



City of Marietta
Meeting Minutes
PLANNING COMMISSION

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

(Col. Ret.) Kenneth Dollar, Ward 2 - CHAIRMAN
Ann Watkins, Ward 1 *Carol Ann Sonnenfeld, Ward 3*
Donald Gillis, Ward 4 *Kenneth Carter, Ward 5*
Bob Kinney, Ward 6 *Stephen Diffley, Ward 7*

Tuesday, March 3, 2009

6:00 PM

City Hall Council Chambers

Present: (Col. Ret.) Kenneth Dollar, R. W. "Bob" Kinney, Carol Sonnenfeld, Kenneth Carter, Donald Gillis, Ann Watkins and Stephen Diffley

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Shelby Little, Urban Planner
Kyetha Kirk, Urban Planner
Daniel White, City Attorney

CALL TO ORDER & ROLL CALL:

Chairman Dollar called the March 3, 2009 Planning Commission Meeting to order at 6:00 p.m.

RECOGNITION:

Chairman Dollar recognized Commission Member Ken Carter for being honored by the Marietta School System for his 50 years of service.

MINUTES:

20090157 February 3, 2009 Regular Planning Commission Meeting Minutes

Review and Approval of the February 3, 2009 Planning Commission Meeting Minutes

Mr. Kinney moved that the February 3, 2009 Planning Commission Meeting Minutes be accepted as submitted, second by Mrs. Sonnenfeld. Motion carried 5 - 0 - 2. Stephen Diffley and Donald Gillis abstained.

A motion was made by Commissioner Kinney, seconded by Commissioner Sonnenfeld, that this matter be Approved. The motion carried by the following vote:

Vote: 5 - 0 - 2

Approved

Abstain: 2 - Stephen Diffley and Donald Gillis

REZONINGS:

20090100 Z2009-03 John Hesmer 341 Lawrence Street

Ord 7298 Z2009-03 [REZONING] JOHN R. HESMER request rezoning for property located in Land Lot 1216, 16th District, Parcel 26, 2nd Section, Marietta, Cobb County, Georgia and being known as 341 Lawrence Street from R-4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transitional). Ward 5.

File #20090100 (Z2009-03) was presented by Mr. Roth for property located in Land Lot 1216, 16th District, Parcel 26 and being known as 341 Lawrence Street.

The applicant, John R. Hesmer, is requesting rezoning from R-4 (Single Family Residential) to OIT (Office Institution Transitional). As Mr. Hesmer explained, several houses in the area have been converted to offices for attorneys.

Mr. Hesmer stated to Mr. Kinney that this house is currently a rental house but in poor condition and vacant. Mr. Hesmer's attempts to contact the owner of the vacant lot next door prove futile.

Mr. Carter stated that he is very familiar with this house, which is in an excellent location, and looks forward to seeing improvements.

Mr. Kinney moved to recommend to City Council that this proposed rezoning be approved as submitted, second by Mr. Carter. Motion carried 7 - 0 - 0.

A motion was made by Commissioner Kinney, seconded by Commissioner Carter, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

20090101 Z2009-04 Acme American, LLC (Joel Digby) 301 and 311 Old Clay Street

Ord 7314 Z2009-04 [REZONING] Acme American, LLC (Joel A. Digby) request rezoning for property located in Land Lots 02880 and 02890, 17th District, Parcels 0390 and 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 301 and 311 Old Clay Street from OI (Office Institutional) and R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

File #20090101(Z2009-04) was presented by Mr. Roth for property located in Land Lots 02880 and 02890, 17th District, Parcels 0390 and 0120 and being known as 301 and 311 Old Clay Street.

Joel Digby, with ACME American, LLC, is representing Jan Hunnicut who is seeking rezoning from OI (Office Institutional) and R-4 (Single Family Residential) to CRC (Community Retail Commercial) for property located at 301 and 311 Old Clay Street.

Mr. Digby's power point presentation described this property as being in the Commercial Corridor Design Overlay District with plans to construct a multi-use development using the Tier B guidelines.

20081281 CA2009-01 Proposal to Amend the Comprehensive Development Code

Ord 7295 CA2009-01[CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta relating to Division 714, paragraph 714.04(F) [General Advertising and Off-Premise Signs] and Division 724.02 [Definitions] of the Zoning Ordinance.

File #20081281 (CA2009-01) was presented by Mr. Roth as a proposal to amend the Comprehensive Development Code relating to Division 714.04(F), General Advertising and Off-Premise Signs and Division 724.02, Definitions.

As explained by Mr. Roth, this is a proposal that has been discussed over the last several months in City Council Committee Meetings. It began with a proposal for a variance from Clear Channel Outdoor to allow a LED sign be erected along I-75.

The discussions addressed whether or not LED signs are appropriate and, if so, what regulations should they be held to.

The two different proposals are basically the same; both would limit the LED signs to the area along I-75 and would allow for an exchange of existing static billboards for one LED sign. The proposal that is identified in this document is a 6 to1 ratio.

At this time, Mr. Kinney asked that these documents be labeled as Draft A and Draft B. Draft A is identified as the copy that does not have yellow highlights. Draft B has yellow highlights.

There is additional information that would require the entire structures only to be removed so that just one panel or one side of the billboard could not be removed. Also identified is the state requirement allowing a spacing distance of 5,000 feet along only one side of the roadway and City Council is proposing 5,000 feet along both side of the roadway.

Scott Peters, attorney, representing Clear Channel Outdoor along with Don Nolan and Joe Garner, were present. CBS Outdoor's John Campbell was also present.

Mr. Peters stated that this proposal is the result of both an appeal filed by Clear Channel Outdoor as well as a variance request.

According to Mr. Peters, LED signs are a new technology providing more efficient use, flexibility, and more access to advertisers and small business as compared to static display.

The primary issue of concern is the exchange ratio.

As evaluated by Clear Channel Outdoor, to find a ratio that is agreeable and allows a return investment would be a 3 to 1 exchange ratio.

The second concern is that the proposed language would require a sign structure with two panels to be removed in order to count as an exchange unit for a single panel. Mr. Peters stated the proposal is not to allow construction of a new sign, only to allow an existing panel to be replaced with an LED panel. Under the exchange requirements, they would like to remove existing panels rather than whole structures.

The third concern involves two basic sizes of signs in the industry. Signs along I-75, referred to as bulletins, are 14' x 48' or 672 square feet; Signs along smaller roads are referred to as poster units and are 12' x 25' or 300 square feet. Mr. Peters is opposed to staff's recommendation in 12(b)(3); however, Mr. Peters acknowledged the city is getting the benefit of signs being removed from surface streets.

The requirements of sign removal from I-75 are also a concern.

Mr. John Campbell with CBS Outdoor spoke in favor of the sign ordinance, with the specific suggestion of allowing these signs on corridors other than I-75, and requested signs be located in areas outside of the I-75 corridor.

Section 14 is specific to building a brand new sign that would have a LED panel and limits the LED face to 400 square feet.

Mr. Gillis made a proposal regarding the highlighted version, 12(b)(1), to insert #4 and accept the strikeouts; in (b)(3) change 1,344 square feet to 1,200 square feet. Mr. Gillis made this his motion to recommend to City Council.

Further discussion continued between Chairman Dollar and Mr. Binzer. Chairman Dollar requested a staff recommendation from Mr. Binzer. Mr. Binzer stated there is no consensus among staff as to what the exchange ratio should be.

During this detailed discussion, Mr. Kinney asked to have differences between A&B explained.

Draft B, with highlights, in Section B(b) allows the billboard to be removed down to the foundation does not require the property owner's consent to the application, and adds an indemnification clause to the benefit of the city.

Mr. Kinney asked if Draft A was in consideration, and that discussion of Draft A did not sound like staff was in favor of this version anymore. Mr. Binzer responded yes, and that Draft A reflected discussion by City Council.

In Draft A, if the applicant does not meet all other standards and other parts of

the ordinance for a billboard, they would have to apply for a variance.

Chairman Dollar expressed frustration that Draft B was presented just prior to the Planning Commission meeting. Mr. Binzer stated that changes on Draft B were based on discussion he had with the industry that morning and from the City Council meeting last week.

Mr. Gillis made a motion to consider the language in highlighted Section B in Par 12(b)(1) insert #4 in the blank, and insert 1,200 square feet in place of 1,344 square feet in Section 12(b)(3), seconded by Mr. Kinney. Motion carried 7 - 0 - 0.

A motion was made by Commissioner Gillis, seconded by Commissioner Kinney, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Recommended for Approval as Stipulated

ADJOURNMENT:

The March 3, 2009 Planning Commission Meeting adjourned at 7:47 p.m

KEN DOLLAR, CHAIRMAN

PATSY BRYAN, SECRETARY