



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

CITY COUNCIL SPECIAL MEETING

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Tuesday, November 19, 2013

9:00 AM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King, 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 9:02 a.m.

BUSINESS:

20131104

V2013-38 George & Dana, LLC, 591 South Marietta Parkway

V2013-38 [VARIANCEGEORGE & DANA LLC, requests variances for property located in Land Lot 03610, District 17, Parcels 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 591 South Marietta Parkway, currently zoned CRC (Community Retail Commercial). Ward 1.

The following variances are hereby approved:

- 1 Variance to allow a general advertising/off premises sign on South Fairground Street. [§714.04 (F)]
2. Variance to eliminate the requirement that a general advertising/off-premises sign be regulated as a principal use. [§714.04 (F.1)]
3. Variance to locate a general advertising/off-premises sign within 500 feet of a bonafide residence and public building. [§714.04 (F.2)]
4. Variance to reduce the rear yard setback for a general advertising/off-premises sign from 35' to 4.3'. [§714.04 (F.8)]and [§714.06 (H)]

5. Variance to allow general advertising/off-premises sign to be located on a lot upon which a building is located if such lot or the building thereon has any sign located thereon. [§714.04 (F.9)]and [§714.06 (A.1 1)]
6. Variance to allow an accessory structure closer to the right of way than the principal building. [§708.16 (F.1)]
7. Variance to allow a refuse area within the public view. [§712.09(G.1(b)(xiv)]
8. Variance to eliminate the 75' maximum front setback. [§712.09(G.2(b)(i)]
9. Variance to reduce the planted border width along South Fairground Street from 10' to 1'. [§712.09(G.2(a) Table G-1.a]
10. Variance to allow the planting of the required street trees along South Fairground Street within the right of way. [§712.08(G.2.a) Table G-1.a]

In addition, the following are stipulations are included:

1. It is stipulated that the existing billboard located at 591 South Marietta Parkway shall be removed within 60 days (or sooner) of November 19, 2032 (date of the current lease expiration between the property owner and Clear Channel Outdoor, Inc.) at the expense of the property owner.
2. The property owner shall be responsible for the maintenance of all trees located within the City's right of way.

Mayor Tumlin called forward those wishing to speak.

Brian Binzer, Development Services Director, presented information regarding the variance request. This matter was tabled from the November 11, 2013 Council meeting to allow the applicant to obtain a lease agreement regarding the billboard located on the property. The applicant, George Hussey, was able to obtain a lease agreement with Clear Channel Outdoor that would require the billboard to be removed at the end of the term, August 31, 2031.

Discussion was held regarding the requested variances, the agreement, covenant, waiver and consent entered into among George & Dana, LLC, Clear Channel Outdoors and the City of Marietta.

A motion was made by Council member Goldstein, seconded by Council member Lewis, to approve the variance request for property located at 591 South Marietta Parkway, with the following stipulations:

The following variances are hereby approved:

1. Variance to allow a general advertising/off premises sign on South Fairground Street. [§714.04 (F)]
2. Variance to eliminate the requirement that a general advertising/off-premises sign be regulated as a principal use – for the existing billboard on the property only. [§714.04 (F.1)]

3. Variance to locate a general advertising/off-premises sign within 500 feet of a bonafide residence and public building – for the existing billboard on the property only. [§714.04 (F.2)]
4. Variance to reduce the rear yard setback for a general advertising/off-premises sign from 35' to 4.3' – for the existing billboard on the property only. [§714.04 (F.8)]and [§714.06 (H)]
5. Variance to allow general advertising/off-premises sign to be located on a lot upon which a building is located if such lot or the building thereon has any sign located thereon. [§714.04 (F.9)]and [§714.06 (A.11)]
6. Variance to allow an accessory structure closer to the right of way than the principal building. [§708.16 (F.1)]
7. Variance to allow a refuse area within the public view. [§712.09(G.1(b)(xiv)]
8. Variance to eliminate the 75' maximum front setback. [§712.09(G.2(b)(i)]
9. Variance to reduce the planted border width along South Fairground Street from 10' to 1'. [§712.09(G.2(a) Table G-1.a]
10. Variance to allow the planting of the required street trees along South Fairground Street within the right of way. [§712.08(G.2.a) Table G-1.a]

In addition, the following are stipulations are included:

1. Notwithstanding anything to the contrary contained in the motion, it is stipulated that the existing billboard located at 591 South Marietta Parkway shall be removed within 60 days (or sooner) of August 31, 2031 (date of the current lease expiration between the property owner and Clear Channel Outdoor, Inc.) at the expense of the property owner.
2. The property owner shall be responsible for the maintenance of all trees located within the City's right of way next to the property that is the subject of this zoning variance.
3. The Agreement, Covenant, Waiver and Consent entered into among George & Dana, LLC, Clear Channel Outdoors and the City of Marietta is incorporated into this motion by reference.

The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved as Amended

20131367

Executive Session

Executive Session to discuss legal, personnel and/or real estate matters.

A motion was made in open session by Council member Sinclair, seconded by Council member Goldstein, to enter an Executive Session to discuss real estate matters. The motion carried by the following vote:

Vote: 7 0 0 Approved

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King and Philip M. Goldstein

A motion was immediately made in open session by Council member Goldstein, seconded by Council member King, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 0 0 Approved

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King and Philip M. Goldstein

A motion was made by Council member Sinclair, seconded by Council member Goldstein, to invite any newly elected council members to enter the executive session. The motion carried by the following vote:

Vote: 7 0 0 Approved

A motion was made in open session by Council member Sinclair, seconded by Council member Goldstein, to enter an Executive Session to discuss real estate matters. The motion carried by the following vote:

Vote: 7 0 0 Approved

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King and Philip M. Goldstein

The Executive Session was held.

A motion was made in open session by Council member Sinclair, seconded by Council member King, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 0 0 Approved

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman and Jim King
Absent for the vote: Philip M. Goldstein

20131368 Motion or Motions

Motion or motions related to any items above.

No Action Taken

MAYOR'S APPOINTMENTS:

20131284 Cobb County Community Relations Council

Appointment of Pastor Joseph Comeaux to the Cobb County Community Relations Council.

Appointment Made

20131106 Marietta Housing Authority Appointment

Appointment of Andre Sims to the Marietta Housing Authority.

Appointment Made

ADJOURNMENT:

The meeting was adjourned at 10:20 a.m.

Date Approved: December 11, 2013

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk