

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/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.

PICTURES



Billboard at 131 Cobb Parkway North

Staff Review:

ClearChannel Outdoor, Inc. wishes to convert the existing billboard located at 131 Cobb Parkway North from a static display to a digital display. The property is 0.46 acres in size and is zoned CRC (Community Retail Commercial). It is located in the parking lot of the North 41 Plaza, also zoned CRC, which contains Northern Tool & Equipment, Value Village, Office Depot, and Ken Stanton Music. An industrial park, zoned Light Industrial, is located to the north of the subject property.



In March 2009, City Council passed a revision to the Sign Ordinance that allowed billboard companies the option of installing LED panels on existing billboard structures along I-75 in exchange for the complete removal of other billboard structures around the city. The ordinance was revised again in December 2013 to allow digital displays on existing billboards along Cobb Parkway (US 41).

ClearChannel recently received a variance (V2015-42) in October 2015 to allow digital panels on the existing billboard structure, despite the height exceeding 35 feet from road grade due to the higher elevation of the shopping center. The applicant subsequently submitted permits for the necessary billboard demolition and digital conversion permits. When the survey was submitted with the permit application, it indicated that Crestwood Apartments, located at 925 Gresham Avenue and zoned RM-12 (Multifamily Residential – 12 units/acre), was located – at the closest point – approximately 460 feet from the proposed billboard. The Marietta sign ordinance does not allow any billboard – static or digital – within 500 feet of a residential zoning district.

The current proposal by ClearChannel is to convert the south-facing panel, which is oriented away from the apartments, to a digital panel. The lighting cast by the south-facing panel will face away from the apartments and should not impact them. However, ClearChannel will likely convert the north-facing panel to a digital panel sometime in the future. As a result, approval of this variance would also allow the conversion of the north-facing panel to digital. The parking lot of North 41 Plaza sits higher than both Cobb Parkway and the adjacent apartments so there is the possibility that a north-facing digital panel could be seen from Building 5 of Crestwood Apartments.

Aside from the height requirement that was already waived and the residential distance requirement, ClearChannel plans to meet all requirements, including the removal requirement.



Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Brian Binzer, AICP, Director

APPLICATION FOR VARIANCE OR APPEAL

(Owner/Applicant/or Representative must be present at all public hearings)

For Office Use Only:

Application #: V2015-52 Registrar #: 20150995 BZA Hearing Dt:
City Council Hearing Dt (if applicable) #: 12-9-15 PZ#: -

This is a variance/appeal application for:

Board of Zoning Appeals checkbox

Board of Zoning Appeals

City Council checkbox

City Council

Owner's Name One Nineteen Cobb Pkwy LLC
Address 131 North Cobb Pkwy Marietta, GA Zip Code: 30062
Telephone Number: 404-231-2383 Email Address: benseay (X)@gmail.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Clear Channel Outdoor, Inc. - Representative - Jake Harrison
Address 1200 Wilson Way Suite C Smyrna, GA Zip Code: 30082
Telephone Number 678-309-7662 Email Address: jakeharrison@clearchannel.com

Address of property for which a variance or appeal is requested:

131 North Cobb Pkwy Marietta, GA 30062 Date of Acquisition: 5-15-2006
Land Lot (s) 1212 District 16 Parcel 21 Acreage .4813 Zoned Commercial Lots Ward 5 FLU CAC

List the variance(s) or appeal requested (please attach any additional information):

Please See Attached Letter (Exhibit 1)

Required Information

- 1. Application fee (\$250)
2. Completed notarized application. The original application must be submitted with ALL original signature(s) - Copies of the application or signature(s) will NOT be accepted.
3. Copy of the deed that reflects the current owner(s) of the property.
4. Letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money).
5. Site plan - drawn to scale. Site plans must illustrate property lines and all relevant existing information and conditions in addition to proposed additions or modifications within the referenced property lines of the tract(s).
Copies Required: One (1) - (8 1/2" x 11") -or- (11" x 17") drawn to scale.
Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 25 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.
7. Documentation authorizing applicant to submit application by property owners if applicant is not owner.

Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

OVER

City of Marietta
Development Services Department
Attn: Rusty Roth, Planning and Zoning Manager
205 Lawrence Street
Marietta, GA 30060

RE: Clear Channel Outdoor Variance – Parcel 16121200210

Mr. Roth,

Section 714.04 (G.): in regards to converting an existing billboard to a digital billboard, the ordinance states “nor be located within 500 feet of a residential zoning district.” The billboard located at 131 North Cobb Pkwy is within 500 feet of Crestwood Park Apartments – RM12 – 925 Gresham Ave. The distance is approximately 448 feet from the nearest edge of the billboard to the property line of 925 Gresham Rd (pictured in Exhibits A and B). Our understanding is that the ordinance is intended to prevent light emitting into residential neighborhoods, specifically housing. The structure is located such that it is shy of meeting those regulations by approximately 52 feet, is blocked by a commercial development and is oriented away from residential. Due to these facts the conversion the digital panels have no impact to the residential neighborhood, therefore, we are seeking approval to convert the messaging on this structure from Static to LED as we have done on other legally permitted locations in Marietta. We intend to adhere to all permitting and development requirements for this conversion without altering, raising or lowering the sign.

Sincerely,



Jake Harrison
Real Estate & Public Affairs

Clear Channel Outdoor – Atlanta

1200 Wilson Way Suite C Smyrna, GA 30082
Call 678.309.0085 / Fax 678.309.7602 / Visit clearchanneloutdoor.com / Find us on Facebook CCOAtlanta

Exhibit A

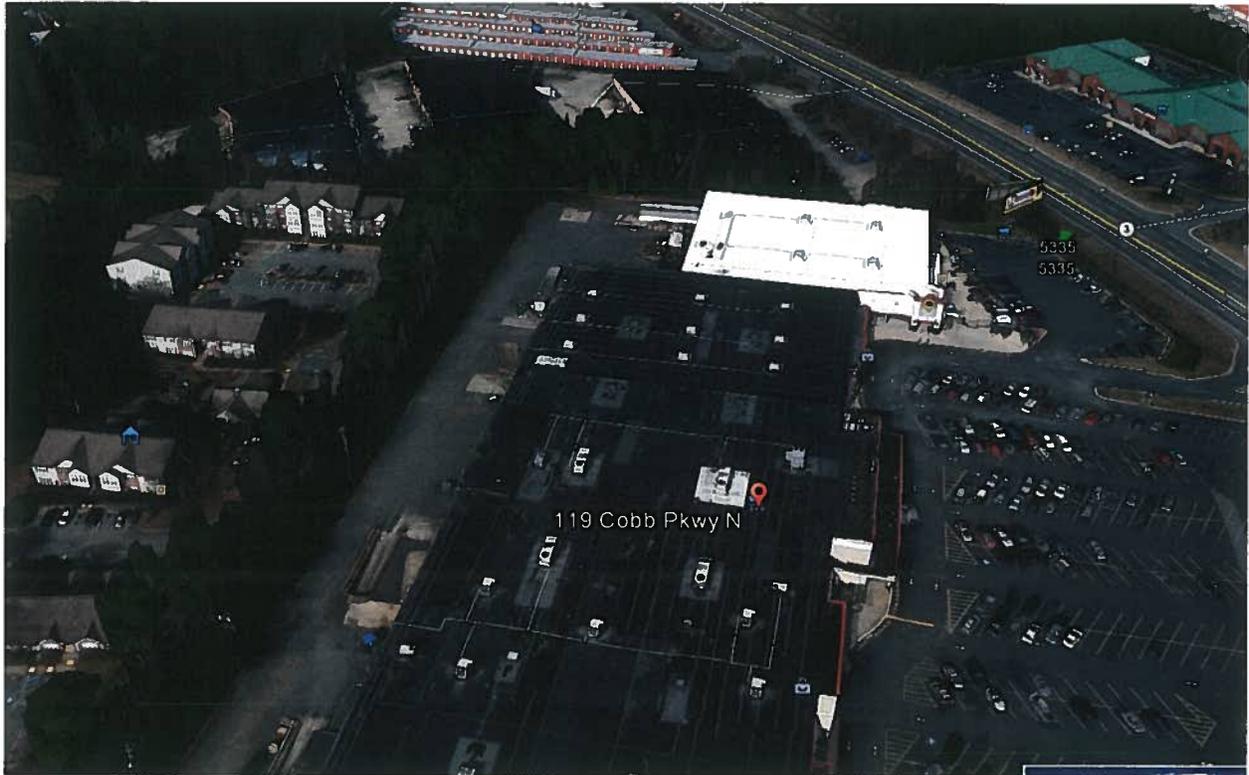


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Exhibit B



Clear Channel Outdoor – Atlanta

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TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: November 13, 2015

PUBLIC NOTICE OF REZONINGS & CODE AMENDMENT

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following rezoning request by City Council at their meeting on **Wednesday, December 9, 2015, 7:00 p.m.**, City Hall, for a final decision to be made.

V2015-52 [VARIANCE] CLEARCHANNEL OUTDOOR, INC requesting a variance for property located in Land Lot 1212, District 16, Parcel 0210, 2nd Section, Marietta, Cobb County, Georgia, and being known as 131 Cobb Parkway North, currently zoned CRC (Community Retail Commercial). Variance to allow a digital billboard panel within 500 feet of a residential zoning district. Ward 5A.

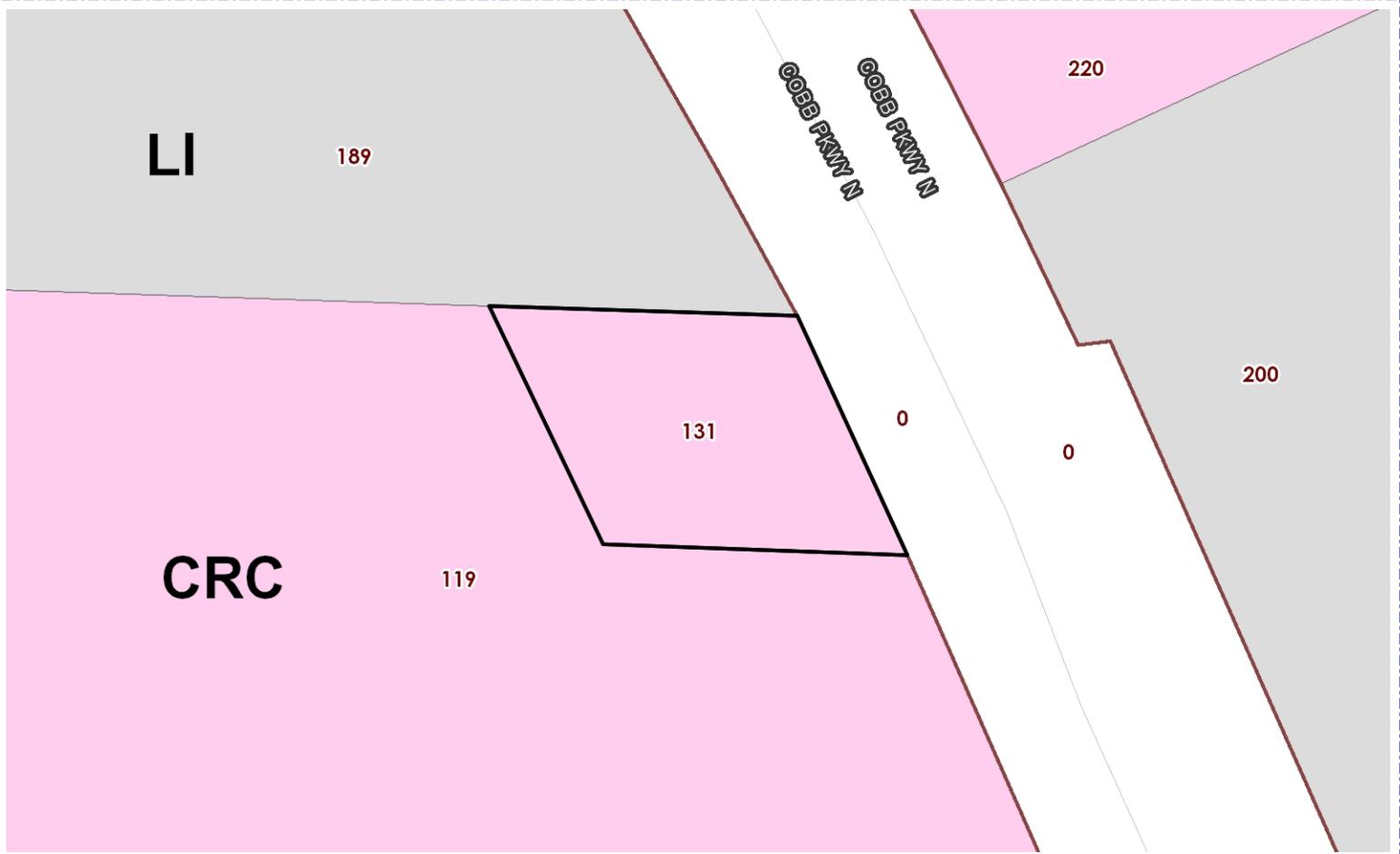
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

For additional information please call the Planning and Zoning Office (770) 794-5669.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
131 COBB PKWY N	16121200210	0.448	5A	CRC	CAC

Property Owner:	One Ninteen Cobb Pkwy, LLC	Zoning Symbols --- Railroads [Red Line] City Limits [Dotted Line] Cobb County Pockets [White] NA [Light Yellow] R1 - Single Family Residential (1 unit/acre) [Yellow] R2 - Single Family Residential (2 units/acre) [Light Green] R3 - Single Family Residential (3 units/acre) [Green] R4 - Single Family Residential (4 units/acre) [Light Orange] RA4 - Single Family Residential - Attached [Orange] RA6 - Single Family Residential - Attached [Dark Orange] RA8 - Single Family Residential - Attached [Yellow-Orange] MHP - Mobile Home Park [Light Brown] PRD-SF - Planned Residential Dev. Single Family [Brown] RM8 - Multi Family Residential (8 units/acre) [Dark Brown] RM10 - Multi Family Residential (10 units/acre) [Dark Grey] RM12 - Multi Family Residential (12 units/acre) [Dark Grey] RHR - Residential High Rise [Dark Grey] PRD-MF - Planned Residential Dev Multi Family [Pink] NRC - Neighborhood Retail Commercial [Light Pink] CRC - Community Retail Commercial [Pink] RRC - Regional Retail Commercial [Red] PCD - Planned Commercial Development [Light Grey] LI - Light Industrial [Dark Grey] HI - Heavy Industrial [Dark Grey] PID - Planned Industrial Development [Purple] MXD - Mixed Use Development [Dark Blue] CBD - Central Business District [Light Blue] OIT - Office Institutional Transitional [Light Blue] LRO - Low Rise Office [Blue] OI - Office Institutional [Blue] OS - Office Services [Dark Blue] OHR - Office High Rise
Applicant:		
City Council Hearing Date:	12/09/2015	
Acquisition Date:		
Case Number:	V2015-52	
City of Marietta Planning & Zoning		



Address	Parcel Number	Acreage	Ward	Zoning	FLU
131 COBB PKWY N	16121200210	0.448	5A	CRC	CAC
Property Owner:	One Ninteen Cobb Pkwy, LLC				
Applicant:					
City Council Hearing Date:	12/09/2015				
Planning Commission Hearing Date:					
BZA Hearing Date:	Case Number: V2015-52				
Comments:					
City of Marietta Planning & Zoning					

Legend

-  Railroads
-  City Limits
-  Cobb County Pockets





