



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes JUDICIAL/LEGISLATIVE COMMITTEE

Andy Morris, Chairman
Cheryl Richardson, Vice Chair
Joseph R. Goldstein

Tuesday, March 27, 2018

Council Chamber

Immediately Following Public Works Committee

Presiding: Andy Morris

Present: Cheryl Richardson and Joseph R. Goldstein

Also Present:

R. Steve Tumlin, Mayor

Grif Chalfant, Council - Ward 2

Johnny Walker, Council - Ward 3

Reggie Copeland, Council - Ward 5

Michelle Cooper Kelly, Council - Ward 6

Bill Bruton, City Manager

Doug Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Chairman Morris called the meeting to order at 6:26 p.m.

MINUTES:

20180308 Regular Meeting - February 27, 2018

Review and approval of the February 27, 2018 regular meeting minutes.

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

Vote: 3 – 0 – 0

Approved

BUSINESS:

20180106 WellStar Kennestone Bridge across Church St

Presentation by Wellstar of bridge design, as described in attached agreement dated May 14, 2014. Wellstar is also requesting relief from tree ordinance requirements also covered in agreement.

Council Member Kelly disclosed that she serves on the WellStar Kennestone Regional Board.

Motion to approve the attached design of the WellStar Kennestone Pedestrian Bridge over Church Street, including the following:

- 1. Reduction in the required 10' planted border area as shown on the attached landscape plan.*
- 2. Reduction in the provided number of street trees along Cherry Street to accommodate the Marietta Water service line and along Cherokee Street for sight distance concerns.*

The motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Recommended for Approval Consent Agenda. The motion carried by the following vote:

Vote: 3 – 0 – 0

Recommended for Approval – Consent Agenda

20180336

Detailed Plan - Drive Shack

Discussion regarding the detailed plan for 849 Franklin Gateway - Drive Shack.

Motion to approve the detailed plan for 849 Franklin Gateway - Drive Shack, including the attached detailed plans, building elevations, and sign package, with the following variances:

- 1. Variance to allow poles at heights of up to 160 feet.*
- 2. Variance to disturb the fifty (50) foot buffer against the townhome community to the northwest. [§708.19 (I.), §710.05]*
- 3. Variance to waive the fencing requirement within the fifty (50) buffer. [§708.19 (I.), §710.05 (D.)]*
- 4. Variance to allow the use of metal building panels on the building face. [§708.19]*
- 5. Variance to waive the platting requirement. [§708.19 (J.4)]*

The motion was made by Council member Goldstein, seconded by Council member Richardson, that this matter be Recommended for Approval Consent Agenda. The motion carried by the following vote:

Vote: 3 – 0 – 0

Recommended for Approval – Consent Agenda

20180341

Legislative Update

An update of the 2018 Legislative Session.

Reported

20180243 Marietta Safe Schools Ordinance

The Gun-Free School Zones Act (GFSZA) is an act of the U.S. Congress prohibiting any unauthorized individual from knowingly possessing a loaded or unsecured firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone as defined by 18 U.S.C. § 921(a) (25). The law applies to public, private, and parochial elementary schools and high schools, and to non-private property within 1000 feet of them. It provides that the states and their political subdivisions may issue licenses that exempt the licensed individuals from the prohibition. Exceptions are local issued carrying permits.

The motion was made by Council member Goldstein, seconded by Council member Richardson, that this matter be Referred to the Public Safety Committee. The motion carried by the following vote:

Vote: 3 – 0 – 0 Referred to the Public Safety Committee

The meeting was recessed at 7:00pm and reconvened at 7:45pm.

20180257 Vehicle Immobilization Ordinance

Discussion to amend the Vehicle Immobilization (Booting) Ordinance (9-4-110) to include vehicles over 10,000 lbs.

Motion to approve ordinance amendment to Article 9-4-110 entitled “Vehicle Immobilization Service” including authorization for the Mayor and City Clerk to execute same.

The motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Recommended for Approval – Non Consent Agenda. The motion carried by the following vote:

Vote: 3 – 0 – 0 Recommended for Approval – Non Consent Agenda

20180337 Zoning Stipulation Change (Z2017-18)

Request by OneStreet Development, LLC to change zoning stipulations for Z2017-18 (900 Campbell Hill St; 120 & 150 Florence St).

Motion to approve the request by OneStreet Development, LLC to change the following zoning stipulations for Z2017-18 (900 Campbell Hill St; 120 & 150 Florence St):

1. Stipulation #4: Lower the age restriction for residents of the senior apartments from sixty-two (62) years of age and older to persons fifty-five (55) years of age and older, “pursuant to and in accordance with all applicable rules, regulations, and provisions of the Federal Fair Housing Act”.

2. Stipulation #8(a): Increase the building height from four (4) to five (5) stories, while still maintaining the same number of dwelling units (90) for the complex.

3. Stipulation #8(b): Increase the maximum allowable impervious surface area from sixty-eight (68) percent to seventy-two (72) percent.

4. Stipulation #8(d): Allow a consistent building setback of five (5) feet along Florence Street and 100 Florence Street instead of only at the building corner.

All other stipulations and variances identified in the original letter of stipulations will remain in effect.

The motion was made by Council member Richardson, seconded by Council member Morris, that this matter be Recommended for Approval – Non Consent Agenda. The motion carried by the following vote:

Vote: 2 – 1 – 0 Recommended for Approval – Non Consent Agenda
Voting Against: Joseph R. Goldstein

20180338**Revision to the Detailed Plan - 1400 Powder Springs St**

Request by Tyler Chandler Homes to reduce the centerline radius for four curves in the proposed development zoned PRD-SF (Z2016-22).

Motion to approve the revised detailed plan for 1400 Powder Springs Road, including the variances listed below. Approval of these variances will not result in any physical change to the design but will only enumerate the specific variances needed to match the design approved on the detailed plan approved in March 2017.

- 1. Variance to reduce the minimum centerline radii identified on the attached site plan from 100' to 75' for Curve #1; 50' for Curve #3; 50' for Curve #4; 50' for Curve #6.*
- 2. Variance to reduce the access easement width from 50' to 44.'*
- 3. Variance to allow only one access point to an arterial or collector street for a single family development with more than 51 dwelling units.*
- 4. Variance to reduce the minimum lot size from 4,000 square feet to 1,080 square feet.*
- 5. Variance to waive the required active recreational area.*

The motion was made by Council member Goldstein, seconded by Council member Richardson, that this matter be Recommended for Approval - Non Consent Agenda. The motion carried by the following vote:

Vote: 3 – 0 – 0 Recommended for Approval - Non Consent Agenda

20180339 Revision to the Detailed Plan - Manget Ph. 2

Request by Brock Built Homes to either eliminate two parking spaces or relocate them to the 15' buffer against the properties on South Avenue.

Motion to approve the revised detailed plan for Manget Phase 2, as requested by Brock Built Homes, to relocate two parking spaces from the east side of Easy Pines Way to the west side of Easy Pines Way and within the 15' buffer against the properties on South Avenue.

The motion was made by Council member Richardson, seconded by Council member Goldstein, that this matter be Recommended for Approval Consent Agenda. The motion carried by the following vote:

Vote: 3 – 0 – 0

Recommended for Approval – Consent Agenda

20180340 Approval of Consent Items

Discussion regarding approval of consent items on the agenda that require a public hearing.

Discussion was held. There was general agreement to not add items that require a public hearing to the consent agenda.

Discussed

20180357 Small Cell Regulations (Private Property)

Discussion on potential zoning regulations for small cell facilities on private property.

Discussed

20180371 Brumby Hall's Collection

Request for the removal of items from the Brumby Hall's collection and place them in surplus for distribution and sale.

Motion to approve reallocation of certain items located in Brumby Hall. Items of designated surplus to be sold as per the City's surplus policies and loaning of certain items to Cobb Landmark with appropriate reversionary clauses.

The motion was made by Council member Goldstein, seconded by Council member Richardson, that this matter be Recommended for Approval Consent Agenda. The motion carried by the following vote:

Vote: 3 – 0 – 0

Recommended for Approval Consent Agenda

ADJOURNMENT:

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____