



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, September 12, 2018

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

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

Also Present:

Bill Bruton, City Manager

Doug Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:11 p.m.

INVOCATION:

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

PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS:

20180979

Presentation for the Certificate of Achievement for Excellence in Financial Reporting

Presentation of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year 2017 to Finance Director Sam Lady.

Note this is the 30th consecutive year the City has received this award

PROCLAMATIONS:**20180919 2018 Clean Water/Public Power Week**

Presentation of a Proclamation by Mayor Tumlin, presented to Heidi Dasinger on behalf of Marietta Power & Water.

Presented

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****20180990 Scheduled Appearance**

Scheduled Appearance - Larry Wills.

Present

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).

Mayor Pro tem Johnny Walker briefly explained the consent agenda process.

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

-under Judicial/Legislative: Agenda item 20180910 was added to the consent agenda showing Council member Goldstein voting against.

-under Judicial/Legislative: Agenda item 20180913 was added to the consent agenda.

-under Judicial/Legislative: Agenda item 20180811 was added to the consent agenda and amended to read, "4. Regular food truck events will no longer operate once a new anchor tenant (former Harry's Farmer's Market) receives a Certificate of Occupancy, or until the end of the current City Council term (2022), whichever occurs first."

A motion was made by Council member Morris, 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 exception:

Council member Goldstein opposing agenda item 20180910

MINUTES:*** 20180945 Regular Meetings - August 8, 2018**

Review and approval of the August 8, 2018 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20180946 Executive Session Minutes

Review and approval of the following executive session minutes:

June 28, 2017 City Council Special Meeting Work Session
July 6, 2017 Agenda Work Session
July 26, 2017 City Council Special Meeting Work Session
August 30, 2017 City Council Special Meeting Work Session

Mayor Tumlin called for a motion related to the executive session minutes from the June 28, 2017 City Council Special Meeting Work Session.

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

Vote: 5 – 0 – 2 Approved
Abstaining: Cheryl Richardson and Joseph R. Goldstein

Mayor Tumlin called for a motion related to the executive session minutes from the July 6, 2017 Agenda Work Session.

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

Vote: 5 – 0 – 2 Approved
Abstaining: Cheryl Richardson and Joseph R. Goldstein

Mayor Tumlin called for a motion related to the executive session minutes from the July 26, 2017 City Council Special Meeting Work Session.

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

Vote: 5 – 0 – 2 Approved
Abstaining: Cheryl Richardson and Joseph R. Goldstein

Mr. Kevin Moore, with Moore, Ingram, Johnson, & Steele, requested the rezoning to develop the subject property as the new campus for the Stonehaven School. Mr. Moore referenced updated plans and stipulations, which addressed many of the concerns raised by Council and nearby residents.

Speaking regarding this request: Larry Wills, who resides at 60 Oakmont Drive.

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

Discussion was held by Council. It was asked if the applicant would be willing to extend the fence along Kings Court. The applicant agreed to this stipulation.

Motion to approve the rezoning request for property located at 521 Atlanta Street from LI (Light Industrial) to OI (Office Institutional), with the following stipulations incorporated as conditions of zoning:

Letter of stipulations from J. Kevin Moore, Moore, Ingram, Johnson & Steele, LLP, to Shelby Little, AICP, Planning & Zoning Manager for the City of Marietta, dated September 7, 2018.

The following variances were also incorporated as conditions of zoning:

- 1. Variance to reduce the buffer adjacent to RA-6 from 30' to 20.'*
- 2. Variance to disturb within the required buffer.*
- 3. Variance to reduce the minimum lot acreage for a school from five (5) acres to 3.77 acres.*
- 4. Variance to eliminate the 10' planted border along Kings Court and provide sidewalk along Kings Court, as shown on the attached plan.*
- 5. Variance to allow the six (6) foot tall, opaque fence installed with the buffer will continue along Kings Court.*

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

Vote: 6 – 0 – 1 Approved as Amended

Abstaining: Michelle Cooper Kelly

20180754

**Z2018-22 [REZONING] ESTATE OF HELEN MARVINE HITT
MEDFORD (LOYD DEVELOPMENT SERVICES)**

Z2018-22 [REZONING] ESTATE OF HELEN MARVINE HITT MEDFORD (LOYD DEVELOPMENT SERVICES) is requesting the rezoning of approximately 5.07 acres located in Land Lot 799, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1691 Bells Ferry Road from R-2 (Single Family Residential - 2 units/acre) to RA-8 (Single Family Residential Attached - 8 units/acre). Ward 5B.

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

1. Letter of stipulations from Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated September 6, 2018.

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 to rezone property at 1691 Bells Ferry Road from R-2 (Single Family Residential - 2 units/acre) to RA-8 (Single Family Residential Attached - 8 units/acre).

Adam Rozen of Sams, Larkin, Huff & Balli, requested rezoning of the subject property to develop a 40-unit townhouse development. Mr. Rozen submitted a letter of stipulations dated September 6, 2018 outlining the conditions in which the property would be developed. Also submitted for review were the site plan for the development and building elevations.

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

Discussion was held by Council. It was asked if the applicant would be willing to construct the garage doors for the units a minimum of eighteen (18) feet wide. The applicant agreed to this stipulation.

Motion to approve the rezoning request for property located at 1691 Bells Ferry Road from R-2 (Single Family Residential - 2 units/acre) to RA-8 (Single Family Residential Attached - 8 units/acre), with following stipulation incorporated as conditions of zoning:

1. Letter of stipulations from Sams, Larkin, Huff & Balli, to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated September 6, 2018.
2. The garage doors for the units will be a minimum of eighteen (18) feet wide.

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

Vote: 6 – 1 – 0 Approved as Amended
Voting Against: Andy Morris

20180857 Z2018-25 [REZONING] JOANNE S. MERSEREAU (TRATON HOMES LLC)

Z2018-25 [REZONING] JOANNE S. MERSEREAU (TRATON HOMES LLC) is requesting the rezoning of 11.15 acres located in Land Lot 251, District 20, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1825 Stilesboro Road from R-20 (Single Family Residential) in Cobb County to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 4C.

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

- Letter of stipulations from Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated September 7, 2018.

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 to rezone property at 1825 Stilesboro Road from R-20 (Single Family Residential) in Cobb County to PRD-SF (Planned Residential Development - Single Family) in the City.

Kevin Moore, with Moore, Ingram, Johnson, & Steele, requested rezoning of the subject property for the development of thirty-six (36) age restricted, 55 and over detached single-family homes. The property consists of 11.1 acres located on the south side of Stilesboro Road in unincorporated Cobb County.

Mr. Moore submitted a letter of stipulations dated September 11, 2018 outlining the conditions in which the property would be developed. Also submitted for review were the site plan for the development and building elevations.

Patricia Duncan, who lives on Stilesboro Road, expressed concern regarding the development.

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

Discussion was held by Council.

Motion to approve the rezoning request for property located at 1825 Stilesboro Road from R-20 (Single Family Residential) in Cobb County to PRD-SF (Planned Residential Development - Single Family) in the City, with following stipulation incorporated as conditions of zoning:

1. *Letter of stipulations from Moore, Ingram, Johnson & Steele, to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated September 11, 2018.*

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

Vote: 6 – 1 – 0 Approved as Amended

Voting Against: Joseph R. Goldstein

20180858

A2018-03 [ANNEXATION] JOANNE S. MERSEREAU (TRATON HOMES LLC)

A2018-03 [ANNEXATION] JOANNE S. MERSEREAU (TRATON HOMES LLC) is requesting the annexation of property located in Land Lot 251, District 20, Parcel 0070 (also known as 1825 Stilesboro Road) and all required right of way, of the 2nd Section, Cobb County, Georgia consisting of 11.15 acres. Ward 4C.

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

Kevin Moore, attorney for the applicant, asked that his presentation from the rezoning be incorporated for the annexation.

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

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

Vote: 6 – 1 – 0 Approved

Voting Against: Joseph R. Goldstein

20180866

CA2018-05 [CODE AMENDMENT]

CA2018-05 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 251, District 20, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1825 Stilesboro Road, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4C.

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

Kevin Moore, attorney for the applicant, asked that his presentation from the rezoning be incorporated for the code amendment.

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

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

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

20180712

CA2018-04 [CODE AMENDMENT] - MODEL HOME ORDINANCE

CA2018-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 726, Subdivision Regulations.

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

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, to approve the Model Home Ordinance. The motion failed by the following vote:

Vote: 3 – 4 – 0 Failed
Cheryl Richardson, Reggie Copeland, Michelle Cooper Kelly, Joseph R. Goldstein

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

City Attorney Doug Haynie explained that matter was back on the agenda, which would allow any action by Council. He also stated it would take five (5) votes to override a veto.

A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the Model Home Ordinance. The motion failed by the following vote:

Vote: 3 – 4 – 0 Failed
Cheryl Richardson, Reggie Copeland, Michelle Cooper Kelly, Joseph R. Goldstein

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

- * **20180909** **Denial of Claim**

Denial of Claim for Cornelius Bell.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved to Deny Claim**

- * **20180953** **Denial of Claim**

Denial of Claim for Karen Brown.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved to Deny Claim**

- * **20180999** **Denial of Claim**

Denial of Claim for Diane Brown Renfrow.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved to Deny Claim**

- * **20181002** **Denial of Claim**

Denial of Claim for Skylar Larmore.

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: Johnny Walker, Chairperson**

- * **20180921** **Marietta University Enhancement District (MU2) LCI 5-Year Update**
- Motion to adopt the Marietta University Enhancement District (MU2) LCI 5 Year Update.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

- * **20180949** **Silhouette Lighting MOU**
- Motion to authorize MOU with DMDA for maintenance and expansion of silhouette lighting of silhouette light district.
- Council Member Goldstein discloses that members of his family or entities owned by them own property in and around the Marietta Square. This item may directly affect buildings owned by either family members or entities owned by family members by the placement of silhouette lighting on the facade of the buildings.*
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

2. Finance/Investment: Joseph R. Goldstein, Chairperson

- * **20180912** **21st Century Community Learning Centers Grant**
- Motion to approve the 21st Century Community Learning Centers Grant Award for the YELLS program and the accompanying Budget Amendment.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson

- * **20180910** **Final Plat - Promenade at the Square Phase 1**
- Motion to approve the request by Lennar for approval of the final plat for Phase 1 of the Promenade on the Square, formerly Wynhaven. A stop sign will be placed on both sides of Coral Street at the northern intersection with Senna Street for increased visibility.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 – 1 – 0** **Approved**
Voting Against: Joseph R. Goldstein

* **20180913** **Revised Detailed Plan - Promenade at the Square (Wynhaven)**

Motion to approve a revision to the approved (detailed) tree plan for Promenade at the Square, formerly Wynhaven. This change will allow the installation of tree-from evergreens, such as Foster Hollies, in front of the townhome units. The trees in front of the townhome units will be installed with root barriers as further described in Section 712.08 (G.3.)

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180911** **Final Plat - North Square Townhomes Phase 3**

Motion to approve the request by GDCI GA 5, LP/Traton Homes for approval of the final plat for Phase 3 of North Square Townhomes on Canton Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180811** **Revised Detailed Plan - Harry's Crossing Food Truck Events**

Motion to approve a revision to the detailed plan to allow food truck events at 50 Powers Ferry Road, zoned MXD, with the following restrictions:

1. No more than six (6) food trucks operating on the property at a time.
2. Food trucks may operate after sunset but no later than 10:00 p.m. (§8-12-27 (K.))
3. Music is limited to 11:00 a.m. to 8:00 p.m. on Sundays - Thursdays and 11:00 a.m. to 10:00 p.m. on Fridays and Saturdays.
4. Regular food truck events will no longer operate once a new anchor tenant (former Harry's Farmer's Market) receives a Certificate of Occupancy, or until the end of the current City Council term (2022).

Motion to approve a revision to the detailed plan to allow food truck events at 50 Powers Ferry Road, zoned MXD, with an amendment to restriction #4, as follows:

- 4. Regular food truck events will no longer operate once a new anchor tenant (former Harry's Farmer's Market) receives a Certificate of Occupancy, or until the end of the current City Council term (2022), whichever occurs first.*

This Matter was Approved on the Consent Agenda.

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

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson*** 20180925 A Motion to Approve a Sanitary Sewer Easement at 1034 Franklin Gateway**

A motion to approve a request from Marietta Water for a temporary construction easement and a perpetual easement for the installation of a sanitary sewer for a parcel located in Land Lot 716 of the 4th District, 2nd Section of Cobb County, Georgia: more specifically described as a portion of the Franklin Gateway Sports Complex located at 1034 Franklin Gateway.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20180926 A Motion to Approve a Sanitary Sewer Easement at 1096 Northchase Parkway**

A motion to approve a request from Marietta Water for a temporary construction easement and a perpetual sewer easement for the installation of a sanitary sewer for a parcel located in Land Lot 797 of the 4th District, 2nd Section of Cobb County, Georgia: more specifically described as a portion of land along Rottenwood Creek addressed as 1096 Northchase Pkwy.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20180927 A Motion to Approve a Sanitary Sewer Easement at 2288 Powers Ferry Drive**

A motion to approve a request from Marietta Water for a temporary construction easement and a perpetual sewer easement for the installation of a sanitary sewer for a parcel located in Land Lot 788 of the 4th District, 2nd Section of Cobb County, Georgia: more specifically described as a portion of land along Rottenwood Creek addressed as 2288 Powers Ferry Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20180901** **2019 Employee Group Benefits Program Administration**

Motion approving the renewal of group health and dental plan administration with Anthem Blue Cross and Blue Shield, the renewal of the Medicare Advantage plan with Humana Inc. for Medicare-eligible retirees, the renewal of the pharmacy benefit management services with PharmAvail, and the renewal of the administrative services agreements with all employee-funded ancillary providers for calendar year 2019.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180902** **2019 Flexible Benefit Plan**

Motion approving the 2019 Flexible Benefit Plan, Summary Plan Description, and the increase of the maximum allowable health contribution from \$2,600 to \$2,650 with Total Administrative Services Corporation (TASC).

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180903** **Amending Consolidated Retirement Plan**

Approval of an ordinance from the Pension Board amending Article III, Section 1 of the Consolidated Retirement Plan for the Employees of the City of Marietta, Georgia (Exhibit B to Chapter 4-12), regarding the definition of participation.

First reading

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

6. Public Safety Committee: Reggie Copeland, Chairperson

* **20180904** **Revisions to MPD Policies**

Motion to approve the revisions to listed Marietta Police Department policies: A044 (Uniforms & Equipment), A045 (Time Control), A075 (Critical Incident Stress Management - NEW POLICY), A082 (Evaluations), A085 (Promotions), E010 (SWAT), E016 (Active Threats), S020 (Canine), S041 (Gang Abatement Program - NEW POLICY), T040 (Firearms Regulations)

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20180931 City Hall Security

Discussion regarding the hiring of two part-time police officers or two part-time sheriff officers and the purchase of two portable metal detectors to enhance the security of City Hall and all employees.

Discussion was held relating to the motion authorizing the hiring of part-time police officers and the purchase of a portable metal detector to enhance the security of City Hall.

There was general agreement to refer this matter back to the Public Safety Committee.

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

Vote: 7 – 0 – 0 Referred to the Public Safety Committee

7. Public Works Committee: Grif Chalfant, Chairperson

*** 20180934 No Parking Sign on Winn Street**

Motion to remove the No Parking Zone from the Winn Street frontage of 144 Whitlock Avenue.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20180935 Amy Drive Speed Study**

Motion authorizing the installation of two driver speed feedback signs on Amy Drive to be funded by Ward 1 Safety Funds.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20180936** **Skyview Speed Study**

Motion authorizing the installation of two driver speed feedback signs on Skyview Drive to be funded by Ward 1 Safety Funds.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180947** **Restriping on North Marietta Parkway near Elizabeth Porter Park**

Motion authorizing the restriping of North Marietta Parkway to convert a portion of the westbound left turn lane approaching Cole Street to an eastbound left turn lane for properties along the north side of North Marietta Parkway. City staff is to coordinate with GDOT on this request.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180951** **Hardage Farm Drive and Cross Fire Ridge**

Motion authorizing a speed study to be performed on Hardage Farm Drive and Cross Fire Ridge.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20180989** **Soaring Ridge Speed Tables**

Motion authorizing Public Works to send ballots to the residents of Eagle Ridge Subdivision to determine support for speed tables along Soaring Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

OTHER BUSINESS:

- 20180860** **V2018-44 [VARIANCE] FREEMAN GROWTH LLC** is requesting variances for property located in Land Lots 1019, 1020, & 1069, District 16, Parcel 0190, 2nd Section, Cobb County, Georgia, and being known as 787 Horizon Lane (aka 720 Wilshire Ave), currently zoned LI (Light Industrial).
1. Request to modify original zoning stipulations from Z-9812;
 2. Variance to disturb and reduce the required buffer adjacent to the properties zoned R-4 to the west from 50' to 10';

3. Variance to classify the access road within the development as a private driveway, and not a private street;
4. Variance to allow commercial access from a residential street;
5. Variance to waive the requirement that a non-residential development containing greater than 51,000 gross sq. ft. have at least two access points to arterial or collector street;
6. Variance to waive the required planted strip/border areas along I-75 and improved accessways;
7. Variance to receive density credit for apple trees and allow apple trees in the buffer and parking lot;
8. Variance to allow curb and gutter on only one side of access road;
9. Variance to allow parking on the billboard parcels.

Rusty Roth, Development Services Director, presented information regarding the variance request for property located at 787 Horizon Lane (aka 720 Wilshire Ave), currently zoned LI (Light Industrial).

The applicant, James Freeman, Jr., requested variances to develop the property at 787 Horizon Lane, also known as 720 Wilshire Avenue, into industrial warehouses. The subject property is zoned Light Industrial (LI) and is approximately twenty-six (26) acres in area. Mr. Freeman explained that although not entirely landlocked, this property does not have direct access to an arterial or collector roadway. Bothwell Place, Tom Read Drive, and Agricola Street, which are residential streets, all terminate at the property after traversing through the residential neighborhood.

Speaking in opposition to this request are those listed below, all reside in the residential neighborhood through which vehicle would be traversing.

Daniel Howell, owner of the Clifton Ridge Apartment Complex

Frank Corbett, who lives on Wilshire Avenue

Chuck McKinley, who lives on Tom Read Drive

Cynthia McTaggart, who lives on Seminole Place

Carole Lever, who lives on Bothwell Place

Michael Creighton, who lives on Rita Street

Cheryl Land, who lives on Wilshire Avenue

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

Discussion was held by Council.

A motion was made by Council member Kelly, seconded by Council member Richardson, to Deny the variance request for property located at 787 Horizon Lane (aka 720 Wilshire Ave). The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved to Deny

Mayor Tumlin recessed the Council meeting to reconvene the Agenda Review Session. The Council meeting was reconvened shortly thereafter.

20180816

V2018-38 [VARIANCE] MCDONALD'S CORP (AXIS INFRASTRUCTURE)

V2018-38 [VARIANCE] MCDONALD'S CORP (AXIS INFRASTRUCTURE) are requesting variances for property located in Land Lot 1224, District 16, Parcel 0310, 2nd Section, Cobb County, Georgia, and being known as 778 Whitlock Avenue, currently zoned CRC (Community Retail Commercial).

1. Variance to increase the maximum setback from 75 feet to 83 feet;
2. Variance to reduce the required points in the site design optional element category from 50% to 48%;
3. Variance to decrease the minimum building height from 18 feet to 16 feet;
4. Variance to reduce the required sidewalk width from 6 feet to 5 feet along Whitlock Avenue and Mountain View Road;
5. Variance to allow a freestanding sign on a property line that abuts the public right-of-way of a distance less than 75 feet;
6. Variance to allow an accessory structure (dumpster) to remain 6 feet from the side and 7 feet from the rear property lines.

Rusty Roth, Development Services Director, presented information regarding the variance request for property located at 778 Whitlock Avenue, currently zoned CRC (Community Retail Commercial). Mr. Roth mentioned that the subject property is in the Commercial Corridor Design Overlay District - Tier B.

Luke Wemette, representing Axis Company, requested variances for proposed improvements at 778 Whitlock Avenue. The property is approximately 1.148 acres and zoned CRC (Community Retail Commercial). The adjacent properties are also zoned CRC. Mr. Wemette explained that McDonald's would like to make substantial improvements to the subject property without changing the location of the existing building, therefore the variances would be needed.

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

Motion to approve the following variances for property located at 778 Whitlock Avenue:

- Variance to increase the maximum setback from 75 feet to 83 feet;*
- 2. Variance to reduce the required points in the site design optional element category from 50% to 48%;*
 - 3. Variance to decrease the minimum building height from 18 feet to 16 feet;*
 - 4. Variance to reduce the required sidewalk width from 6 feet to 5 feet along Whitlock Avenue and Mountain View Road;*
 - 5. Variance to allow a freestanding sign on a property line that abuts the public right-of-way of a distance less than 75 feet;*

UNSCHEDULED APPEARANCES:

The following residents came forward to address the City Council:

Dr. Ben Williams, president of the Cobb chapter of the SCLC

James Gober

Parker Hill

Richard Pellegrino, Field Director of the SCLC

Banks Wise, new resident

Minister Audrey Williams

Louise Williams

Gerry Thomas

ADJOURNMENT:

The meeting was adjourned at 11:00 p.m.

Date Approved: October 10, 2018

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk