



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### 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*

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Wednesday, January 14, 2015

7:00 PM

Council Chamber

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

**Present:** Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. 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 7:00 p.m.*

### INVOCATION:

*Mayor Tumlin called upon Council member Johnny Walker to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Council member Walker called upon the grandchildren of Dr. Phil Gingrey to lead the Pledge of Allegiance.*

### PRESENTATIONS:

### PROCLAMATIONS:

**20150013 Proclamation, Congressman Phil Gingrey**

Mayor Tumlin presents a proclamation to Dr. Phil Gingrey, US Representative for Georgia's 11th Congressional District from 2003 to 2015.

**Presented**

**20150010 Proclamation, Dr. Robert Gisness, MD**

Proclamation presented to Dr. Robert Gisness, MD by Fire Chief Jackie Gibbs for his 30 plus years of service as Medical Director for the Marietta Fire Department EMT's.

**Presented**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20150005 Brian D. Shuford, Regional Director**

Coalition against Bigger Trucks

**Not Present**

**UNSCHEDULED 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).**

*Pro tem Johnny Walker briefly explained the consent agenda process. City Attorney Doug Haynie noted the following changes to the consent agenda:*

*-under Council Appointments: Agenda item 20150018, Welcome Center Appointment, remains on the consent agenda and amended to read, "Appointment of R. Steve Tumlin to the Marietta Welcome Center & Visitors Bureau..."*

*-under Judicial/Legislative: Agenda item 20150023, Private alleys within Wynhaven, was added to the consent agenda as a Motion to be removed from the agenda.*

*-under Public Works: Agenda item 20141328, Speed Table Public Hearing for Laurel Springs Lane, was removed from the consent agenda.*

*-under Public Works: Agenda item 20141338, Charlton Forge Subdivision Entrance Sign, remains on the consent agenda and amended to read, "Motion to approve a Revocable Easement Agreement to allow Charlton Forge HOA to install monument signs on Chestnut Hill Road in the vicinity of 900 Chestnut Hill with the stipulation that no column, fence, landscaping, or other vertical element shall be constructed closer than 5 foot from the back of curb."*

*-under Other Business: Agenda item 20141320, V2015 02 McDonalds Corporation 1195 Powder Springs Street, was added to the consent agenda.*

*A motion was made by Council member Goldstein, seconded by Council member Fleming, to suspend the rules of order to add an appointment to the Historic Preservation Commission. The motion carried by the following vote:*

*7 - 0 - 0                      Approved  
(See agenda item 20150019)*

*City Attorney Doug Haynie opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one else wishing to speak, the public hearing was closed.*

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

**Vote: 7 – 0 – 0                      Approved**  
*with the following exceptions:  
Council members Chalfant and Morris abstaining on agenda item 20141330.  
Council member Coleman abstaining on agenda item 20141017.*

#### **MINUTES:**

- \* **20141347                      Regular Meeting - December 10, 2014**
- Review and approval of the December 10, 2014 regular meeting minutes.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0                      Approved**

#### **MAYOR'S APPOINTMENTS: (for informational purposes only)**

- \* **20141369                      Mayor Pro tem**
- Appointment of Johnny Walker as Mayor Pro tem for a term of one year expiring on January 13, 2016.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0                      Approved**
- \* **20141370                      Presiding Officer**
- Appointment of Michelle Cooper Kelly as Presiding Officer for a term of one year

expiring on January 13, 2016.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20141371                      Economic/Community Development Committee**

Appointment of G. A. (Andy) Morris as Chairman, Johnny Walker as Vice Chair and Grif Chalfant to the Economic/Community Development Committee for a term of one year expiring on January 13, 2016.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20141372                      Finance/Investments Committee**

Appointment of Stuart Fleming as Chairman, Grif Chalfant as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee for a term of one year expiring on January 13, 2016.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20141373                      Judicial/Legislative Committee**

Appointment of Philip M. Goldstein as Chairman, G. A. (Andy) Morris as Vice Chair and Stuart Fleming to the Judicial/Legislative Committee for a term of one year expiring on January 13, 2016.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*     **20141374                      Parks, Recreation & Tourism Committee**

Appointment of Michelle Cooper Kelly as Chairman, Stuart Fleming as Vice Chair and Anthony Coleman to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 13, 2016.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

- \* **20141375**      **Personnel/Insurance Committee**
- Appointment of Johnny Walker as Chairman, Anthony Coleman as Vice Chair and Philip M. Goldstein to the Personnel/Insurance Committee for a term of one year expiring on January 13, 2016.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20141376**      **Public Safety Committee**
- Appointment of Anthony Coleman as Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Safety Committee for a term of one year expiring on January 13, 2016.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20141377**      **Public Works Committee**
- Appointment of Griffin Lee Chalfant, Jr., as Chairman, Philip M. Goldstein as Vice Chair and G. A. (Andy) Morris to the Public Works Committee for a term of one year expiring on January 13, 2016.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20141378**      **BLW Council Representative**
- Appointment of G. A. (Andy) Morris as the council representative on the Board of Lights and Water (BLW) for a term of one year expiring on January 13, 2016.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20141379**      **Marietta Board of Education Council Liaison**
- Appointment of Johnny Walker as the council liaison to the Marietta Board of Education for a one year term expiring on January 13, 2016.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**

- \* **20141380**      **Marietta Housing Authority Council Liaison**
- Appointment of Anthony Coleman as the council liaison to the Marietta Housing Authority for a term of one year expiring on January 13, 2016.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20141382**      **Council Liaison Appointments**
- Consideration of council liaison appointments as designated:  
Marietta Chamber/SPSU-KSU Merger - Griffin L. Chalfant, Jr.  
Wellstar/Medical Community - G. A. (Andy) Morris  
Lockheed/Military - Stuart Fleming  
Marietta City Schools - Johnny Walker  
Schools Governance Teams (SGT) for Marietta High School - Michelle Cooper Kelly  
Legislative - Philip M. Goldstein  
Lockheed/Military/Joint Land Use Study - Stuart Fleming  
Cobb/Douglas Board of Public Health - Mayor Steve Tumlin
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20150018**      **Marietta Welcome Center & Visitors Bureau Appointment**
- Appointment of Philip M. Goldstein to the Marietta Welcome Center & Visitors Bureau for one year to fill the unexpired term of Andy Morris, expiring January 6, 2016.
- Motion to appoint R. Steve Tumlin to the Marietta Welcome Center & Visitors Bureau for one year to fill the unexpired term of Andy Morris, expiring January 6, 2016.*
- This Matter was Approved as Amended on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved as Amended**
- \* **20150097**      **Cobb County Community Relations Council**
- Appointment of Major Mark Hathaway to the Cobb County Community Relations Council.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**

**CITY COUNCIL APPOINTMENTS**

- \* **20141350**      **Planning Commission Appointment - Ward 7**
- Reappointment of Stephen Diffley to the Planning Commission for a 3-year term, expiring January 14, 2018.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20150015**      **Marietta Historic Board of Review - Ward 1**
- Appointment of Dorothy Woodruff to the Marietta Historic Board of Review (Ward 1), for a two year term expiring January 14, 2017.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20141349**      **Cobb Municipal Association 2015 Delegates**
- Appointment of Grif Chalfant and Andy Morris as voting delegates for the Cobb Municipal Association (CMA) business meetings.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**
- \* **20150019**      **Historic Preservation Commission Appointment - Ward 1**
- Appointment of Amy Robbins to the Marietta Historic Preservation Commission (Ward 1), for a three year term expiring January 14, 2018.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**                      **Approved**

**ORDINANCES:**

- \* **20141204**      **Z2014-23 [REZONING] MARIETTA HOUSING AUTHORITY/BROCK BUILT HOMES LLC**
- 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.

**This Matter was Approved to Table on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved to Table**

**20141324**

**Z2015-03 [REZONING] MAI T. CAO/CBS OUTDOOR, LLC**

**Ord 7786**

Z2015-03 [REZONING] MAI T. CAO/CBS OUTDOOR, LLC requests rezoning for property located in Land Lot 12100, District 16, Parcels 0160 & 0170, 2nd Section, Marietta, Cobb County, Georgia and being known as 130 & 140 Chert Road from OI [Office Institutional] to CRC [Community Retail Commercial].

*City Attorney Doug Haynie opened the public hearing and explained the rules of order.*

*Brian Binzer, Development Services Director, presented information regarding the rezoning request for property located at 130 & 140 Chert Road.*

*Mr. Scott Peters, Attorney for CBS Outdoor, now known as Outfront Media, requested rezoning for the property that consists of two small remnant parcels along Chert Road to CRC (Commercial Retail Commercial) impacted by the widening of I 75. Mr. Peters explained that this property will be combined with other property at the corner of Gresham and Chert Road to increase the square footage of the entire property. This request is being made in conjunction with a variance request to be considered later in the meeting.*

*Discussion was held regarding the criteria used to consider a rezoning request, which differ from those used to consider the variance request.*

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

**A motion was made by Council member Fleming, seconded by Council member Goldstein, to approve rezoning for property located at 130 & 140 Chert Road from OI [Office Institutional] to CRC [Community Retail Commercial]. The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Approved**

\* **20141323**

**Z2015-02 [SLUP] ZION BAPTIST CHURCH OF MARIETTA, INC.**

**Ord 7785**

Z2015-02 [SPECIAL LAND USE PERMIT] ZION BAPTIST CHURCH OF MARIETTA, INC. requests a Special Land Use Permit for a community garden and private park for property located in Land Lot 11600, District 16, Parcels 0570 & 0590, 2nd Section, Marietta, Cobb County, Georgia and being known as 263 & 271 Lemon Street, currently zoned R-4 [Single Family Residential]. Ward 3.

*Public Hearing held during the Consent Agenda.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

- \*     **20141322                      Z2015-01 [REZONING] AJAX LAND & CATTLE COMPANY**  
  
       **[Ord 7788](#)**                      Z2015-01 [REZONING] AJAX LAND & CATTLE COMPANY request rezoning for property located in Land Lot 06430, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 1721 Spinks Drive from R-20 [Single Family Residential - County] to LI [Light Industrial - City]. Ward 1.

*Public Hearing held during the Consent Agenda.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

- \*     **20141334                      A2015-01 [ANNEXATION] AJAX LAND & CATTLE COMPANY**  
  
       **[Ord 7787](#)**                      A2015-01 AJAX LAND & CATTLE COMPANY requests annexation for property located in Land Lot 06430, District 17, Parcel 0110 (1721 Spinks Drive) and all required right-of-way, of the 2nd Section, Cobb County, Georgia consisting of 0.68 acres. Ward 1.

*Public Hearing held during the Consent Agenda.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

- \*     **20141335                      CA2015-01 [CODE AMENDMENT]**  
  
       **[Ord 7783](#)**                      CA2015-01 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 06430, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1721 Spinks Drive, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 1.

*Public Hearing held during the Consent Agenda.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\*     **20150003           Denial of Claim**

Denial of the claim of Elizabeth Hartley.

**This Matter was Approved to Deny on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved to Deny Claim**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

\*     **20141325           Sub-Recipient Agreement**

Approval of a Resolution authorizing the execution of the FFY' 2015 CDBG Program Sub-recipient Agreement with Cobb County. Execution of the federally required CDBG Sub-recipient Agreement allows receipt of HUD CDBG funds as shall directly be determined by HUD after Congressional appropriation to the program.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**2. Finance/Investment: Stuart Fleming, Chairperson**

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*     **20141330           Forest Hills Historic District**

Motion to approve the request from the Historic Preservation Commission to pursue a locally designated historic district for the Forest Hills neighborhood area.

In accordance with the Historic Preservation Ordinance, that was revised in March 2010, the Historic Preservation Commission is hereby granted approval from the Mayor and City Council to begin the process to pursue a locally designated historic district in the Forest Hills neighborhood area.

**This Matter was Approved on the Consent Agenda.**

**Vote: 5 – 0 – 2**

**Approved**

Abstaining: Council members Chalfant and Morris

\*      **20141331**                    **Revised Detailed Plan for Meeting Park Amenity Area**

Motion to approve the revised detailed plan for the Meeting Park Amenity Area, signed by the owner and dated January 14, 2015.

The amenity area will consist of a swimming pool, clubhouse, dog park, and parking area. This area will be accessible to the residents of the Meeting Park development by way of two (2) crosswalks across Waddell Street.

In accordance with Section 708.20.J.4 of the Marietta City Code, John Wieland Homes is requesting the approval of these revisions to the detailed plan for Meeting Park.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                    Approved**

\*      **20141336**                    **Windy Hill Road Annexation**

Motion authorizing advertising for the Windy Hill Road Annexation.

**This Matter was Approved for Advertisement on the Consent Agenda.**

**Vote: 7 – 0 – 0                    Approved for Advertisement**

\*      **20141017**                    **CA2014-14 [CODE AMENDMENT]**

CA2014-14 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Sections 728.04 and 728.07 regarding preliminary and final plat application procedures.

**This Matter was Approved for Advertisement on the Consent Agenda.**

**Vote: 6 – 0 – 1                    Approved for Advertisement**

Abstaining: Anthony Coleman

**20141042**                    **Revised Detailed Plan for Wynhaven - 560 Powder Springs Street**

Motion to approve the revised detailed plan, including the site plan, landscape plans and architectural elevations, as well as a letter of stipulations dated \_\_\_\_\_ from J. Kevin Moore, representing Black Orchid Realty, for the proposed development that will include single family homes and townhouses, as shown on the attached Detailed Plan for Wynhaven, signed by the owner and dated January 14, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

The purpose of this revision is to approve the revised detailed plan, including architectural elevations, for single family homes and townhouses as shown on the attached plans - but to specifically exclude the area identified for a condominium building.

Said plans are to be developed by Black Orchid Equity, in partnership with their builder, Kerley Family Homes. Architectural elevations are also included with this revised plan.

Townhouse units identified as TH64 - TH73; TH105-TH106 are only approved subject to the City Council abandoning the Gramling Street right of way and rezoning.

This approval shall include the following variances:

1. Variance to allow driveways to be 18' deep from back of sidewalk. However, driveways with no sidewalk will be at least 20' from back of curb.
2. Variance to eliminate the required 30' buffer against the adjacent R-2 properties.
3. Variance to reduce the required width of an access/utility easement for private streets from 50' to 40'.
4. Variance to reduce the centerline radius from 100' to 50' subject to review by the Fire Department.
5. Variance to allow an alley to serve as primary access for townhome units 50-77 as approved under 20150023.
6. Variance to allow single trunk Crape Myrtles and Little Gem Magnolias as street trees along Powder Springs Street.
7. Variance to exempt the townhome portion of the development from the Commercial Corridor Design Overlay - Tier B regulations.

*Discussion was held regarding the revised detailed plan and variances being requested for Wynhaven, 560 Powder Springs Street.*

*City Council, as well as the Fire Chief, expressed concern regarding variance #4 to reduce the centerline radius from 100 to 50 ft. Chief Gibbs explained that the reduction would make it difficult for not only fire trucks, but any large truck to make the turns within the development.*

*Kevin Moore, attorney for the applicant, requested that this matter be tabled to allow time to address this issue. There was general agreement to table this matter until a Special Called meeting or the next regular Council meeting, if necessary.*

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

**Vote: 7 – 0 – 0**

**Tabled**

\* **20150023 Private alleys within Wynhaven - 560 Powder Springs Street**

Motion to approve the use of an alley within the Wynhaven development, as proposed by Black Orchid Realty, Inc. The proposed alley will serve as primary access for townhome units 50-77, as shown on the attached Detailed Plan for Wynhaven, signed by the owner and dated January 14, 2015.

*Motion to remove this matter from the agenda.*

**This Matter was Approved to be Removed on the Consent Agenda.**

**Vote: 7 – 0 – 0 Removed**

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

**5. Personnel/Insurance: Johnny Walker, Chairperson**

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**7. Public Works Committee: Grif Chalfant, Chairperson**

**20141328 Speed Table Public Hearing for Laurel Springs Lane**

Motion authorizing a Public Hearing for speed tables on Laurel Springs Lane.

*A motion was made by Council member Goldstein, seconded by Council member Chalfant, to suspend the rules of order to modify agenda item 20141328 to hold a public hearing and a motion to take action, if any, related to the installation of speed tables on Laurel Springs Lane. The motion carried by the following vote:*

*Vote: 7 – 0 – 0 Approved*

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

*Those speaking in favor of speed tables included:  
Lisa McNeil who lives in the Laurel Springs subdivision.  
Lee Cagle who lives on Laurel Chase.  
Hunter Hamilton who lives in the Laurel Springs Subdivision.*

*Speaking in opposition:  
Bill Blake who lives on Laurel Wood Drive.*

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

*A motion was made to approve the installation of two speed tables on Laurel Springs Lane.*

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

**Vote: 7 – 0 – 0                      Approved**

\*     **20141329                      Revised Flood Plain Management/Flood Damage Prevention Ordinance**

Motion authorizing a public hearing to be conducted at the regularly scheduled February 2015 City Council Meeting regarding revisions to the Floodplain Management/Flood Damage Prevention Ordinance.

**This Matter was Approved for Advertisement on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved for Advertisement**

\*     **20141338                      Charlton Forge Subdivision Entrance Sign**

Motion to approve a Revocable Easement Agreement to allow Charlton Forge HOA to install monument signs on Chestnut Hill Road in the vicinity of 900 Chestnut Hill.

*Motion to approve a Revocable Easement Agreement to allow Charlton Forge HOA to install monument signs on Chestnut Hill Road in the vicinity of 900 Chestnut Hill with the stipulation that no column, fence, landscaping, or other vertical element shall be constructed closer than 5 foot from the back of curb.*

**This Matter was Approved as Amended on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved as Amended**

**OTHER BUSINESS:**

**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.

This item was tabled at the November 12th and December 10th 2014 City Council Meetings.

*City Attorney Doug Haynie opened the public hearing and swore in those wishing to speak.*

*Development Services Director Brian Binzer presented information regarding the request for a Special Land Use Permit for property located at 1021 Marble Mill Circle. Mr. Binzer also summarized the criteria used when considering a Special Land Use Permit.*

*The applicant, Mr. Brian Warren, Vice President of Custom Disposal Services, and on behalf of owner, Ken Dyer, who was also present, requested a Special Land Use Permit to build offices and truck parking associated with hauling and storage of residential sanitation trucks. Mr. Warren stated that they intend to park trucks behind the building, which would have a brick facade on the sides facing road. The applicant also submitted a stipulation letter to address concern raised during the last meeting.*

*Several adjacent business and home owners expressed concern regarding the proposed development, specifically with debris and smells from the sanitation trucks. Those speaking in opposition included:*

*Attorney Richard Calhoun, representing Court Makers, Eagle Vending and Atlanta Rubber and Hydraulics.*

*James Brown, owner of Eagle Vending on Marble Mill Road.*

*Will Beetles, owner of Atlanta Rubber and Hydraulic on Marble Mill Road*

*Marshall Dye, owner of Court Makers on Marble Mill Road*

*Mrs. Juanita Carmicheal who lives on James Street.*

*In rebuttal, Mr. Warren mentioned that the property would be landscaped and kept clean at all times. He also reiterated that the trucks would be emptied before returning to the property and no large quantities of trash would be kept on the property.*

*The public hearing was closed.*

**A motion was made by Council member Coleman, seconded by Council member Walker, to Deny the Special Land Use Permit. The motion carried by the following vote:**

**Vote: 5 – 2 – 0                      Denied**

Voting Against: Stuart Fleming and Andy Morris

**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 rear setback for a billboard support structure from 35' to 5'.
3. Variance to reduce the rear setback for billboard sign faces to 0'.
4. Variance to reduce the side setbacks for billboard sign faces to 0'.

5. Variance to reduce the minimum lot width from 100' to 20'.
6. Variance to allow a billboard to be located within 1,000 feet of another billboard.
7. 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.

This item was tabled at the September 10th, October 8th, November 12th and December 10th City Council Meetings.

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed and summarized the criteria used to consider variance requests. Mr. Binzer mentioned that the last variance listed to allow a billboard to be located closer to a permanent structure was no longer needed.*

*Mr. Scott Peters, attorney for CBS Outdoor, now known as Outfront Media, requested several variances needed to relocate the billboard located at 1200 Roswell Road that will be impacted by the widening of I 75. Mr. Peters expressed objection to the standards in the Marietta Sign Ordinance; however, presented an argument for meeting the criteria used to consider variance requests. Mr. Peters also submitted for the record the status of the condemnation case with the Georgia Department of Transportation.*

*Discussion was held by Council regarding the variances requested, which included a variance to reduce the minimum lot size from the required 20,000 sq. ft. Mr. Peters mentioned that this property would be combined with another property to increase the lot size from approximately 7,400 to 10,000 sq. ft.*

*Mr. Butler, representative with the Georgia Department of Transportation, spoke regarding the settlement procedures in such condemnation cases.*

*A motion was made by Council member Goldstein, seconded by Council member Coleman, to deny the variance request for property located at 1200 Roswell Road. The motion failed by the following vote:*

*Vote: 2 – 5 – 0                      Failed*

*Voting Against: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris and Michelle Cooper Kelly*

*Further discussion was held.*

*A motion was made by Council member Morris, seconded by Council member Fleming, to approve the requested variances needed to relocate the billboard located at 1200 Roswell Road, as presented. The motion failed by the following vote:*

*Vote: 5 – 2 – 0                      Approved*

*Voting Against: Anthony Coleman and Philip M. Goldstein*

*Mayor Tumlin vetoed the motion.  
(The official veto is on file in the City Clerk's Office.)*

*City Attorney Doug Haynie explained that the matter was back on the agenda, which would allow any action by Council. He also mentioned it would take five (5) votes to override a veto. No further action was taken.*

### **No Action Taken**

**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

This item was tabled at the October 8th, November 12th and December 10th City Council Meetings.

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed and summarized the criteria used to consider variance requests.*

*Mr. Scott Peters, attorney for CBS Outdoor, now known as Outfront Media, requested several variances needed to raise the height of the billboard located at 611 Webb Industrial Drive that will be impacted by the widening of I 75. Mr. Peters mentioned that they may be able to work out an agreement with the adjoining property owner to increase the size of the lot, which is currently less than the required 20,000 sq. ft. If this could be done, the applicant would need still need several variances, but fewer than those being requested at this time.*

*Mr. Haynie explained that it would be best to withdraw this matter to allow time for the applicant to address the issues raised by Council. Mr. Peters officially requested that this matter be withdrawn without prejudice.*

*A motion was made by Council member Morris to allow this matter to be withdrawn without prejudice. The motion failed for lack of a second.*

*A motion was made by Council member Chalfant, seconded by Council member Morris, to approve the variance request for 611 Webb Industrial Drive.*

*Further discussion was held regarding the current lot size for this billboard, which is approximately 200 sq. ft.*

**A substitute motion was made by Council member Chalfant, seconded by council member Goldstein, to Deny the variance request. The motion carried by the following vote:**

**Vote: 4 – 3 – 0                      Denied**

Voting Against: Stuart Fleming, Andy Morris and Michelle Cooper Kelly

**20140950**

**V2014-40 CBS Outdoor, LLC 1200 Gresham Road**

V2014-40 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 11660, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Gresham Road, currently zoned CRC (Community Retail Commercial). Ward 7.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.' §708.16 (H); §714.04 (G.1); §714.04 (G.8)
2. Variance to reduce the rear setback for billboard sign faces to 19.' §708.16 (H); §714.04 (G.1); §714.04 (G.8)
3. Variance to reduce the side setback for billboard sign faces to 0.' §708.16 (H); §714.04 (G.1); §714.04 (G.8)
4. Variance to locate a billboard within 1,000' of other billboards. §714.04 (G.5)
5. Variance to locate a billboard on a substandard lot. §708.16 (H); §714.04 (G.1); §714.04 (G.5); §704.04
6. Variance to reduce the minimum lot width from 100' to 72.' §708.16 (H); §714.04 (G.1); §714.04 (G.8)
7. Variance to locate a billboard within 500' of a residential zoning district. §714.04 (G.2)

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*A motion was made by Council member Chalfant, seconded by Council member Fleming, to approve the following variances for 1200 Gresham Road:*

1. *Variance to reduce the rear setback for a billboard support structure from 35' to 22.'*
2. *Variance to reduce the rear setback for billboard sign faces to 19.'*
3. *Variance to reduce the side setback 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 100' to 72.'*
7. *Variance to locate a billboard within 500' of a residential zoning district.*

*Mr. Scott Peters, attorney for CBS Outdoor, now known as Outfront Media, requested an additional stipulation be added to require this property to be combined with the parcels located to the south identified as 130 Chert Road and 140 Chert Road. This would make the total lot size over 19,000 sq. ft.*

*An amendment to the motion was made by Council member Kelly, seconded by Council member Fleming, to add a stipulation to require this property be combined with the parcels located to the south identified as 130 Chert Road and 140 Chert Road. The motion carried by the following vote:*

*Vote: 5 – 2 – 0                      Approved*  
*Voting Against: Anthony Coleman and Philip M. Goldstein*

*Mayor Tumlin called for a vote on the original motion, with the amendment as follows:*

*Motion to approve the following variances for 1200 Gresham Road:*

- 1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.'*
- 2. Variance to reduce the rear setback for billboard sign faces to 19.'*
- 3. Variance to reduce the side setback 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. §708.16 (H);*
- 6. Variance to reduce the minimum lot width from 100' to 72.' §708.16 (H);*
- 7. Variance to locate a billboard within 500' of a residential zoning district.*
- 8. Applicant is required to combine this property with the parcels located to the south identified as 130 Chert Road and 140 Chert Road.*

**The motion carried by the following vote:**

**Vote: 5 – 2 – 0                      Approved**  
**Voting Against: Anthony Coleman and Philip M. Goldstein**

**20141319**

**V2015-01 Waffle House, Inc. 920 Cobb Parkway South**

V2015-01 [VARIANCE] WAFFLE HOUSE, INC. request variances for property located in Land Lot 05720, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 920 Cobb Parkway South, currently zoned CRC (Community Retail Commercial). Ward 1A

1. Variance to allow the use of ACM (Aluminum Composite Metal) panels for a metal awning and roof. [§ 708.16 (G.3)]
2. Variance to increase maximum impervious surface from 80% to 81%. [§ 708.16 (H)]
3. Variance to reduce required landscape strip from 10 ft. to 5 ft. along Barclay Circle. [§ 712.08 (G.2)]
4. Variance to waive required ten (10) foot landscape strip along frontage (Cobb Pkwy) [§ 712.08 (G.2)]

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed and summarized the criteria used to consider variance requests.*

*Kevin Moore, attorney for the applicant, requested variances in order to allow substantial renovation of the Waffle House at this location. Mr. Moore mentioned that the variances are required because of the limited space on the property and since the proposed renovations for the nonconforming building would exceed 50% of its replacement costs.*

*Discussion was held regarding the variances being requested, specifically the variance to waive the required ten (10) foot landscape strip along the frontage of the property. Planning and Zoning Manager Rusty Roth stated that the business would lose all of the parking spaces across the front, if they were required to put in the landscape strip.*

*A motion was made by Council member Fleming, seconded by Council member Chalfant, to approve the following variances for property at 920 Cobb Parkway South:*

- 1. Variance to allow the use of ACM (Aluminum Composite Metal) panels for a metal awning and roof.*
- 2. Variance to increase maximum impervious surface from 80% to 81%.*
- 3. Variance to reduce required landscape strip from 10 ft. to 5 ft. along Barclay Circle.*
- 4. Variance to waive required ten (10) foot landscape strip along frontage (Cobb Pkwy).*

**The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Approved**

\*        **20141320**

**V2015-02 McDonalds Corporation 1195 Powder Springs Street**

V2015-02 [VARIANCE] MCDONALDS CORPORATION requests a variance for property located in Land Lot 0007, District 17, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia and being known as 1195 Powder Springs Street, currently zoned CRC (Community Retail Commercial). Ward 2B

1. Variance to eliminate the planted border strip along Powder Springs Street. [§712.08 (G.2)]

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**20141321**

**V2015-03 Chuck Clancy Ford of Marietta, LLC 880 Cobb Parkway South**

V2015-03 [VARIANCE] CHUCK CLANCY FORD OF MARIETTA LLC request variances for property located in Land Lot 05730, District 17, Parcel 0060, 2nd

1. Variance to allow a nonconforming billboard sign remain on a property undergoing redevelopment. [§714.06 (C.6)]
2. Variance to allow a general advertising sign outside of the area within 100 feet of the right of way of Interstate 75. [§714.04 (G)]
3. Variance to waive the requirement that a general advertising sign be regulated as a principal use. [§714.04 (G.1)]
4. Variance to allow a billboard to be located within 500 feet of a school. [§714.04 (G.2)]
5. Variance to allow a tri-vision panel on the north facing panel of the billboard. [§714.04 (G.4), §714.06 (A.6), §714.06 (A.7)]
6. Variance to allow a general advertising sign to be located within 1,000 foot radius of another general advertising sign. [§714.04 (G.5)]
7. Variance to reduce the front setback for a general advertising sign face from 30' to 29'. [§714.04 (G.8)]
8. Variance to allow a general advertising sign be located on a lot upon which a building and signage is located. [§714.04 (G.9) and §714.06 (A.11)]
9. Variance to allow a general advertising sign be located closer to a permanent structure than the distance that is equal to the height of the sign. [§714.04 (G.10)]

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed and summarized the criteria used to consider variance requests.*

*Kevin Moore, attorney for the applicant, requested variances in order to allow a new structure to be built on the property that already contains a billboard. Redevelopment of the property would require that the nonconforming grandfathered sign be removed immediately. Mr. Moore mentioned that as a condition of granting the variances, the applicant would be willing to have the billboard removed at the end of the current lease, which expires December 31, 2016.*

*Discussion was held regarding by Council.*

*A motion was made by Council member Fleming, seconded by Council member Chalfant, to approve the following variances for property at 920 Cobb Parkway S:*

1. Variance to allow a nonconforming billboard sign remain on a property undergoing redevelopment.
2. Variance to allow a general advertising sign outside of the area within 100 feet of the right of way of Interstate 75.
3. Variance to waive the requirement that a general advertising sign be regulated as a principal use.
4. Variance to allow a billboard to be located within 500 feet of a school.
5. Variance to allow a tri-vision panel on the north facing panel of the billboard.
6. Variance to allow a general advertising sign to be located within 1,000 foot radius of another general advertising sign.
7. Variance to reduce the front setback for a general advertising sign face from 30' to 29'.

8. Variance to allow a general advertising sign be located on a lot upon which a building and signage is located.
9. Variance to allow a general advertising sign be located closer to a permanent structure than the distance that is equal to the height of the sign.
10. Property owner will remove billboard located on the property within 12 months of the issuance of building permits or by December 31, 2016, whichever occurs first.
11. Property owner agrees to sign a sign removal agreement prepared by the City Attorney within 30 days.

**The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Approved**

\*        **20150002                      Historical/Art/Tourism Trolley**

Motion to commission a study through the Marietta Visitors Bureau funded by car rental tax and supported by City staff to examine viability of a historical/art/tourism (hereinafter "HAT") Trolley. HAT, an on wheels trolley, to conceivably run from Aviation Museum to Square to Kennesaw Mtn. and ultimately to Southern Museum of History. Purpose is to build on our remarkable attendance of the 150th Commemorative this summer by tying to our outstanding arts and museums and offering fun, destination transportation to facilitate expanded tourism and funded primarily by car rental tax. Encourage commission within MVB to look at previous studies and considering public/private implementation including tying in with Convention Center and other hotels and Braves games. Goal for initial HAT ride, December 2015 or sooner. This item is requested by Mayor Tumlin.

*Motion to Refer to the Economic/Community Development Committee for review and consideration.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Referred to Committee**

\*        **20141348                      BLW Actions of the January 12, 2015**

Review and approval of the January 12, 2015 actions and minutes of the Marietta Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**

*The meeting was adjourned at 10:50 p.m.*

**Date Approved: February 11, 2015**

\_\_\_\_\_  
**R. Steve Tumlin, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**