a billboard to be located within 1,000 feet of another billboard.
4. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign.
5. Variance to eliminate the requirement that a billboard must be regulated as a principal use and be required to meet all dimensional standards of the applicable zoning district (CRC).

Motion to table this item until the January 14, 2015 City Council Meeting as requested by applicant.

Tabled

* **20141303** **Cherokee Street Parking Deck**

Motion to authorize City Manager and Mayor to compose and present a "Letter of Request" to the Cobb County Board of Commissioners seeking reconfiguration of the County's Cherokee St parking deck to accommodate a Public Entrance through the Cherokee St. Gate rather than the current "employee only" entrance. Said request to coincide with City's current plans for Cherokee St. Improvements and all enhancements thereto for a City/County mutual enhancement. This item is requested by Mayor Tumlin.

Approved and Finalized

20141313 **350 Roswell Street**

Motion to engage Dana Maine of Freeman, Mathis & Gary, LP to address and clear any cloud on the title and ancillary matters as to 350 Roswell Street, Marietta, Ga. 30064 being parcel 16123301600 with PMG 358 Roswell St, LLC shown as owner pursuant to Cobb County Tax Department. Said engagement shall authorize attorney to clear title through "Quia Timet", Title 23, Chapter 3 of the Georgia Code upon recommendation and approval by City Council. This item is requested by Mayor Tumlin.

Motion to approve letter from PMG 358 Roswell Street, LLC, to the Cobb County Board of Tax Assessors dated December 10, 2014.

Approved as Amended

* 20141277

BLW Actions of the November 10, 2014

Review and approval of the November 10, 2014 actions and minutes of the Marietta Board of Lights and Water.

Motion to approve the December 8, 2014 actions and minutes of the Marietta Board of Lights and Water.

Approved as Amended