

**MAY 20, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-31

PURPOSE

To consider a request from Whiteway Neon-AD, Inc. regarding a billboard placement located on the easterly side of I-285 and the north side of Church Road. The property is located Land Lot 761 of the 17th District.

BACKGROUND

The subject property is zoned LI and currently has a two sided static billboard on the property. The billboard owner would like to change the static billboard to an electronic billboard on the northbound traffic side of the billboard only, but cannot since the electronic billboard is located within 500 feet of a residence. The proposed electronic billboard is 335 feet from the closest residence (Overlook at Westbury). Per a zoning code amendment adopted February 28, 2012, the Board of Commissioners can consider this request. There are three criteria that must be considered:

1. Whether or not the electronic sign face will be visible from the residence(s) that is within 500 feet.
2. Whether or not electronic sign faces visible from the residence(s) are properly buffered and screened from light cast from the sign.
3. Whether or not there are existing or changing conditions that would give supporting grounds for either approval or disapproval of the requested modification.

The application meets the exchange criteria for taking down billboards in exchange for the digital billboard.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed request.

ATTACHMENTS

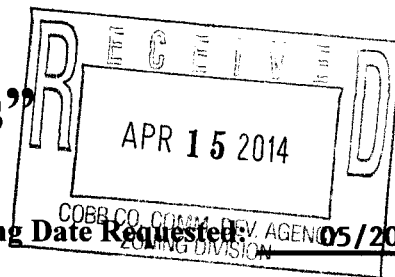
Other Business application, request letter and exhibits.

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 05/20/2014



06-31

Applicant: Whiteway Neon-AD, Inc.

Phone #: (770) 226-9605

(applicant's name printed)

Address: Suite 374, 6400 Powers Ferry Road, Atlanta, GA 30339 **E-Mail:** m.levin@mindspring.com

Moore Ingram Johnson & Steele, LLP

John H. Moore

Address: Emerson Overlook, 326 Roswell Street

(representative's name/printed)

Marietta, GA 30060

BY: [Signature] **Phone #:** (770) 429-1499

E-Mail: jmoore@mijs.com

(representative's signature) Georgia Bar No. 519800

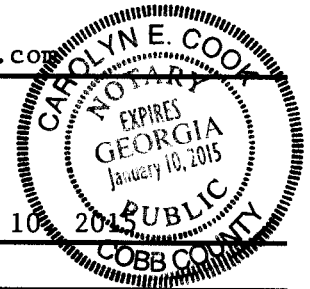
w7@mijs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook

Notary Public

My commission expires: January 10, 2015



Titleholder(s): Timothy Lynn Webster
Irrevocable Trust

(property owner's name printed)

Phone #: _____

Address: _____

E-Mail: _____

See Attached Exhibit "A" for Titleholder's Representative's

Signature and Contact Information

(Property owner's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Commission District: 2 (Ott)

Zoning Case: Not Applicable per Cobb County Ordinance § 134-318.1(a)(1)

Date of Zoning Decision: Not Applicable

Original Date of Hearing: Not Applicable

Location: Easterly side of Interstate 285; northerly of Church Road

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 761

District(s): 17th

State specifically the need or reason(s) for Other Business: _____

See Exhibit "B" attached hereto and incorporated herein by reference.

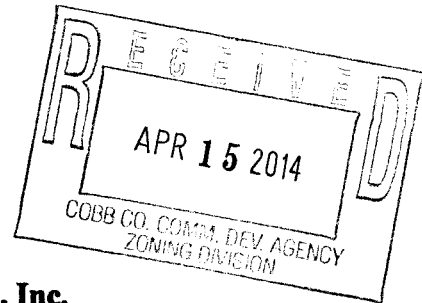
(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Hearing Date:

May 20, 2014



**Applicant:
Titleholder:**

**Whiteway Neon-AD, Inc.
Mitzi Morris Webster, as Trustee of the
Timothy Lynn Webster Irrevocable Trust**

TIMOTHY LYNN WEBSTER IRREVOCABLE TRUST

BY: Mitzi Morris Webster
Mitzi Morris Webster, Trustee

Printed Name: Mitzi Morris Webster

Address: _____

Telephone No.: (205) 747-2354
mweb98@bellsouth.net

Signed, sealed, and delivered in the presence of:

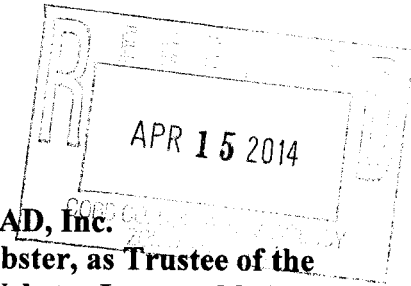
Lyle Klison
Notary Public
Commission Expires: Jan 25, 2015

[Notary Seal]

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

Hearing Date: May 20, 2014

Applicant: Whiteway Neon-AD, Inc.
Titleholder: Mitzi Morris Webster, as Trustee of the
Timothy Lynn Webster Irrevocable Trust



Applicant, Whiteway Neon-AD, Inc. (hereinafter "Applicant") brings this Application for "Other Business" pursuant to § 134-318.1(a)(1) of the Cobb County Code which requires that any application for electronic signage must be presented to the Board of Commissioners through an "Other Business" agenda item.

Applicant currently has a -static billboard located on property on the easterly side of at I-285 and Church Road. Through this Application for "Other Business," Applicant seeks approval to convert the right-hand read traveling northbound from a static face to a digital face. The static face on the left-hand read traveling southbound will remain as is.

Attached collectively as Exhibit "1" are photographs taken while traveling northbound on I-285 at Church Road. The photographs show the face of the sign proposed for conversion and that the face is away from the existing townhome and apartment communities.

Additionally, attached collectively as Exhibit "2" are photographs taken from the closest residential community, Overlook at Westbury. Photograph no. 2 was taken from the unit closest to the sign, which shows the face of the sign for northbound traffic cannot be seen from the townhome or apartment community. Photograph no. 3 was taken at the street sign at the intersection of Merriman Walk and Hadlow. It should be noted from this photograph that the townhomes front on Merriman Walk and the rear faces towards I-285 and the sign.

As part of the conversion of the face of the sign from static to digital, and as required by the Cobb County Code, Applicant will remove signs from two existing locations located at 658 Powder Springs Road and 1349 South Cobb Drive. Photographs and location details of these signs are attached hereto collectively as Exhibit "3."

Further, Applicant will comply with the State of Georgia Department of Transportation Rules and Regulations as set forth in O.C.G.A. § 32-6-75, including the following:

- (1) The proposed sign will not advertise an activity that is illegal under Georgia or federal laws or regulations in effect at the proposed location;
- (2) The proposed sign shall not be obsolete;
- (3) The proposed sign shall be structurally safe, clean, and in good repair;
- (4) The proposed sign shall not move or have any moving or animated parts, except as expressly allowed under subsection (c) of O.C.G.A. § 32-6-75;

- (5) The proposed sign shall not emit or utilize in any manner any sound capable of being detected on the main traveled way by a person with normal hearing;
- (6) The proposed sign shall not contain or include any flashing, intermittent, or moving light or lights;
- (7) The proposed sign shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled highways, which beams or rays are of such intensity or brilliance as to cause glare or to impair the vision of any driver of any motor vehicle or which otherwise would interfere with the operation of a motor vehicle;
- (8) Multiple messages on the proposed sign shall remain fixed for at least ten (10) seconds;
- (9) No such multiple message sign shall be placed within 5,000 feet of another mechanical multiple message sign on the same side of the highway;
- (10) The multiple message sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.

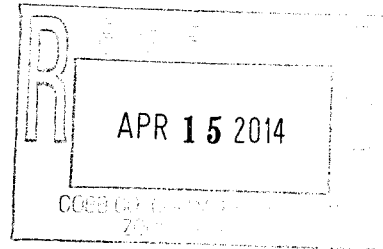


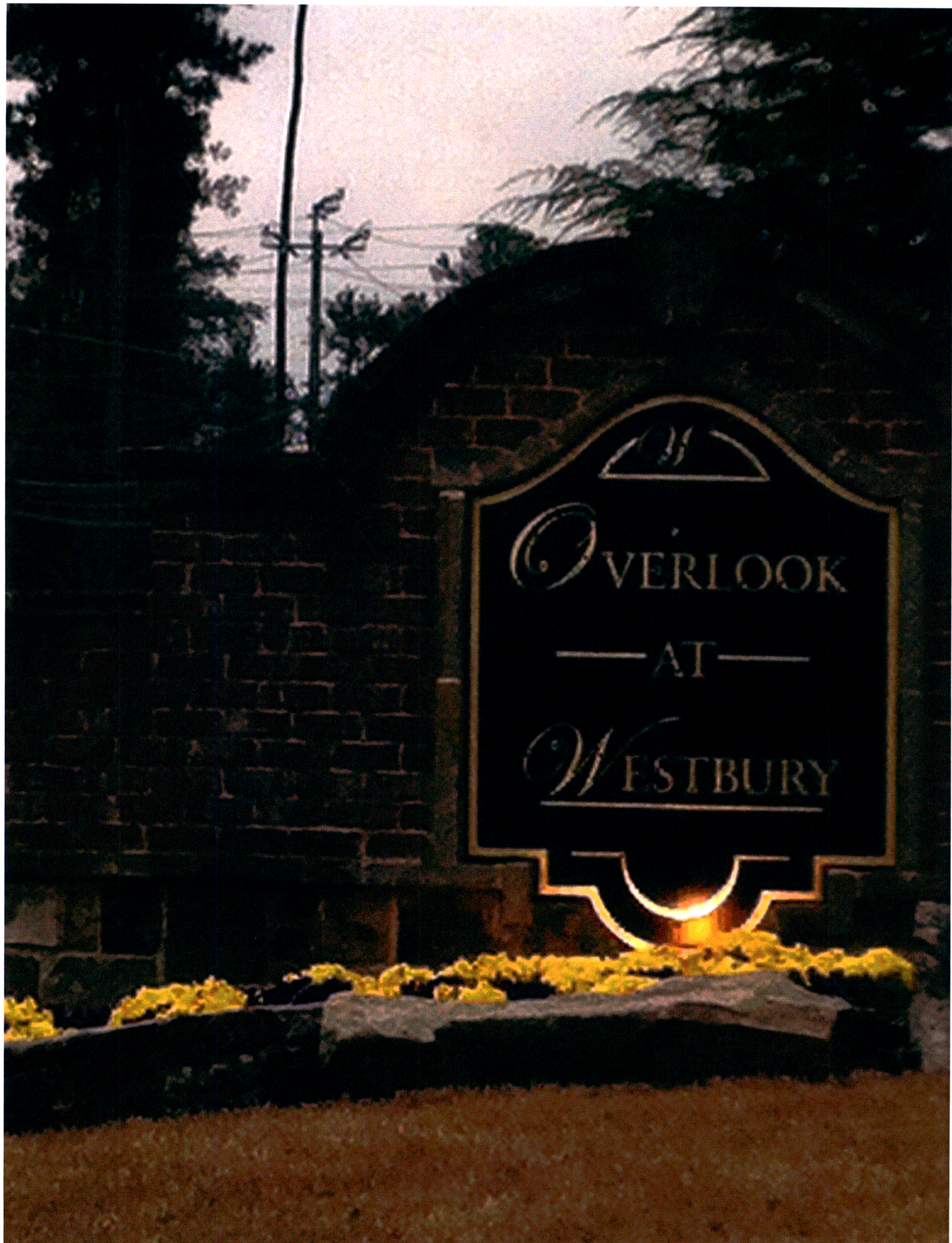
EXHIBIT "1"







EXHIBIT “2”



OVERLOOK

— AT —

WESTBURY





EXHIBIT “3”

WHITEWAY OUTDOOR ADVERTISING

770-226-9605 • Fax: 770-226-9665

**658 Powder Springs Road
Marietta, Georgia**



LOCATION DETAILS

Left hand read for northbound traffic.

Display size: 14' x 48'

DEC: 40,710

Illumination: Dusk to Dawn

Latitude: 33.93676

Longitude: -84.555405

LOCATION DESCRIPTION

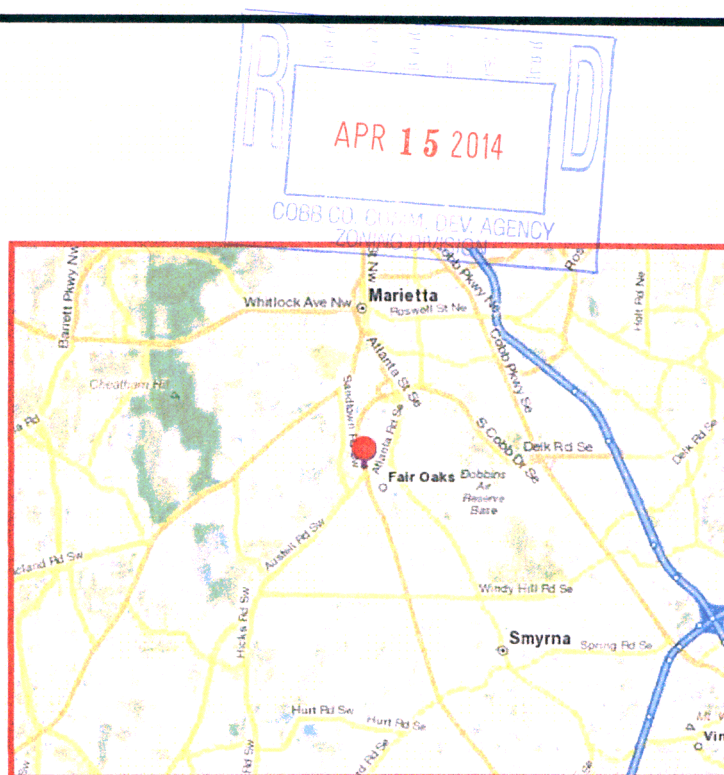
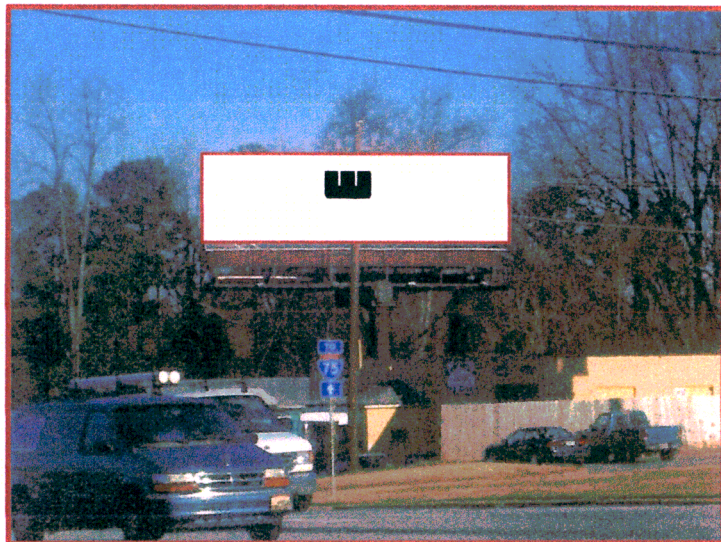
This excellent display is strategically located 1 mile south of Marietta Square and the heart of the Marietta Historic Shopping District.

www.whitewayoutdoor.com

WHITEWAY OUTDOOR ADVERTISING

770-226-9605 • Fax: 770-226-9665

**1349 S. Cobb Drive
Marietta, Georgia**



LOCATION DETAILS

Righthand read for northbound traffic.

Display size: 14' x 48'

DEC: 30,137

Illumination: Dusk to Dawn

Latitude: 33.9202151

Longitude: -84.549513

LOCATION DESCRIPTION

This righthand read display faces south for northbound traffic at the intersection of South Cobb Drive and Austell Road. The display reaches travelers heading to Dobbins AFB, the Marietta central business district and I-75 to and from Atlanta.

www.whitewayoutdoor.com