



City of Marietta
Meeting Minutes
BOARD OF ZONING APPEALS

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

J. K. Lowman, Ward 2, Chairman
Roy L. Shults, Ward 1
James A. Mills, Ward 3
G. Marshall Dye, Ward 4
Samuel Elliott, Ward 5
Millard W. Slayton, Ward 6
Neil Bishop, Ward 7

Monday, July 30, 2007

6:00 PM

City Hall Council Chambers

Present: Roy L. Shults, J. K. Lowman, James Mills, Samuel Elliott, Millard Slayton, Neil Bishop and G. Marshall Dye

Staff:

Patsy Bryan, Secretary to the Board
Julie McQueen, Urban Planner
Nathan Lawrence, Urban Planner
Daniel White, City Attorney

MINUTES:

20070790 June 25, 2007 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of the June 25, 2007 Board of Zoning Appeals Meeting Minutes

File #20070790 - Mr. Elliott made a motion to approve the June 25, 2007 Board of Zoning Appeals Meeting Minutes as submitted, seconded by Mr. Bishop. Motion carried 6 - 0 - 1. Mr. Shults did not vote, as he was absent.

A motion was made by Board member Elliott, seconded by Board member Bishop, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Roy L. Shults

VARIANCES:

20070380 V2007-16 Wellstar Health Systems 677 Church Street

V2007-16 Wellstar Health Systems request variances for property located in Land Lots 1074 and 1075, 16th District, 2nd Section of Cobb County, Marietta, Georgia and being located at 677 Church Street. Variance to reduce the front building setback from 40 feet to 0 feet (708.23.H); Variance to increase the maximum allowable Floor Area Ratio from 0.95 to 1.10 (708.23.H); Variance to increase the maximum allowable building height from 50 feet to 98 feet (708.23.H). Ward 4.

File #20070380 (V2007-16) was presented by Julie McQueen for property located in Land Lots 1074 and 1075, 16th District, 2nd Section of Cobb County,

Marietta, Georgia and being located at 677 Church Street.

Mark Haney, Senior Vice President of Business Development and Construction for Wellstar Health System is requesting 3 variances for a medical office building: (1) Variance to reduce the front building setback from 40 feet to 0 feet; (2) Variance to increase the maximum allowable Floor Area Ratio from 0.95 to 1.10; and, (3) Variance to increase the maximum allowable building height from 50 feet to 98 feet.

Mr. Haney stated that variances are needed for a medical office building focusing on healthcare provided to women and a visitor parking deck, which will provide additional parking to Kennestone Hospital and proposed medical office building.

Mr. Haney distributed Minutes from the Wellstar Kennestone Hospital and Neighborhood Liaisons meeting dated June 21, 2007 (see attached).

Chris Partain from CDH Partners explained briefly about the closing of Campbell Hill Street. As part of the Campbell Hill Street closing, Wellstar deeded as much or more land to the city than the amount of property that Campbell Hill Road would abandon.

Discussion between Mr. Elliott and Mr. Haney confirmed that 250 parking spaces are for the women's medical office building and remainder for visitors to hospital, which nets approximately 600 additional spaces.

Henry Borgel, a resident of Sugar Hill Drive spoke in support of changes for Wellstar.

Mr. Dye made a motion to approve the building height from 50 feet to 98 feet, front building setback from 40 feet to 0 feet and allowable Floor Area Ratio from 0.95 to 1.10 with the following stipulations, seconded by Mr. Elliott.

- *Landscape and sidewalk pedestrian area being established as presented on the conceptual streetscape Plan prepared by Bilson & Associates, dated May 14, 2007. This plan is to be attached to the variance to better define the conditions and establish plant materials, species and locations, including brick pavers, a 5-foot tree planting zone, 6-foot sidewalk and 2-foot landscape strip adjacent to building structure.*
- *Wellstar is to have their landscape architect specify appropriate trees such that they will not grow in such a fashion resulting in encroachment over the street thereby requiring pruning that will damage the look and health of the trees as they mature.*
- *Tree and light spacing along the streetscapes per the Bilson plan noted above shown as 30 feet on center.*

- *Inclusion of the luminary mounted light fixtures by BLW or a similar fixture. This fixture is to be used throughout the Wellstar campus and is to set the tone for other future developments in the area.*

During this stipulation, Mr. Haney stated that lighting will be leased from BLW and will use BLW light fixtures to provide image, which will be projected throughout the City for new lighting plans for streetscapes. Lighting will be focused on sidewalk and not out.

The rationale for the approval is exceptional or extraordinary circumstances or conditions are applicable to the development of the site that do not apply generally to sites in the same zoning district.

The motion to approve with stipulations carried 7 - 0.

A motion was made by Board member Dye, seconded by Board member Elliott, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Stipulated

20070381

V2007-17 Wellstar Health Systems 677 Church Street

V2007-17 Wellstar Health Systems request variances for property located in Land Lots 1074 and 1075, 16th District, 2nd Section of Cobb County, Marietta, Georgia and being located at 677 Church Street. Variance to reduce the front building setback from 40 feet to 0 feet (708.23.H); Variance to increase the maximum allowable Floor Area Ratio from 0.95 to 1.00 (708.23.H); Variance to increase the maximum allowable building height from 50 feet to 95 feet (708.23.H). Ward 4.

File#20070381 (V20067-17) was presented by Julie McQueen for property located in Land Lots 1074 and 1075, 16th District, 2nd Section of Cobb County, Marietta, Georgia and being located at 677 Church Street.

Mark Haney, Senior Vice President of Business Development and Construction for Wellstar Health System is requesting 3 variances for a parking deck: (1) Variance to reduce the front building setback from 40 feet to 0 feet; (2) Variance to increase the maximum allowable Floor Area Ratio from 0.95 to 1.10; and, (3) Variance to increase the maximum allowable building height from 50 feet to 95 feet.

Mr. Dye and Mr. Haney agreed that the same stipulations from the medical office building apply to the parking deck along with the following stipulations:

- *The architecture of the parking deck and building would be as presented in the renderings, specifically, the parking deck would have brick on the first 4 levels with cast stone on the top 2. Wellstar should attach the architectural*

renderings presented at the 6/21/07 meeting as a condition of the variance.

- *Lighting within the deck is to be designed so as not to create a "glow" that would encroach upon adjacent pedestrian areas, utilizing light shields to direct light into the deck and not onto the adjacent pedestrian walkways. The pedestrian walkways would be constructed as noted above in the set back variance plan and the lighting provided by the luminary pole fixtures.*

The rationale for the approval is exceptional or extraordinary circumstances or conditions are applicable to the development of the site that do not apply generally to sites in the same zoning district.

Mr. Dye made a motion to approve these 3 variances for the parking deck with the stipulations listed above, seconded by Mr. Elliott. Motion carried 7 - 0.

A motion was made by Board member Dye, seconded by Board member Elliott, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Stipulated

20070746 V2007-29 Jean T. Turner 245 Forest Avenue

V2007-29 Jean T. Turner request variances for property located in Land Lot 11600, 16th District, Parcel 0850, 2nd Section of Cobb County, Marietta, Georgia and being located at 245 Forest Avenue. Variance to reduce the rear setback from 30' to 4' and to reduce the side setback from 10' to 2' [708.04.H]. Ward 4.

File #20070746 (V2007-29) was presented by Julie McQueen for property located in Land Lot 11600, 16th District, Parcel 0850 and being known as 245 Forest Avenue.

The property owner, Jean T. Turner, a resident of 245 Forest Avenue, is requesting variances to reduce rear setback from 30 feet to 4 feet and to reduce the side setback from 10 feet to 2.4 feet.

Mr. Dye made a motion, seconded by Mr. Elliott with the criteria being that granting this application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

Motion carried 7 - 0.

A motion was made by Board member Dye, seconded by Board member Elliott, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

20070747 V2007-30 Magnum Collision Center 1475 Field Park Circle

V2007-30 Magnum Collision request variance for property located in Land Lot 08690, 16th District, Parcel 0450, 2nd Section of Cobb County, Marietta, Georgia

and property being identified as 1475 Field Park Circle, a portion of 1465 Field Park Circle and 1467 Field Park Circle. Variance to reduce the required tree replacement density factor from 168.6 to 66.0 units (712.08.D.4 Table D). Ward 4.

File #20070747 (V2007-30) was presented by Julie McQueen for property located in Land Lot 08690, 16th District, Parcels 0450, 0040 and 0010 and being known as 1465 Field Park Circle, 1467 Field Park Circle (property also identified a 1475 Field Park Circle).

The applicant, Magnum Collision Center, and owner, Mike McDonville is requesting a variance to reduce the required tree replacement density factor from 168.6 units to 66.0 units.

Kevin Stephenson with Stephenson Engineering explained that the 6.7-acre industrial site contains a power line easement and existing lake leaving 2.64 acres of usable space thus creating the need for a variance to reduce the tree density for the usable 2.64 acres. As further explained by Mr. Stephenson, trees cannot be planted within the power line easement and state water buffer prevents trees from being planted.

Mr. Mills confirmed with Mr. Stephenson that the density would be met within the area left.

Chairman Lowman mentioned that city code states that in buffer zones healthy plants must remain. Mr. Stephenson stated that there would be no work in the buffer area or clear cutting. The idea is to save as many trees as possible to meet the tree density factor.

Speaking in opposition:

Mr. Gokal, Briarfield Board of Directors expressed concern about the buffer.

Discussion continued between Mr. Stephenson, Michael McConville of Magnum Collision, Hai Hu of 1518 Briarfield Way, and Mr. Roell of Briarfield Subdivision.

Ms. McQueen clarified that whenever a light industrial property abuts a residentially zoned property, there is a required 50-foot landscaped buffer and a 6-foot solid fence or wall.

Mr. Dye made a motion to approve the variance with the stipulations that all healthy vegetation presently existing inside the landscape buffer remain, seconded by Mr. Mills. The rationale for this variance is that the property owner is going to do a really good job and look out after the community. Motion carried 7 -0.

A motion was made by Board member Dye, seconded by Mills, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Stipulated

ADJOURNMENT:

Brief Note: Chairman Lowman reminded the Board that the annual election of officers will take place at the next meeting.

The July 30, 2007 Board of Zoning Appeals meeting adjourned at 6:47 p.m.

KEN LOWMAN, CHAIRMAN

PATSY BRYAN, SECRETARY