1. Agenda

   Documents:

   061020RM.PDF

2. Summary

   Documents:

   061020RM.PDF

3. Z2020-11 Powder Springs St 888, 898

   Documents:

   Z2020-11 POWDER SPRINGS ST 888, 898.PDF

3.I. Z2020-11 Powder Springs St 888, 898-Stip Ltr 5.22.20

   Documents:

   Z2020-11 POWDER SPRINGS ST 888, 898-STIP LTR 5.22.20.PDF

3.I.i. Z2020-11 Powder Springs St 888, 898-Stip Ltr-Addl-5.29.20

   Documents:

   Z2020-11 POWDER SPRINGS ST 888, 898-STIP LTR-ADDL-5.29.20.PDF

4. Z2020-17 Church St 268

   Documents:

   Z2020-17 CHURCH ST 268-CCONLY.PDF

5. Z2020-19 Atlanta St 521

   Documents:

   Z2020-19 ATLANTA ST 521.PDF

5.I. Z2020-19 Atlanta St 521-Stip Ltr 6.05.20

   Documents:

   Z2020-19 ATLANTA ST 521-STIP LTR 6.05.20.PDF

6. Z2020-20 Montgomery St 308

   Documents:

   Z2020-20 MONTGOMERY ST 308.PDF

7. Z2020-22 Cobb Pkwy 565 S

    Documents:

    Z2020-22 COBB PKWY 565 S.PDF

8. Z2020-23 Rose Dr 401

    Documents:

    Z2020-23 ROSE DR 401.PDF

8.I. Z2020-23 Rose Dr 401-Stip Ltr 5.29.20

    Documents:

    Z2020-23 ROSE DR 401-STIP LTR 5.29.20.PDF

9. V2020-17 Bells Ferry Rd 1161

    Documents:

    V2020-17 BELLS FERRY RD 1161.PDF

10. Executed Ordinances

    Documents:

    Z2020-20 MONTGOMERY ST 308 (20200348).PDF
    Z2020-17 CHURCH ST 268-(20200295).PDF
    Z2020-22 COBB PKWY 565 S PORTION OF (20200365).PDF
    Z2020-23 ROSE DR 401 (20200366).PDF

11. Executed Variance Motions

    Documents:

    V2020-17 BELLS FERRY RD 1161.PDF

City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda

CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, June 10, 2020 **7:00 PM** **Council Chamber**

CALL TO ORDER:

INVOCATION:

Council Member Reggie Copeland, Ward 5

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20200481 **Scheduled Appearance**

Scheduled Appearance - Larry Wills

CONSENT AGENDA:
Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

***** **20200438** **Regular Meeting - May 13, 2020**

Review and approval of the May 13, 2020 regular meeting minutes.

***** **20200439** **Special Meeting - May 20, 2020**

Review and approval of the May 20, 2020 special meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

***** **20200405** **GMA Voting Delegates**

Appointment of Michelle Cooper Kelly as the voting delegate and Joseph R. Goldstein as the alternate voting delegate for the 2020 GMA Business Meeting being held during the virtual GMA Annual Convention.

Council member Goldstein Abstaining

ORDINANCES:

20200143 **Z2020-11 [REZONING] ALI GHADRDAN (STEPHEN THOMPSON)**

Z2020-11 [REZONING] ALI GHADRDAN (STEPHEN THOMPSON) are requesting the rezoning of 3.15 acres located in Land Lots 140 & 141, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

The Planning Commission recommends Approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Chairman Kinney, Mr. Diffley and Mr. McClure were for. Mr. Anderson, Mr. Davis, Mr. Hunter and Ms. McClure opposed. The motion failed.

Ms. McCrae made a 2nd motion, seconded by Mr. Hunter to deny the application. Mr. Anderson, Mr. Hunter and Ms. McCrae were for. Chairman Kinney, Mr. Diffley, Mr. Davis and Mr. McClure were against. The 2nd motion failed.

Chairman Kinney made a 3rd motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Mr. Hunter and Ms. McCrae opposed. The motion carried 5-2-0.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

1. Letter of stipulations from Ali Ghadrdan and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 22, 2020, and;
2. Letter containing additional stipulations from Ali Ghadrdan and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.

Public Hearing (all parties are sworn in)

20200295 **Z2020-17 [REZONING] MICHAEL LANGSTON**

Z2020-17 [REZONING] MICHAEL LANGSTON is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

This Item was TABLED at the May 13th City Council Meeting.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.

If Council approves the rezoning, the following variances and stipulation would be incorporated as conditions of zoning:

Variances:
The following variances are incorporated as conditions of zoning:

1. *Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]*
2. *Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]*
3. *Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]*
4. *Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]*
5. *Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]*

Stipulations:
The following stipulation is incorporated as conditions of zoning:
The exterior of the property be brought into compliance within three (3) months.
A solid fence, six feet in height, will be constructed across the rear line of the property where it abuts property zoned PRD-SF and a row of evergreen trees, a minimum of eight feet in height at the time of planting will be installed along the interior (268 Church St. side) of the fence along the rear line.

Public Hearing (all parties are sworn in)

* **20200345** **Z2020-19 [REZONING] PULTE HOME COMPANY, LLC**

Z2020-19 [REZONING] PULTE HOME COMPANY, LLC is requesting the rezoning of 3.8 acres located in located in Land Lots 290, District 17, Parcel 0640 of the 2nd Section, Cobb County, Georgia, and being known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 1A.
The Planning Commission recommends Approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval as submitted including the letter of stipulations dated May 22, 2020, except that item #4 be amended to restrict the number of leasable units at any one time to no more than five percent. The motion carried 7-0-0.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

1. Letter of stipulations and variances from Rob Hosack and James A. Balli, Taylor English Decisions, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 5, 2020.

Motion to TABLE to the next City Council Meeting, July 8, 2020.

20200348 **Z2020-20 [REZONING] MARK LEWIS**

Z2020-20 [REZONING] MARK LEWIS is requesting the rezoning of 0.74 acres located in Land Lot 1144, District 16, Parcel 1680 of the 2nd Section, Cobb County, Georgia, and being known as 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density. Ward 5A.
The Planning Commission recommends Approval.

Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted. The motion carried 7-0-0.

If Council approves the rezoning, the following variance would be incorporated as conditions of zoning:

Variance to increase the density from 4 units/acre to 4.05 units/ acre.

Public Hearing (all parties are sworn in)

20200365 **Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY**

Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY are requesting the rezoning of approximately 1.6 acres located in Land Lots 506 & 575, District 17, Parcel 0620 of the 2nd Section, Cobb County, Georgia, and being known as a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise). Ward 1A.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 7-0-0.

If Council approves the rezoning, the following variances would be incorporated as conditions of zoning:

1. Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac. [§708.13 (H)]
2. Variance to reduce the minimum building height from 5 stories to 4 stories. [§708.13 (H)]
3. Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'. [§708.13 (H)]
4. Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'. [§708.13 (H)]
5. Variance to reduce the parking minimum from 148 to 94 parking spaces. [§716.07 and §708.13 (H)]

Public Hearing (all parties are sworn in)

20200366 **Z2020-23 [REZONING] 33 HOLDINGS LLC**

Z2020-23 [REZONING] 33 HOLDINGS LLC is requesting the rezoning of 3.26 acres located in Land Lot 433, District 17, Parcel02 0140 of the 2nd Section, Cobb County, Georgia, and being known as 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre). Ward 1A.

The Planning Commission recommends Approval.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval as submitted with the change in zoning from RM12 to PRD-SF. The motion carried 7-0-0.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.

Public Hearing (all parties are sworn in)

***** **20200367** **Z2020-24 [REZONING] BERCHER HOMES, LLC**

Z2020-24 [REZONING] BERCHER HOMES, LLC is requesting the rezoning of 0.43 acres located in Land Lot 1231, District 16, Parcels 0260 & 0270 of the 2nd Section, Cobb County, Georgia, and being known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

The Planning Commission recommends Approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulation from Mr. Moore dated May 29, 2020. The motion carried 7-0-0.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.

Motion to TABLE to the next City Council Meeting, July 8, 2020.

20200160 **CA2020-04 [CODE AMENDMENT]**

CA2020-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.11, Residential Infill Development Overlay District.

The Planning Commission recommends Approval as Stipulated.

Mr. Diffley made a motion, seconded by Ms. Davis, to recommend approval as written. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Johnny Walker, Chairperson

***** **20200430** **PY19 CDBG Annual Action Plan Amendment**

Motion to approve the PY19 CDBG Annual Action Plan amendment to incorporate new allocation of CDBG-CV funds used to prevent, prepare for or respond to COVID-19.

Council Member Goldstein discloses that Atlanta Legal Aid Society is a tenant of the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is an owner of the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is the father of Council Member Goldstein.

Council member Goldstein abstaining

2. Finance/Investment: Joseph R. Goldstein, Chairperson

* **20200398** **Adoption of Recommended Budget for FY2021**

Motion to approve an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

Council Member Goldstein discloses that PMG Family, LLC and JRG Marietta Parkway, LLC own properties in the Center City South Renaissance Tax Allocation District. Council Member Goldstein is an owner of both PMG Family, LLC and JRG Marietta Parkway, LLC.

Council member Goldstein abstaining

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20200442** **Wildwood Park Disc Golf Course**

Motion to approve funding for the planning, design, and engineering for a Disc Golf Course at Wildwood Park from 2009 Parks Bond Fund proceeds.

20200446 **FY2021 Tourism Grants**

Motion to approve the grant amounts presented for each tourism organization, along with the Welcome Center Contract.

City Staff Request - Vapor Wake Dog	$ 00
City Staff Request - City Services	$140,000
The Earl Smith Strand Theatre	$ 54,780
Cobb NAACP Juneteenth	$ 5,000
GA Metro Dance Theatre	$ 14,940
Georgia Symphony Orchestra	$ 12,450
Marietta/Cobb Museum of Art	$ 74,700
Marietta Museum of History	$160,000
Marietta Square Branding Project	$ 5,000
Old Zion Baptist Church Heritage Museum	$ 8,300
The Georgia Ballet	$ 8,300
Marietta Gone with The Wind Museum	$ 68,670
Cobb Landmarks	$ 16,600
Marietta Business Association (Art in Park)	*In with City Services
Marietta Arts Council	$ 6,960
Atlanta Lyric Theatre	$ 8,300
Friends of Brown Park	$ 00
Marietta Educational Gardens	$ 00
	$584,000
Marietta Welcome Center	$300,000
Marietta Visitor's Bureau Facility Maintenance	$ 10,000
	$310,000

Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Ashleigh Whitworth and Morgan Stoner and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Councilmember Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that the Atlanta Lyric Theatre rents space owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.

Council Member Goldstein discloses that he is a member of the Marietta/Cobb Museum of Art.

Council Member Goldstein discloses that Elise Goldstein is a member of the Georgia Symphony Orchestra Chorus and is a member of one of the committees of the Georgia Symphony Orchestra. Elise Goldstein is the mother of Council Member Goldstein.

* **20200451** **Modification of the Independent Contractor Agreement Between the Marietta Development Authority and 6-4-3DP Athletics, LLC**

Motion to approve a modification to the Independent Contractor Agreement between the Marietta Development Authority and 6-4-3DP Athletics, LLC.

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20200471** **GMA District 3 West Officers**

Motion to approve the City vote for GMA District 3 West Officers for 2020-2022.

* **20200344** **FY 2021 City/BLW Pay and Classification System documents**

Motion approving an Ordinance adopting the City of Marietta and Board of Lights and Water Position Allocation Charts, and the Compensation, Position Classification, and Career Development Plans for FY 2021, with changes to take effect on the pay period beginning June 28, 2020. Due to the Coronavirus pandemic and associated budget conditions, documents will be revisited later in the fiscal year.

* **20200419** **Updating Personnel Policies**

Motion approving an ordinance amending the City/BLW personnel policies regarding recruitment, selection, and reemployment.
Included in this Ordinance is the required waiver set forth in 1 4 040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20200410** **Roselane Street Speed Study**

Motion authorizing Public Works to conduct the speed study of the Roselane Street area to determine if traffic calming devices are needed.

* **20200417** **Frasier Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Frasier Street from South Fairground Road to Alexander Circle to determine if traffic calming devices are needed.

* **20200425** **Cleburne Avenue Speed Study**

Motion authorizing Public Works to conduct the speed study of the Cleburne Avenue area to determine if traffic calming devices are needed.

* **20200420** **Seminole Speed Study Calming Concept**

Motion authorizing Public Works to install parking bulb outs for on-street parking, medians, and parking restrictions on Seminole Dr.

* **20200418** **Anderson Street Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Anderson Street from 162 Anderson Street to 25 Powder Springs Street. This motion does not grant a perpetual variance. Comcast must relocate underground at their expense if other utilities at the location are moved underground.

Council Member Goldstein discloses that the recipients of the service are tenants of Philip M. Goldstein and Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is an owner of the Herbert S. Goldstein Family Limited Partnership. Philip M. Goldstein is the father of Council Member Goldstein.

Council member Goldstein abstaining

* **20200411** **Proposed Revision to the Water Use Ordinance for Commercial Car Wash Recycling**

Motion for the City of Marietta to adopt the revised Water Use Ordinance for Commercial Car Wash Recycling.

First Reading

* **20200412** **Proposed Wastewater/Sanitary Sewer System Ordinance**

Motion for the City of Marietta to adopt the addition of a new Ordinance of the Wastewater/Sanitary Sewer System prohibiting decentralized wastewater systems.

First Reading

* **20200414** **Proposed Revision to the Water Use Ordinance for Large Landscape Irrigation Systems**

Motion for the City of Marietta to adopt the revised Water Use Ordinance for Large Landscape Irrigation Systems.

First Reading

OTHER BUSINESS:

20200327 **V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC)**

V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC) are requesting variances for property located in Land Lot 941, District 16, Parcel 0030, 2nd Section of Cobb County, Marietta, Georgia and being known as 1161 Bells Ferry Road. Ward 4B.
Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North. [§712.08 (G.2.a.)]
Variance to allow more than twelve (12) parking spaces in a row without a planter island. [§712.08 (G.1.a.)]
Request to modify the site plan associated with Z2018-32 (20181183).

Public Hearing (all parties are sworn in)

20200494 **Appeal of CoA2020-03 (#20200472) 441 Church Street - Cooper Jones**

Consideration of an appeal made by Cooper Jones Construction of a decision by the Historic Preservation Commission on the Certificate of Appropriateness (#20200472) for a change in porch materials at 441 Church Street.

* **20200485** **BJA FY 2020 Coronavirus Emergency Supplemental Funding**

Motion to approve an Ordinance amending the Fiscal Year 2020 Grant Fund for the City of Marietta to receive a grant from the Department of Justice, Bureau of Justice Assistance (B.J.A.) for $67,149.00 to purchase items as needed for the City of Marietta's response to the Covid-19 virus pandemic.

* **20200514** **MEAG Power 2020 Annual Election**

Motion to appoint Council member Andy Morris as the voting delegate and BLW General Manager Ron Mull as the alternate voting delegate for the MEAG Power 2020 Annual Election.

20200504 **City Resolution**

Motion to approve a Resolution which will be presented by Council Member Cheryl Richardson.

20200505 **Resolution Supporting HB 426**

Motion to approve a Resolution supporting the HB 426.

20200506 **Temporary Usage Permit for Dine-in/Dine-Out Tents**

To authorize staff to consider for implementing a temporary usage permit for dine-in/dine-out tents similar to such Recently approved in the city of Duluth, Georgia. Said permit shall include Promulgated necessary regulations, how furnished, and adherence to social distancing, no smoking, and general use encouraging take out dining of nearby restaurants as to, but not limited to, the following:

1. Glover Park with Branding Project as permitted user.
2. Conference Center on adjacent open space and in parking lot (limited to Area occupying less than 10% of all available parking on premises. Permitted User-Hilton
3. Shopping center, that has two or more eateries, allowed in parking areas Subject to City restrictions including less than 10% of all parking. Permitted User-Management of shopping center
4. Office Building that has over 100 parking spaces and building has employee break/dining room.

If enacted, commencing 7/1/20 through 9/30/20.

Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta.

* **20200474** **BLW Actions of June 8, 2020**

Review and approval of the June 8, 2020 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT:

City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary

CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, June 10, 2020 **7:00 PM** **Council Chamber**

20200481 **Scheduled Appearance**

Scheduled Appearance - Larry Wills

Not Present

* **20200438** **Regular Meeting - May 13, 2020**

Review and approval of the May 13, 2020 regular meeting minutes.

Approved and Finalized

* **20200439** **Special Meeting - May 20, 2020**

Review and approval of the May 20, 2020 special meeting minutes.

Approved and Finalized

* **20200405** **GMA Voting Delegates**

Appointment of Michelle Cooper Kelly as the voting delegate and Joseph R. Goldstein as the alternate voting delegate for the 2020 GMA Business Meeting being held during the virtual GMA Annual Convention.

Approved and Finalized

20200143 **Z2020-11 [REZONING] ALI GHADRDAN (STEPHEN THOMPSON)**

Z2020-11 [REZONING] ALI GHADRDAN (STEPHEN THOMPSON) are requesting the rezoning of 3.15 acres located in Land Lots 140 & 141, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

Tabled

The Planning Commission recommends Approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Chairman Kinney, Mr. Diffley and Mr. McClure were for. Mr. Anderson, Mr. Davis, Mr. Hunter and Ms. McClure opposed. The motion failed.

Ms. McCrae made a 2nd motion, seconded by Mr. Hunter to deny the application. Mr. Anderson, Mr. Hunter and Ms. McCrae were for. Chairman Kinney, Mr. Diffley, Mr. Davis and Mr. McClure were against. The 2nd motion failed.

Chairman Kinney made a 3rd motion, seconded by Mr. McClure to recommend approval as submitted including the stipulation letters dated May 22, 2020 and May 29, 2020. Mr. Hunter and Ms. McCrae opposed. The motion carried 5-2-0.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

1. Letter of stipulations from Ali Ghadrdan and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 22, 2020, and;
2. Letter containing additional stipulations from Ali Ghadrdan and Peter "Beau" Durham, Hickory Custom Homes, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.

Public Hearing (all parties are sworn in)

Ward 3A.

This Item was TABLED at the May 13th City Council Meeting.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.

20200295 **Z2020-17 [REZONING] MICHAEL LANGSTON**

Z2020-17 [REZONING] MICHAEL LANGSTON is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional).

Motion to approve with the following variances are incorporated as conditions of zoning:
1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet.
2. Variance to reduce the minimum lot width from 75' to 60'.
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35.
4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is.
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'.

The following stipulations are incorporated as conditions of zoning:
1. The exterior of the property be brought into compliance within three (3) months.
2. A solid fence, six feet in height, will be constructed across the rear line of the property where it abuts property zoned PRD-SF and a row of evergreen trees, a minimum of eight feet in height at the time of planting will be installed along the interior (268 Church St. side) of the fence along the rear line. The fence will be installed not later than August 15, 2020 and the applicant will attempt to have the landscaping installed by October 15, 2020, but in no event later than November 1, 2020.

Approved as Amended

* **20200345** **Z2020-19 [REZONING] PULTE HOME COMPANY, LLC**

Z2020-19 [REZONING] PULTE HOME COMPANY, LLC is requesting the rezoning of 3.8 acres located in located in Land Lots 290, District 17, Parcel 0640 of the 2nd Section, Cobb County, Georgia, and being known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

Tabled

20200348 **Z2020-20 [REZONING] MARK LEWIS**

Z2020-20 [REZONING] MARK LEWIS is requesting the rezoning of 0.74 acres located in Land Lot 1144, District 16, Parcel 1680 of the 2nd Section, Cobb County, Georgia, and being known as 308 Montgomery Street from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density.

Motion to approve with the following variance and stipulation are incorporated as conditions of zoning:

1. *Variance to increase the density from 4 units/acre to 4.05 units/ acre.*
2. *Sidewalks will be required as part of the building permit for each parcel.*

Approved as Amended

20200365 **Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY**

Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY are requesting the rezoning of approximately 1.6 acres located in Land Lots 506 & 575, District 17, Parcel 0620 of the 2nd Section, Cobb County, Georgia, and being known as a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise).

Motion to approve with the following variances are incorporated as conditions of zoning:

Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac.
Variance to reduce the minimum building height from 5 stories to 4 stories.
Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'.
Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'.
Variance to reduce the parking minimum from 148 to 86 parking spaces.

Approved as Amended

20200366 **Z2020-23 [REZONING] 33 HOLDINGS LLC**

Z2020-23 [REZONING] 33 HOLDINGS LLC is requesting the rezoning of 3.26 acres located in Land Lot 433, District 17, Parcel02 0140 of the 2nd Section, Cobb County, Georgia, and being known as 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential - 12 units/acre).

Motion to approve with the following stipulations are incorporated as conditions of zoning:

1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.
2. At the time that the preliminary plat is submitted for consideration and approval, in addition to the site plan and landscape plan, a building footprint plan showing staggered units and architectural elevations showing all four sides of the buildings must also be included as part of the preliminary plat for consideration and approval.

Approved as Amended

* **20200367** **Z2020-24 [REZONING] BERCHER HOMES, LLC**

Z2020-24 [REZONING] BERCHER HOMES, LLC is requesting the rezoning of 0.43 acres located in Land Lot 1231, District 16, Parcels 0260 & 0270 of the 2nd Section, Cobb County, Georgia, and being known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

Tabled

20200160 **CA2020-04 [CODE AMENDMENT]**

CA2020-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 712.11, Residential Infill Development Overlay District.

Approved and Finalized

* **20200430** **PY19 CDBG Annual Action Plan Amendment**

Motion to approve the PY19 CDBG Annual Action Plan amendment to incorporate new allocation of CDBG-CV funds used to prevent, prepare for or respond to COVID-19.

Approved and Finalized

* **20200398** **Adoption of Recommended Budget for FY2021**

Motion to approve an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

Approved and Finalized

* **20200442** **Wildwood Park Disc Golf Course**

Motion to approve funding for the planning, design, and engineering for a Disc Golf Course at Wildwood Park from 2009 Parks Bond Fund proceeds.

Approved and Finalized

20200446 **FY2021 Tourism Grants**

Motion to approve the grant amounts presented for each tourism organization, along with the Welcome Center Contract.

City Staff Request - Vapor Wake Dog	$ 00
City Staff Request - City Services	$140,000
The Earl Smith Strand Theatre	$ 54,780
Cobb NAACP Juneteenth	$ 5,000
GA Metro Dance Theatre	$ 14,940
Georgia Symphony Orchestra	$ 12,450
Marietta/Cobb Museum of Art	$ 74,700
Marietta Museum of History	$160,000
Marietta Square Branding Project	$ 5,000
Old Zion Baptist Church Heritage Museum	$ 8,300
The Georgia Ballet	$ 8,300
Marietta Gone with The Wind Museum	$ 68,670
Cobb Landmarks	$ 16,600
Marietta Business Association (Art in Park)	*In with City Services
Marietta Arts Council	$ 6,960
Atlanta Lyric Theatre	$ 8,300
Friends of Brown Park	$ 00
Marietta Educational Gardens	$ 00
	$584,000
Marietta Welcome Center	$300,000
Marietta Visitor's Bureau Facility Maintenance	$ 10,000
	$310,000

Approved and Finalized

* **20200451** **Modification of the Independent Contractor Agreement Between the Marietta Development Authority and 6-4-3DP Athletics, LLC**

Motion to approve a modification to the Independent Contractor Agreement between the Marietta Development Authority and 6-4-3DP Athletics, LLC.

Approved and Finalized

GMA District 3 West Officers

* **20200471**

Motion to approve the City vote for GMA District 3 West Officers for 2020-2022.

Approved and Finalized

* **20200344** **FY 2021 City/BLW Pay and Classification System documents**

Motion approving an Ordinance adopting the City of Marietta and Board of

Lights and Water Position Allocation Charts, and the Compensation, Position Classification, and Career Development Plans for FY 2021, with changes to take effect on the pay period beginning June 28, 2020. Due to the Coronavirus pandemic and associated budget conditions, documents will be revisited later in the fiscal year.

Approved and Finalized

* **20200419** **Updating Personnel Policies**

Motion approving an ordinance amending the City/BLW personnel policies regarding recruitment, selection, and reemployment.
Included in this Ordinance is the required waiver set forth in 1 4 040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.

Approved and Finalized

* **20200410** **Roselane Street Speed Study**

Motion authorizing Public Works to conduct the speed study of the Roselane Street area to determine if traffic calming devices are needed.

Approved and Finalized

* **20200417** **Frasier Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Frasier Street from South Fairground Road to Alexander Circle to determine if traffic calming devices are needed.

Approved and Finalized

* **20200425** **Cleburne Avenue Speed Study**

Motion authorizing Public Works to conduct the speed study of the Cleburne Avenue area to determine if traffic calming devices are needed.

Approved and Finalized

* **20200420** **Seminole Speed Study Calming Concept**

Motion authorizing Public Works to install parking bulb outs for on-street parking, medians, and parking restrictions on Seminole Dr.

Approved and Finalized

* **20200418** **Anderson Street Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow

the installation of fiber to be over lashed on existing fiber along Anderson Street from 162 Anderson Street to 25 Powder Springs Street. This motion does not grant a perpetual variance. Comcast must relocate underground at their expense if other utilities at the location are moved underground.

Approved and Finalized

* **20200411** **Proposed Revision to the Water Use Ordinance for Commercial Car Wash Recycling**

Motion for the City of Marietta to adopt the revised Water Use Ordinance for Commercial Car Wash Recycling.

Second Reading

Approved and Finalized

* **20200412** **Proposed Wastewater/Sanitary Sewer System Ordinance**

Motion for the City of Marietta to adopt the addition of a new Ordinance of the Wastewater/Sanitary Sewer System prohibiting decentralized wastewater systems.

Second Reading

Approved and Finalized

* **20200414** **Proposed Revision to the Water Use Ordinance for Large Landscape Irrigation Systems**

Motion for the City of Marietta to adopt the revised Water Use Ordinance for Large Landscape Irrigation Systems.

Second Reading

Approved and Finalized

20200327 **V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC)**

V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC) are requesting variances for property located in Land Lot 941, District 16, Parcel 0030, 2nd Section of Cobb County, Marietta, Georgia and being known as 1161 Bells Ferry Road. Ward 4B.
1. Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North. [§712.08 (G.2.a.)]
2. Variance to allow more than (12) parking spaces in a row without a planter island.

3. Request to modify the site plan associated with Z2018-32 (20181183).

Motion to approve the following variances for property located at 1161 Bells Ferry Road.
Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North.
Request to modify the site plan associated with Z2018-32 (20181183).

Approved as Amended

20200494 **Appeal of CoA2020-03 (#20200472) 441 Church Street - Cooper Jones**

Consideration of an appeal made by Cooper Jones Construction of a decision by the Historic Preservation Commission on the Certificate of Appropriateness (#20200472) for a change in porch materials at 441 Church Street.

Motion to reverse the decision by the Historic Preservation Commission to deny the Certificate of Appropriateness (#20200472) for a change in porch materials at 441 Church Street.

Approved and Finalized

* **20200485** **BJA FY 2020 Coronavirus Emergency Supplemental Funding**

Motion to approve an Ordinance amending the Fiscal Year 2020 Grant Fund for the City of Marietta to receive a grant from the Department of Justice, Bureau of Justice Assistance (B.J.A.) for $67,149.00 to purchase items as needed for the City of Marietta's response to the Covid-19 virus pandemic.

Approved and Finalized

* **20200514** **MEAG Power 2020 Annual Election**

Motion to appoint Council member Andy Morris as the voting delegate and BLW General Manager Ron Mull as the alternate voting delegate for the MEAG Power 2020 Annual Election.

Approved and Finalized

20200504 **City Resolution**

Motion to approve a resolution which will be presented by Council Member Cheryl Richardson.

Approved and Finalized

20200505 **Resolution Supporting HB 426**

Motion to approve a Resolution supporting the HB 426.

Approved and Finalized

20200506 **Temporary Usage Permit for Dine-in/Dine-Out Tents**

To authorize staff to consider for implementing a temporary usage permit for dine-in/dine-out tents similar to such Recently approved in the city of Duluth, Georgia. Said permit shall include Promulgated necessary regulations, how furnished, and adherence to social distancing, no smoking, and general use encouraging take out dining of nearby restaurants as to, but not limited to, the following:

1. Glover Park with Branding Project as permitted user.
2. Conference Center on adjacent open space and in parking lot (limited to Area occupying less than 10% of all available parking on premises. Permitted User-Hilton
3. Shopping center, that has two or more eateries, allowed in parking areas Subject to City restrictions including less than 10% of all parking. Permitted User-Management of shopping center
4. Office Building that has over 100 parking spaces and building has employee break/dining room.

If enacted, commencing 7/1/20 through 9/30/20.

Motion to approve an ordinance amending the Municipal Code Chapter 8-39, Outdoor Cafes to add paragraph 8-39-065 Temporary usage permit for outdoor restaurants within the entire jurisdictional limits of the City of Marietta – Covid-19.

Approved and Finalized

* **20200474** **BLW Actions of June 8, 2020**

Review and approval of the June 8, 2020 actions and minutes of Marietta Board of Lights and Water.

Approved and Finalized

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-11 **LEGISTAR: 20200143**

LANDOWNERS: **Stephen Thompson**
1170 Longwood Dr.
Marietta, GA 30008

APPLICANT: **Ali Ghadrdan**
2075 Fairport Way
Marietta, GA 30062

PROPERTY ADDRESS: 888 & 898 Powder Springs Street

PARCEL DESCRIPTION: 17014100200 & 17014000190

AREA: ~3.15 acres **COUNCIL WARD: 2B**

EXISTING ZONING: R-2 (Single Family Residential – 2units/acre)

REQUEST: PRD-SF (Planned Residential Development – Single Family)

FUTURE LAND USE: LDR (Low Density Residential)

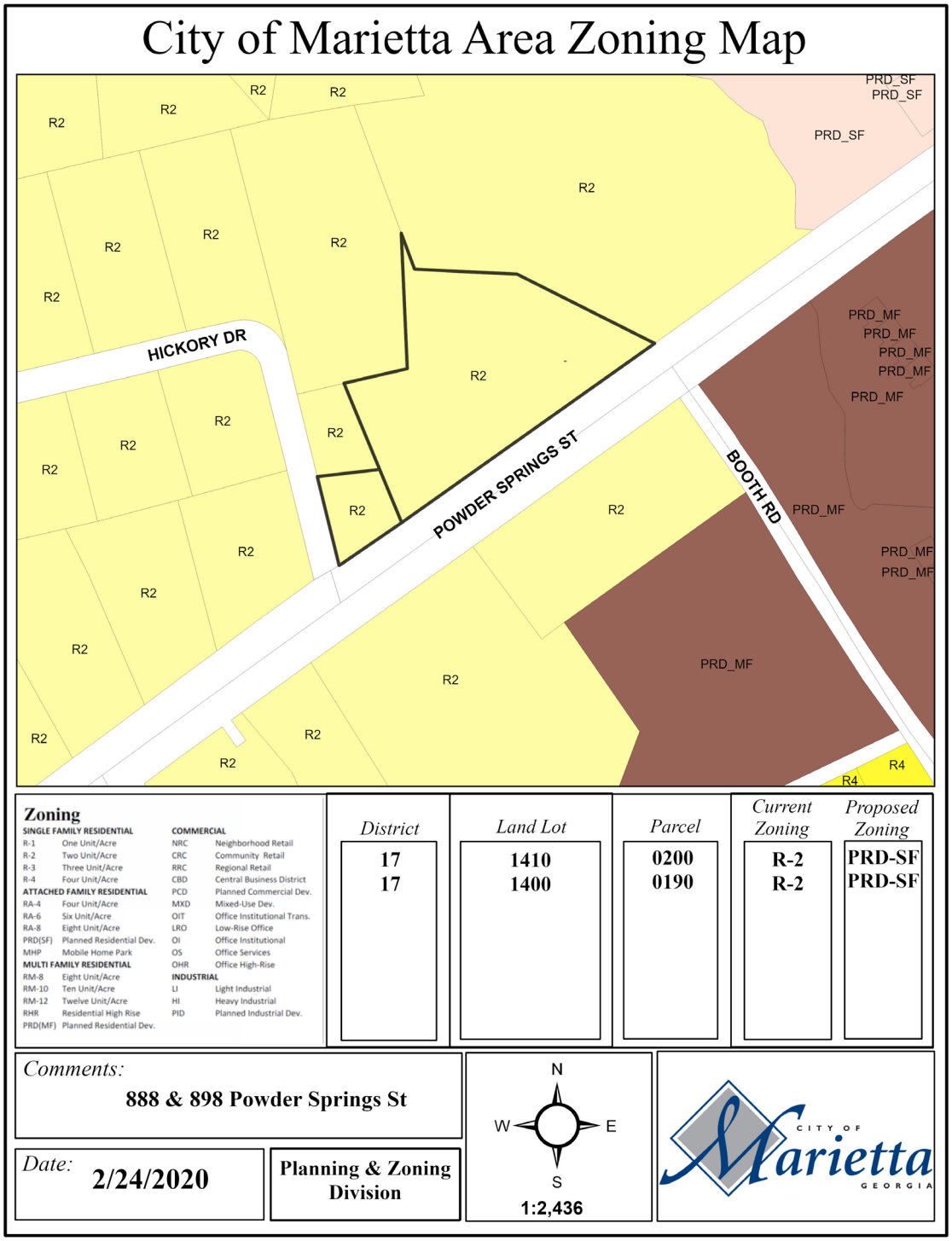
REASON FOR REQUEST: The applicant is requesting the rezoning of the subject properties from R-2 to PRD-SF to develop a new residential community with eleven (11) detached single-family houses.

PLANNING COMMISSION HEARING: Tuesday, June 2nd, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, June 10th, 2020 – 7:00 p.m.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



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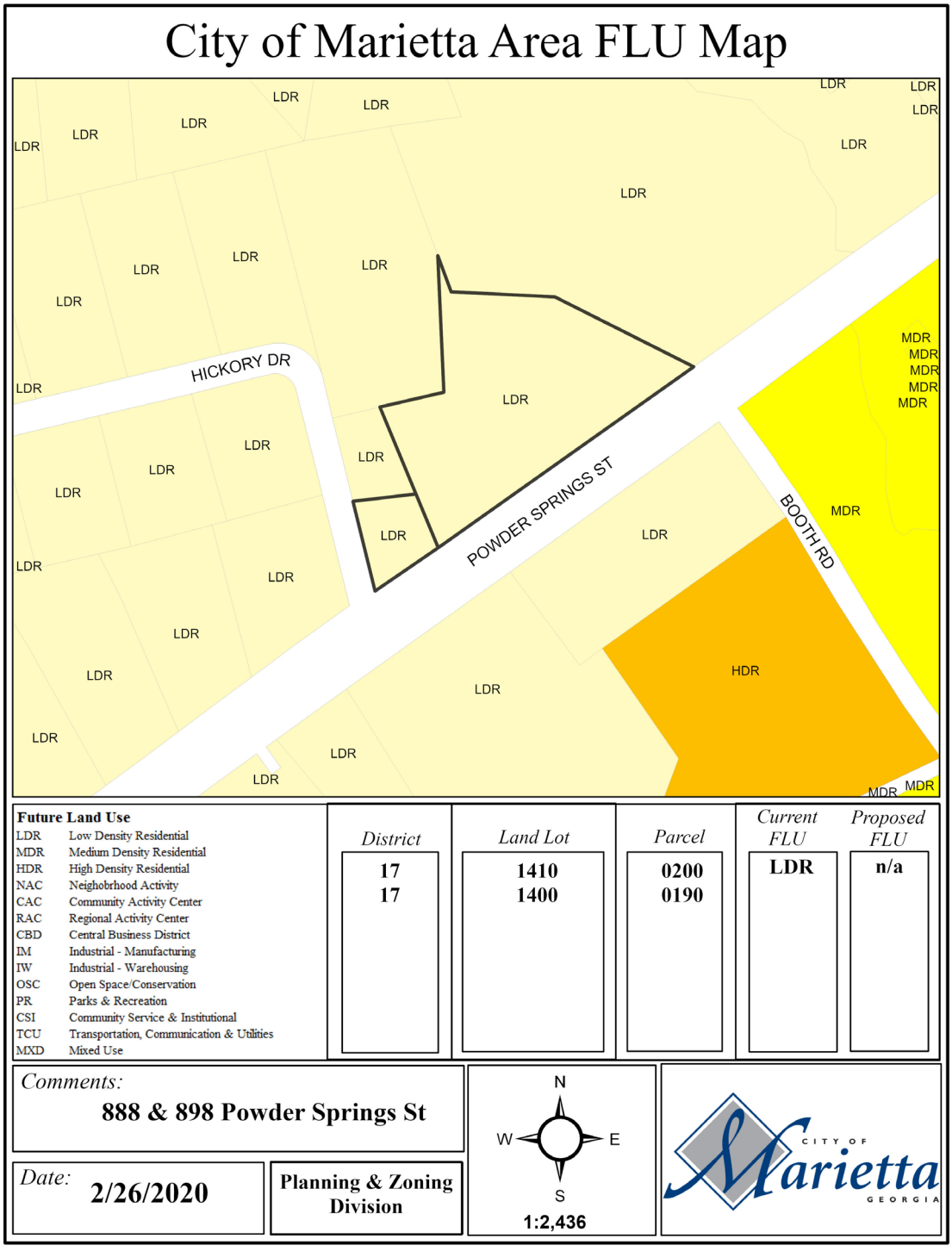
FLU MAP



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

PICTURES OF PROPERTY

888 Powder Spring Street

898 Powder Springs Street

Facing Powder Springs Street from Hickory Drive

Facing Hickory Drive from Powder Springs Street

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF ANALYSIS

Location Compatibility

The applicant is requesting to rezone 888 & 898 Powder Springs Street, currently zoned R-2 (Single Family Residential – 2 units/acre) to PRD-SF (Planned Residential Development – Single-Family). The properties – totaling 3.15-acres - are located at the corner of Powder Springs Street and Hickory Drive and within the City's Commercial Corridor Overlay District - Tier B and Dobbins Air Reserve Base AICUZ Overlay District – Accident Potential Zone II (APZ-II). The surrounding properties are also zoned R-2 and within the Commercial Corridor Overlay District - Tier B. Despite the designation within the Commercial Corridor Overlay District, the site has always functioned as a residential property. The APZ-II is identified as the area with that has the least but measurable risk of accidents within the runway path from Dobbins ARB.

Use Potential and Impacts

The applicant is proposing to develop eleven (11) single family detached units within a 3.15-acre tract, which will yield a density of 3.49 units/acre. A new private road would be constructed to provide access to the new homes off of Hickory Drive. The new development would include required open space, additional parking near the entrance, and a mail kiosk.

The plan submitted is a general plan that is required with the rezoning application; and based on the information provided, the overall design of the subdivision appears to generally comply with the PRD-SF standards. The minimum lot size is approximately 5,400 square feet and the minimum floor area is 1,800 square feet. The open space area is at 0.87 acres, approximately 27.6% of the total site.

The proposed homes will have two-stories and some units will include a basement. Although there were no elevations submitted, the applicant has indicated that the exterior facades will include four-sided brick and/or stone with hardy plank siding; and each home will have a patio in the rear. A detailed plan will be submitted for City Council approval prior to site development and will include a more detailed site plan, tree plan, and architectural elevations.

The City's Comprehensive Plan has designated the future land use for the property as Low Density Residential, LDR. LDR is appropriate for detached residential homes at a density up to four (4) units per acre. As compared to the surrounding communities, the proposed development would have a slightly higher density, which would be an appropriate transition between existing communities and a highly travelled thoroughfare. PRD-SF is listed as a compatible zoning and this proposal is supported by the City's Comprehensive Plan.

Environmental Impacts

The property is heavily wooded and would be significantly cleared during the development process. There is a pond on the adjacent property to the east that is protected by state and city buffers that extend into the rear portion of lots four (4) to eight (8). Since the lot was platted after 2006, the property would not be eligible for city stream buffer variances. There is also the potential for wetlands on the site.

Economic Functionality

This area of the city is highly desirable for residential use and is easily accessible. The current R-2 zoning would allow six (6) single family homes on 3.15 acres.

Although the properties are shown as two (2) separate parcels, they were recently combined into one parcel known as 888 Powder Springs Street. Prior to the combination, 898 Powder Springs Street was a substandard lot created from an illegal subdivision years ago.

Infrastructure

The proposed new road into the subdivision would intersect with Hickory Drive and is shown to meet all standards for a local road in Section 730 of the zoning ordinance. Sidewalks are shown internally along one side of the development and would be required to continue along the Hickory Drive and Powder Springs Street frontages.

The proposed new road intersects very close to the intersection of Hickory Drive and Powder Spring Street. The Public Works Department would require the developer to demonstrate adequate line of sight at the entrance and would also require a traffic study. Further, it has been noted that the stormwater outfall may be a challenge due to the topography of the site.

The serving elementary school would be Hickory Hills. Currently, Hickory Hills is below capacity; however, the serving middle and high schools are above capacity. There is a projected number of five (5) students to be added from proposed development.

Provision of water and sewer is not anticipated to be a problem.

Overhead Electrical/Utilities

There are overhead utilities along Powder Springs Street in front of the subject property. However, the applicant is proposing a 25-foot landscape buffer providing a safe distance between the overhead utilities and proposed buildings.

History of Property

There are no variances, special land use permits or rezonings associated with the subject property.

Other Issues

Since single family residences are exempt from the Commercial Corridor Design Overlay District – Tier B standards and would not apply to the proposed development. However, the developer will be required to notify Dobbins ARB prior to development.

PRD-SF is a site-specific zoning which requires a general plan for the rezoning application. However, at a later time the City Council will be required to review and approve the detailed plan, including site layout plan, tree plan, and architectural elevations, prior to construction.

The following standards, which have historically been applied to all PRD-SF developments, are technically only applicable to attached dwelling neighborhoods. As a result, the following **would not be required** of this detached neighborhood, unless specifically stipulated:

a) A mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development. Those projects containing ten (10) units or less, and considered redevelopment, conversion or remodeling of existing units shall be exempt from this requirement.
b) Materials to be used on exterior facades of all buildings shall include brick, stone, stucco (not EFS type) or fiber-cement siding, or combinations of those materials. No vinyl, aluminum or metallic siding may be used.
c) The townhouses shall be "for sale" only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time.
d) The development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. §44-3-70, et seq.). A Declaration of Condominium shall be submitted and recorded in compliance of this act.
e) All townhouses shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 20 feet in length in order to accommodate two additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the Covenants to ensure enforcement.

f) A guest parking area shall be provided at a ratio of 0.2 spaces per dwelling unit.
g) The development shall comply with all recommendations from the City of Marietta Public Works Department with respect to hydrology, stormwater management, downstream considerations and any donation and/or conveyance of right-of-way that is deemed necessary.
h) A 150-foot acceleration lane and a 150-foot deceleration lane with appropriate tapers shall be constructed if required by the Public Works Department.
i) A recreation area shall be provided at a ratio of 1 acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 square feet provided. Such area shall be developed with at least one passive recreational feature, such as a walking trail, pavilion, gazebo or picnic area, and at least one active recreational feature, such as a swimming pool, playground or tennis courts. Active recreational areas must be outside of any floodplain area and located in such a manner that at least 75% of the townhouses are within 300 feet, as measured from the building footprints. Any recreation area, whether passive or active, must be located in an area with a slope of less than 15%; however, all recreation areas must meet ADA requirements for accessibility. Active recreational areas must be improved through the use of terracing or other techniques to provide a usable area, such that at least 25% of the entire recreational area shall have a slope of no greater than 3%.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

ANALYSIS & CONCLUSION

The applicant is requesting to rezone 888 & 898 Powder Springs Street, currently zoned R-2 to PRD-SF. These 3.15-acres are located at the corner of Powder Springs Street and Hickory Drive. Surrounding properties contain single family detached homes that are also zoned R-2.

The applicant is proposing to develop eleven (11) single family detached units within a 3.15-acre tract, which will yield a density of approximately 3.49 units/acre. The proposed homes will have two-stories and some units will include a basement. Although there were no elevations submitted, the applicant has indicated that the exterior facades will include four-sided brick and/or stone with hardy plank siding; and each home will have a patio in the rear. A detailed plan will be submitted for City Council approval prior to site development and will include a more detailed site plan, tree plan, and architectural elevations. Otherwise, the overall design of the subdivision appears to generally comply with the PRD-SF standards.

The property is heavily wooded and would be significantly cleared during the development process. There is a pond on the adjacent property to the east that is protected by state and city buffers that extend into the rear portion of lots four (4) to eight (8). There is also the potential for wetlands on the site.

The proposed new road accesses Hickory Drive very close to the intersection of Hickory Drive and Powder Spring Street. The Public Works Department would require the developer to demonstrate adequate line of sight at the entrance and would also require a traffic study.

The City's Comprehensive Plan has designated the future land use for the property as Low Density Residential, LDR. LDR is appropriate for detached residential homes at a density up to four (4) units per acre. As compared to the surrounding communities, the proposed development would have a slightly higher density, which would be an appropriate transition between existing communities and a highly travelled thoroughfare. PRD-SF is listed as a compatible zoning and this proposal is supported by the City's Comprehensive Plan.

Prepared by: Jason Hunt

Approved by: Rusty Roth

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	6” in Hickory with a 6” and 12” in Powder Springs St.
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8” in Hickory Dr
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Olley Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	Yes
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	Yes
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	Yes
Potential presence of endangered species in the area?	No

Additional Comments:

- Full site development plans required
- Platted after 2006, so not eligible for city stream buffer variances
- Sidewalk required for frontage and along same side of street as units
- Demonstrate line of sight at entrance
- Stormwater outfall will be difficult based on existing topography

TRANSPORTATION

What is the road affected by the proposed change?	Powder Springs St & Hickory Dr
What is the classification of the road?	Arterial
What is the traffic count for the road?	42800
Estimated # of trips generated by the proposed development?	Daily **unknown** AM PM
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	Opposite Side of Road
Transportation improvements in the area?	No
If yes, what are they?	

Additional Comments:

- Entrance is very close to Powder Springs St, would prefer it shifted as far away as possible from intersection. Consider right in/right out for entrance and a deceleration lane.
- Need a traffic study for the impact of the area.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	54 Chestnut Hill
Distance of the nearest station?	0.5 Miles
Most likely station for 1st response?	54
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:
Homes could be subject to fire sprinkler ordinance, depends on distances from the property lines and any adjacent structures. Marietta City Code 2-6-140.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x___ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Hickory Hills Elementary**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**425**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**353**
Current enrollment of Middle School:	**1,388**
Current enrollment of High School:	**2,419**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**5**
New schools pending to serve this area:	**0**
Comments:	

Marietta GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:
Application #: Z2020-11 Legistar #: 20200143 PZ #: 20-58
Planning Commission Hearing: 4-1-20 City Council Hearing: 4-6-20

Owner's Name *Stephen Thompson*

EMAIL Address:

Mailing Address *1170 longwood Dr Marietta Ga* Zip Code: *30008* Telephone Number *404-861-5339*

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: *Ali Ghadrdan*

EMAIL Address: *alighadrdan@yahoo.com*

Mailing Address *2075 Fairport way Marietta GA* Zip Code: *30062*

Telephone Number *404-787-9591* Email Address: *alighadrdan@yahoo.com*

Address of property to be rezoned: *888&898 Powder Spring St*

Land Lot (s) *140&141* District *17* Parcel *17014100200* Acreage *3.15* Ward *2B* Future Land Use: ~~*Residential*~~ *Houses* LDR

Present Zoning Classification: *R-2* 00190 00200 Proposed Zoning Classification: *PRD-SF*

REQUIRED INFORMATION

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.**
2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee ($500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
   If providing (24"x 36") then 5 copies REQUIRED.
   The following information must be included:
   - Specific use or uses proposed for the site
   - Acreage, bearing and distances, other dimensions, and location of the tract(s)
   - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
   - Detention/retention areas, and utility easements
   - Public or private street(s) - right of way and roadway widths, approximate grades
   - Location and size of parking area with proposed ingress and egress
   - Specific types and dimensions of protective measures, such as buffers
   - Landscaping
   - Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

CAMPAIGN CONTRIBUTIONS

The Owner **and** Applicant herein certify that he/she ☐has ☑has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

Signature of Owner

Signature of Applicant

Stephen Thompson

Print Name

Ali Ghadrdan

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐has ☒has not a financial interest in the property which is ten percent (10%) or more.

Ali Ghadrdan

Print Name

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner **or** Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

Signature

Ali Ghadrdan

Please Print

2075 Fairport way Marietta GA 30062

Address

2/14/2020

Date

Signed, sealed and delivered in the presence of:

My Commission Expires: 11/11/21

E SHAYAN NOTARY PUBLIC DEKALB COUNTY, GEORGIA MY COMMISSION EXPIRES NOVEMBER 11, 2021

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

Letter of Intent
And
Application For Rezoning

Springfield Subdivision

City of Marietta, Cobb County Georgia
Property:
Approximately 3.15 Acres
LL 140 And 141 of 17th District

888 Powder Springs St., Marietta Ga 30064
898 Powder Springs St., Marietta GA 30064

Rezoning Request:
R-2 to PRD-SF (Planned Residential Development - Single Family)

Submitted by:

Mona Properties Incorporated
Ali Ghadrdan
2550 Sandy Plains Rd. Suite 225 # 264
Marietta, GA 30066
Ph: 404-787-9591
Fax: 404-585-5688
monaproperties@hotmail.com
http://www.monaproperties.net
Facebook : Mona properties Inc.

INTRODUCTION TO SPRINGFIELD RESIDENTIAL DEVELOPMENT

The subject property is 3.15 acres of land located at 888 Powder Springs Street, Marietta Georgia 30064 and 898 Powder Springs Street, Marietta Georgia 30064. The current zoning is R-2. The applicant, Mona Properties Incorporated, is requesting said property to be rezoned to Planned Residential Development - Single Family (PRD-SF) to allow for eleven (11) single family detached dwellings. The Applicant respectfully requests rezoning pursuant to the provisions set forth in the City of Marietta Zoning Ordinance § 708.09.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.) Entrance and Border of the Development

The Springfield Subdivision main entrance will incorporate monuments comprised of square columns, approximate 30 inches X 30 inches X 72 inches high, constructed of brick and/or stone. From Hickory Drive into the Subdivision there will be two (2) square brick and/or stone columns approximate 24 inches X 24 inches X 60 inches high. Along Powder Springs Street, we will build ten to twelve (10-12) brick and/or stone columns approximate 24 inches X 24 inches X 60 inches with a wood privacy fence between the columns. We will also incorporate custom landscaping in front of the columns to allow for subtle up lighting to light and enhance the privacy and aesthetic appeal of this property.

2.) Description of the Single-Family Homes

Springfield Subdivision will include eleven (11) single family detached houses. The development will incorporate a mailbox kiosk with three (3) parking spots (including one handicap space) at the entrance to the subdivision. The single-family homes will be a minimum of 1800 square feet up to approximately 2500 square feet in size. The houses will be two story construction. The majority of the homes will be built on a slab and two or three houses might include a basement depending on the grade and suitability for a particular lot and the demand for the basement option. The exterior of the houses will be four sides brick and stone up to four-feet-high and hardy plank siding above the brick and stone. The roof covering will be Architectural Shingles and all exterior doors and windows will be PVC or aluminum. The subdivision will include concrete driveways, sidewalks and backyard concrete patios. The front yard and backyard of each home will include Bermuda sod with an irrigation system.

3.) Springfield Subdivision Site Plan

The Springfield Subdivision proposed site plan is attached. This unified plan was designed to optimize and foster natural resource conservation and provide neighborhood cohesiveness. It was also designed to conserve and create open space, reduce vehicle congestion by providing a stable, planned development that enhances the greater community. The property will remain underutilized and the proposed redevelopment will not be feasible without the zoning change.

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **May 15, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, June 2nd, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, June 10th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-11 [REZONING] ALI GHADRDAN (STEPHEN THOMPSON) are requesting the rezoning of 3.15 acres located in Land Lots 140 & 141, District 17, Parcel 0200 of the 2nd Section, Cobb County, Georgia, and being known as 888 (& 898) Powder Springs Street from R-2 (Single Family Residential – 2 units/acre) to PRD-SF (Planned Residential Development – Single Family). Ward 2B.

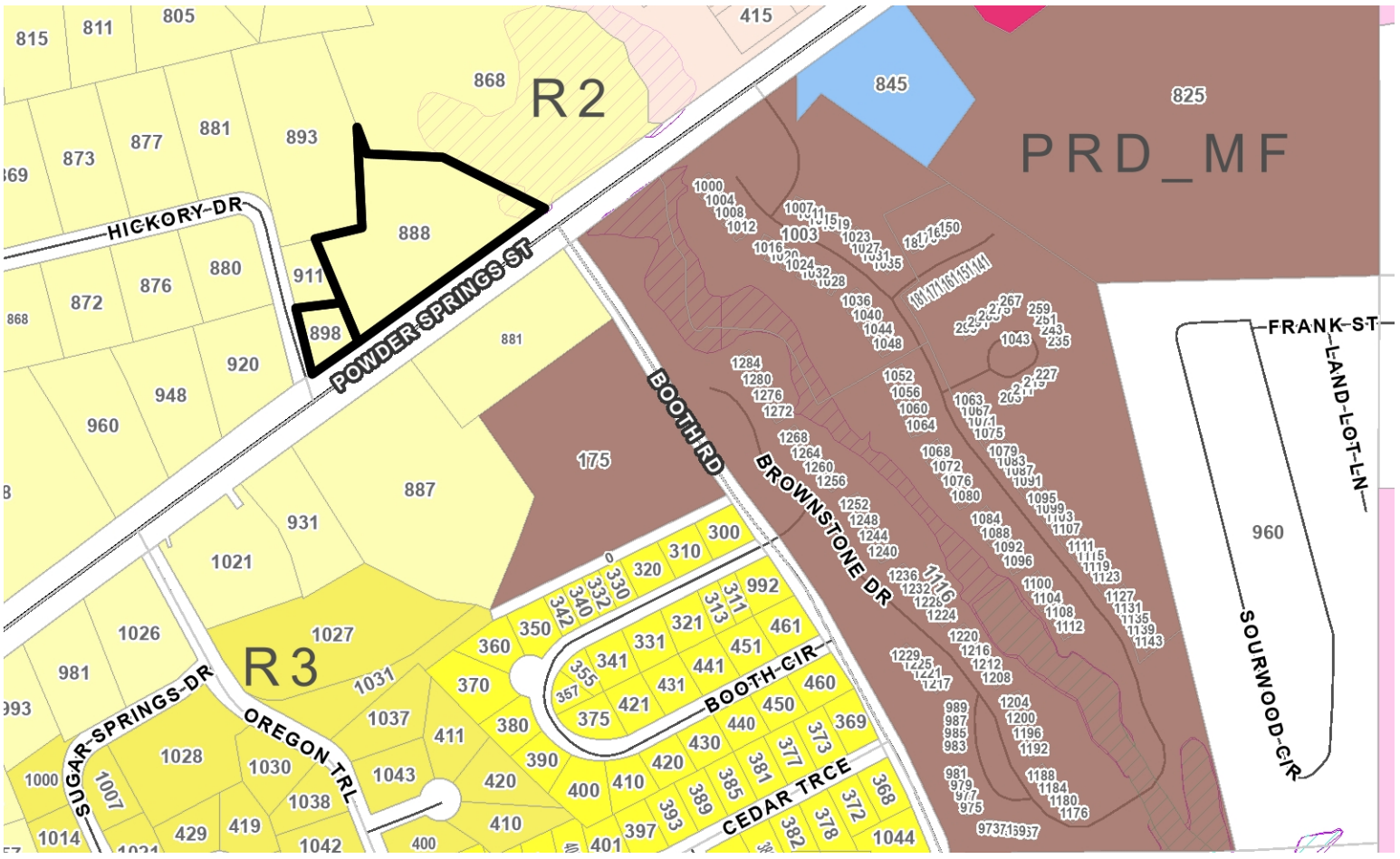
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
898 POWDER SPRINGS ST	17014000190	0.354	2B	R2	LDR
888 POWDER SPRINGS ST	17014100200	2.836	2B	R2	LDR

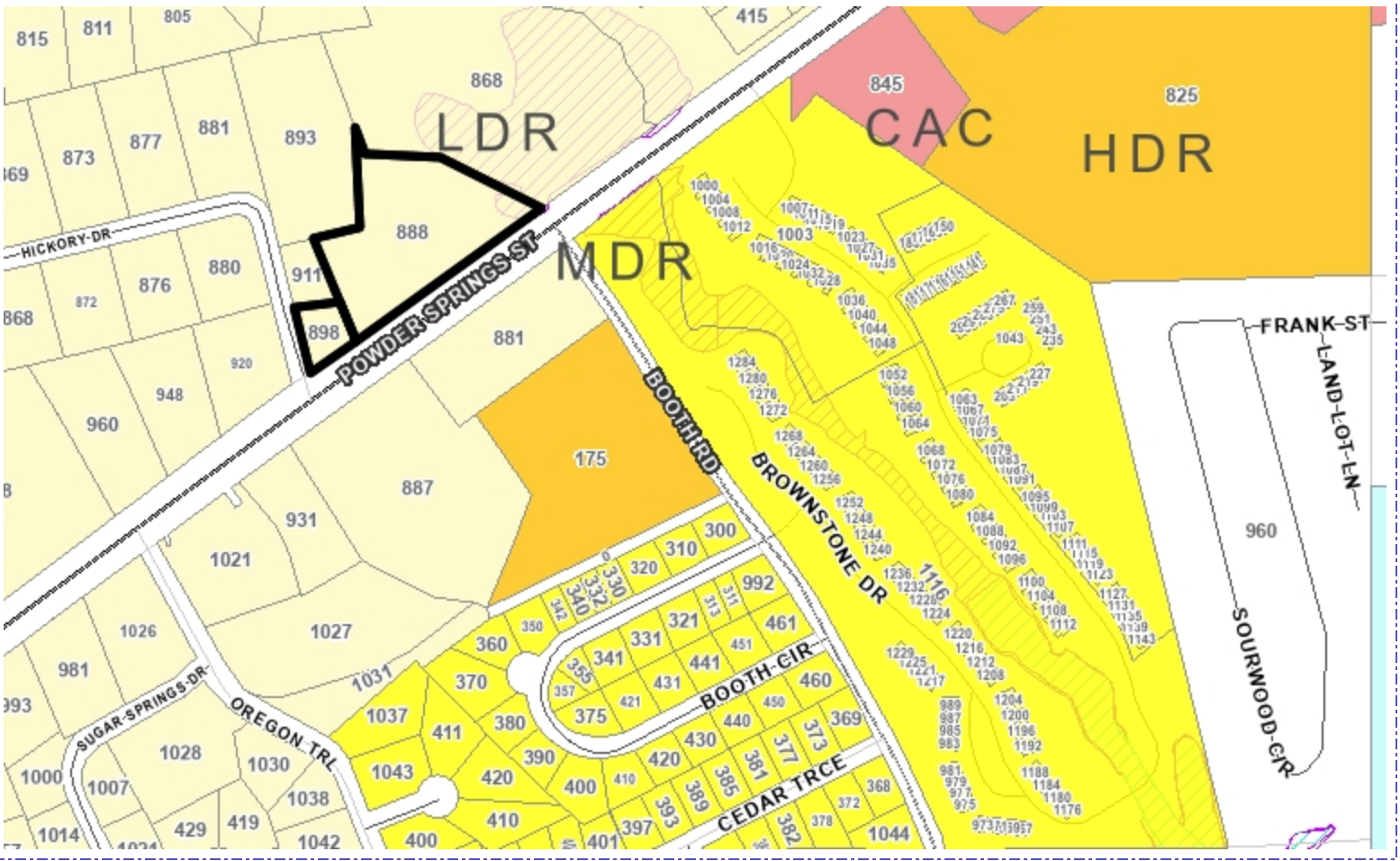
Property Owner:	Stephen Thompson
Applicant:	Ali Ghadrdan
Proposed Zoning:	R2 to PRD-SF
Agent:	
Proposed Use:	
Planning Commission Date:	06/02/2020
City Council Hearing Date:	06/10/2020
Case Number:	Z2020-11

City of Marietta Planning & Zoning

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Moble Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
898 POWDER SPRINGS ST	17014000190	0.354	2B	R2	LDR
888 POWDER SPRINGS ST	17014100200	2.836	2B	R2	LDR

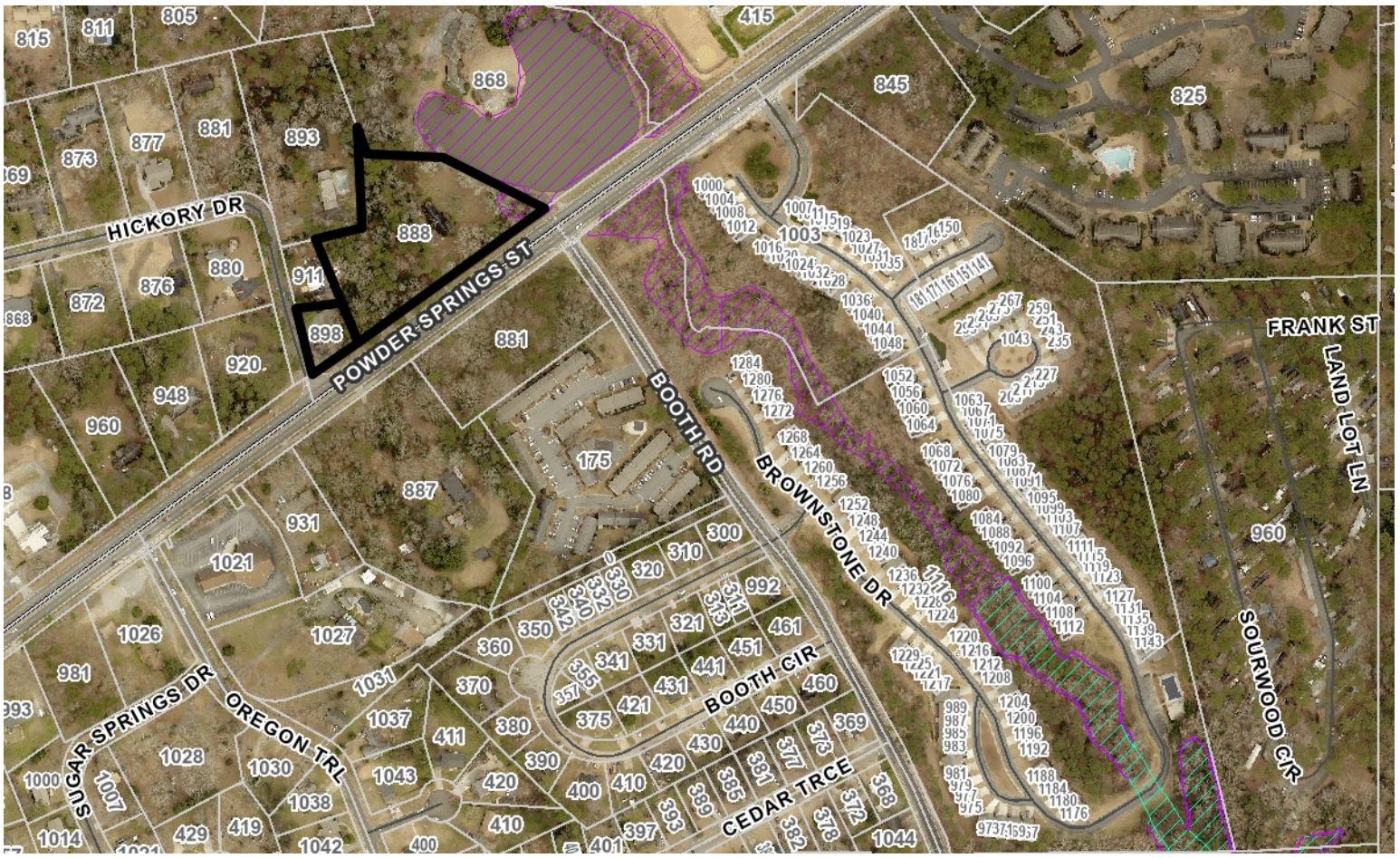
Planning Commission Hearing Date:	06/02/2020
City Council Hearing Date:	06/10/2020
Future Land Use:	LDR
Case Number:	
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

- Railroads
- City Limits
- Cobb County Pockets
- RAC - Regional Activity Center
- CAC - Community Activity Center
- NAC - Neighborhood Activity Center
- CBD - Central Business District
- MXD - Mixed Use Development
- CSI - Community Service and Institutional
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities

Aerial Map



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898 POWDER SPRINGS ST	17014000190	0.354	2B	R2	LDR
888 POWDER SPRINGS ST	17014100200	2.836	2B	R2	LDR

Property Owner: Stephen Thompson

Applicant: Ali Ghadrdan

City Council Hearing Date: 06/10/2020

Planning Commission Hearing Date: 06/02/2020

BZA Hearing Date: Case Number: Z2020-11

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

GENERAL NOTES:

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND INCOMPLETE. UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE SURVEYOR, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
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OWNER/DEVELOPER:
MONA PROPERTIES
2550 SANDY PLAINS RE.
SUITE 225 #264
MARIETTA, GA. 30066
24 HOUR CONTACT
ALI GHADRDAN
404-787-9591

ZONING PLAN FOR:

MONA PROPERTIES

898 POWDER SPRINGS STREET, SW
LAND LOT 140 & 141
17th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA
CITY OF MARIETTA
EXISTING ZONING: R-2
PIN: 17014000190
3.15± ACRES

THIS PLAN IS FOR ZONING PURPOSES ONLY

PROPOSED ZONING: PRD (SF)
PLANNED RESIDENTIAL DEVELOPMENT (SINGLE-FAMILY)

ZONING/SETBACKS:
R-2 (SINGLE-FAMILY RESIDENTIAL - 2 UNITS/ACRE)
FRONT: 40 FT (ARTERIAL)
35 FT (COLLECTOR)
30 FT (LOCAL)
SIDE: 25 FT (MAJOR)
10 FT (MINOR)
REAR: 30 FT
MIN LOT SIZE: 15,000 SF
MIN LOT WIDTH: 100 FT / 75 FT FOR CUL-DE-SAC
MAX BLDG HEIGHT: 40 FT
MIN FLOOR AREA: 1,600 SF
MAX LOT COVERAGE: 35%

ZONING/SETBACKS:
PRD-SF (PLANNED DEVELOPMENT FAMILY-SINGLE FAMILY)
(PER PB 277, PG 814)
FRONT: 15 FT
SIDE & MAJOR SIDE: 5 FT
REAR: 10 FT
MIN BLDG SEPARATION: 10 FT
MAX IMPERVIOUS AREA: 60%
MIN LOT SIZE: 5,425 SF
MIN HOUSE SIZE: 1,600 SF
MIN LOT WIDTH: 50 FT
MIN OPEN SPACE REQUIRED: 25% (0.79 ACRES)
MIN OPEN SPACE PROVIDED: 27.6% (0.87 ACRES)

	SQ FT	ACRES
TOTAL AREA	137,033	3.15
ROAD R/W	32,008	0.73
LOT AREA 1	5,486	0.13
2	5,472	0.13
3	6,244	0.14
4	5,439	0.12
5	5,446	0.13
6	5,909	0.14
7	5,451	0.13
8	5,427	0.12
9	5,430	0.12
10	5,773	0.13
11	5,935	0.14
TOTAL LOT AREA	62,012	1.42
OPEN SPACE 1	21,196	0.49
OPEN SPACE 1	16,608	0.38
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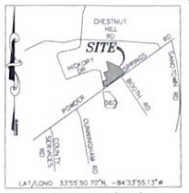
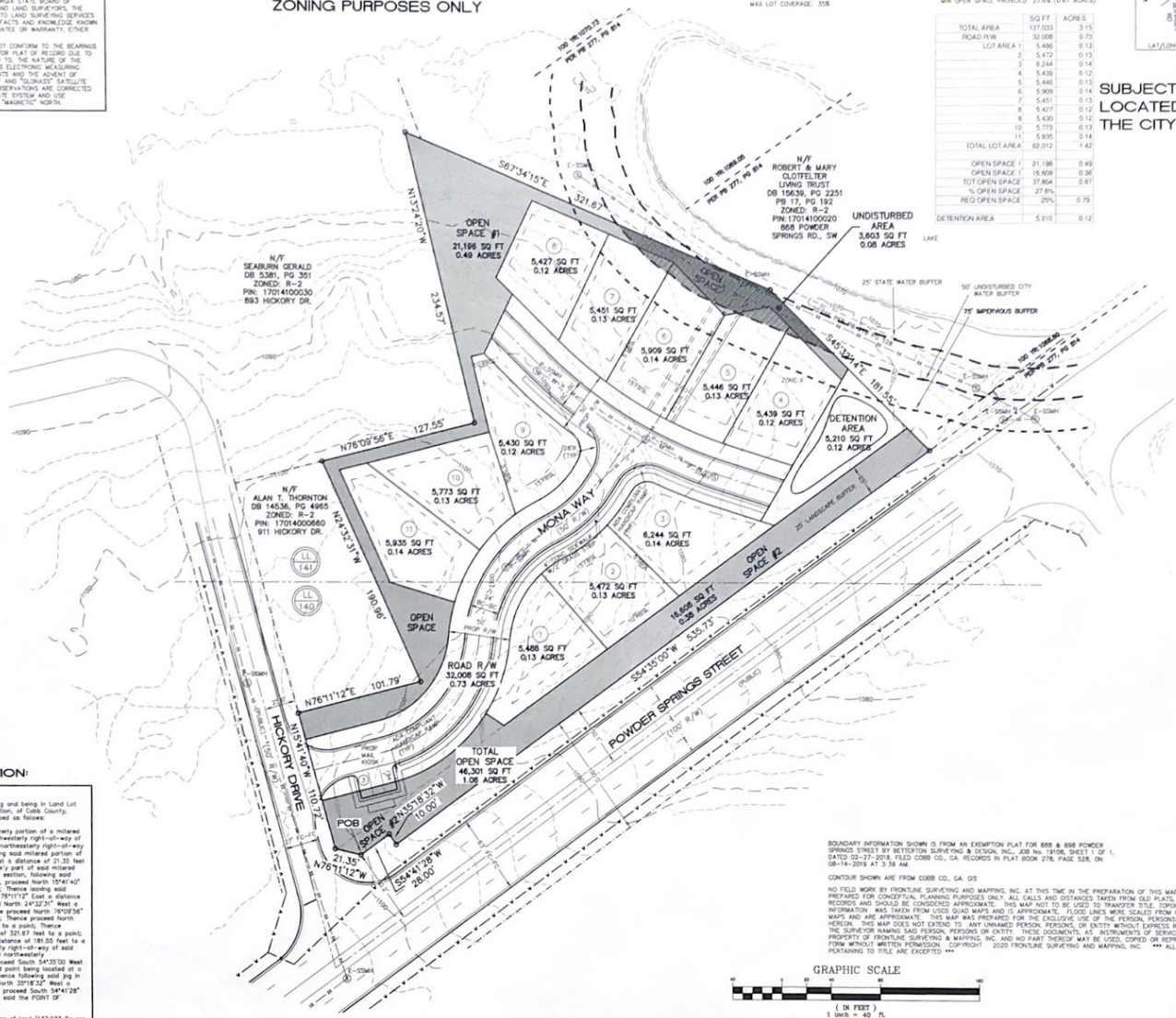
DETENTION AREA	5,210	0.12



SITE MAP (NTS)

SUBJECT PROPERTY IS LOCATED IN WARD 2 OF THE CITY OF MARIETTA



GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

LEGAL DESCRIPTION:

LEGAL DESCRIPTION - 3.15 ACRES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 140 and 141 of the 17th District, 2nd Section, of Cobb County, Georgia and being more particularly described as follows:

BEGINNING at a point located at the southerly portion of a mitered right-of-way which intersects on the northwesterly right-of-way of Powder Springs Road (100' R/W) and the northeasterly right-of-way of Hickory Drive (50' R/W). Thence following said mitered portion of right-of-way, proceed North 76°11'12" West a distance of 21.35 feet to a point, said point being on the northerly part of said mitered right-of-way. Thence leaving said mitered section, following said northeasterly right of way of Hickory Drive, proceed North 15°41'40" West a distance of 110.72 feet to a point; Thence leaving said northeasterly right-of-way proceed North 76°11'12" East a distance of 101.79 feet to a point; Thence proceed North 24°32'31" West a distance of 190.98 feet to a point; Thence proceed North 76°09'56" East a distance of 127.55 feet to a point; Thence proceed North 13°24'20" West a distance of 234.57 feet to a point; Thence proceed South 67°34'15" East a distance of 321.87 feet to a point; Thence proceed South 45°32'14" East a distance of 181.55 feet to a point, said point being on the northwesterly right-of-way of said Powder Spring Road; Thence following said northwesterly right-of-way of Powder Springs Road, proceed South 54°35'00 West a distance of 535.73 feet to a point, said point being located at a jog in said northwesterly right-of-way. Thence following said jog in the northwesterly right-of-way, proceed North 15°18'32" West a distance of 10.00 feet to a point; Thence proceed South 54°41'28" West a distance of 28.00 feet to a point, said the POINT OF BEGINNING.

Tract described herein containing 3.15 acres of land (137,033 Square feet), more or less.

BOUNDARY INFORMATION SHOWN IS FROM AN EXEMPTION PLAT FOR 888 & 898 POWDER SPRINGS STREET BY BETTERTON SURVEYING & DESIGN, INC., JOB No. 19108, SHEET 1 OF 1, DATED 02-27-2019, FILED COBB CO., GA. RECORDS IN PLAT BOOK 278, PAGE 528, ON 08-14-2019 AT 3:39 AM.

CONTOUR SHOWN ARE FROM COBB CO., GA. GIS

NO FIELD WORK BY FRONTLINE SURVEYING AND MAPPING, INC. AT THIS TIME IN THE PREPARATION OF THIS MAP. THIS MAP PREPARED FOR CONCEPTUAL PLANNING PURPOSES ONLY. ALL CALLS AND DISTANCES TAKEN FROM OLD PLATS, DEEDS AND TAX RECORDS AND SHOULD BE CONSIDERED APPROXIMATE. THIS MAP NOT TO BE USED TO TRANSFER TITLE. TOPOGRAPHIC INFORMATION WAS TAKEN FROM USGS QUAD MAPS AND IS APPROXIMATE. FLOOD LINES WERE SCALED FROM REFERENCE FLOOD MAPS AND ARE APPROXIMATE. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS MAP DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS REDERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT 2020 FRONTLINE SURVEYING AND MAPPING, INC. *** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

NOT ISSUED FOR CONSTRUCTION

SHEET 1 OF 1

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road, Bld. Suite 116, Ste. 272, Marietta, GA 30066
TELEPHONE (678) 355-9905 FAX (678) 355-9805
www.frontlinesurveying.com

ZONING PLAN FOR: 898 POWDER SPRINGS STREET, SW
MONA PROPERTIES
LAND LOT 140 & 141 17th DISTRICT 2nd SECTION
LOT UNIT BLOCK
SUBDIVISION
SURVEYED:
COMPUTED:
APPROVED:
DATE 01/22/20
SCALE 1" = 40'
REVISION COBB COUNTY, GEORGIA
BY DATE

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR
FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF #000831

PB 278 PAGE 528
DB PAGE

JOB # 70693

\\FS2\Projects_Detail\proj 70000 - 79999\79693.dwg, 898 Powder Springs St - Zoning Plan, 2/13/2020 2:57:00 PM, CAM

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SUITE 225 #264
MARIETTA, GA. 30066
24 HOUR CONTACT
ALI GHADREDAN
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ZONING PLAN FOR:
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LAND LOT 140 & 141
17th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA
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EXISTING ZONING: R-2
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MIN HOUSE SIZE: 1,600 SF
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MIN OPEN SPACE PROVIDED: 27.6% (0.87 ACRES)

	SQ FT	ACRES
TOTAL AREA	137,033	3.15
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10	5,773	0.13
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OPEN SPACE 1	16,608	0.38
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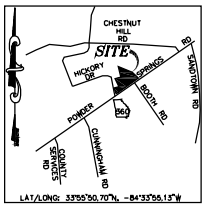


SITE MAP (NTS)

SUBJECT PROPERTY IS LOCATED IN WARD 2 OF THE CITY OF MARIETTA

THIS PLAN IS FOR ZONING PURPOSES ONLY

N/F SEABURN GERALD DB 5381, PG 351 ZONED: R-2 PIN: 17014100030 893 HICKORY DR.

N/F ALAN T. THORNTON DB 14536, PG 4965 ZONED: R-2 PIN: 17014000660 911 HICKORY DR.

N/F ROBERT & MARY CLOTFELTER LIVING TRUST DB 15639, PG 2251 PB 17, PG 192 ZONED: R-2 PIN: 17014100020 868 POWDER SPRINGS RD., SW

UNDISTURBED AREA 3,603 SQ FT 0.08 ACRES

OPEN SPACE #1 21,196 SQ FT 0.49 ACRES

OPEN SPACE #2 16,608 SQ FT 0.38 ACRES

TOTAL OPEN SPACE 46,301 SQ FT 1.06 ACRES

DETENTION AREA 5,210 SQ FT 0.12 ACRES

ROAD R/W 32,008 SQ FT 0.73 ACRES

MONA WAY (50' R/W)

POWDER SPRINGS STREET (PUBLIC) (100' R/W)

HICKORY DRIVE (PUBLIC) (50' R/W)

25' STATE WATER BUFFER

50' UNDISTURBED CITY WATER BUFFER

75' IMPERVIOUS BUFFER

25' LANDSCAPE BUFFER

LAKE

GRID (AT REST (NAD 1983))

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

BOUNDARY INFORMATION SHOWN IS FROM AN EXEMPTION PLAT FOR 888 & 898 POWDER SPRINGS STREET BY BETTERTON SURVEYING & DESIGN, INC., JOB No. 19108, SHEET 1 OF 1. DATED 02-27-2019, FILED COBB CO., GA. RECORDS IN PLAT BOOK 278, PAGE 526, ON 08-14-2019 AT 3:39 AM.

CONTOUR SHOWN ARE FROM COBB CO., GA. GIS

NO FIELD WORK BY FRONTLINE SURVEYING AND MAPPING, INC. AT THIS TIME IN THE PREPARATION OF THIS MAP. THIS MAP PREPARED FOR CONCEPTUAL PLANNING PURPOSES ONLY. ALL CALLS AND DISTANCES TAKEN FROM OLD PLATS, DEEDS AND TAX RECORDS AND SHOULD BE CONSIDERED APPROXIMATE. THIS MAP NOT TO BE USED TO TRANSFER TITLE. TOPOGRAPHIC INFORMATION WAS TAKEN FROM USGS QUAD MAPS AND IS APPROXIMATE. FLOOD LINES WERE SCALED FROM REFERENCE FLOOD MAPS AND ARE APPROXIMATE. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS MAP DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT 2020 FRONTLINE SURVEYING AND MAPPING, INC. *** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

LEGAL DESCRIPTION:

LEGAL DESCRIPTION - 3.15 ACRES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 140 and 141 of the 17th District, 2nd Section, of Cobb County, Georgia and being more particularly described as follows:

BEGINNING at a point located at the southerly portion of a mitered right-of-way which intersects on the northeasterly right-of-way of Powder Springs Road (100' R/W) and the northeasterly right-of-way of Hickory Drive (50' R/W); Thence following said mitered portion of right-of-way, proceed North 76°11'12" West a distance of 21.35 feet to a point, said point being on the northerly part of said mitered right-of-way; Thence leaving said mitered section, following said northeasterly right-of-way proceed North 76°11'12" East a distance of 101.79 feet to a point; Thence proceed North 24°32'31" West a distance of 190.96 feet to a point; Thence proceed North 76°09'56" East a distance of 127.55 feet to a point; Thence proceed North 13°24'20" West a distance of 234.57 feet to a point; Thence proceed South 67°34'15" East a distance of 321.67 feet to a point; Thence proceed South 45°32'14" East a distance of 181.55 feet to a point, said point being on the northwesterly right-of-way of said Powder Spring Road; Thence following said northeasterly right-of-way of Powder Springs Road, proceed South 54°35'00" West a distance of 536.73 feet to a point, said point being located at a jog in said northeasterly right-of-way; Thence following said jog in the northeasterly right-of-way, proceed North 35°18'32" West a distance of 10.00 feet to a point; Thence proceed South 54°41'28" West a distance of 28.00 feet to a point, said the POINT OF BEGINNING.

Tract described herein containing 3.15 acres of land (137,033 Square feet), more or less.

NOT ISSUED FOR CONSTRUCTION

SHEET 1 OF 1

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road, Bld. Suite 116, Ste. 272, Marietta, GA 30066
TELEPHONE (678) 355-9905 FAX (678) 355-9805
www.frontlinesurveying.com

ZONING PLAN FOR: MONA PROPERTIES
898 POWDER SPRINGS STREET, SW
LAND LOT 140 & 141 17th DISTRICT 2nd SECTION
COBB COUNTY, GEORGIA
DATE 01/22/20
SCALE 1" = 40'
LOT BLOCK UNIT
SUBDIVISION
SURVEYED:
COMPUTED:
APPROVED:
PB 278 PAGE 526
DB ____ PAGE ____
JOB # 70693

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR No. 2902 EDWARD PEW, JR. 05-15-20
FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF #000631

\\PE2950\Shares\Z_Drive\dwg 70000 - 79999\70693.dwg, 898 Powder Springs St - Zoning Plan, 2/13/2020 3:30:03 PM, CAM

Hickory Custom Homes, LLC

May 22, 2020

Via Hand Delivery and Email

Ms. Shelby Little, AICP
Planning & Zoning Manager
Department of Planning and Zoning
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

RE: Application for Rezoning
- Zoning Case No: Z2020-11
- Applicant: Ali Ghadrdan
- Subject Property: 3.15 Acres, more or less, located at 888 and 898 Powder Springs Street, Marietta; Land Lots 140 and 141, 17th District, 2nd Section, Cobb County, Georgia

Dear Ms. Little:

Pursuant to the May 5, 2020 Planning Commission meeting request, and after communications with City Staff and reviewing the City's Rezoning Application, we respectfully submit this proposed letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning classification of R-2 (Single Family Residential – 2 units/acre) to the proposed zoning classification of PRD-SF (Planned Residential Development – Single Family), as provided in the proposed Zoning Plan and submitted by the Applicant to the City of Marietta with the Application for Rezoning. A reduced copy of the Zoning Plan is attached hereto as Exhibit "A" and incorporated herein by reference.

(2) The Subject Property consists of 3.15 acres, more or less, and shall be developed as a single-family detached residential home community containing a maximum of eleven (11) individual residential homes.

(3) The proposed residential homes shall be traditional in style and architecture, shall be a maximum of two (stories) in height and shall have facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, or combinations thereof, with complementary accents, in compliance with the City of Marietta's "four-sided architecture" requirement. Each residential home shall have a two-car garage.

(4) Applicant agrees to the creation of a mandatory homeowners association consistent with upscale communities in the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, common landscaped areas, mail kiosk, private streets, fencing, open space and amenity areas contained within the development.

(5) Additionally, and in conjunction with the creation of the mandatory homeowners association, there shall be protective covenants for the proposed community. The protective covenants shall be recorded in the Deed Records of Cobb County, Georgia and shall contain covenants, rules and regulations applicable to the residential community.

(6) All homes within the proposed residential community shall be "for sale" units. There shall be no more than a maximum of one (1) residential home being leased at any one-time, which restriction shall be included in the covenants, rules and regulations.

(7) The proposed single-family residential community shall contain a six (6) foot privacy fence along the perimeter of the development.

(8) The entrance signage for the proposed community shall be ground based, monumental-style signage and shall consist of brick, stone, stacked stone or combinations thereof, with accents consistent with the architecture and style of the residences. The entrance landscaping shall be professionally designed, implemented and maintained.

(9) Setbacks for the proposed development shall be as shown and reflected on the referenced Zoning Plan.

(10) The proposed single-family residential home community may have private streets, twenty-four (24) feet in width, from back-of-curb to back-of-curb. Construction of the private streets shall comply in all respects as to materials, base, and other requirements with the City of Marietta Code.

(11) Sidewalks shall be installed as shown and reflected on the referenced Zoning Plan.

(12) All utilities within the proposed community shall be underground. Stormwater detention shall be above ground as shown and reflected on the referenced Zoning Plan.

(13) Street lighting within the proposed community shall be environmentally sensitive, decorative and themed to the architecture and style of the residential homes.

(14) All setbacks, landscape and buffer areas may be penetrated for purposes of fencing, access, utilities and stormwater management; including, but not limited to, drainage and detention facilities, utilities and any and all slopes or other required engineering features of the foregoing. A two (2) feet to three (3) feet high temporary retention earth berm shall be amassed adjacent to the neighboring lake to redirect the water and eliminate any potential construction runoff into the lake. This temporary berm shall be removed upon completion of the adjacent lake construction.

(15) All landscaping referenced herein shall be approved by the City Arborist and City Staff as part of the Plan Review and Permitting Process and incorporated into the overall landscape plan for the proposed single-family residential community.

We believe the requested zoning, together with the Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the uses of properties in the surrounding area. The proposed single-family residential community will be a quality development and will be an asset to the City, as well as an enhancement to the Subject Property. Thank you for your consideration in this request.

Sincerely,

Ali Ghadrdan
Managing Partner

Peter "Beau" Durham
Partner and General Counsel

CC: Mr. Russell J. Roth, AICP, Director of Development Services at City of Marietta (with attachment)

Hickory Custom Homes, LLC
2550 Sandy Plains Rd., Suite 225-264
Marietta, Georgia 30066

Exhibit "A"

GENERAL NOTES

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER & SHOWN HEREON OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES INFORMATION AND THERE IS NO CERTAINTY OF THE ACCURACY OF THIS USING THIS DRAWING, BE CONSULTED TO THAT EFFECT BY THOSE UTILITIES AND STRUCTURES. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES NOT SHOWN HEREON MAY BE INACCURATE AND NOT ALL SUCH UTILITIES AND STRUCTURES MAY BE ENCOUNTERED. THE OWNER, HIS AGENTS SHALL PERFORM SUCH INVESTIGATIONS, AND/OR EXCAVATIONS AS THEY DEEM NECESSARY TO UNDERSTAND THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION OR THEIR LOCATIONS, UNLESS NOTED OTHERWISE.
2. ALL RIGHTS-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. PURSUANT TO RULE 180-6-.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE SURVEY CERTIFICATION SHALL NOT BE CONSTRUED TO BE A GUARANTEE OR OPINION OF TITLE. THE CERTIFICATION SHALL MEAN A STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECITED ON THE DEED AND/OR PLAT OF RECORD DUE TO ADVANCES IN SURVEYING TECHNOLOGY INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE GPS NETWORK, WHICH ALLOW ACCURATE MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "SPOT" AND "SOLARSAT" SATELLITE IMAGERY. IN ADDITION, SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO CONFORM TO THE STATE PLANE COORDINATE SYSTEM AND USE GEODETIC OR "GRID" NORTH AS OPPOSED TO "MAGNETIC NORTH".

OWNER/DEVELOPER:
MONA PROPERTIES
2530 SANDY PLAINS RD
SUITE 225 #254
MARIETTA, GA 30066
24 HOUR CONTACT
AL SHARGIAN
404-787-9591

ZONING PLAN FOR:
MONA PROPERTIES
868 POWDER SPRINGS STREET, SW
LAND LOT 140 & 141
17th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA
CITY OF MARIETTA
EXISTING ZONING: R-2
PIN: 17014000190
3.15± ACRES

PROPOSED ZONING: PRD (SF)
PLANNED RESIDENTIAL DEVELOPMENT (SINGLE-FAMILY)

THIS PLAN IS FOR
ZONING PURPOSES ONLY

ZONING/SETBACKS:
R-2 (SINGLE-FAMILY RESIDENTIAL - 2 UNITS/ACRE)
FRONT: 40 FT (ARTERIAL)
35 FT (COLLECTOR)
30 FT (LOCAL)
SIDE: 25 FT (MAJOR)
10 FT (MINOR)
REAR: 30 FT
MIN. LOT SIZE: 15,000 SF
MIN. LOT WIDTH: 100 FT / 75 FT FOR CUL-DE-SAC
MAX. BLDG. HEIGHT: 40 FT
MIN. FLOOR AREA: 1,600 SF
MAX. LOT COVERAGE: 35%

ZONING/SETBACKS:
PRD (PLANNED DEVELOPMENT FAMILY SINGLE FAMILY)
FRONT:
SIDE & REAR: SEE
MIN. BLDG. SEPARATION:
MAX. IMPERVIOUS AREA:
MIN. LOT SIZE:
MIN. HOUSE SIZE:
MIN. LOT WIDTH:
MIN. OPEN SPACE REQUIRED:
MIN. OPEN SPACE PROVIDED:

	SQ.FT.	ACRES
TOTAL AREA	137,033	3.15
ROAD R/W	32,008	0.73
LOT AREA	5,446	0.12
	5,472	0.13
	8,244	0.19
	5,488	0.13
	5,489	0.13
	5,451	0.13
	5,427	0.12
	5,439	0.12
	5,773	0.13
	5,935	0.14
TOTAL LOT AREA	82,312	1.42
OPEN SPACE 1	21,198	0.49
OPEN SPACE 2	18,606	0.38
TOT OPEN SPACE	37,804	0.87
% OPEN SPACE	27.6%	
REQ OPEN SPACE	25%	0.79
DETENTION AREA	5,210	0.12

SITE MAP (NTS)

SUBJECT PROPERTY IS
LOCATED IN WARD 2 OF
THE CITY OF MARIETTA

N/F
ROBERT & MARY
CLOTFELTER
LIVING TRUST
DB 15639, PG 2251
PB 17, PG 192
ZONED: R-2
PIN 17014100020
868 POWDER
SPRINGS RD., SW

UNDISTURBED
AREA
3,803 SQ FT
0.08 ACRES

N/F
SEABURN GERALD
DB 5381, PG 351
ZONED: R-2
PIN: 17014100030
893 HICKORY DR.

N/F
ALAN T. THORNTON
DB 14536, PG 4965
ZONED: R-2
PIN: 17014000660
911 HICKORY DR.

OPEN SPACE #1
21,198 SQ FT
0.49 ACRES

OPEN SPACE
5,427 SQ FT
0.12 ACRES
5,451 SQ FT
0.13 ACRES
5,908 SQ FT
0.14 ACRES
5,446 SQ FT
0.13 ACRES
5,439 SQ FT
0.12 ACRES
5,430 SQ FT
0.12 ACRES
5,773 SQ FT
0.13 ACRES
5,935 SQ FT
0.14 ACRES
8,244 SQ FT
0.14 ACRES
5,472 SQ FT
0.13 ACRES
5,488 SQ FT
0.13 ACRES

DETENTION
AREA
5,210 SQ FT
0.12 ACRES

OPEN SPACE #2
18,606 SQ FT
0.38 ACRES

MONA WAY

ROAD R/W
32,008 SQ FT
0.73 ACRES

TOTAL
OPEN SPACE
46,301 SQ FT
1.06 ACRES

POWDER SPRINGS STREET

HICKORY DRIVE

POB

S87°34'15"E 321.67'
N15°47'42"W 234.57'
N76°09'56"E 127.55'
N14°32'31"W 190.96'
N76°11'12"E 101.79'
N15°47'42"W 119.72'
N15°18'37"W 10.00'
N76°11'12"E 21.35'
S54°41'28"W 28.00'
S45°13'14"E 181.55'
S54°35'00"W 535.73'

25' STATE WATER BUFFER
50' UNDISTURBED CITY WATER BUFFER
75' IMPERVIOUS BUFFER
25' LANDSCAPE BUFFER

BOUNDARY INFORMATION SHOWN IS FROM AN EXEMPTION PLAT FOR 868 & 898 POWDER SPRINGS STREET BY BETTERTON SURVEYING & DESIGN, INC., JOB No. 13106, SHEET 1 OF 1 DATED 02-27-2018, FILED COBB CO., GA. RECORDED IN PLAT BOOK 278, PAGE 328, ON 08-14-2018 AT 3:19 AM.

CONTOUR SHOWN ARE FROM COBB CO., GA. GIS

NO FIELD WORK BY FRONTLINE SURVEYING AND MAPPING, INC. AT THIS TIME IN THE PREPARATION OF THIS MAP. THIS MAP PREPARED FOR CONCEPTUAL PLANNING PURPOSES ONLY. ALL CALLS AND DISTANCES TAKEN FROM OLD PLATS, DEEDS AND TAX RECORDS AND SHOULD BE CONSIDERED APPROXIMATE. THIS MAP NOT TO BE USED TO TRANSFER TITLE TOPOGRAPHIC INFORMATION WAS TAKEN FROM USGS QUAD MAPS AND IS APPROXIMATE. FLOOD LINES WERE SCALED FROM REFERENCE FLOOD MAPS AND ARE APPROXIMATE. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS MAP DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS AT INSTRUMENTS OF SERVICE REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT 2020 FRONTLINE SURVEYING AND MAPPING INC. *** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

LEGAL DESCRIPTION:

LEGAL DESCRIPTION - 3.15 ACRES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 140 and 141 of the 17th District, 2nd Section, of Cobb County, Georgia and being more particularly described as follows:

BEGINNING at a point located at the southerly portion of a mitered right-of-way which intersects on the northeasterly right-of-way of Powder Springs Road (100' R/W) and the northeasterly right-of-way of Hickory Drive (50' R/W). Thence following said mitered portion of right-of-way, proceed North 78°11'12" West a distance of 21.35 feet to a point, said point being on the northerly part of said mitered right-of-way. Thence leaving said mitered section, following said northeasterly right of way of Hickory Drive, proceed North 15°41'42" West a distance of 119.72 feet to a point. Thence leaving said northeasterly right-of-way proceed North 78°11'12" East a distance of 101.79 feet to a point. Thence proceed North 24°32'31" West a distance of 190.96 feet to a point. Thence proceed North 76°09'56" East a distance of 127.55 feet to a point. Thence proceed North 13°24'29" West a distance of 234.57 feet to a point. Thence proceed South 87°34'15" East a distance of 321.67 feet to a point. Thence proceed South 45°13'14" East a distance of 181.55 feet to a point, said point being on the northwesterly right-of-way of said Powder Spring Road. Thence following said northwesterly right-of-way of Powder Springs Road, proceed South 54°35'00" West a distance of 535.73 feet to a point, said point being located at a jog in said northwesterly right-of-way. Thence following said jog in the northwesterly right-of-way, proceed North 35°18'37" West a distance of 10.00 feet to a point. Thence proceed South 54°41'28" West a distance of 28.00 feet to a point, said the POINT OF BEGINNING.

Tract described herein containing 3.15 acres of land (137,033 Square feet), more or less.

NOT ISSUED FOR CONSTRUCTION

SHEET 1 OF 1

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road, Bld Suite 116, Ste 272, Marietta, GA 30066
TELEPHONE (678) 355-9905 FAX (678) 355-9805

FRONTLINE SURVEYING & MAPPING, INC.

ZONING PLAN FOR:
MONA PROPERTIES
868 POWDER SPRINGS STREET, SW
LAND LOT 140 & 141 | 17th | 2nd SECTION | COBB COUNTY, GEORGIA

DATE: 01/22/20
SCALE: 1" = 40'

FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF 000621

JOB # 70693

WARNING!

Hickory Custom Homes, LLC

May 29, 2020

Via Hand Delivery and Email

Ms. Shelby Little, AICP
Planning & Zoning Manager
Department of Planning and Zoning
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

RE: Application for Rezoning
- Zoning Case No: Z2020-11
- Applicant: Ali Ghadrdan
- Subject Property: 3.15 Acres, more or less, located at 888 and 898 Powder Springs Street, Marietta; Land Lots 140 and 141, 17th District, 2nd Section, Cobb County, Georgia

Dear Ms. Little:

In furtherance of our stipulations letter dated May 22, 2020, and taking into consideration requests by the adjacent property owner, we respectfully submit this proposed letter of additional agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall also become part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed additional stipulations are as follows:

(16) The proposed six (6) foot privacy fence along the perimeter of the development shall be stained and additional landscaping shall be provided on the lake side of the perimeter fence.

(17) There shall be no "lake view" advertising for any lots.

(18) Any damage to the driveway of an adjacent property owner during construction shall be repaired.

We believe the requested zoning, together with the Zoning Plan and the stipulations set forth herein, and in our correspondence dated May 22, 2020, is an appropriate use of the Subject Property while taking into consideration the uses of properties in the surrounding area. The proposed single-family residential community will be a quality development and will be an asset to the City, as well as an enhancement to the Subject Property. Thank you for your consideration in this request.

Sincerely,

A-Ghadrdan

Ali Ghadrdan
Managing Partner

Peter "Beau" Durham
Partner and General Counsel

CC: Mr. Russell J. Roth, AICP, Director of Development Services at City of Marietta (with attachment)

Exhibit "A"

GENERAL NOTES:

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND INCOMPLETE. HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. PURSUANT TO RULE 180-6-09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEODETIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.

OWNER/DEVELOPER:
MONA PROPERTIES
2550 SANDY PLAINS RD.
SUITE 225 #264
MARIETTA, GA. 30066
24 HOUR CONTACT
ALI GHADRDAN
404-787-9591

ZONING PLAN FOR:

MONA PROPERTIES

898 POWDER SPRINGS STREET, SW
LAND LOT 140 & 141
17th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA
CITY OF MARIETTA
EXISTING ZONING: R-2
PIN: 17014000190
3.15± ACRES

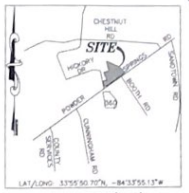
THIS PLAN IS FOR ZONING PURPOSES ONLY

PROPOSED ZONING: PRD (SF)
PLANNED RESIDENTIAL DEVELOPMENT (SINGLE-FAMILY)

ZONING/SETBACKS:
R-2 (SINGLE-FAMILY RESIDENTIAL - 2 UNITS/ACRE)
FRONT: 40 FT (ARTERIAL)
35 FT (COLLECTOR)
30 FT (LOCAL)
SIDE: 25 FT (MAJOR)
10 FT (MINOR)
REAR: 30 FT
MIN LOT SIZE: 15,000 SF
MIN LOT WIDTH: 100 FT / 75 FT FOR CUL-DE-SAC
MAX BLDG HEIGHT: 40 FT
MIN FLOOR AREA: 1,600 SF
MAX LOT COVERAGE: 35%

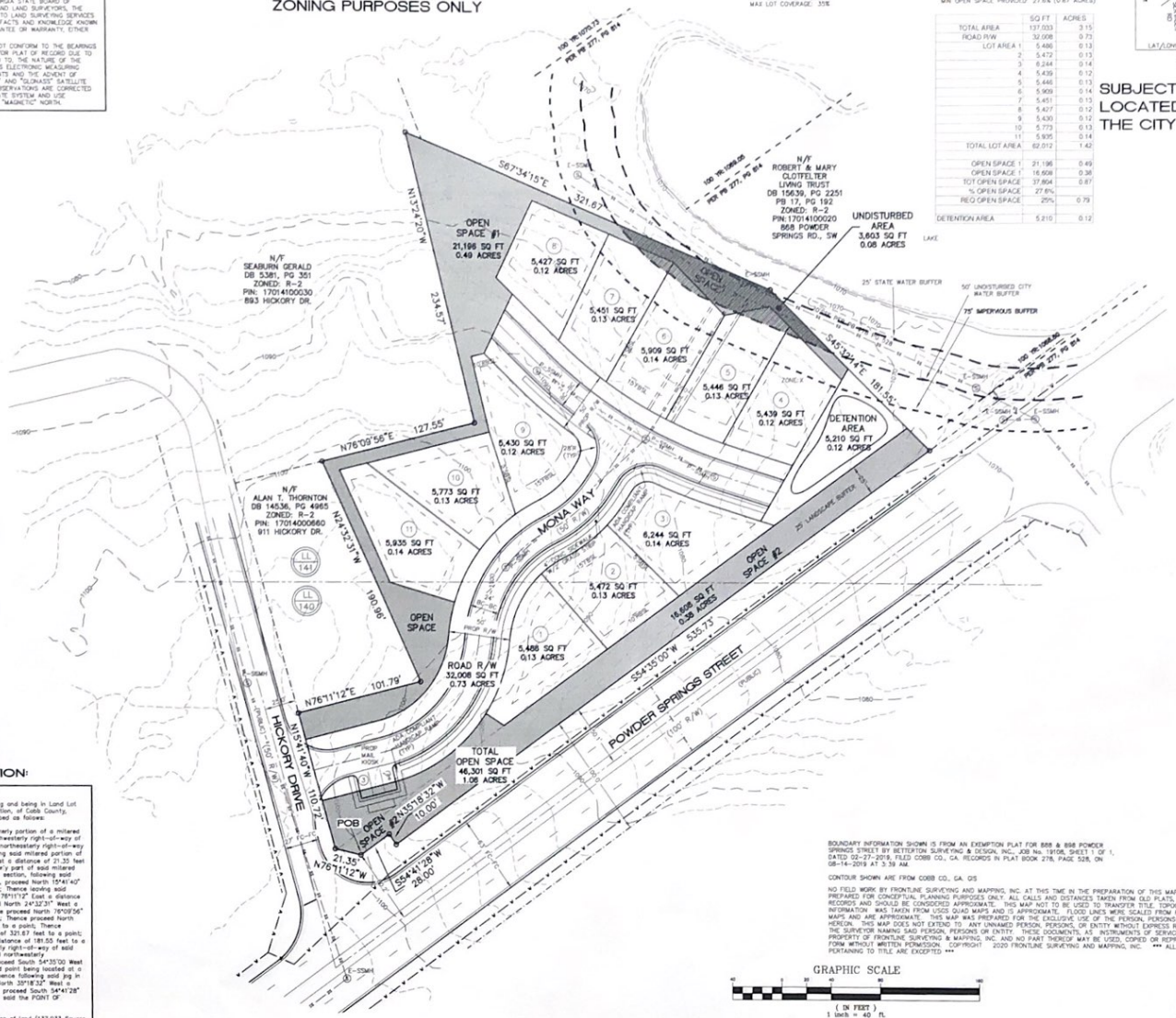
ZONING/SETBACKS:
PRD-SF (PLANNED DEVELOPMENT FAMILY-SINGLE FAMILY)
(PER PB 277, PG 81A)
FRONT: 15 FT
SIDE & MAJOR SIDE: 5 FT
REAR: 10 FT
MIN BLDG SEPARATION: 10 FT
MAX IMPERVIOUS AREA: 60%
MIN LOT SIZE: 5,425 SF
MIN HOUSE SIZE: 1,600 SF
MIN LOT WIDTH: 50 FT
MIN OPEN SPACE REQUIRED: 25% (0.79 ACRES)
MIN OPEN SPACE PROVIDED: 27.6% (0.87 ACRES)

	SQ FT	ACRES
TOTAL AREA	137,033	3.15
ROAD R/W	32,008	0.73
LOT AREA 1	5,486	0.13
2	5,472	0.13
3	6,244	0.14
4	5,439	0.12
5	5,446	0.13
6	5,909	0.14
7	5,451	0.13
8	5,427	0.12
9	5,430	0.12
10	5,773	0.13
11	5,935	0.14
TOTAL LOT AREA	62,012	1.42
OPEN SPACE 1	21,196	0.49
OPEN SPACE 1	16,508	0.38
TOT OPEN SPACE	37,804	0.87
% OPEN SPACE	27.6%	
REQ OPEN SPACE	25%	0.79
DETENTION AREA	5,210	0.12



SITE MAP (NTS)

SUBJECT PROPERTY IS LOCATED IN WARD 2 OF THE CITY OF MARIETTA



LEGAL DESCRIPTION:

LEGAL DESCRIPTION - 3.15 ACRES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 140 and 141 of the 17th District, 2nd Section, of Cobb County, Georgia and being more particularly described as follows:

BEGINNING at a point located at the southerly portion of a mitered right-of-way which intersects on the northwesterly right-of-way of Powder Springs Road (100' R/W) and the northeasterly right-of-way of Hickory Drive (50' R/W). Thence following said mitered portion of right-of-way, proceed North 76°11'12" West a distance of 21.35 feet to a point, said point being on the northerly part of said mitered right-of-way. Thence leaving said mitered section, following said northeasterly right of way of Hickory Drive, proceed North 15°47'40" West a distance of 110.72 feet to a point; Thence leaving said northeasterly right-of-way proceed North 76°11'12" East a distance of 101.79 feet to a point; Thence proceed North 24°32'31" West a distance of 190.98 feet to a point; Thence proceed North 76°09'56" East a distance of 127.55 feet to a point; Thence proceed North 13°24'20" West a distance of 234.57 feet to a point; Thence proceed South 67°34'15" East a distance of 321.87 feet to a point; Thence proceed South 45°32'14" East a distance of 181.55 feet to a point, said point being on the northwesterly right-of-way of said Powder Spring Road; Thence following said northwesterly right-of-way of Powder Springs Road, proceed South 54°35'00 West a distance of 535.73 feet to a point, said point being located at a jog in said northwesterly right-of-way. Thence following said jog in the northwesterly right-of-way, proceed North 35°18'32" West a distance of 10.00 feet to a point; Thence proceed South 54°41'28" West a distance of 28.00 feet to a point, said the POINT OF BEGINNING.

Tract described herein containing 3.15 acres of land (137,033 Square feet), more or less.

BOUNDARY INFORMATION SHOWN IS FROM AN EXEMPTION PLAT FOR 888 & 898 POWDER SPRINGS STREET BY BETTERTON SURVEYING & DESIGN, INC., JOB No. 19108, SHEET 1 OF 1, DATED 02-27-2019, FILED COBB CO., GA. RECORDS IN PLAT BOOK 278, PAGE 52B, ON 08-14-2019 AT 3:39 AM.

CONTOUR SHOWN ARE FROM COBB CO., GA. GIS

NO FIELD WORK BY FRONTLINE SURVEYING AND MAPPING, INC. AT THIS TIME IN THE PREPARATION OF THIS MAP. THIS MAP PREPARED FOR CONCEPTUAL PLANNING PURPOSES ONLY. ALL CALLS AND DISTANCES TAKEN FROM OLD PLATS, DEEDS AND TAX RECORDS AND SHOULD BE CONSIDERED APPROXIMATE. THIS MAP NOT TO BE USED TO TRANSFER TITLE. TOPOGRAPHIC INFORMATION WAS TAKEN FROM USGS QUAD MAPS AND IS APPROXIMATE. FLOOD LINES WERE SCALED FROM REFERENCE FLOOD MAPS AND ARE APPROXIMATE. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS MAP DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS REDERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT 2020 FRONTLINE SURVEYING AND MAPPING, INC. *** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

NOT ISSUED FOR CONSTRUCTION

SHEET 1 OF 1

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road, Bld. Suite 116, Ste. 272, Marietta, GA 30066
TELEPHONE (678) 355-9905 FAX (678) 355-9805

ZONING PLAN FOR: 898 POWDER SPRINGS STREET, SW
MONA PROPERTIES
LAND LOT 140 & 141 17th DISTRICT 2nd SECTION
LOT UNIT BLOCK SUBDIVISION
DATE 01/22/20
SCALE 1" = 40'
COBB COUNTY, GEORGIA
REVISION BY DATE
SURVEYED:
COMPUTED:
APPROVED:
PB 278 PAGE 32B
DB PAGE

FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF #000831

JOB # 70693

\\FS2800\Shared_Data\dwg 70000 - 79999\79693.dwg, 898 Powder Springs St - Zoning Plan, 2/13/2020 2:57:00 PM, CAM

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-17 **LEGISTAR: 20200295**

LANDOWNERS: **Michael Langston**
4885 Due West Road
Kennesaw, Georgia 30152

APPLICANT: **n/a**

AGENT: **Henry A. Bailey, Jr.**
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326

PROPERTY ADDRESS: **268 Church Street**

PARCEL DESCRIPTION: **16 11590 0350**

AREA: ~0.205 acres **COUNCIL WARD: 3A**

EXISTING ZONING: **R-4 (Single Family Residential – 4 units/acre)**

REQUEST: **OIT (Office Institution Transitional)**

FUTURE LAND USE: **CAC (Community Activity Center)**

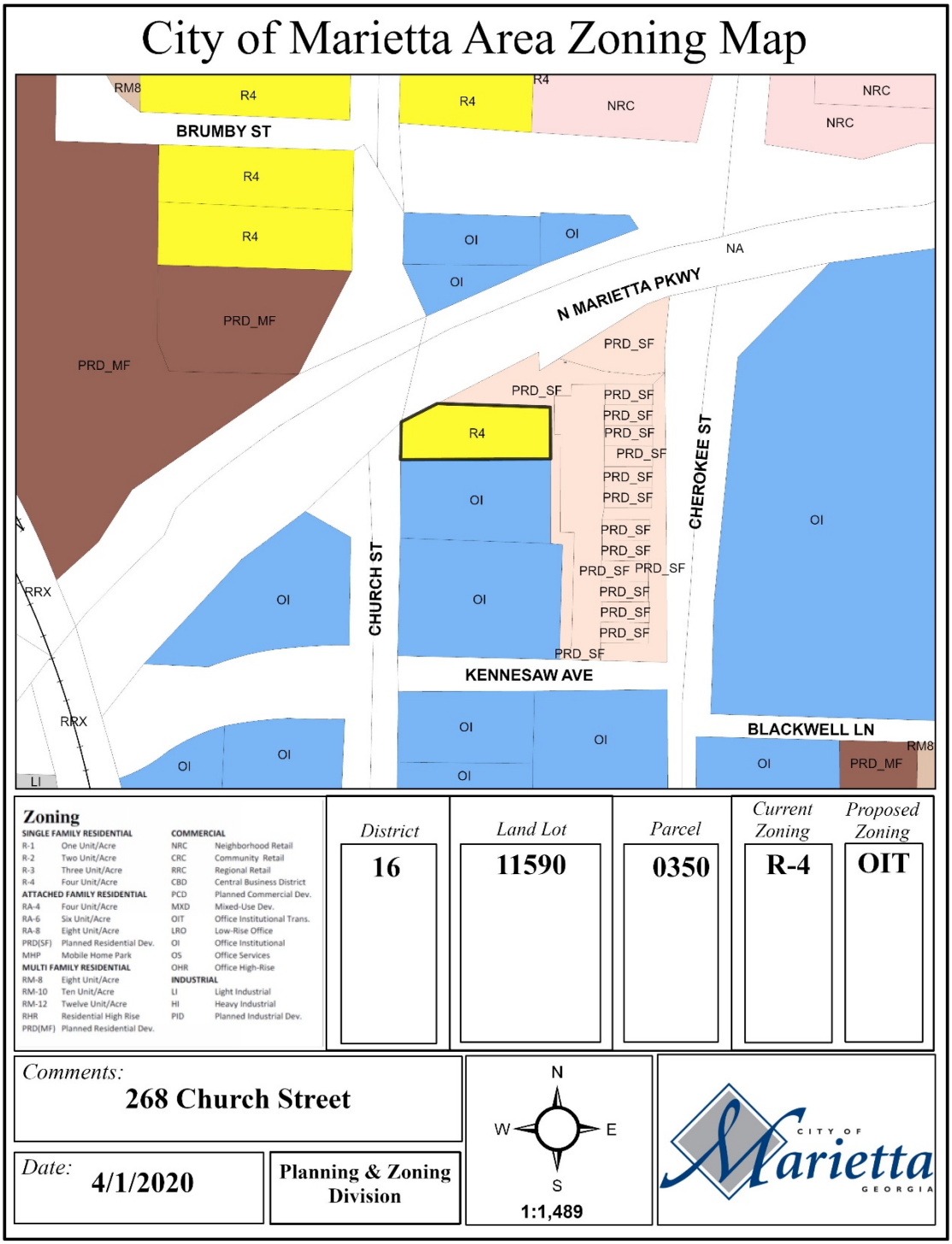
REASON FOR REQUEST: The applicant is requesting to rezone the subject property from R-4 to OIT so the property can be used as a professional office with a residential appearance.

PLANNING COMMISSION HEARING: Tuesday, May 5th, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, June 10th, 2020 – 7:00 p.m.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



Department of Development Services
205 Lawrence Street
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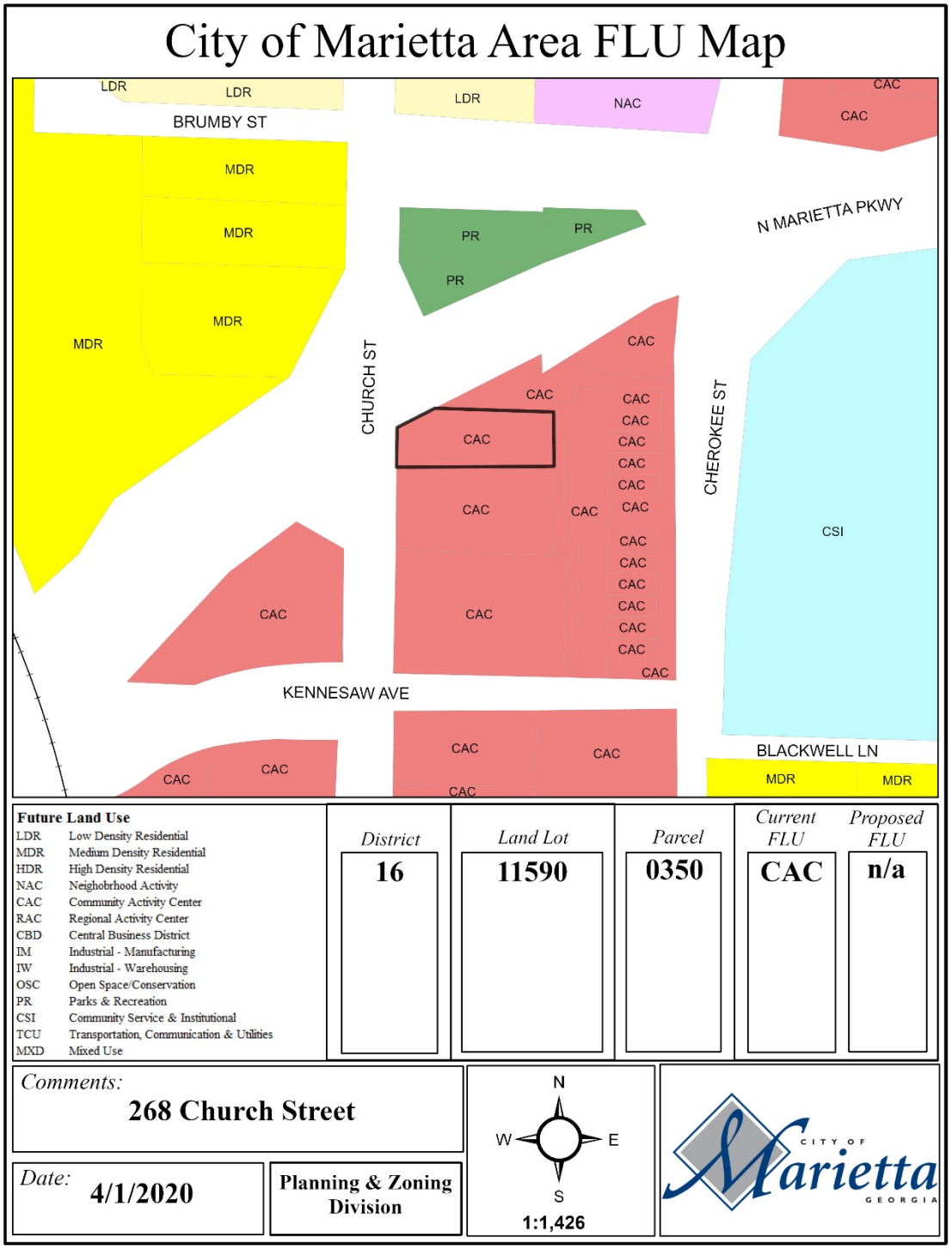
FLU MAP



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

PICTURES OF PROPERTY

Front of property at 268 Church Street

Side of property on 268 Church Street

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF ANALYSIS

Location Compatibility

The property owner, Michael Langston, is requesting the rezoning of the property at 268 Church Street, which is 0.2 acres in size, from R-4 (Single Family Residential Detached – 4 units/acre) to OIT (Office Institution Transitional). The property is located at the intersection of Church Street and North Marietta Parkway. The adjacent property to the north and east was zoned PRD-SF (Planned Residential Development-Single Family). To the south, the adjacent properties are zoned OI and used as professional offices. The applicant is requesting to rezone the subject property from R-4 to OIT so it may be used as a professional office.

Use Potential and Impacts

This property had previously been used as office space but has been vacant and listed for sale for approximately three (3) years. The current owner rezoned the property from OI to R-4 in November 2018 with the intention of using it as his personal residence. For reasons unknown, the owner put the property back on the market. In 2019, the owner requested to rezone the property from R-4 to OIT but the request was denied. This property is located at a busy intersection and is adjacent to both residential and office uses, so using the property as a professional office should not pose a detrimental effect on surrounding properties.

The applicant is requesting to rezone the property to OIT (Office Institution Transitional), which is intended to provide protection to the residents of residential areas experiencing transition to other uses, primarily professional offices, by promoting the continued utilization of existing houses, discouraging demolition and permitting office uses which do not generate large volumes of traffic, noise or other harmful effects. The OIT district is differentiated from other office zonings in that it is designed to facilitate the reuse of existing structures previously utilized for residential purposes in contrast to new developments.

The Registry Townhomes, only recently constructed, is adjacent to the property to the rear and north side. Buffer requirements for OIT include a six foot (6') tall solid fence or wall along any adjacent residential properties. If approved as requested, the fencing would be required prior to completing any renovation to the property.

There are a few as-built conditions that do not meet OIT standards and would be require variances:

1. Variance to reduce the minimum lot size from 10,000 sq.ft. to 8,700 sq.ft. [*§708.21 H*]
2. Variance to reduce the minimum lot width from 75' to 60'. [*§708.21 H*]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [*§708.21 H*]
4. Variance to increase the allowable impervious surface above 50% to allow the existing conditions remain as-is. [*§708.21 H*]
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [*§708.21 H*]

The Future Land Use designation for this property is CAC (Community Activity Center), which is described as providing a wide range of goods and services, including businesses and professional offices that are appropriately located throughout the city. These districts should be located along collector and arterial streets. Compatible zonings include CRC, LRO, OI, OS, PCD, and MXD. Although OIT zoning is not listed as a compatible zoning for a future land use of CAC, it is one of the least intense commercial zoning classifications. As a result, the proposed request is supported by the City's Comprehensive Plan.

Environmental Impacts

There is no indication of any floodplain, streams, wetlands, endangered species, or topographical concerns on this property.

Economic Functionality

The property has been vacant for a few years but has previously been used as an exterminator's office and as a flower shop. The adjacent properties, aside from the townhome development to the east, are zoned and developed for low-density office institutional purposes.

Infrastructure

A permitted use as a professional office will not interfere with the City's ability to continue providing quality water, sewer, transportation, and education services.

This property shares an eleven (11) to twelve (12) foot-wide driveway from Church Street with the adjacent property to the south, 262 Church Street. Required parking for professional offices is one space for every 350 square feet. If the subject property is 3,027 square feet in size, as indicated by the Cobb Tax Assessor's Office, then nine parking spaces will be required. Based on the existing paving on the survey, there appears to be adequate room for nine parking spaces. However, maneuverability and coordination with the adjacent property may be an issue.

Overhead Electrical/Utilities

Because there is no construction proposed with this request, only the changing of uses for an existing structure, there is no anticipated issue with overhead utilities.

History of Property

This property was rezoned from RM-8 to OI (Office Institutional) on February 12, 1975. The property was granted variances (V2012-16) in 2012 for a freestanding sign for the exterminating company. In November 2018, the property was rezoned to R-4 (Single Family Residential – 4 units/acre) from OI.

Other Issues

It should be noted that the house is located in the Northwest Marietta National Register District. The Georgia Historic Resources Survey, originally conducted in 1979 and again in 1994, identifies this property as an example of high Queen Anne Style architecture but notes that it does not meet the National Register criteria due to integrity. The estimated date of construction is from 1910-1919.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

ANALYSIS & CONCLUSION

Michael Langston is requesting the rezoning of the property at 268 Church Street, which is 0.2 acres in size, from R-4 to OIT. The property is located at the intersection of Church Street and North Marietta Parkway. The adjacent property to the east is zoned PRD-SF, where twelve (12) townhomes have recently been constructed. Other adjacent properties are also zoned OI and used as professional offices. This property had previously been used as office space but has been vacant and listed for sale for approximately three (3) years.

The applicant is requesting to rezone the property to OIT (Office Institution Transitional), which is intended to provide protection to the residents of residential areas experiencing transition to other uses, primarily professional offices, by promoting the continued utilization of existing houses, discouraging demolition and permitting office uses which do not generate large volumes of traffic, noise or other harmful effects.

The following do not meet some OIT standards and would be require variances if the rezoning is approved:

1. Variance to reduce the minimum lot size from 10,000 sq.ft. to 8,700 sq.ft. [*§708.21 H*]
2. Variance to reduce the minimum lot width from 75' to 60'. [*§708.21 H*]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [*§708.21 H*]
4. Variance to increase the allowable impervious surface above 50% to allow the existing conditions remain as-is. [*§708.21 H*]
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [*§708.21 H*]

The Future Land Use designation for this property is CAC (Community Activity Center), which is described as providing a wide range of goods and services, including businesses and professional offices that are appropriately located throughout the city. Although OIT zoning is not listed as a compatible zoning for a future land use of CAC, it is one of the least intense commercial zoning classifications. As a result, the proposed request is supported by the City's Comprehensive Plan.

Prepared by: J. Anderson

Approved by: Rusty Roth

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	10”
Capacity of the water line?	Fire flow test may be required
Approximate water usage by proposed use?	Not Provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8”
Capacity of the sewer line?	A.D.F. Peak
Estimated waste generated by proposed development?	Not Provided
Treatment Plant Name?	R.L. Sutton
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	N/A
Are there storm water issues related to the application?	N/A
Potential presence of endangered species in the area?	No

Additional Comments:

- Driveway is shared with the commercial property at the southern property line and will likely require modification

TRANSPORTATION

What is the road effected by the proposed change?	Church Street
What is the classification of the road?	Arterial
What is the traffic count for the road?	11,000 (2014)
Estimated # of trips generated by the proposed development?	Less than current
Estimated # of pass-by cars entering proposed development?	25 Daily
Do sidewalks exist in the area?	4 AM Peak
Transportation improvements in the area?	4 PM Peak
If yes, what are they?	Yes

Additional Comments:

- North Marietta Parkway Streetscapes improvements- partially funded. No additional right of way from this property will be necessary for this project.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	51
Distance of the nearest station?	0.5 mile
Most likely station for 1st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	Under

Comments:
RESIDENTIAL TO COMMERCIAL CONVERSION
COMPLY WITH NEW COMMERCIAL CHAPTER
SPRINKLERS PER THE SPRINKLER ORDINANCE

- No information provided, other than rezoning from R4 to OIT.
- Building permits would be required for any work done to the building, and would have to meet current codes in specific cases, but cannot answer with the lack of information provided.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

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Marietta GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: Z2020-17 **Legistar #:** 20200295 **PZ #:** PZ20101

Planning Commission Hearing: 5-5-20 **City Council Hearing:** 5-13-20

Owner's Name MICHAEL LANGSTON

EMAIL Address: LANGSTONRACING66@AOL.COM

Mailing Address 4885 DOE WEST RD Zip Code: 30152 Telephone Number 770 617 1559

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

~~Applicant~~: Rep: Henry A. Bailey, esq. hbailey@mmmlaw.com

EMAIL Address: Carl Westmoreland, esq. cwestmoreland@mmmlaw.com

Mailing Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property to be rezoned: 268 CHURCH ST. MARIETTA, GA 30060

Land Lot (s) 1159 District 16 Parcel 0600350 Acreage .205 Ward 3A Future Land Use: CAC

Present Zoning Classification: R4 Proposed Zoning Classification: OIT

REQUIRED INFORMATION

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.**
2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee ($500).
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.

   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
   If providing (24"x 36") then **5** copies REQUIRED.
   The following information must be included:
   - Specific use or uses proposed for the site
   - Acreage, bearing and distances, other dimensions, and location of the tract(s)
   - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
   - Detention/retention areas, and utility easements
   - Public or private street(s) - right of way and roadway widths, approximate grades
   - Location and size of parking area with proposed ingress and egress
   - Specific types and dimensions of protective measures, such as buffers
   - Landscaping
   - Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she [X] has [ ] has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

Mike Langston
Signature of Owner

Mike Langston
Signature of Applicant

MIKE LANGSTON
Print Name

MIKE LANGSTON
Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she [X] has [ ] has not a financial interest in the property which is ten percent (10%) or more.

MIKE LANGSTON
Print Name

M. Langston
Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

Mike Langston
Signature

MIKE LANGSTON
Please Print

[redacted] 4885 DUE WESTRN .KENNESAW GA 30144
Address

1-13-2020
Date

SANDRA LLOYD NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES OCTOBER 25, 2023

Signed, sealed and delivered in the presence of:

Sandra Lloyd

My Commission Expires: 10/25/2023

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **May 15, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and VARIANCES

□

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following rezoning and variance requests at the City Council meeting held on **Wednesday, June 10th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-17 [REZONING] MICHAEL LANGSTON is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential – 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

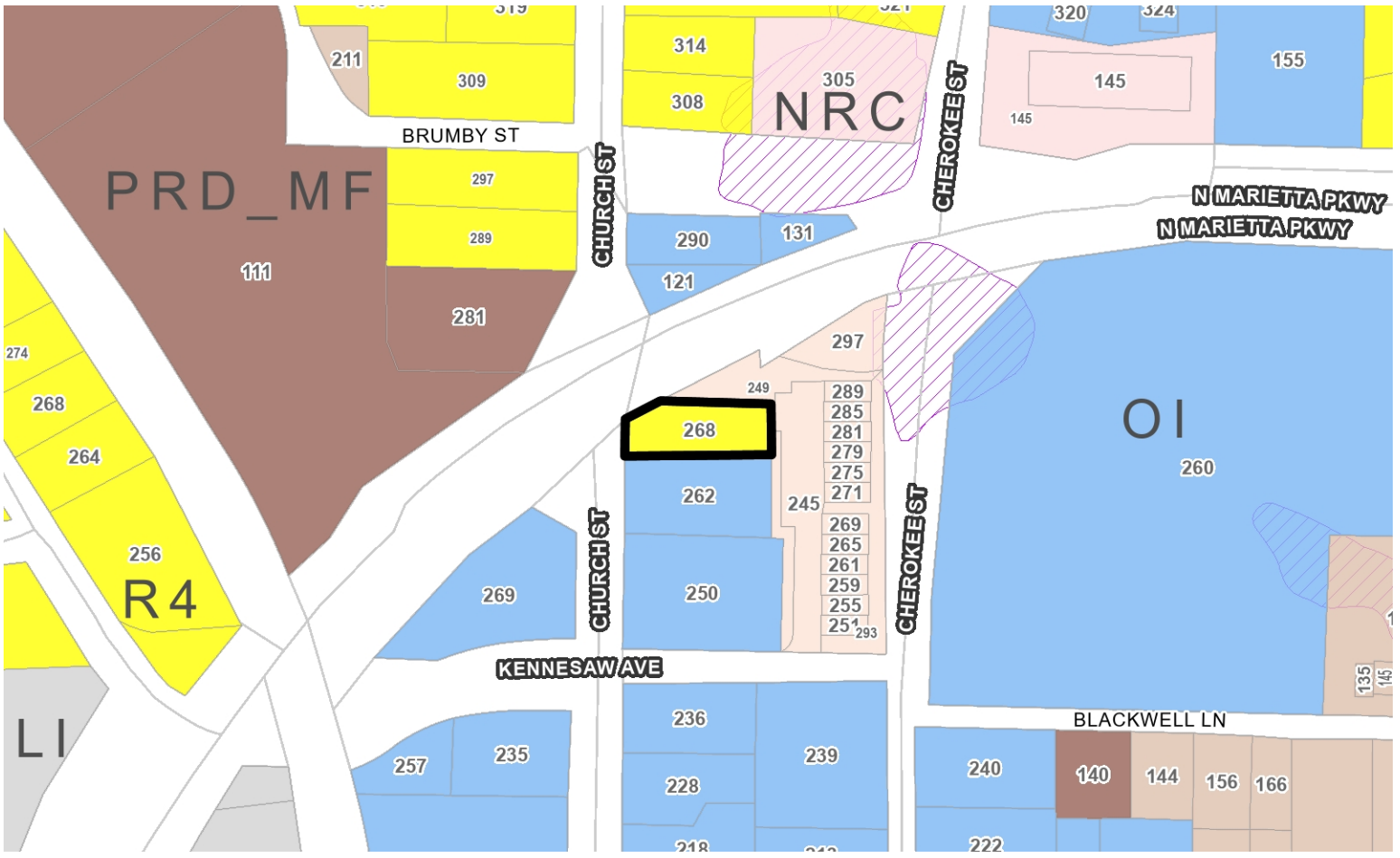
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	*Parcel Number*	*Acreage*	*Ward*	*Zoning*	*FLU*
268 CHURCH ST	16115900350	0.205	3A	R4	CAC

Property Owner: Michael Langston

Applicant:

Proposed Zoning: R4 to OIT

Agent: Morris, Manning & Martin, LLP

Proposed Use:

Planning Commission Date:

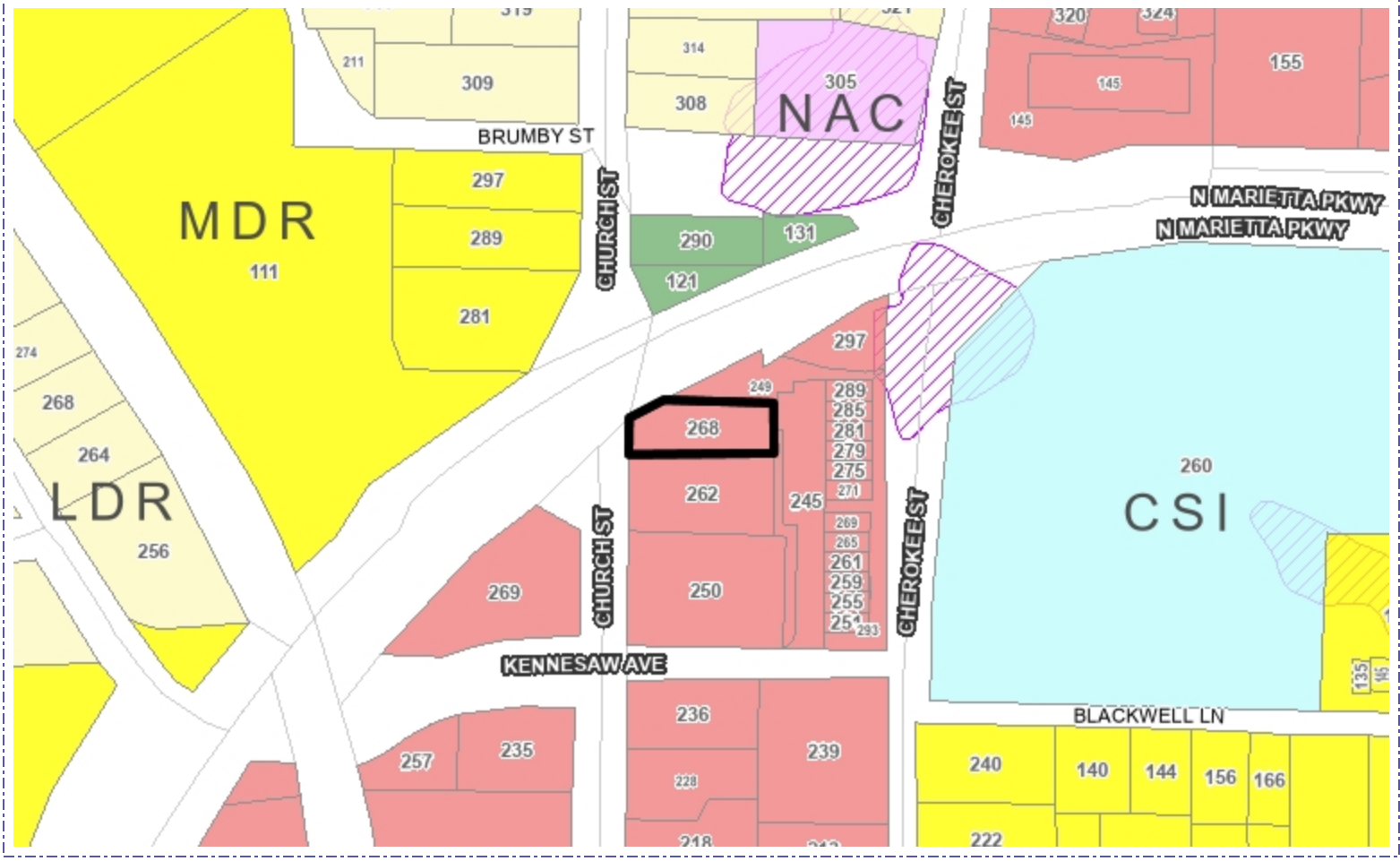
City Council Hearing Date: 06/10/2020 Case Number: Z2020-17

City of Marietta Planning & Zoning

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Moble Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
268 CHURCH ST	16115900350	0.205	3A	R4	CAC

Planning Commission Hearing Date:

City Council Hearing Date: 06/10/2020

Future Land Use: CAC

Case Number:

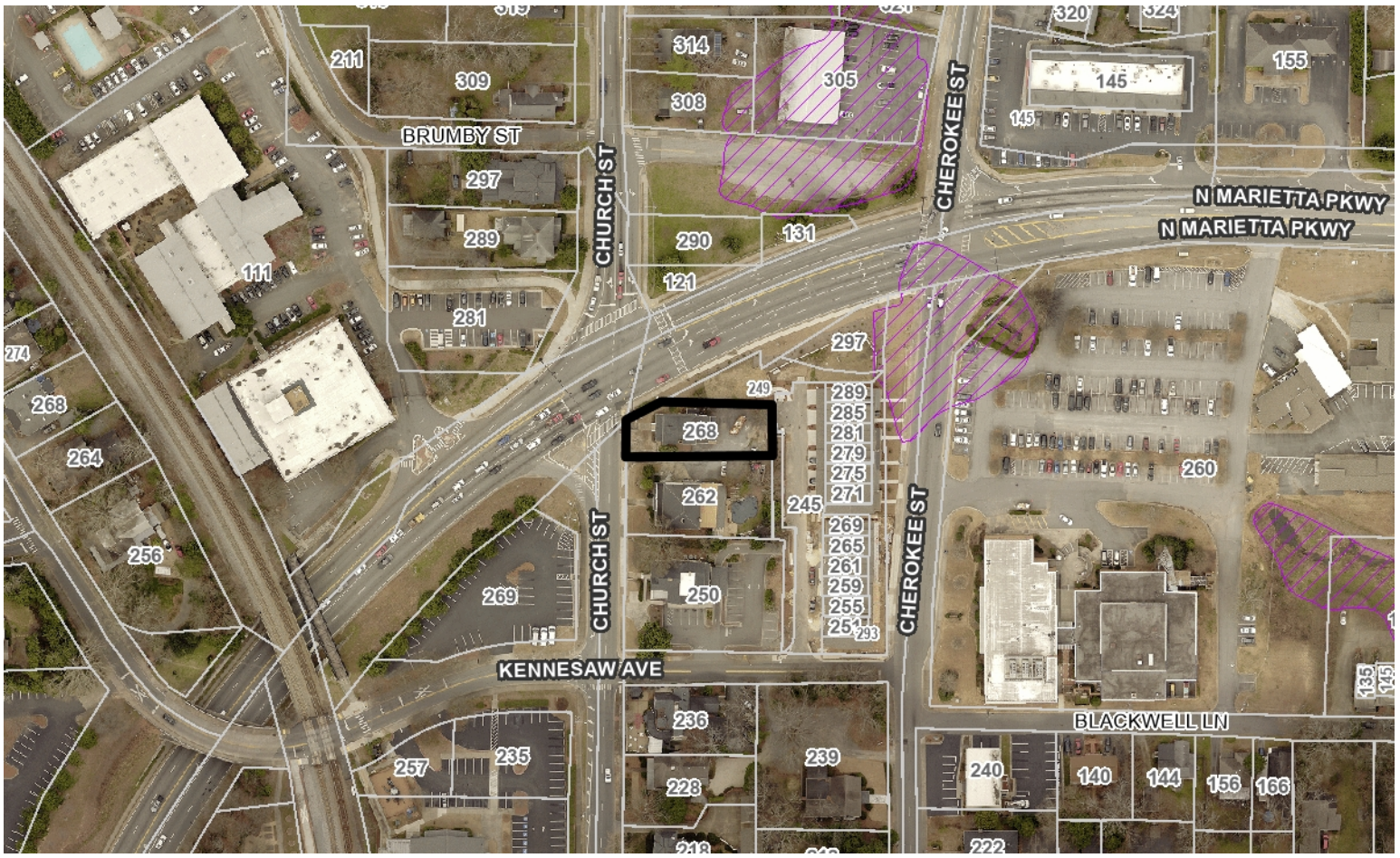
Comments:

City of Marietta Planning & Zoning

Future Land Use Symbols

- Railroads
- City Limits
- Cobb County Pockets
- RAC - Regional Activity Center
- CAC - Community Activity Center
- NAC - Neighborhood Activity Center
- CBD - Central Business District
- MXD - Mixed Use Development
- CSI - Community Service and Institutional
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities

Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
268 CHURCH ST	16115900350	0.205	3A	R4	CAC

Property Owner: Michael Langston

Applicant:

City Council Hearing Date: 06/10/2020

Planning Commission Hearing Date:

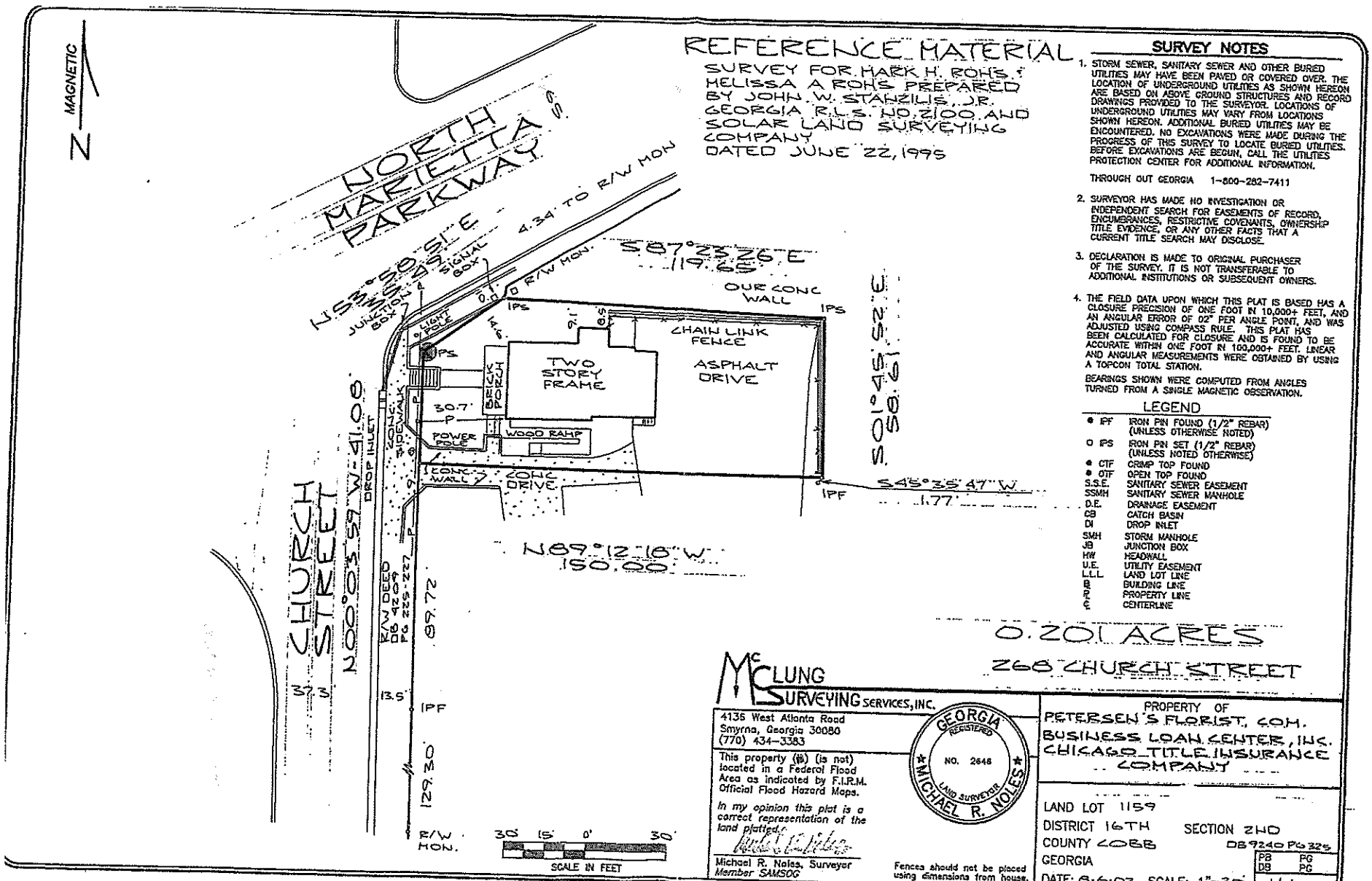
BZA Hearing Date: Case Number: Z2020-17

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets



REFERENCE MATERIAL

SURVEY FOR MARK H. ROHS & MELISSA A ROHS PREPARED BY JOHN W. STANZILIS, JR. GEORGIA R.L.S. NO. 2100 AND SOLAR LAND SURVEYING COMPANY DATED JUNE 22, 1995

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, CALL THE UTILITIES PROTECTION CENTER FOR ADDITIONAL INFORMATION.

   THROUGH OUT GEORGIA 1-800-282-7411

2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.

3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.

   BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

LEGEND

●	IPF	IRON PIN FOUND (1/2" REBAR) (UNLESS OTHERWISE NOTED)
O	IPS	IRON PIN SET (1/2" REBAR) (UNLESS NOTED OTHERWISE)
●	CTF	CRIMP TOP FOUND
●	OTF	OPEN TOP FOUND
S.S.E.		SANITARY SEWER EASEMENT
SSMH		SANITARY SEWER MANHOLE
D.E.		DRAINAGE EASEMENT
CB		CATCH BASIN
DI		DROP INLET
SMH		STORM MANHOLE
JB		JUNCTION BOX
HW		HEADWALL
U.E.		UTILITY EASEMENT
L.L.L		LAND LOT LINE
B		BUILDING LINE
P		PROPERTY LINE
℄		CENTERLINE

0.201 ACRES

268 CHURCH STREET

McCLUNG SURVEYING SERVICES, INC.
4135 West Atlanta Road
Smyrna, Georgia 30080
(770) 434-3383

This property (is) (is not) located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.

In my opinion this plat is a correct representation of the land platted.

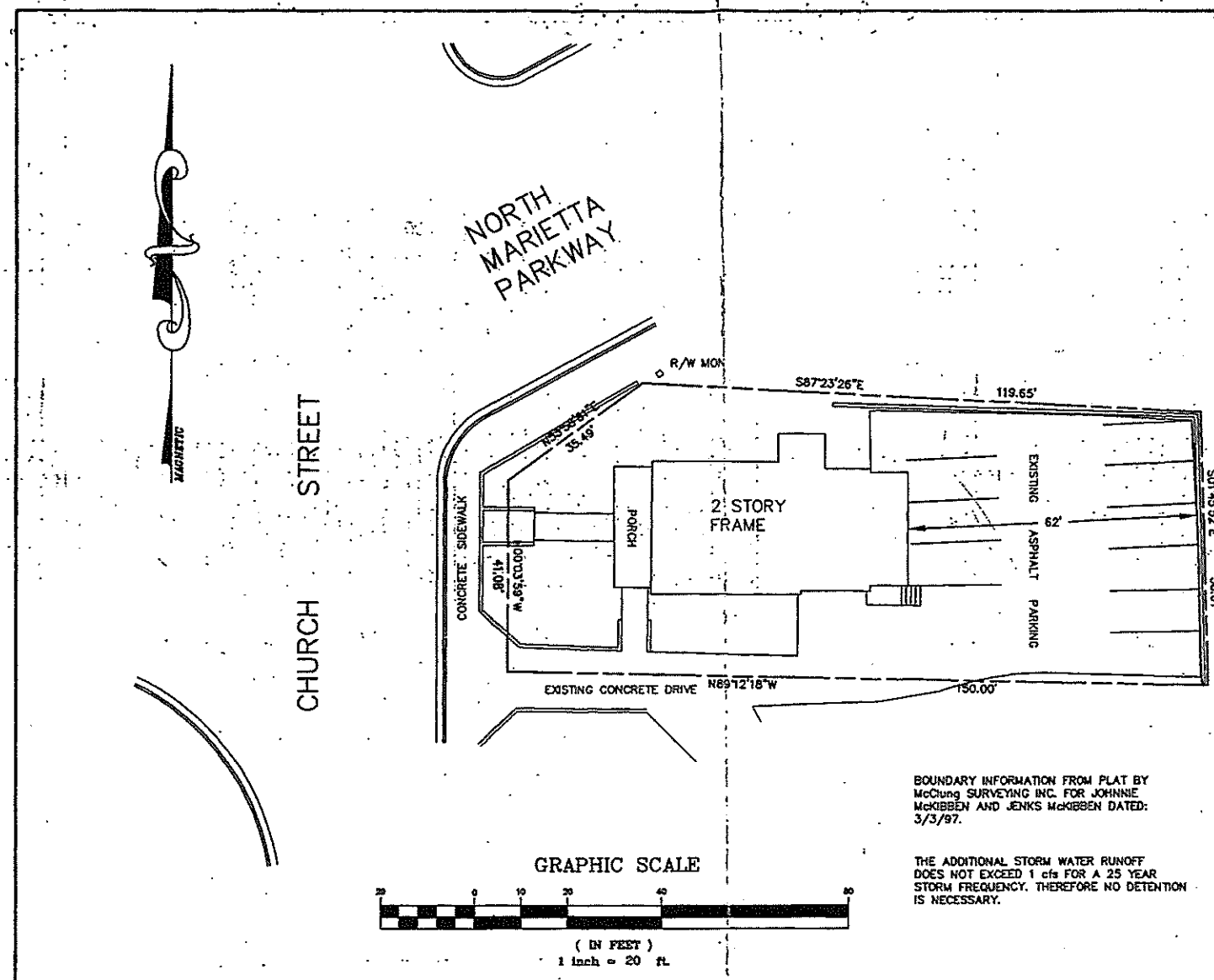
Michael R. Noles, Surveyor
Member SAMSOG

GEORGIA REGISTERED NO. 2648 MICHAEL R. NOLES LAND SURVEYOR

Fences should not be placed using dimensions from house.

PROPERTY OF
PETERSEN'S FLORIST, COM.
BUSINESS LOAN CENTER, INC.
CHICAGO TITLE INSURANCE COMPANY

LAND LOT 1159
DISTRICT 16TH SECTION 2ND
COUNTY COBB DB 9240 PG 325
GEORGIA PB PG DB PG
DATE: 8-6-02 SCALE: 1"=30' H.L.



BOUNDARY INFORMATION FROM PLAT BY McClung SURVEYING INC. FOR JOHNNIE McKIBBEN AND JENKS McKIBBEN DATED: 3/3/97.

THE ADDITIONAL STORM WATER RUNOFF DOES NOT EXCEED 1 cfs FOR A 25 YEAR STORM FREQUENCY. THEREFORE NO DETENTION IS NECESSARY.

GEORGIA REGISTERED PROFESSIONAL ENGINEER JOHN R. KREWSON

SITE PLAN FOR: PETERSEN'S FLORIST AND GIFTS

KV KREWSON, VICKERY

SHEET NO. 1

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: **Z2020-19** **LEGISTAR: #20200345**

LANDOWNERS: **Waymon Ahart**
Trustee of the James L. Housing Family Trust
538 Adams Road
Fayetteville, GA 30214

APPLICANT: **Pulte Home Company LLC**
1600 Parkwood Circle, Suite 200
Atlanta, GA 30339

AGENT: **n/a**

PROPERTY ADDRESS: **521 Atlanta Street**

PARCEL DESCRIPTION: **17th District, Land Lot 290, Parcel 0640**

AREA: ±3.77 acres **COUNCIL WARD:** **1A**

EXISTING ZONING: **OI (Office Institutional)**

REQUEST: **PRD-SF (Planned Residential Development – Single Family)**

FUTURE LAND USE: **MDR (Medium Density Residential)**

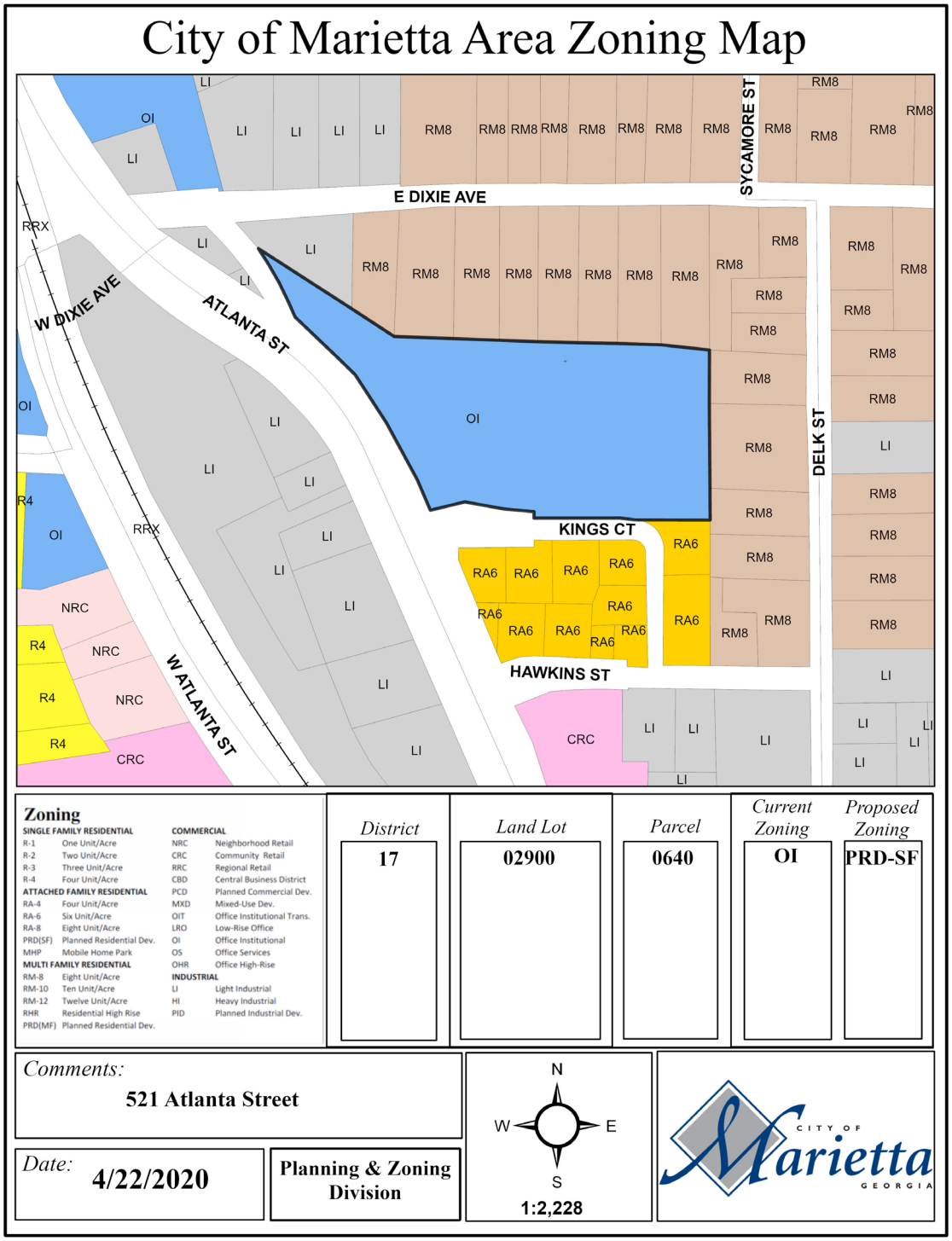
REASON FOR REQUEST: To build forty-nine (49) townhomes with access from Kings Court.

PLANNING COMMISSION HEARING: Tuesday, June 2nd, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, June 10th, 2020 – 7:00 p.m.

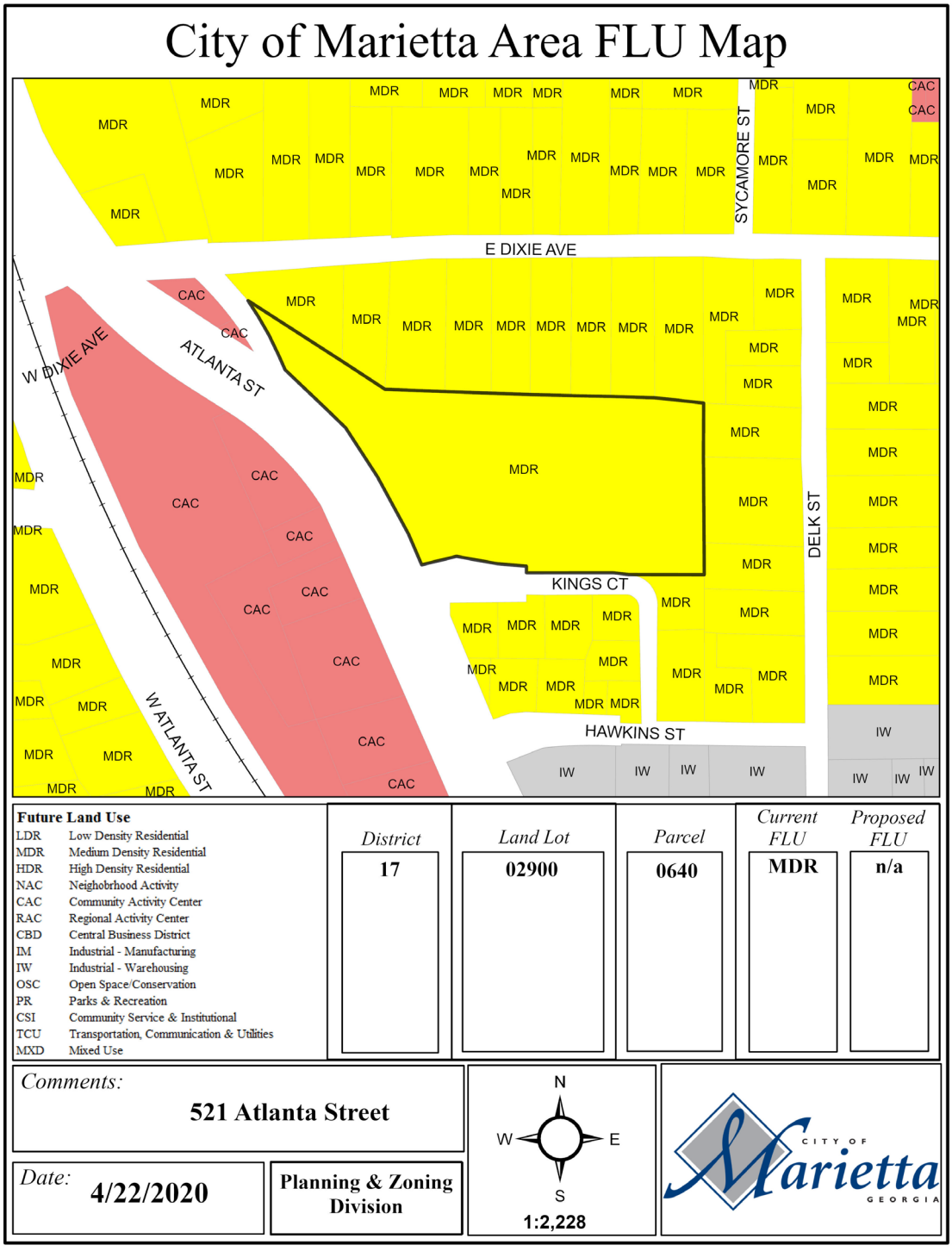
Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

FLU MAP



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

PICTURES OF PROPERTY

521 Atlanta Street

521 Atlanta Street

Corner of Kings Court and Atlanta Street

Kings Court

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF ANALYSIS

Location Compatibility

The applicant, Pulte Home Company, LLC, is requesting the rezoning of 3.77 acres located on the east side of Atlanta Street, just south of the traffic light at East Dixie Avenue. The adjacent properties to the north and east are zoned RM-8 (Residential Multi-Family/8 units/acre), to the south RA-6 (Single Family Residential-Attached/6 units/acre), and directly to the west are zoned LI. The request is to change the zoning from OI (Office Institutional) to PRD-SF (Planned Residential Development) for a townhome community to be accessed from Kings Court.

Use Potential and Impacts

The proposed development would consist of forty-nine (49) townhomes arranged along a new, circular, private roadway to be accessed from Kings Court, which is classified as a public, local road. The townhomes would have 2-car garages accessed from the rear and the front façades would face Atlanta Street, Kings Court, and an internal greenspace between buildings.

Construction under PRD-SF zoning has minimum standards for tract size, lot size, floor area, and impervious surface coverage. Fee simple townhomes built in PRD-SF zones are subject to additional requirements, such as having a 5% rental limit, active and passive recreation components, guest parking spaces, driveways at least twenty (20) feet in depth, and compliance with the "Four-Sided Architecture" requirement. The proposed plan adequately provides the required open space, guest parking spaces, and driveway depths required for townhome communities developed under PRD-SF. Although not specifically required, it should be noted that the width and location of the driveway provides little, if any, area for landscaping to buffer adjacent properties.

Although not shown, the description from the applicant indicates an active recreational feature will be provided. However, the following variance is being requested:

- Variance to reduce the minimum lot size requirement from 4,000 square feet to 1,000 square feet. [*§708.09 (H)*]

The use of this property as a residential neighborhood would be compatible with the surrounding uses, which are a mixture of duplexes, small apartment buildings, and single family homes. However, the density of the proposed development would be 13 units/acre.

The proposed density is higher than the surrounding neighborhood and would be slightly higher than most other, recently approved townhouse developments, as shown below:

Development	Townhouse Units	Acreage	Density	Open Space
Parkside East (Allgood Lawanna)	59	5.24	11.25	38.9%
Powder Springs Rd 1400	72	8.03	9.0	18.4%
The Registry	12	1.02	11.8	9.3%
Grammercy Park	32	3.29	9.72	12.8%
Wylie Road	150	12.13	12.37	30%
Frey's Gin	123	9.58	12.84	28.5%

The City's Comprehensive Plan classifies the future land use of this property as Medium Density Residential (MDR). MDR is intended for single family detached homes and attached townhomes with densities ranging from five (5) to eight (8) dwelling units per acre. The applicant's request to rezone to PRD-SF at a density of 13 units per acre is not supported by the City's Comprehensive Plan.

Environmental Impacts

There is no indication that any streams, floodplains, wetlands, or endangered species exist on the property. Prior to construction, plans to treat and contain stormwater will have to be submitted and approved by the City's Public Works Department. The site will also be expected to fully comply with the Tree Protection and Landscaping Ordinance.

Economic Functionality

This property has been vacant since 2006, when the historic home that had been on the property was demolished after a fire destroyed the structure.

Infrastructure

The plan shows the construction of a new private road to be accessed from Kings Court. New sidewalks are indicated along Kings Court, but the applicant appears to propose using the existing sidewalks along Atlanta Street. There are no sidewalks running alongside the new private road, but the plan has an ample network of sidewalks linking the buildings to the public streets as a walking trail. There is a guest parking area to satisfy the ten (10) required guest spaces. However, depending on the type of active amenity provided, more spaces may be required.

Based on the proposed design, the following variances would be necessary:

- Variance to reduce the minimum radii of horizontal curvature of the centerline to less than 100 feet. [*§730.01 (H)*]

- Variance to reduce the minimum access/utility easement width for a private road from 50 feet to 32 feet. [*(§730.01 TABLE L) and (§726.03 (A)*]

A traffic study will be required to verify that the intersection of Kings Court and Atlanta Street is adequate. Kings Court may need to be improved to handle additional traffic count.

Due to the reduced centerline radii, trash corals may be required if sanitation trucks cannot properly maneuver within the development.

Overhead Electrical/Utilities

There are overhead utility lines along the Atlanta Street frontage. While the proposed buildings appear to be far enough from the lines to prevent any conflicts, it may affect the ability to plant the necessary street trees to provide an adequate streetscape.

History of Property

In September 2018, this property was rezoned (Z2018-23) from LI (Light Industrial) to OI (Office Institutional), with stipulations, for a private school. The following are stipulations approved as part of the rezoning:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning category of Light Industrial ("LI") to the proposed zoning category of Office/Institutional ("OI"), site plan specific to the revised Concept Plan ("Site Plan") prepared for Applicant by Gaskins Surveying Company, Inc. dated and last revised August 20, 2018. A reduced copy of the revised Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
(2) Applicant agrees to install a buffer, consisting of two (2) rows of evergreen trees, a minimum of six (6) feet in height, and a six (6) foot tall opaque fence adjacent to residentially zoned properties.
(3) Applicant agrees there shall be a maximum student capacity of 360 students.
(4) Applicant agrees any lighting installed as "field lighting" at the athletic field shall have a cut-off time of 10:00 p.m.
(5) There shall be no vehicular access to the proposed school from Kings Court.
(6) Applicant will conduct an historical resources survey and submit same to the City of Marietta prior to receiving final permits.

Historical Impacts

The property is the site of a former historic home built in the 1800s that was used as a hospital during the Civil War. The house was destroyed by a fire in 2006. The rezoning application approved in 2018 (see above) contained a stipulation that the developer would conduct and submit to the City a historical resources survey prior to permitting.

Other Issues

The PRD-SF zoning district is intended to bring cohesiveness and resourcefulness when it comes to land planning techniques for the city and allows both detached and attached residential units. PRD-SF is a site-specific zoning, which requires City Council approval of a detailed plan prior to beginning construction. Detailed plans, which include a site plan, tree plan, and building elevations, must be submitted to Council by way of the Judicial Legislative Committee. The plan approved with the rezoning shall become the General Plan.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

ANALYSIS & CONCLUSION

Pulte Home Company, LLC is requesting the rezoning of 3.77 acres located at 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development) for a forty-nine (49) unit townhome community. Adjacent properties are zoned RM-8, RA-6, and LI.

The proposed development would be arranged along a new, circular, private roadway to be accessed from Kings Court, which is classified as a public, local road. The townhomes would have 2-car garages accessed from the rear and the front façades would face Atlanta Street, Kings Court, and an internal greenspace between buildings. The use of this property as a residential neighborhood would be compatible with the surrounding uses, which are a mixture of duplexes, small apartment buildings, and single-family homes. However, the density of the proposed development would be 13 units/acre, which is higher than the surrounding neighborhood and would be slightly higher than most other recently approved townhouse developments.

The proposed plan adequately provides the required open space, guest parking spaces, and driveway depths required for townhome communities developed under PRD-SF zoning. Although not shown, the description from the applicant indicates an active recreational feature will be provided. In addition, although not specifically required, the location of the driveway provides little area for landscaping to buffer adjacent properties.

The plan also shows the construction of new sidewalks along Kings Court but appears to use the existing sidewalks along Atlanta Street. A traffic study will be required to verify the intersection of Kings Court and Atlanta Street is adequate. Kings Court may need to be improved to handle additional traffic count. Based on the proposed design, the following variances would be necessary:

- Variance to reduce the minimum radii of horizontal curvature of the centerline to less than 100 ft. [*§730.01 (H)*]
- Variance to reduce the minimum access/utility easement width for a private road from 50 ft. to 32 ft. [*(§730.01 TABLE L) and (§726.03 (A)*]
- Variance to reduce the minimum lot size requirement from 4,000 sq.ft. to 1,000 sq.ft. [*§708.09 (H)*]

The City's Comprehensive Plan classifies the future land use of this property as Medium Density Residential, which intended for single family detached homes and attached townhomes with densities ranging from five (5) to eight (8) dwelling units per acre. The applicant's request to rezone to PRD-SF at a density of 13 units per acre is not supported by the City's Comprehensive Plan.

Prepared by: Jasi Thurston

Approved by: Rusty Roth

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	10”
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8”
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Rottenwood
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

- Full site development plans required
- Traffic Study required (intersection of Kings Court & Atlanta Street). Kings Court may need to be improved to handle additional traffic count.
- Demonstrate Fire/Sanitation access for streets with centerline radii less than 100' (City minimum). Trash Corals may be required.

TRANSPORTATION

What is the road affected by the proposed change?	Atlanta Rd
What is the classification of the road?	Arterial
What is the traffic count for the road?	21,500 (GDOT 2018)
Estimated # of trips generated by the proposed development?	Information not provided
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	No
Transportation improvements in the area?	No
If yes, what are they?	NA

Additional Comments:
Traffic Study required.
Show crosswalk as continental style.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	112 Haynes St
Distance of the nearest station?	1.1 miles
Most likely station for 1st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:
All buildings will be required to be protected throughout by an approved automatic sprinkler system.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site?	Yes x	No
If not, can this site be served?	Yes	No

What special conditions would be involved in serving this site?

Additional comments:

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Park Street Elementary**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**550**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**520**
Current enrollment of Middle School:	**1,386**
Current enrollment of High School:	**2,410**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**24**
New schools pending to serve this area:	**0**

Comments: Student enrollment numbers based on the last day of school.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: Z2020-19 **Legistar #:** 20200345 **PZ #:** 20-120

Planning Commission Hearing: 6-2-20 **City Council Hearing:** 6-10-20

Owner's Name Waymon Ahart, as Trustee of the James L. Houston Family Trust

EMAIL Address: jballi@tedecisions.com, rhosack@tedecisions.com

Mailing Address PO Box 877 Marietta, Georgia Zip Code: 30061 Telephone Number (770) 434.4335

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Pulte Home Company, LLC

EMAIL Address: jballi@tedecisions.com, rhosack@tedecisions.com

Mailing Address 1600 Parkwood Circle, Suite 200, Atlanta, Georgia Zip Code: 30339

Telephone Number (770) 434.4335 Email Address: jballi@tedecisions.com, rhosack@tedecisions.com

Address of property to be rezoned: 521 Atlanta Street SE

Land Lot (s) 290 District 17 Parcel 08640 Acreage 3.7 Ward 1A Future Land Use: MDR

Present Zoning Classification: OI Proposed Zoning Classification: PRD-5F 3.56

REQUIRED INFORMATION

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.**
2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee ($500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
   If providing (24"x 36") then **5** copies REQUIRED.
   The following information must be included:
   - Specific use or uses proposed for the site
   - Acreage, bearing and distances, other dimensions, and location of the tract(s)
   - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
   - Detention/retention areas, and utility easements
   - Public or private street(s) - right of way and roadway widths, approximate grades
   - Location and size of parking area with proposed ingress and egress
   - Specific types and dimensions of protective measures, such as buffers
   - Landscaping
   - Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

CAMPAIGN CONTRIBUTIONS

The Owner **and** Applicant herein certify that he/she ☐has ☒has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

Waymon Ahart

Signature of Owner

Waymon Ahart, as Trustee of the James L. Houston Family Trust

Print Name

Waymon AHART

_____

Signature of Applicant

Pulte Home Company, LLC

By: _____ Its: _____

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐has ☐has not a financial interest in the property which is ten percent (10%) or more.

Pulte Home Company, LLC

By: _____ Its: _____

Print Name

_____

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner **or** Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

_____

Signature

Pulte Home Company, LLC

By: _____ Its: _____

Please Print

3350 Peachtree Road Northeast, Suite 150, Atlanta, GA, 30326

Address

_____

Date

Signed, sealed and delivered in the presence of:

_____ **My Commission Expires:**_____

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

CAMPAIGN CONTRIBUTIONS

The Owner **and** Applicant herein certify that he/she ☐ has ☑ has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

	Garen W Smith
Signature of Owner	Signature of Applicant
Waymon Ahart, as Trustee of the James L. Houston Family Trust	Pulte Home Company, LLC By: Garen Smith Its: Div. VP Land Acquisition
Print Name	Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐ has ☑ has not a financial interest in the property which is ten percent (10%) or more.

Pulte Home Company, LLC By: Garen Smith Its: Div. VP LAND ACQUISITION	Garen W Smith
Print Name	Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner **or** Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

Garen W Smith	Pulte Home Company, LLC By: Garen Smith Its: Div VP Land Acquisition
Signature	**Please Print**
~~3350 Peachtree Road Northeast, Suite 150, Atlanta, GA, 30326~~ 2475 Northwinds Parkway, Suite 600 Alpharetta, GA 30009	
Address	
4-9-20	
Date	

LISA R FOLTZ NOTARY PUBLIC COBB CO., GA MY COMMISSION EXPIRES APRIL 18 2021

Signed, sealed and delivered in the presence of:

Lisa R. Foltz

My Commission Expires: 4-18-2021

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

taylor | english
decisions

Taylor English Decisions LLC 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30339
Main: 770.434.6868 | Fax: 770.434.7376 | **tedecisions.com**

Detailed Written Description
Application for Rezoning of Pulte Home Company, LLC
City of Marietta
521 Atlanta Street, Marietta, Georgia 30060

Pulte Home Company, LLC ("Pulte") is envisioning the rezoning of 3.77-acre tract from current zoning of OI to requested Planned Residential Development-Single Family (PRD). Pulte proposes the development of 49, 3 story townhomes to be constructed consistent with the architectural requirements specified in the ordinance to include compliance with "Four-Sided Architecture" as defined in Section 724.02 of the Marietta Zoning Ordinance. The proposed townhomes will provide more than the minimum required and will have 1,945 square feet of heated floor area, to include 39% of the site as open space with provisions for one passive recreational feature and one active recreational feature as required by Section 708.09 of the Marietta Zoning Ordinance. Resident and guest parking provisions shall be provided per Sections 708.09 and 716.07 of the Marietta Zoning Ordinance. Pulte will also provide a mandatory homeowners association that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development.

Pulte proposes the rezoning to PRD to allow for a creative land plan to capitalize on the site's proximity and connection to the both the Mountain to River Trail, as well as the Cemetery Multi Use Trail. The flexibility afforded by the PRD district will allow for the proposed development to contribute to goals espoused in the City's Comprehensive Plan to continue to expand and connect city's trail system in a way that foster recreation opportunities and transportation alternatives, including linkages to neighboring trails and other points of interest. The proposed PRD also provides an opportunity for a redevelopment project within a Corridor Character Area of the City that can provide for more diverse housing options near the downtown area with sidewalk and trail connections that incorporate pedestrian-oriented walkable connections. The proposed PRD is an ideal district to accommodate a redevelopment proposal to serve as a transition between more intense uses existing in the Community Activity Center across Atlanta Street, easterly to adjacent residential uses along E. Dixie Avenue, Delk Street and Kings Court.

Sincerely,

TAYLOR ENGLISH DECISIONS, LLC

Rob Hosack
rhosack@tedecisions.com

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **May 15, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, June 2nd, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, June 10th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-19 [REZONING] PULTE HOME COMPANY, LLC is requesting the rezoning of 3.8 acres located in located in Land Lots 290, District 17, Parcel 0640 of the 2nd Section, Cobb County, Georgia, and being known as 521 Atlanta Street from OI (Office Institutional) to PRD-SF (Planned Residential Development – Single Family). Ward 1A.

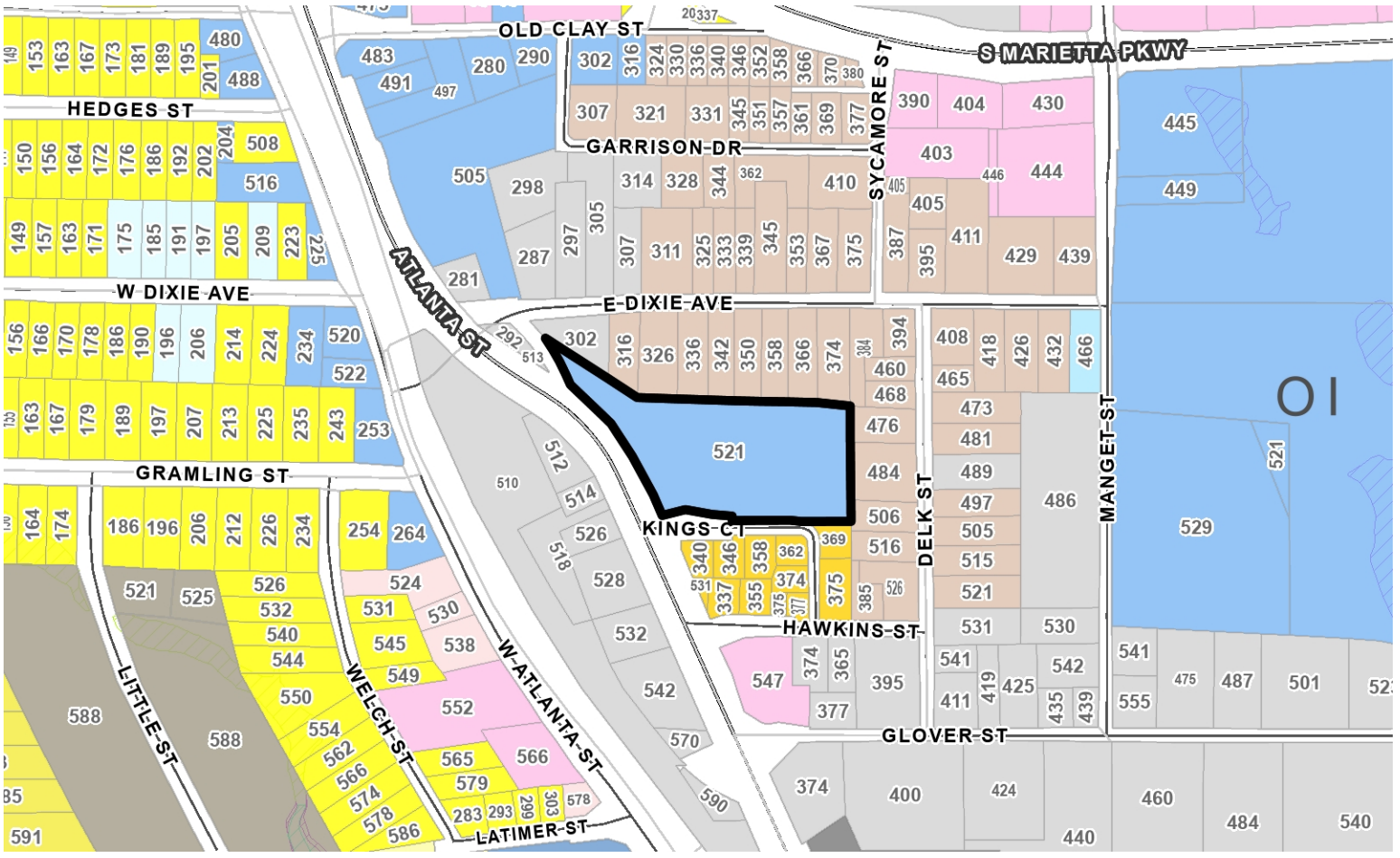
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
521 ATLANTA ST	17029000640	3.56	1A	OI	MDR

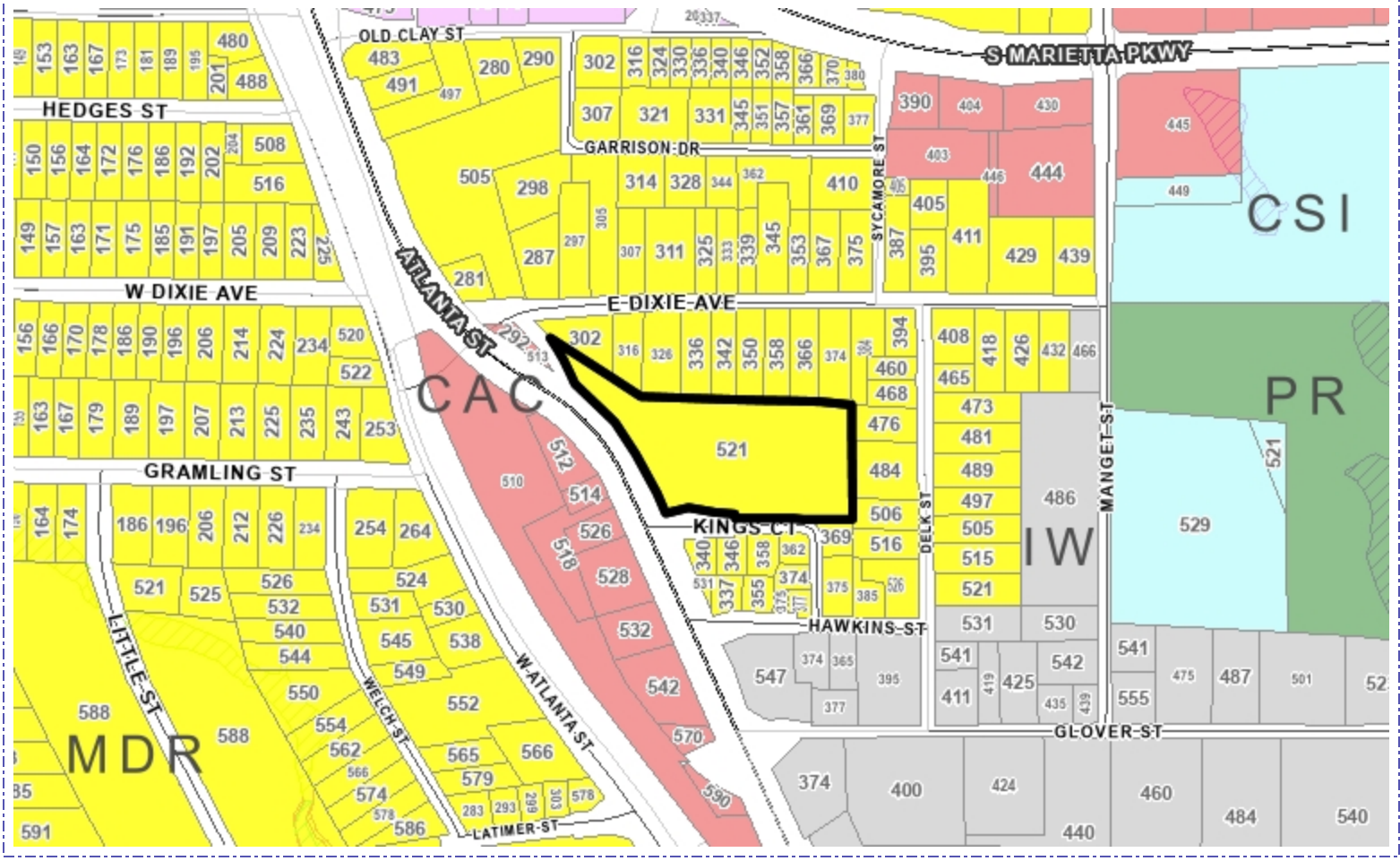
Property Owner:	Waymon Ahart, Trustee
Applicant:	Pulte Home Company
Proposed Zoning:	OI to PRD-SF
Agent:	
Proposed Use:	
Planning Commission Date:	06/02/2020
City Council Hearing Date:	06/10/2020
Case Number:	Z2020-19

City of Marietta Planning & Zoning

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Moble Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
521 ATLANTA ST	17029000640	3.56	1A	OI	MDR

Planning Commission Hearing Date:	06/02/2020
City Council Hearing Date:	06/10/2020
Future Land Use:	MDR
Case Number:	Z2020-19
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

- Railroads
- City Limits
- Cobb County Pockets
- RAC - Regional Activity Center
- CAC - Community Activity Center
- NAC - Neighborhood Activity Center
- CBD - Central Business District
- MXD - Mixed Use Development
- CSI - Community Service and Institutional
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities

Aerial Map

Address	Parcel Number	Acreage	Ward	Zoning	FLU
521 ATLANTA ST	17029000640	3.56	1A	OI	MDR

Property Owner: Waymon Ahart, Trustee

Applicant: Pulte Home Company

City Council Hearing Date: 06/10/2020

Planning Commission Hearing Date: 06/02/2020

BZA Hearing Date: Case Number: Z2020-19

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning

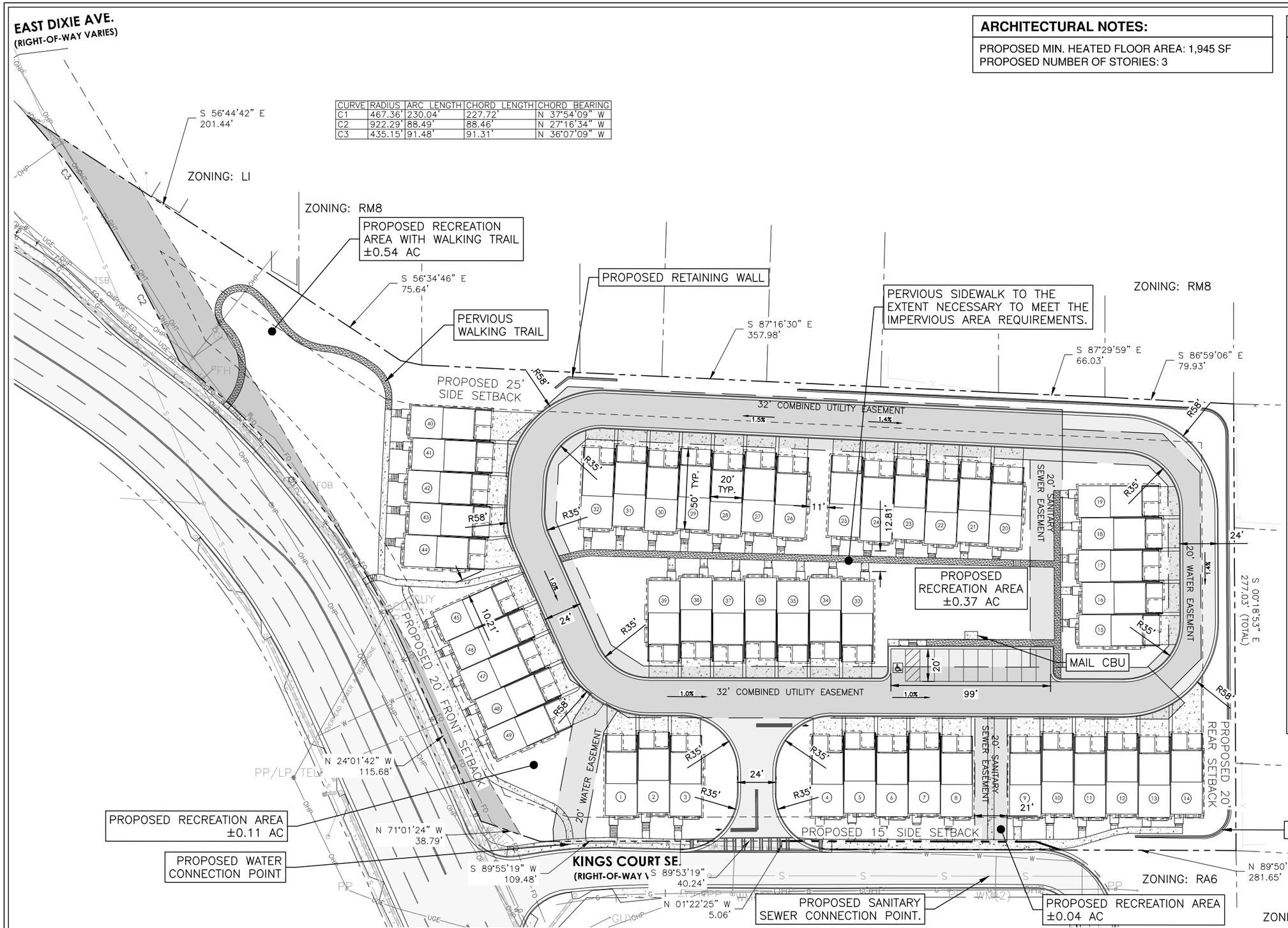
Preliminary Landscape Plan

MOONEY
design studio
Landscape Architecture | Planning

521 ATLANTA SCHEME 5

PLAN RENDERING

PulteGroup



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	467.36'	230.04'	227.72'	N 37°54'09" W
C2	922.29'	88.49'	88.46'	N 27°16'34" W
C3	435.15'	91.48'	91.31'	N 36°07'09" W

ARCHITECTURAL NOTES:

PROPOSED MIN. HEATED FLOOR AREA: 1,945 SF
PROPOSED NUMBER OF STORIES: 3

SITE NOTES:

SITE AREA:
TOTAL AREA: ±3.77 ACRES

SITE ZONING:
EXISTING ZONING: OI
PROPOSED ZONING: PRD

ZONING REQUIREMENTS:
MIN. LOT WIDTH: NONE
MIN. TRACT SIZE: 3 ACRES
MIN. LOT SIZE: 4,000 SF
MIN. BUILDING FLOOR AREA: 1,400 SF
MAX. IMPERVIOUS SURFACE: 60%
MIN. OPEN SPACE: 25%

PROPOSED SETBACKS:
FRONT: 25 FT
SIDE (MAJOR): 15 FT
SIDE (MINOR): 25 FT
REAR: 30 FT

PROPOSED LOT SUMMARY:
PROPOSED USE: RESIDENTIAL TOWNHOUSES
PROPOSED UNITS: 49
PROPOSED UNIT DENSITY: 13.0 UNITS/ACRE
PROPOSED LOT SIZE: 1,000 SF
PROPOSED OPEN SPACE: 39%
PROPOSED IMPERVIOUS AREA: 59%

RECREATION AREA:
REQUIRED RECREATION AREA: 1 AC/50 UNITS (0.98 AC)
PROPOSED RECREATION AREA: 1.06 AC

- RECREATION AREA IS REQUIRED TO HAVE ONE PASSIVE RECREATIONAL FEATURE AND ONE ACTIVE RECREATIONAL FEATURE. SEE ZONING ORDINANCE SEC. 708.09.B.2.i.

PARKING:
REQUIRED PARKING: 4 SPACES/UNIT (196)
PROPOSED PARKING: 4 SPACES/UNIT (196)
REQUIRED GUEST PARKING: 0.2 SPACES/UNIT (10)
PROPOSED GUEST PARKING: 10

REQUIRED VARIANCES:
1. VARIANCE TO ZONING ORDINANCE SEC.708.09.H.
   a. REQUEST TO REDUCE MIN. LOT SIZE FROM 4,000 SF TO 1,000 SF
2. VARIANCE TO ZONIING ORDINANCE SEC.730.01.H.1.
   a. REQUEST TO ALLOW HORIZONTAL CURVATURE OF ROAD CENTERLINE TO BE LESS THAN 100'.
3. ADDITIONAL VARIANCES AS DEPICTED ON THE SITE PLAN AND APPROVED BY THE MAYOR AND CITY COUNCIL.

THIS ILLUSTRATION IS A CONCEPTUAL SITE PLAN FOR PROPOSED DEVELOPMENT POTENTIAL. IT DOES NOT BIND OR LIMIT THE OWNER/DEVELOPER, NOR SHALL THE ENGINEER/ARCHITECT BE BOUND OR LIMITED BY THIS CONCEPTUAL DEVELOPMENT PLAN. ALL ILLUSTRATIONS/DRAWINGS ARE SUBJECT TO CHANGE AND REVISION WITHOUT PRIOR WRITTEN NOTICE TO THE HOLDER. DIMENSIONS, BOUNDARIES AND ANY OTHER GRAPHIC REPRESENTATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO AN ACCURATE SURVEY AND PROPERTY DESCRIPTION.

MAXWELL-REDDICK AND ASSOCIATES
ENGINEERING • LAND SURVEYING
40 JOE KENNEDY BLVD
STATESBORO, GA 30458
(912)489-7112 OFFICE
11605 HAYNES BRIDGE RD
SUITE 475
ALPHARETTA, GA 30009
(404)693-1618 OFFICE
COPYRIGHT © 2020 BY MAXWELL-REDDICK AND ASSOCIATES

REVISIONS:
1

DESIGNED:	DRAWN BY:	CHECKED:
DLH	GSU	___

DATE: APR. 8, 2020
JOB NO.: 2019-261

PROPOSED SUBDIVISION
521 ATLANTA ST
MARIETTA, GA

REZONE PLAN

DRAWING NUMBER
1
1 OF 1 SHEETS

taylor | english
decisions

Taylor English Decisions LLC 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30339
Main: 770.434.6868 | Fax: 770.434.7376 | **tedecisions.com**

June 5, 2020

VIA EMAIL: SLittle@mariettaga.gov
AND REGULAR MAIL

Ms. Shelby Little, Manager
Planning and Zoning Division
Marietta Development Services
P.O. Box 609
Marietta, GA 30061-0609

Re: Application for Rezoning of Pulte Home Company, LLC ("Applicant"), ±3.77 acres from O&I to PRD-SF, City of Marietta, Georgia, 521 Atlanta Street (Z2020-19).

Dear Shelby:

After receiving input and feedback from interested parties[1] and a unanimous recommendation for approval by the Marietta Planning Commission, we are hereby submitting this letter of agreeable stipulations/conditions to ensure quality which will become conditions and a part of the grant of the requested rezoning and run with the land. This letter supersedes any previous stipulation letter and, upon grant of the rezoning we agree to the following:

1. The architectural style, composition and design of the proposed townhomes shall be constructed consistent with the "Four-Sided Architecture" Requirement as defined in Section 724.02 of the Marietta Zoning Ordinance. (See attached). The architectural style represents high quality townhomes with blended building materials that may include the application of stone, brick, hardi-plank, shake and board and batten. No vinyl materials shall be used on the exterior of the town homes. The minimum heated floor area shall be 1,945 square feet.[2]

2. Resident and guest parking provisions shall be provided per Sections 708.09 and 716.07 of the Marietta Zoning Ordinance.

3. Project will include 1 acre of the site as open space.

4. All units within the proposed community shall be "for sale" units. The Declaration of Restrictive Covenants shall restrict the number of units which can be leased at any one time to no more than five percent.

5. Applicant agrees to the recording and enforcement of a Declaration of Restrictive

[1] Although not required, the Applicant mailed copies of the site plan and other contact information to all adjacent neighbors. This has resulted in the ability to answer questions and provide the neighbors with any additional requested information.
[2] The price points shall be $300,000 to $400,000 and up.

Covenants which shall contain covenants, rules, and regulations applicable to the proposed residential community.

6. Also, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, private streets, mail kiosk, and all landscaping and plantings

7. Lighting within the proposed community shall be environmentally sensitive, decorative and themed to the architecture and style of the proposed residential homes.

8. The yard areas around each unit shall be fully sodded/landscaped and maintained by the mandatory homeowner's association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.

9. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall complement the high quality, architectural vision and style of the proposed homes. The entrance landscaping shall be professionally designed, implemented, and maintained. All signage shall comply with the City of Marietta Sign Ordinance.

10. There shall be internal sidewalks within the proposed residential community, as more particularly shown and reflected on the updated Site Plan. However, sidewalks shall not be required in any areas in which the sidewalk conflicts with any guest parking requirements.

11. The proposed residential community shall contain private streets, twenty-four (24) feet in width, from back-of-curb to back-of-curb.

12. All utilities servicing the residences within the proposed community shall be located underground.

13. All construction and employee vehicles and equipment will be parked, and otherwise located, on the property during development of infrastructure and construction of residences, and shall not be parked on or along Atlanta Street, Kings Court and E. Dixie Avenue. There will be no stacking of vehicles along any roadway waiting for entry onto the property.

14. All landscaping referenced herein; including, but not limited to, the frontage, entrance area [including entrance signage], island areas, and open space areas, shall be approved by the City of Marietta as part of the plan review process and incorporated into the overall landscape plan for the proposed community as shown on the attached

landscape plan (see attached).

15. All setbacks, landscape and buffer areas may be penetrated for purposes of access, utilities and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by the City of Marietta or any utility provider.

16. All stormwater infrastructure located outside of the public right-of-way shall be privately maintained. Applicant agrees to comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and City Water Quality Ordinance.

17. Development and construction hours for the proposed project shall be limited to the following:

    a. 7:00 a.m. to 7:00 p.m. – Monday – Friday, April 1st through September 30th;

    b. 7:00 a.m. to 7:00 p.m. – Monday – Friday, October 1st through March 31st;

    c. 9:00 a.m. to 6:00 p.m. – Saturday; and

    d. No work on Sunday unless approved by the respective council member representing the Ward.

    e. To the extent blasting is required on the Site (none is expected), any blasting will be performed only on Monday-Friday between the hours of 9:00 a.m. and 3:00 p.m. and a 24-hour notice must be given in writing to any occupied residence within 1000 feet of the Site.

18. Applicant requests approval of the following contemporaneous variances:

    a. Section 708.09H of the Marietta City Code to allow the minimum lot size to be the footprint of the smallest unit.

    b. Section 730.01H of the Marietta City Code to allow horizontal curvature of road centerline to be less than 100 feet.

    c. Section 730.01 Table L and Section 726.03 A to allow the minimum access/utility easement width for a private road from 50 feet to32 feet.[3]

[3] At the planning commission the Fire Department confirmed this was no problem from a fire safety perspective.

d. Other variances as may be depicted on site plans recommended or approved by the Marietta Planning Commission and Mayor and Council.

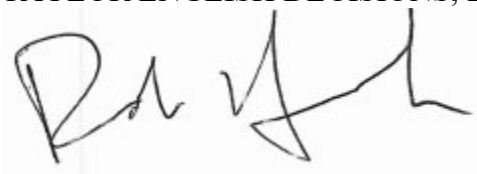
19. Minor changes in use and intensity of use that may not require an amendment to the general plan and eligible to be submitted for approval in conjunction with the detailed plan shall be discussed in advance with the respective council member representing the Ward.

20. Consistent with the existing zoning stipulations for Z2018-23, applicant will conduct a historical resources survey and submit same to the City of Marietta prior to receiving final permits.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the Applications being heard and considered by the Mayor and Council.

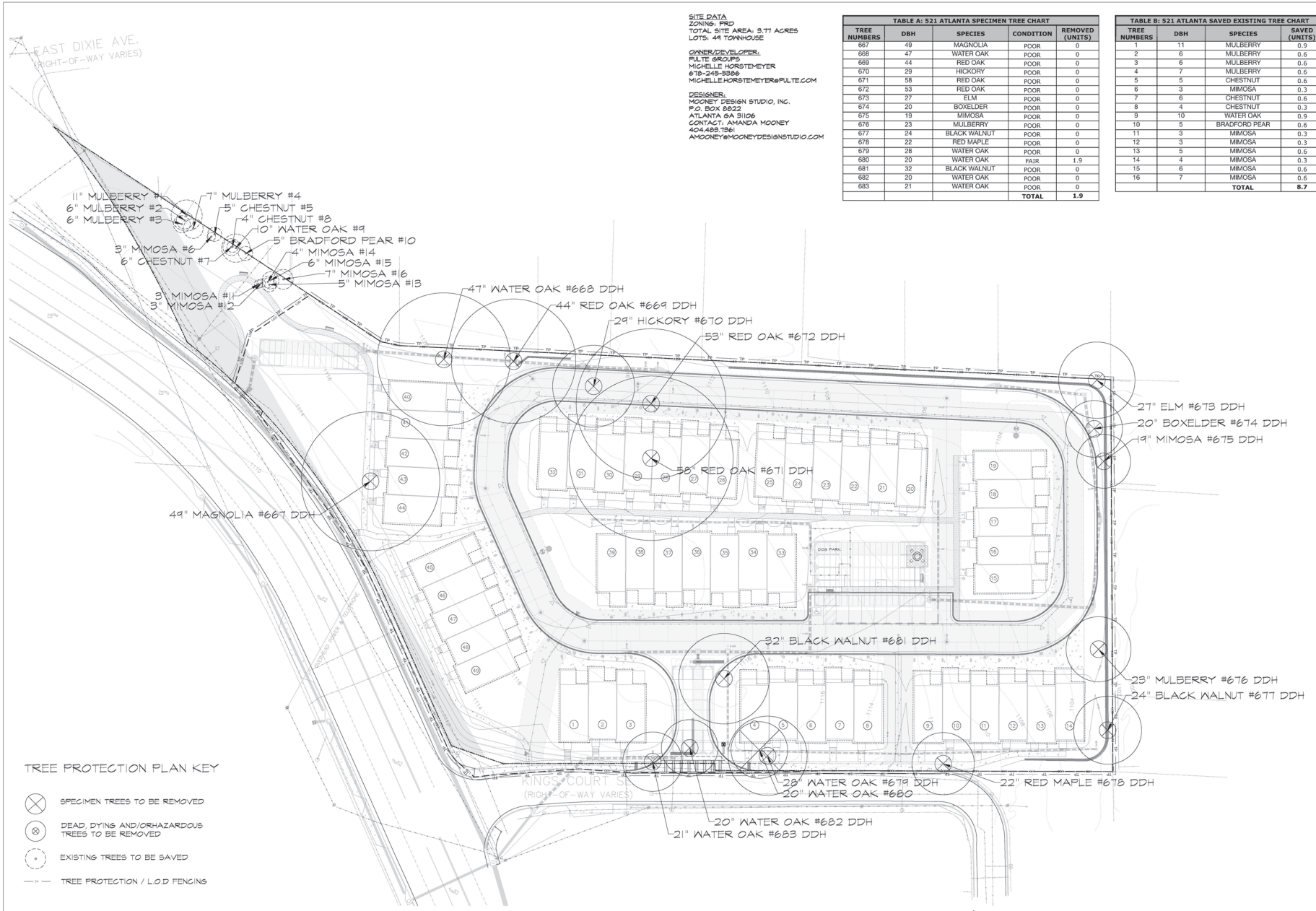
Sincerely,

TAYLOR ENGLISH DECISIONS, LLC



Rob Hosack
rhosack@tedecisions.com
James A. Balli
jballi@tedecisions.com

cc: Mayor Steve Tumlin
Councilwoman Cheryl Richardson
Members, Marietta City Council
Marietta City Clerk's office
Rusty Roth, Director of Development Services
Pulte Home Company, LLC



SITE DATA
ZONING: PRD
TOTAL SITE AREA: 3.77 ACRES
LOTS: 49 TOWNHOUSE

OWNER/DEVELOPER:
PULTE GROUPS
MICHELLE HORSTEMEYER
678-248-5586
MICHELLE.HORSTEMEYER@PULTE.COM

DESIGNER:
MOONEY DESIGN STUDIO, INC.
P.O. BOX 8822
ATLANTA GA 31106
CONTACT: AMANDA MOONEY
404.483.7361
AMOONEY@MOONEYDESIGNSTUDIO.COM

TABLE A: 521 ATLANTA SPECIMEN TREE CHART

TREE NUMBERS	DBH	SPECIES	CONDITION	REMOVED (UNITS)
667	49	MAGNOLIA	POOR	0
668	47	WATER OAK	POOR	0
669	44	RED OAK	POOR	0
670	29	HICKORY	POOR	0
671	58	RED OAK	POOR	0
672	53	RED OAK	POOR	0
673	27	ELM	POOR	0
674	20	BOXELDER	POOR	0
675	19	MIMOSA	POOR	0
676	23	MULBERRY	POOR	0
677	24	BLACK WALNUT	POOR	0
678	22	RED MAPLE	POOR	0
679	28	WATER OAK	POOR	0
680	20	WATER OAK	FAIR	1.9
681	32	BLACK WALNUT	POOR	0
682	20	WATER OAK	POOR	0
683	21	WATER OAK	POOR	0
			TOTAL	1.9

TABLE B: 521 ATLANTA SAVED EXISTING TREE CHART

TREE NUMBERS	DBH	SPECIES	SAVED (UNITS)
1	11	MULBERRY	0.9
2	6	MULBERRY	0.6
3	6	MULBERRY	0.6
4	7	MULBERRY	0.6
5	5	CHESTNUT	0.6
6	3	MIMOSA	0.3
7	6	CHESTNUT	0.6
8	4	CHESTNUT	0.3
9	10	WATER OAK	0.9
10	5	BRADFORD PEAR	0.6
11	3	MIMOSA	0.3
12	3	MIMOSA	0.3
13	5	MIMOSA	0.6
14	4	MIMOSA	0.3
15	6	MIMOSA	0.6
16	7	MIMOSA	0.6
		TOTAL	8.7

TREE PROTECTION PLAN KEY

- SPECIMEN TREES TO BE REMOVED
- DEAD, DYING AND/ORHAZARDOUS TREES TO BE REMOVED
- EXISTING TREES TO BE SAVED
- TREE PROTECTION / L.O.D FENCING

TREE LOCATION AND PROTECTION PLAN
SCALE 1"=30'-0"

0 30 60 90 feet
SCALE: 1" = 30'

ZONING: PRD
MUNICIPALITY: CITY OF MARIETTA

Owner:
PULTE GROUP
2475 NORTHWINDS PKWY
SUITE 600, ALPHARETTA GA 30009
MICHELLE HORSTEMEYER:
678.776.1456

Drawn by:
MOONEY design studio
Landscape Architecture | Planning
1190 N. Highland Ave. NE
Atlanta, Ga 31106 #8822
(t) 404.483.7361

521 ATLANTA
SCHEME 5

GEORGIA REGISTERED LANDSCAPE ARCHITECT AMANDA K. MOONEY
06.04.20

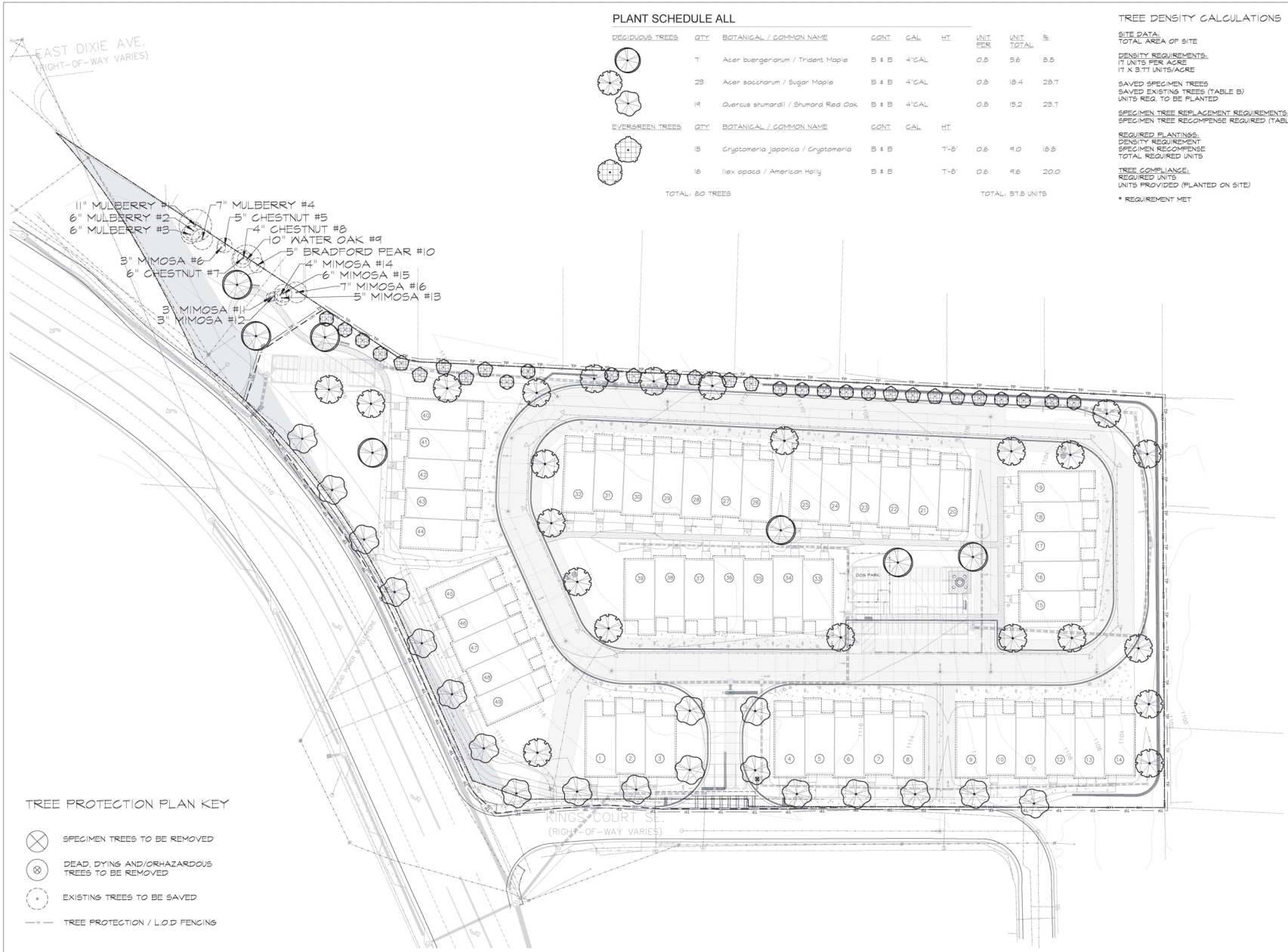
REVISIONS

TREE LOCATION AND PROTECTION PLAN

SCALE:

SHEET:
TPR1

DATE: 06.04.20



PLANT SCHEDULE ALL

DECIDUOUS TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	HT	UNIT PER	UNIT TOTAL	%
	7	Acer buergerianum / Trident Maple	B & B	4"CAL		0.8	5.6	8.8
	23	Acer saccharum / Sugar Maple	B & B	4"CAL		0.8	18.4	28.7
	19	Quercus shumardii / Shumard Red Oak	B & B	4"CAL		0.8	15.2	23.7
EVERGREEN TREES	**QTY**	**BOTANICAL / COMMON NAME**	**CONT**	**CAL**	**HT**			
	15	Cryptomeria japonica / Cryptomeria	B & B		7'-8'	0.6	9.0	18.8
	16	Ilex opaca / American Holly	B & B		7'-8'	0.6	9.6	20.0

TOTAL: 80 TREES — TOTAL: 57.8 UNITS

TREE DENSITY CALCULATIONS

SITE DATA:		
TOTAL AREA OF SITE		3.77 ACRES
DENSITY REQUIREMENTS:		
17 UNITS PER ACRE		
17 X 3.77 UNITS/ACRE		64.09 UNITS
		-
SAVED SPECIMEN TREES		0
SAVED EXISTING TREES (TABLE B)		8.7
UNITS REQ. TO BE PLANTED		55.39 UNITS
SPECIMEN TREE REPLACEMENT REQUIREMENTS:		
SPECIMEN TREE RECOMPENSE REQUIRED (TABLE A)		1.9 UNITS
REQUIRED PLANTINGS:		
DENSITY REQUIREMENT		55.39 UNITS
SPECIMEN RECOMPENSE	+	1.9 UNITS
TOTAL REQUIRED UNITS		57.29 UNITS
TREE COMPLIANCE:		
REQUIRED UNITS		57.29 UNITS
UNITS PROVIDED (PLANTED ON SITE)		57.8 UNITS

* REQUIREMENT MET

TREE PROTECTION PLAN KEY

- SPECIMEN TREES TO BE REMOVED
- DEAD, DYING AND/ORHAZARDOUS TREES TO BE REMOVED
- EXISTING TREES TO BE SAVED
- TREE PROTECTION / L.O.D FENCING

TREE REPLACEMENT PLAN
SCALE 1"=30'-0"

0 30 60 90 feet
SCALE: 1" = 30'

ZONING: PRD
MUNICIPALITY: CITY OF MARIETTA

Owner:
PULTE GROUP
2475 NORTHWINDS PKWY
SUITE 600, ALPHARETTA GA 30009
MICHELLE HORSTEMEYER:
678.776.1456

Drawn by:
MOONEY design studio
Landscape Architecture | Planning
1190 N. Highland Ave. NE
Atlanta, Ga 31106 #8822
(t) 404.483.7361

521 ATLANTA SCHEME 5

GEORGIA REGISTERED LANDSCAPE ARCHITECT AMANDA K. MOONEY
06.04.20

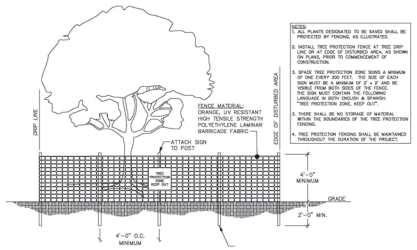
REVISIONS

TREE REPLACEMENT PLAN

SCALE:

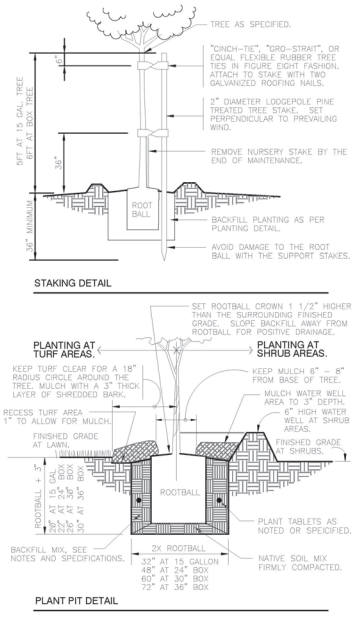
SHEET: TPR2

DATE: 06.04.20



1 TREE PROTECTION FENCE

1" = 1" P-GD-OT



2 TREE SINGLE STAKE PLANTING

1" = 1'-0" FX-PL-FX-TREE-01

GENERAL PLANTING NOTES:

1. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF PESTS AND DISEASES. PLANTS SHALL BE NURSERY GROWN, FRESHLY DUG, NORMALLY SHAPED, AND WELL-BRANCHED; FULL FOLIAGED WHEN IN LEAF AND WITH HEALTHY, WELL-DEVELOPED ROOT SYSTEMS.
2. ALL PLANTS FURNISHED SHALL BE FREE OF ANY INSECT INFESTATIONS OR THEIR EGGS AND SHALL HAVE BEEN GROWN UNDER CLIMATIC CONDITIONS WITH TEMPERATURE EXTREMES SIMILAR TO THOSE OF THE LOCALITY OF THE PROJECT FOR A MINIMUM OF TWO (2) YEARS PRIOR TO USE ON THIS PROJECT.
3. ALL PLANTS MUST BE CONTAINER-GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
4. ALL PLANTS SHALL BE TRUE TO SPECIES AND VARIETY. PLANTS USED WHERE SYMMETRY IS REQUIRED SHALL MATCH AS NEARLY AS POSSIBLE. NO SUBSTITUTING WILL BE PERMITTED WITHOUT WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT.
5. ALL TREES MUST BE SELF-SUPPORTING WITH STRAIGHT TRUNKS, WITH LEADERS INTACT, FULL-HEADED, AND MEET REQUIREMENTS SPECIFIED.
6. ALL TREES MUST BE GUYED OR STAKED AS SHOWN ON DETAILS.
7. ALL PLANTS AND PLANTING AREAS MUST BE COMPLETELY MULCHED WITH 3" PINESTRAW OR MULCH.
8. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT AND THE OWNER BEFORE, DURING, AND AFTER INSTALLATION UNTIL THE DATE OF FINAL ACCEPTANCE.
9. ALL PLANTS SHALL MEET STANDARDS SET FORTH IN AMERICAN STANDARD FOR NURSERY STOCK". THESE STANDARDS REPRESENT GUIDELINE SPECIFICATIONS ONLY AND CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
10. SPECIFIC REQUIREMENTS CONCERNING THE VARIOUS SPECIES AND THE MANNER IN WHICH THEY ARE TO BE FURNISHED ARE SHOWN ON THE DRAWING AND PLANT LIST.
11. STOCK FURNISHED IN A SIZE RANGE SPECIFIED SHALL BE INTERPRETED TO MEAN THAT NOT LESS THAN 50% SHALL BE OF THE MAXIMUM SIZE SPECIFIED WITHIN EACH RANGE.
12. THE DETERMINING MEASUREMENTS FOR TREES SHALL BE THE CALIPER, HEIGHT AND SPREAD. CALIPER SHALL BE TAKEN 6" ABOVE THE GROUND FOR TREES UP TO 4" CALIPER AND 12" ABOVE THE GROUND FOR LARGER SIZES. HEIGHT AND SPREAD DIMENSIONS SPECIFIED REFER TO THE MAIN BODY OF THE PLANT AND NOT FROM BRANCH TIP TO BRANCH TIP. TAKE MEASUREMENTS WITH BRANCHES IN NORMAL POSITION.
13. PRIOR TO CONSTRUCTION, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF WORK. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
14. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IF ANY DISCREPANCIES ARE FOUND.
15. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ALL PLANTING (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) OF PLANTING AREAS AND LAWNS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER. THE OWNER SHALL PROVIDE WATER.
16. THE LANDSCAPE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF NINETY (90) DAYS BEGINNING AT THE DATE OF FINAL ACCEPTANCE. THE LANDSCAPE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD (PER THE DIRECTION OF THE OWNER).
17. THE OWNER AGREES TO PERFORM ALL LANDSCAPE MAINTENANCE (INCLUDING WATERING) THROUGHOUT THE NINETY (90) DAY GUARANTEE PERIOD UNLESS OTHERWISE DETERMINED.
18. AFTER DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCLIMATED FOR TWO WEEKS UNDER A MIST SYSTEM PRIOR TO INSTALLATION.
19. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN OR DEFOLIATES PRIOR TO TOTAL ACCEPTANCE OF THE WORK SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, SIZE, AND MEETING ALL PLANT LIST SPECIFICATIONS.

ZONING: PRD
MUNICIPALITY: CITY OF MARIETTA

Owner:

PULTE GROUP
2475 NORTHWINDS PKWY
SUITE 600, ALPHARETTA GA 30009
MICHELLE HORSTEMEYER:
678.776.1456

Drawn by:

MOONEY design studio
Landscape Architecture | Planning
1190 N. Highland Ave. NE
Atlanta, Ga 31106 #8822
(t) 404.483.7361

521 ATLANTA
SCHEME 5

GEORGIA REGISTERED LANDSCAPE ARCHITECT AMANDA K. MOONEY
06.04.20

REVISIONS

DETAILS

SCALE:

SHEET:
TPR3

DATE: 06.04.20

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-20 **LEGISTAR: #20200348**

LANDOWNERS: **Center State Bank (Mark Hill)**
1375 North Broadway Ave
Bartow, FL 33830

APPLICANT: **Mark Lewis**
440 Davis Carnes Ln
Marietta, GA 30064

PROPERTY ADDRESS: **308 Montgomery Street**

PARCEL DESCRIPTION: 16114401680

AREA: **0.74 acres** **COUNCIL WARD:** **5A**

EXISTING ZONING: **R-4 (Single Family Residential – 4 units/acre)**

REQUEST: **R-4 (Single Family Residential – 4.05 units/acre)**

FUTURE LAND USE: **MDR (Medium Density Residential)**

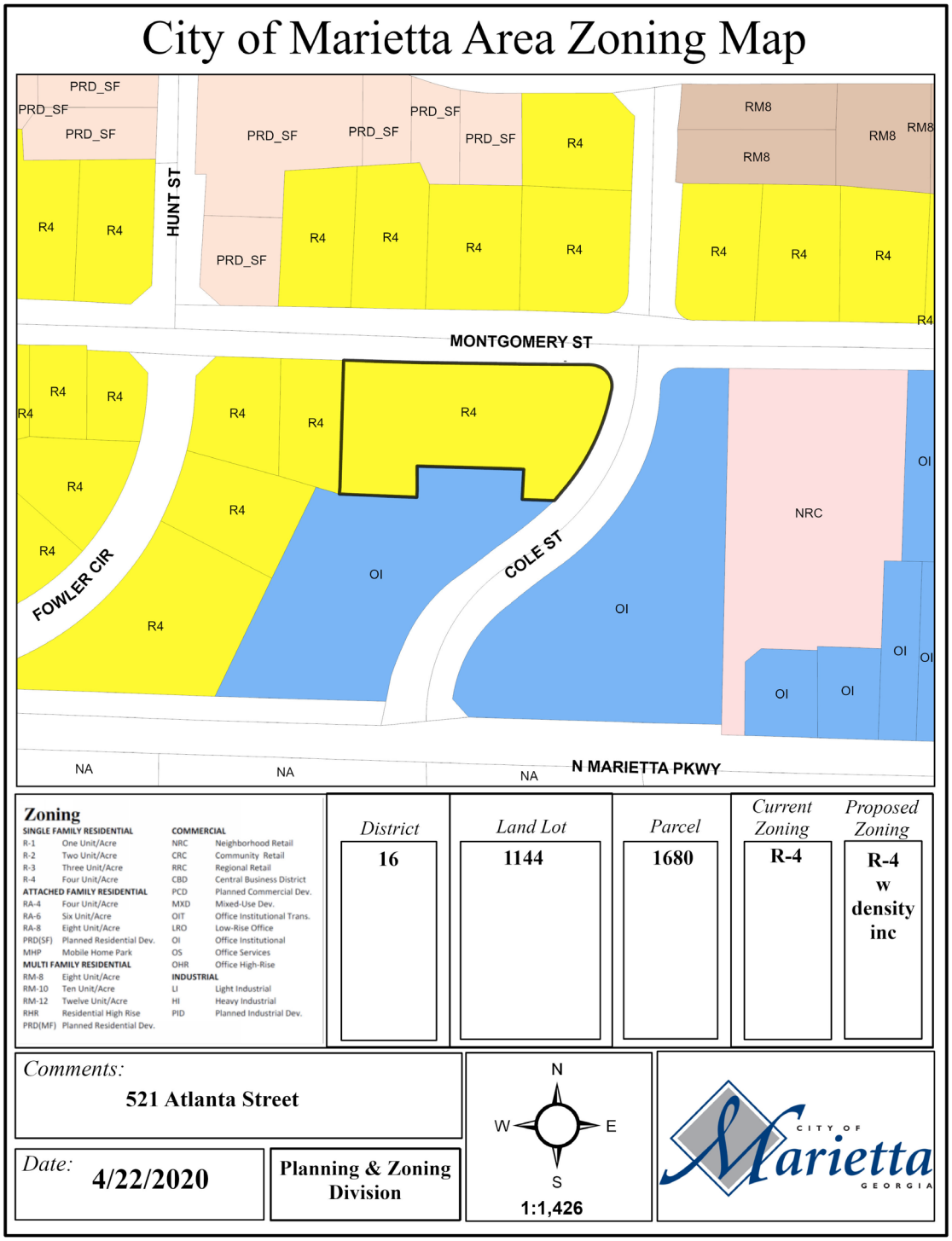
REASON FOR REQUEST: The applicant is requesting the rezoning of the subject property to increase the density with the current zoning, R-4, in order to develop three single-family detached homes.

PLANNING COMMISSION HEARING: Tuesday, June 2nd, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, June 10th, 2020 – 7:00 p.m.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



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205 Lawrence Street
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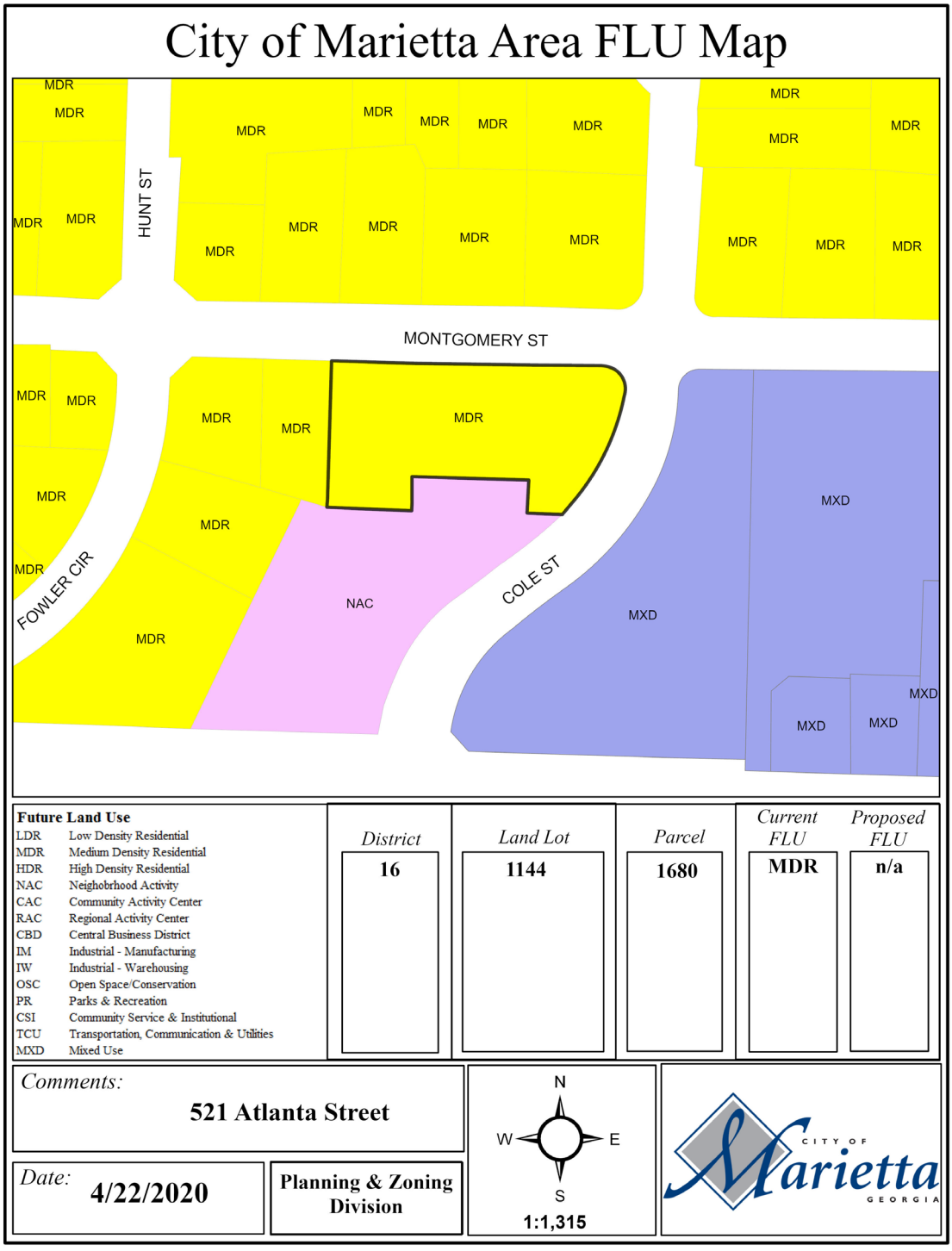
FLU MAP



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

PICTURES OF PROPERTY

308 Montgomery Street (view from Cole Street)

Intersection of Montgomery Street @ Cole Street

Montgomery Street frontage

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF ANALYSIS

Location Compatibility

The applicant, Mark Lewis**,** is requesting to increase the density of the property at 308 Montgomery Street. The subject property is at the southwestern corner of Montgomery and Cole Street and is 0.74 acres in size. The surrounding area is primarily residential with the exception of some office and neighborhood retail properties. The subject property is zoned R-4 (Single Family Residential – 4 units/acre) and nearby properties to the north and west are also zoned R-4. However, properties to the south and east, across Cole Street, are zoned OI (Office Institutional) and used as financial offices. Although the property is currently vacant, it previously contained three (3) single family homes that were demolished between 2009-2015. The applicant wishes to rezone the property from R-4 to R-4 (at 4.05 units/acre) in order to build three (3) single family detached homes.

Use Potential and Impacts

The applicant has provided a general sketch of the proposed layout of the three parcels. Although the applicant is proposing a slight density increase, each lot will comply with all other bulk and area regulations set forth under the R-4 zoning classification. Due to the unscaled site plan, staff was only able to verify the distances annotated and compare them to current code. If approved, an exemption plat to subdivide the property would be required. Verification of compliance with all the current development codes would be assured prior to permitting.

Based on the submitted plan, each new home is shown with the proper building setbacks. The applicant has indicated that the homes will be 2-story and approximately 2,400 square feet in size. Each home would have front entry two-car garages with access from Montgomery Street and each driveway length would be a minimum of twenty-five (25) feet.

R-4 zoning allows four (4) dwelling units per acre or one (1) dwelling unit per quarter (.25) of an acre. Therefore, providing three (3) dwelling units on 0.74 acres instead of 0.75 acres raises the density over 4 units/acre. Therefore, the applicant wishes to increase the density from four (4) units per acre to 4.05 units per acre.

The Future Land Use (FLU) designation on the subject property is MDR (Medium Density Residential). MDR's purpose is to accommodate a residential area which range in densities from 5 to 8 units per acre. Although higher densities are allowed under the MDR classification it also states, "*new residential uses should be developed in a manner that helps protect the character of the surrounding area".* Being that the surrounding residential area is also R-4, this rezoning request is supported by the City's Comprehensive Plan.

Environmental Impacts

There are no environmental concerns or impacts predicted from the proposed development since the property was once used as three single family homes.

Economic Functionality

The subject property has been vacant since 2015, according to aerial photos. There has been a consistent increase of new residential homes and remodeling of existing homes in the area since 2015. Also, the City has improved walkability in the area by adding sidewalks leading to the new Elizabeth Porter Park. Since the subject property is adjacent to both commercial and residential properties, it could have potential for either uses. However, maintaining the property as residential would be the most appropriate economic use.

Infrastructure

Since the subject property was previously occupied by the same use and of the same quantity, there shall be no detrimental effect to the infrastructure in the area. There is no anticipated issue with continuing to provide water, sewer, and electricity services at the subject site.

The serving elementary school is A.L. Burruss and is currently under capacity.

Overhead Electrical/Utilities

There are overhead utility poles along the front yard of Montgomery Street; however, the proposed setbacks will allow a safe distance from the new residences and overhead utilities.

History of Property

There is no history of any variances, special land use permits, or rezonings at the subject property.

Other Issues

An exemption plat to properly subdivide the subject property prior to construction of buildings must be submitted for approval and recorded prior to any permits being issued.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

ANALYSIS & CONCLUSION

The applicant, Mark Lewis, is requesting to increase the density of the property at 308 Montgomery Street. The subject property is located at the southwestern corner lot of Montgomery and Cole Streets, is 0.74 acres in size, and is zoned R-4. The surrounding area is primarily residential with a mixture of office and neighborhood retail along North Marietta Parkway.

The property is currently vacant but had previously contained three (3) single family homes until they were demolished between 2009-2015. The applicant wishes to rezone the property from R-4 to R-4 with a density of 4.05 units/acre to build three (3) new single-family detached homes. The applicant has provided a general sketch of the proposed layout and each new home is shown within the proper building setbacks. The applicant has indicated that the homes will be 2-story and approximately 2,400 square feet in size. Each home would have front entry two-car garages with access from Montgomery Street and each driveway length would be a minimum of twenty-five (25) feet. If approved, an exemption plat to subdivide the property would be required. Verification of compliance with all the current development codes would be assured prior to permitting.

R-4 zoning allows four (4) dwelling units per acre or one (1) dwelling unit per quarter (.25) of an acre. Therefore, providing three (3) dwelling units on 0.74 acres instead of 0.75 acres raises the density over 4 units/acre. Therefore, the applicant is requesting the following:

- Variance to increase the density from 4 units/acre to 4.05 units/ acre.

The Future Land Use (FLU) designation on the subject property is MDR (Medium Density Residential). The purpose of MDR is to accommodate residential areas that range in densities from 5 to 8 units per acre. Being that the surrounding residential area is also R-4 and the proposed density is within the allowable range, this rezoning request is supported by the City's Comprehensive Plan.

Prepared by: Shelby Smith

Approved by: Rusty Roth

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	10” in Montgomery and Cole
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8” in Montgomery and Cole
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	xyz
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Additional Comments:

- Full site development plans required

TRANSPORTATION

What is the road affected by the proposed change?	No comments
What is the classification of the road?	No comments
What is the traffic count for the road?	No comments
Estimated # of trips generated by the proposed development?	No comments
Estimated # of pass-by cars entering proposed development?	No comments
Do sidewalks exist in the area?	No comments
Transportation improvements in the area?	No comments
If yes, what are they?	No comments

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	112 Haynes St
Distance of the nearest station?	0.6 miles
Most likely station for 1st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:
Be aware of Marietta City Code 2-16-140. If residential structures are built within 10' of property lines, or within 20' of another structure they will be required to be protected by automatic fire sprinklers.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x___ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**AL Burruss**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**500**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**409**
Current enrollment of Middle School:	**1,386**
Current enrollment of High School:	**2,410**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**2**
New schools pending to serve this area:	**0**

Comments: Student enrollment numbers based on the last day of school.

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Marietta GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:
Application #: Z2020-20 Legistar #: 20200348 PZ #: 20-122
Planning Commission Hearing: 6-2-20 City Council Hearing: 6-10-20

Owner's Name CenterState Bank Mark Hill
EMAIL Address: mhill6centerstatebank.com
Mailing Address 1375 North Broadway Ave Bartow FL Zip Code: 33830 Telephone Number 863-651-7321

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant: Mark Lewis
EMAIL Address: MRK/ewis996gmail.com / nancy lewis whimseys@att.net
Mailing Address 440 Davis Carnes Ln, Marietta Zip Code: 30064
Telephone Number 404-867-7082 Email Address: MRK/ewis996gmail.com

Address of property to be rezoned: 308 Montgomery St. Marietta GA 30060
Land Lot (s) 1144 District 16 Parcel 01680 Acreage .74 Ward 5A Future Land Use: MDR
Present Zoning Classification: R-4 Proposed Zoning Classification: R-4 with Density Variance

REQUIRED INFORMATION

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.**
2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee ($500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
   If providing (24"x 36") then 5 copies REQUIRED.
   The following information must be included:
   - Specific use or uses proposed for the site
   - Acreage, bearing and distances, other dimensions, and location of the tract(s)
   - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
   - Detention/retention areas, and utility easements
   - Public or private street(s) - right of way and roadway widths, approximate grades
   - Location and size of parking area with proposed ingress and egress
   - Specific types and dimensions of protective measures, such as buffers
   - Landscaping
   - Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐ has ☑ has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

Signature of Owner

Mark Hill Center State Bank
Print Name

Signature of Applicant

Mark Lewis
Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐ has ☑ has not a financial interest in the property which is ten percent (10%) or more.

Mark Lewis
Print Name

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

Signature

Mark Hill
Please Print

1375 N. Broadway Ave., Bartow FL 33830
Address

April 14, 2020
Date

Signed, sealed and delivered in the presence of:

Lisa Bazo-Congdon **My Commission Expires:** 1-24-2024

LISA M. BAZO-CONGDON
Notary Public - State of Florida
Commission # GG 948863
My Comm. Expires Jan 24, 2024

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐has ☑has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

	Mark A. Lewis
Signature of Owner	Signature of Applicant
Mark Hill Center State Bank	Mark Lewis
Print Name	Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐has ☑has not a financial interest in the property which is ten percent (10%) or more.

Mark Lewis	Mark A. Lewis
Print Name	Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner **or** Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
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- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

Mark A. Lewis	Mark A. Lewis
Signature	**Please Print**

440 Davis Curves Lane, Marietta, GA 30064
Address

4-16-2020
Date

ERIN MORRIS NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES APRIL 11, 2023

Signed, sealed and delivered in the presence of:

Erin Morris

My Commission Expires: 04-11-2023

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

April 16th, 2020

Mark A. Lewis

PROPOSED PROJECT

The property at 308 Montgomery Street, Marietta, 30060 is currently surveyed for 2 homes. I am requesting to have it resurveyed and zoned for 3 homes. The homes would be in the $400,000 price range and would be comparable to new homes recently built in the same neighborhood.

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **May 15, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, June 2nd, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, June 10th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-20 [REZONING] MARK LEWIS is requesting the rezoning of 0.74 acres located in Land Lot 1144, District 16, Parcel 1680 of the 2nd Section, Cobb County, Georgia, and being known as 308 Montgomery Street from R-4 (Single Family Residential – 4 units/acre) to R-4 (Single Family Residential – 4 units/acre) with an increase in density. Ward 5A.

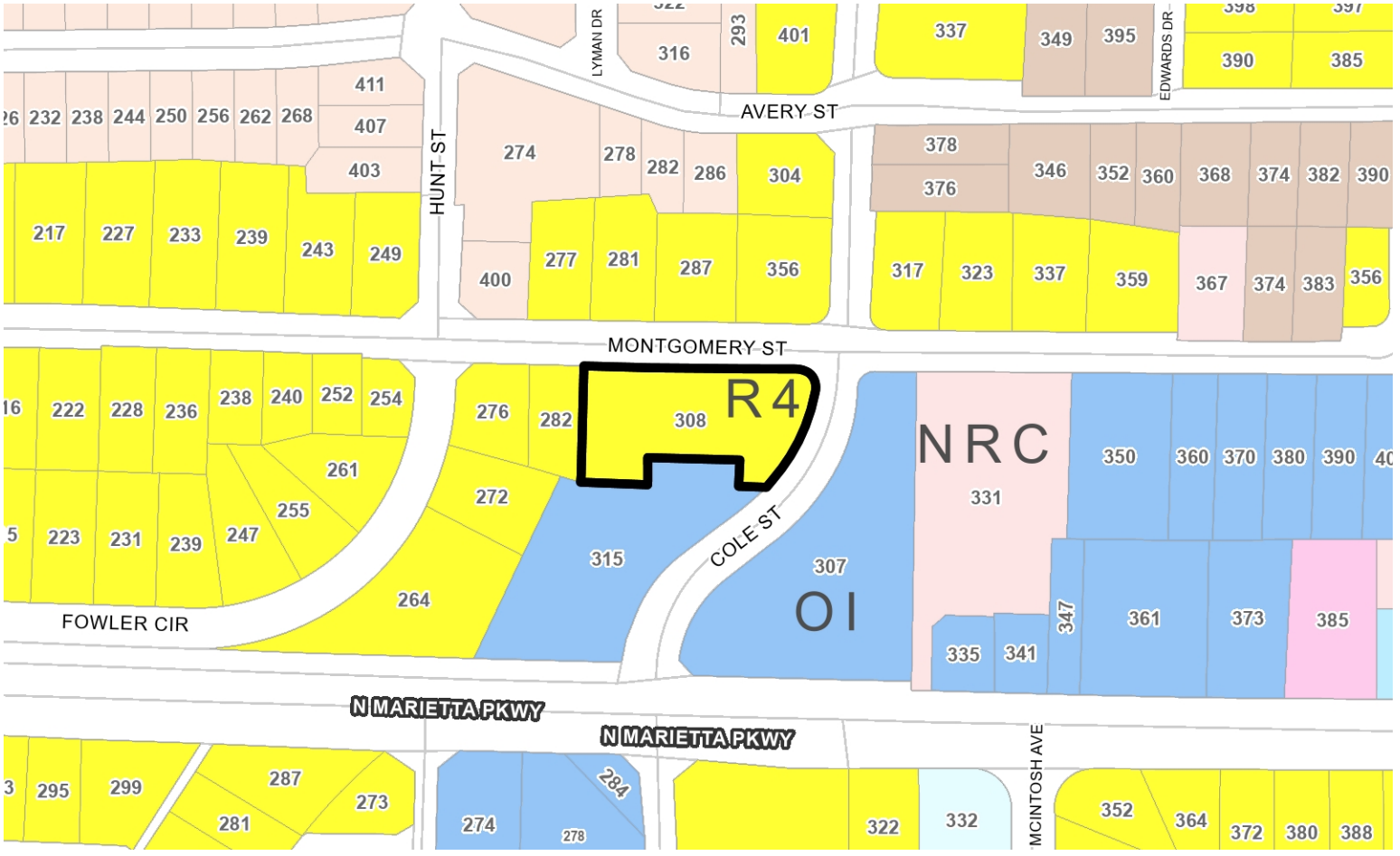
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
308 MONTGOMERY ST A	16114401680	0.745	5A	R4	MDR

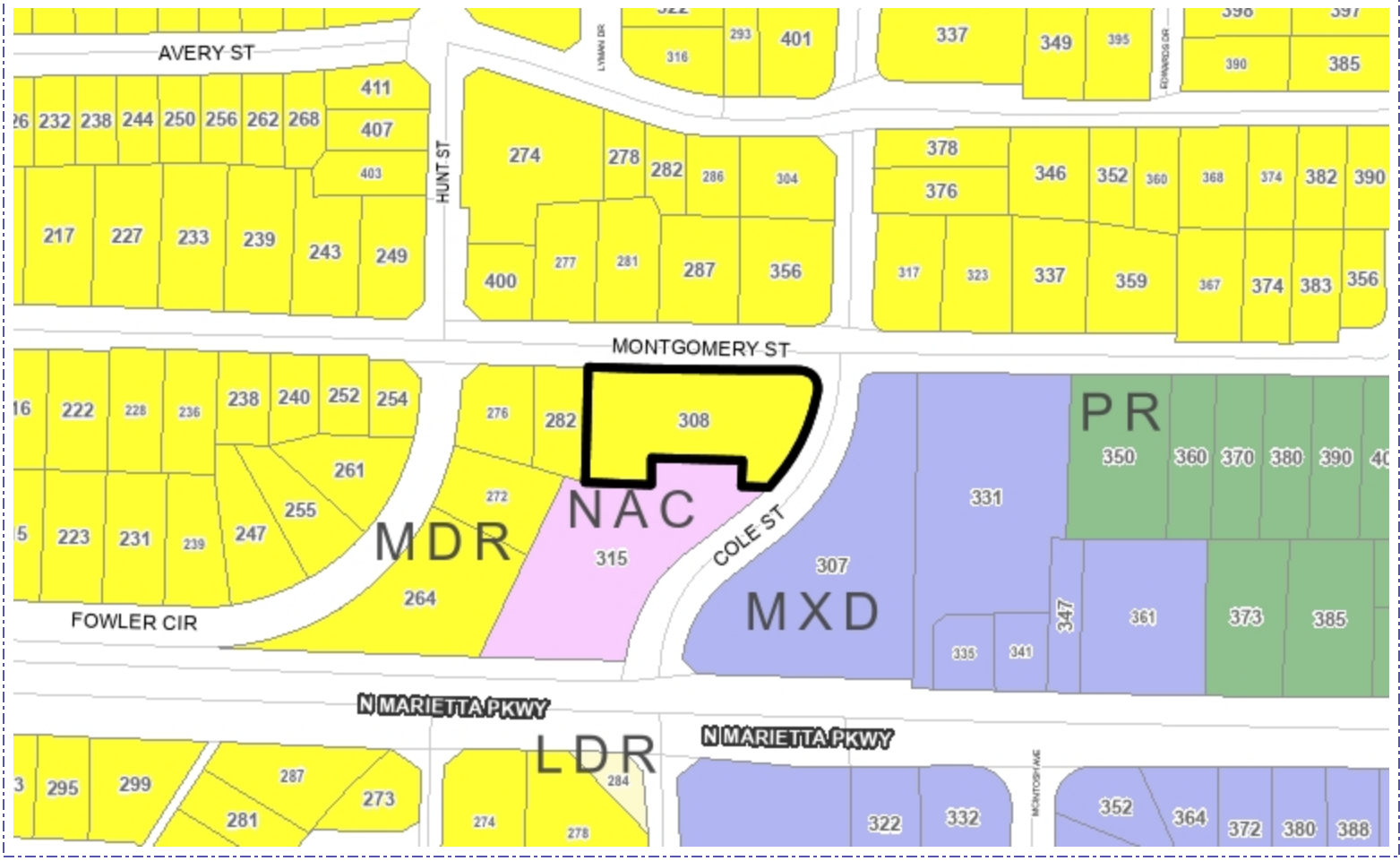
Property Owner:	Center State Bank-Mark Hill
Applicant:	Mark Lewis
Proposed Zoning:	R4 to R4 w/increased density
Agent:	
Proposed Use:	
Planning Commission Date:	06/02/2020
City Council Hearing Date:	06/10/2020
Case Number:	Z2020-20

City of Marietta Planning & Zoning

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Moble Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
308 MONTGOMERY ST A	16114401680	0.745	5A	R4	MDR

Planning Commission Hearing Date:	06/02/2020
City Council Hearing Date:	06/10/2020
Future Land Use:	MDR
Case Number:	Z2020-20
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

- Railroads
- City Limits
- Cobb County Pockets
- RAC - Regional Activity Center
- CAC - Community Activity Center
- NAC - Neighborhood Activity Center
- CBD - Central Business District
- MXD - Mixed Use Development
- CSI - Community Service and Institutional
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities

Aerial Map

Address	Parcel Number	Acreage	Ward	Zoning	FLU
308 MONTGOMERY ST A	16114401680	0.745	5A	R4	MDR

Property Owner: Center State Bank-Mark Hill

Applicant: Mark Lewis

City Council Hearing Date: 06/10/2020

Planning Commission Hearing Date: 06/02/2020

BZA Hearing Date: Case Number: Z2020-20

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

CLERK OF THE SUPERIOR COURT
RECORDING INFORMATION

LEGEND	
P.P.– POWER POLE	C.B.– CATCH BASIN
L.P.– LIGHT POLE	R.C.P.– REINFORCED CONCRETE PIPE
F.H.– FIRE HYDRANT	C.M.P.– CORRUGATED METAL PIPE
M.H.– SANITARY SEWER MANHOLE	F.F.E.– FINISHED FLOOR ELEVATION
W.M.– WATER METER	WATER VALVE
G.M.– GAS METER	C.O. SEWER CLEAN OUT
RBS– REINFORCING BAR SET	TELEPHONE MANHOLE
RBF– REINFORCING BAR FOUND	UNDERGROUND ELECTRICAL LINE
CTF– CRIMP TOP PIPE FOUND	OVERHEAD POWER LINES
OTF– OPEN TOP PIPE FOUND	HW.–HEADWALL
R/W MON.– RIGHT-OF-WAY MONUMENT	PBX POWERBOX
TYPE OF FENCE	WATER LINE
J.B.– JUNCTION BOX	UNDERGROUND TELEPHONE LINE
D.I.– DROP INLET / YARD INLET	GAS LINE

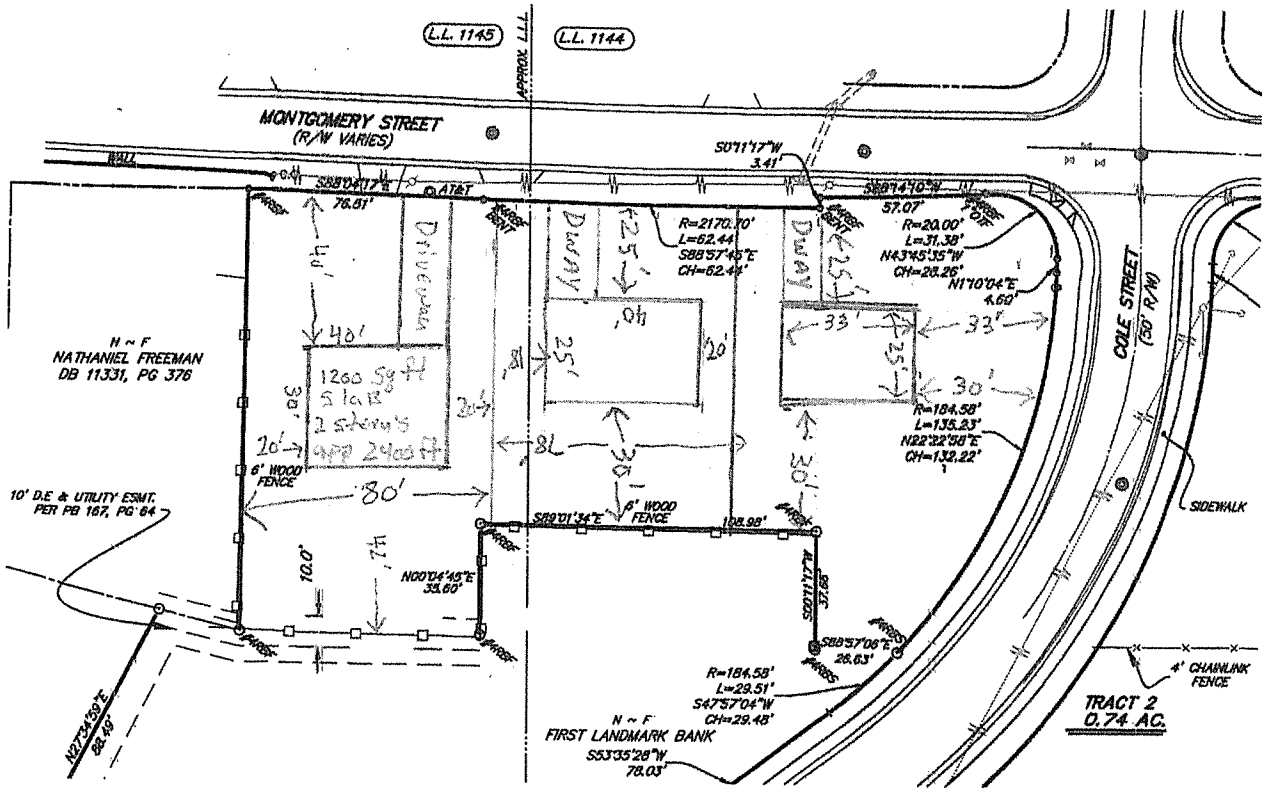
THIS SURVEY ONLY INCLUDES OBJECTS THAT ARE VISIBLE AND IS NOT RESPONSIBLE FOR UNDERGROUND UTILITIES OR OTHER OBJECTS THAT ARE NOT APPARENT BY VISUAL OBSERVATION. I.E. UNDERGROUND TANKS, GAS LINES, WATER LINES SEWER LINES ETC.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130226 , MAP NUMBER # 13067 C 0109 G DATED DECEMBER 16, 2009 .

GPS NOTES:

1.) HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 88.

2.) THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A CELL PHONE FROM THE EGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.



30 0 30 60
SCALE IN FEET

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA 2784 REGISTERED LAND SURVEYOR CHRISTOPHER A. EVANS

Christopher A. Evans 4/3/20

CHRISTOPHER A. EVANS, RLS
GA RLS NO. 2784

SURVEYOR REFERENCES:
SURVEY FOR FIRST LANDMARK BANK AND TICOR TITLE INSURANCE COMPANY PREPARED BY GASKINS SURVEYING DATED 11/15/07.

CURRENT OWNER:
FIRST LANDMARK BANK

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES STATED ON THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER ; LINEAR PRECISION OF TRAVERSE : 1/ 31,058 ; ANGULAR ERROR: 3" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/838,317 . MATTERS OF TITLE ARE EXCEPTED.

DATE : 3/28/20	REVISIONS
SCALE : 1"=30'	
DRAWN BY : SLB	
CHECKED BY : JDW	
FIELD BOOK : S:\ENG/COBB\16-1144	

Gaskins
ENGINEERING • SURVEYING • LAND PLANNING • ENVIRONMENTAL
1266 Powder Springs Rd
Marietta, Georgia 30064
www.gaskinsurvey.com
Phone: (770) 424-7165
Fax: (770) 424-7593

BOUNDARY RETRACEMENT SURVEY FOR:

CENTERSTATE BANK
308 MONTGOMERY STREET

LOCATED IN L.L. 1144
16th DISTRICT, 2nd SECTION
CITY OF MARIETTA
COBB COUNTY, GA.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: **Z2020-22** **LEGISTAR: #20200365**

LANDOWNERS: **ISTAR Bowling Centers I LP**
7313 Bell Creek Road
Mechanicsville, VA 23111

APPLICANT: **Prestwick Land Holdings**
3715 Northside Parkway
Atlanta, GA 30327

AGENT: **n/a**

PROPERTY ADDRESS: **a portion of 565 Cobb Parkway South**

PARCEL DESCRIPTION: **17th District, Land Lot 506, a portion of parcel 0620**

AREA: **±1.59 acres** **COUNCIL WARD: 1A**

EXISTING ZONING: **CRC (Community Retail Commercial)**

REQUEST: **RHR (Residential High Rise)**

FUTURE LAND USE: **CAC (Community Activity Center)**

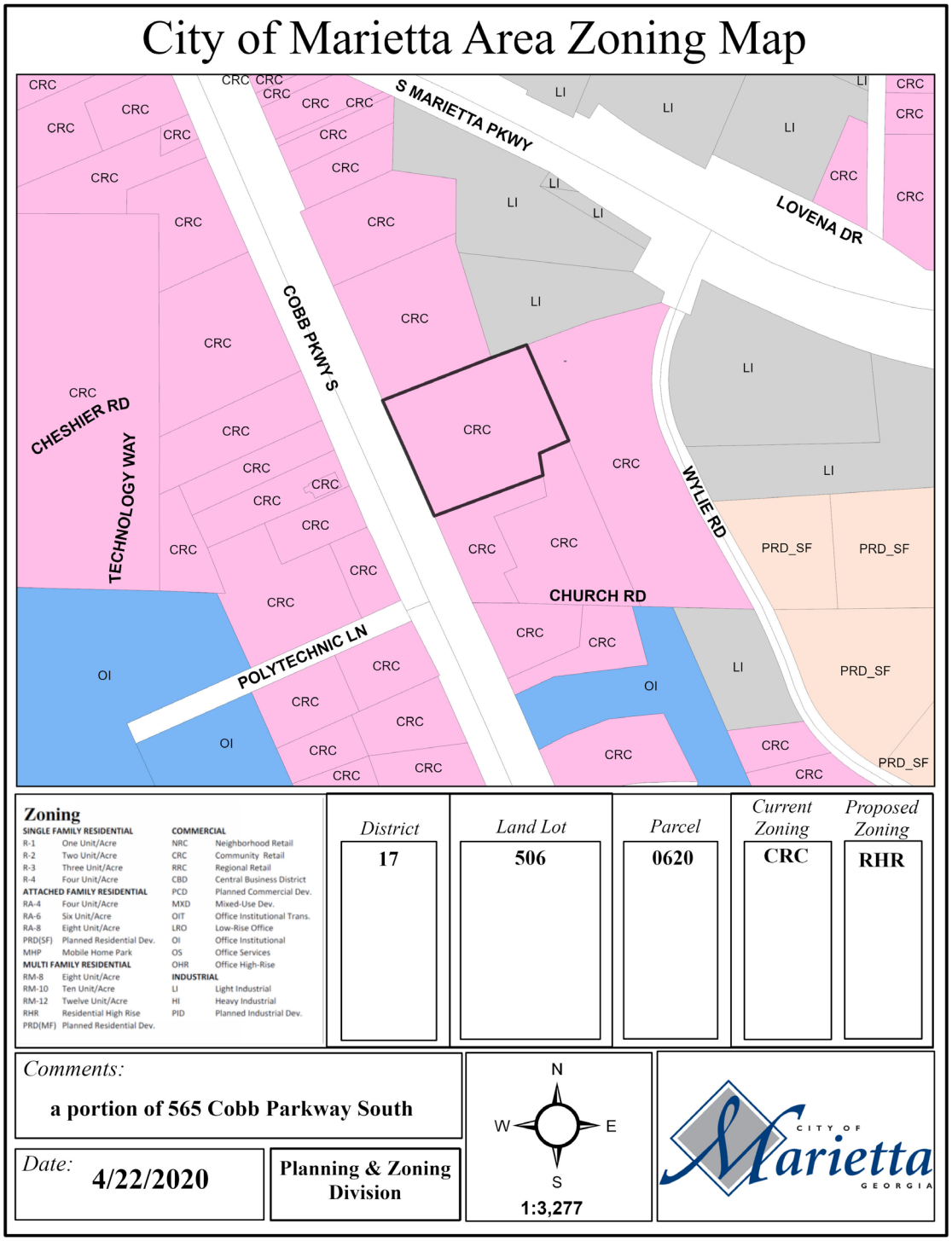
REASON FOR REQUEST: The applicant is requesting the rezoning of a portion of 565 Cobb Parkway South from CRC to RHR to construct a multifamily complex with ninety-four (94) units classified as Housing for Older Persons (HFOP).

PLANNING COMMISSION HEARING: Tuesday, June 2nd, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, June 10th, 2020 – 7:00 p.m.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
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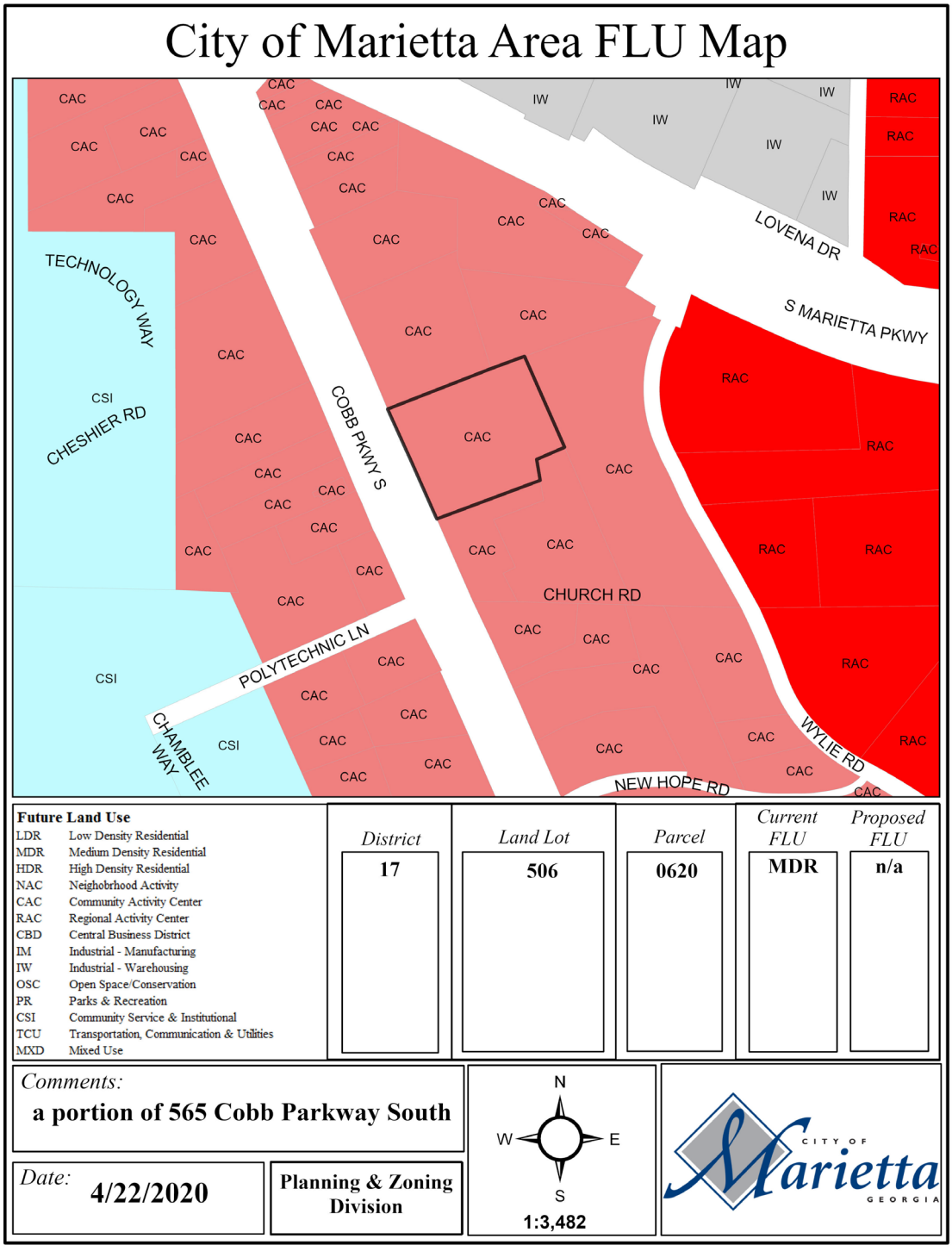
FLU MAP



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

PICTURES OF PROPERTY

Subject property at 565 Cobb Parkway S

Subject property

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF ANALYSIS

Location Compatibility

Prestwick Land Holdings LLC and Marietta Housing Authority (MHA) are requesting the rezoning of a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise) in order to construct a multifamily complex with ninety-four (94) units classified as HFOP (Housing for Older Persons). The subject property is a total of 2.416 acres and is located along Cobb Parkway South. The proposal includes developing 1.59 acres of the total 2.416 acreage of land and leaving 0.61 acres as an outparcel zoned CRC. All surrounding parcels, except for the property directly northeast of the subject property, which is zoned LI (Light Industrial), are also zoned CRC. Cobb Parkway South, an arterial road, is mainly made up of commercial businesses and restaurants.

Use Potential and Impacts

The applicant wishes to rezone the property from CRC to RHR (Residential High Rise) to develop a 4-story multifamily complex with 94 units –47 one-bedroom units and 47 two-bedroom units. The exterior façade of the proposed building would consist of brick and stone, complimented with hardi-plank siding. The applicant has made it clear that the proposed multifamily complex will be marketed towards seniors. The maximum density allowed for RHR is sixty-five (65) units per acre; and this project is proposed to be fifty-nine (59) units per acre.

The existing 34,000 square foot structure was used as a bowling alley and bowling apparel/accessories business from 1989 to 2017. Although the ownership of the property has changed numerous times, the use has always remained the same. The applicants are proposing to demolish the existing building and develop only a portion of the property (1.59 acres) for senior-multifamily housing. The remaining 0.61 acres would remain a vacant out-parcel lot zoned CRC.

The submitted plans are conceptual and lacking many details; however, the following variances would be required to develop the property as proposed:

- Variance to reduce the minimum tract size for a property zoned RHR from 2 acres to 1.59 acres. [*§708.13 (H)*]
- Variance to reduce the minimum building height from 5 stories to 4 stories. [*§708.13 (H)*]
- Variance to reduce the front yard setback for a property zoned RHR from 50’ to 10’. [*§708.13 (H)*]
- Variance to reduce the side yard setbacks for a property zoned RHR from 30’ to 20’. [*§708.13 (H)*]

The applicant has not indicated whether there would be a recreational area on site. RHR-zoned districts require a minimum of 10% of the total area of the site be dedicated to recreational area, which for this site would be 0.159 acres (6,926 square feet).

This property has a future land use designation of CAC (Community Activity Center). CAC is designed for retail and service needs and should be located on collector and arterial streets. Many of the older Community Activity Centers Districts such as this one, are auto oriented. These areas should become more pedestrian-friendly as new development and redevelopment occurs. Compatible zonings include CRC, LRO, OI, OS, PCD, and MXD. Therefore, the request to rezone from CRC to RHR is not supported by the City's Comprehensive Plan.

Environmental Impacts

There are no indications of any streams, wetlands, floodplain, or endangered species on site, so the redevelopment of this property should not have a substantial environmental impact. Since the project will be expected to comply with the City's current stormwater and landscaping ordinances, there should be an overall improvement in environmental conditions.

Though not explicitly shown on the proposed site plan, a ten (10) foot planted border area is required along any roadway. Planted borders are to contain at least one 3" caliper tree every thirty (30) lineal feet of roadway and the trees shall be medium or large canopy.

Economic Functionality

The existing 34,000 sq.ft. building functioned as a bowling alley and bowling apparel/accessories business until 2017 and has remained vacant since then. The surrounding area is predominately commercial with businesses such as vehicle rentals, pawn shops, furniture stores, and restaurants. The property is situated along a major arterial road, which makes it optimal for commercial use.

Infrastructure

Cobb Parkway is not a pedestrian-friendly corridor and does not have continuous sidewalks. A 5' sidewalk with 2' grass strip would be required along all road frontages; and a bus stop shelter is located nearby on Cobb Parkway South.

The minimum number of required parking spaces for RHR, as described in Section 708.13,

is two per unit. For a 94-unit apartment building, 188 parking spaces would be required. However, the plan only provides 94 parking spaces.

These minimum parking standards are likely determined by individuals and families with children and do not consider households that are expected to have less than the average number of cars. Senior residents would not be expected to require the same amount of parking as younger families. As a result, the following variance would be necessary:

- Variance to reduce the parking minimum from 188 to 94 parking spaces [*§716.07 and §708.13 (H)*]

Otherwise, this proposal should have minimal adverse impact on the transportation, education, water, sewer, and electrical infrastructure in the area.

History of Property

There is no history of any variances, special land use permits or rezoning's for the subject property.

Other Issues

Though not explicitly stated by the applicant, it should be noted that within the RHR zoning district there are minimum floor area requirements:

- 500 sq.ft. for an efficiency unit
- 650 sq.ft. for 1-bedroom units
- 800 sq.ft. for 2-bedroom units
- 1000 sq.ft. for 3-bedroom units

All units would be required to be built with automatic fire sprinklers.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

ANALYSIS & CONCLUSION

Prestwick Land Holdings LLC and Marietta Housing Authority (MHA) are requesting the rezoning of a portion of 565 Cobb Parkway South from CRC to RHR in order to construct a multifamily complex with ninety-four (94) units classified as HFOP (Housing for Older Persons). All surrounding parcels, except for the property directly northeast of the subject property, which is zoned LI, are also zoned CRC.

The subject property is a total of 2.416 acres and is located along Cobb Parkway South. The proposal includes developing 1.59 acres of the total 2.416 acreage of land and leaving 0.61 acres as an outparcel zoned CRC. The applicant wishes to develop a 4-story multifamily complex with 94 units –47 one-bedroom units and 47 two-bedroom units. The exterior façade of the proposed building would consist of brick and stone, complimented with hardi-plank siding.

The ninety-four (94) unit complex would be marketed towards seniors and the proposed density would be fifty-nine (59) units per acre. The maximum density allowed for RHR is sixty-five (65) units per acre. The existing 34,000 square foot structure, which is proposed to be demolished, was used as a bowling alley and bowling apparel/accessories business from 1989 to 2017.

The submitted plans are conceptual and lacking many details; however, the following variances would be required to develop the property as proposed:

1. Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac. [*§708.13 (H)*]
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Prepared by:_____

Approved by:_____

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	16”
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	10”
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Rottenwood
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

- 94 units will need a second access point
- Full site development plans required
- Comply with ARTICLE 7-8-14 - post-development stormwater management for new development and redevelopment
- Sidewalks required along frontage and interior to the project
- Traffic study required to evaluate entrance and impact to state route 41
- GDOT approval required
- Explain how 94 units of trash will be addressed if curbside pickup proposed, show turning template of access for Sanitation vehicle.

TRANSPORTATION

What is the road affected by the proposed change?	Cobb Pkwy
What is the classification of the road?	Principle Arterial
What is the traffic count for the road?	33,000 (GDOT 2018)
Estimated # of trips generated by the proposed development?	Information not provided
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	No
Transportation improvements in the area?	No
If yes, what are they?	NA

Additional Comments:
Add sidewalk to proposed development.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	149 Dodd St
Distance of the nearest station?	1 mile
Most likely station for 1st response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:
-Drive around access to the building will be required.
-Fire Sprinklers required.
-Fire Alarm required. CO alarms if using fuel fired appliances/equipment.
-If total SF exceeds 12,000 IFC 510 requirements will need to be met.
-Minimum percentage of rooms must be ADA compliant per 2010 ADA guidelines.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site?	Yes x	No
If not, can this site be served?	Yes	No

What special conditions would be involved in serving this site?

Additional comments:

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Lockheed**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**775**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**737**
Current enrollment of Middle School:	**1,386**
Current enrollment of High School:	**2,410**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**0 (Senior Living)**
New schools pending to serve this area:	**0**

Comments: Student enrollment numbers based on the last day of school.

Marietta GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: Z2020-22 Legistar #: 20200365 PZ #: 20-127

Planning Commission Hearing: 6-2-20 City Council Hearing: 6-10-20

Owner's Name ISTAR Bowling Centers I LP

EMAIL Address:

Mailing Address 7313 Bell Creek Road, Mechanicsville, VA Zip Code: 23111 Telephone Number

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Prestwick Land Holdings and the Marietta Housing Authority-Edrick Harris

EMAIL Address: edrick@prestwickcompanies.com

Mailing Address 3715 Northside Parkway, Atlanta, GA Zip Code: 30127

Telephone Number 678.705.0738 Email Address: edrick@prestwickcompanies.com

Address of property to be rezoned: 565 South Cobb Parkway, Marietta, GA

Land Lot (s) 506 District 17 Parcel 62 00620 Acreage 2.21 .2416 Ward 1A Future Land Use: CAC

Present Zoning Classification: C4 EPC Proposed Zoning Classification: RHR

REQUIRED INFORMATION

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.**
2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee ($500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
   If providing (24"x 36") then 5 copies REQUIRED.
   The following information must be included:
   - Specific use or uses proposed for the site
   - Acreage, bearing and distances, other dimensions, and location of the tract(s)
   - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
   - Detention/retention areas, and utility easements
   - Public or private street(s) - right of way and roadway widths, approximate grades
   - Location and size of parking area with proposed ingress and egress
   - Specific types and dimensions of protective measures, such as buffers
   - Landscaping
   - Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

CAMPAIGN CONTRIBUTIONS

The Owner **and** Applicant herein certify that he/she ☐has ☒has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

	Signature of Applicant
Signature of Owner	
	Edrick J Harris
Print Name	Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐has ☒has not a financial interest in the property which is ten percent (10%) or more. Prestwick Land Holdings is seeking to purchase the property, but currently has no interest/owership.

Edrick J Harris	
Print Name	Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner **or** Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

	Edrick Harris
Signature	**Please Print**

3715 Northside Parkway, Atlanta, GA 30327
Address

4/20/2020
Date

Signed, sealed and delivered in the presence of:

Megan Bell **My Commission Expires:** 3-27-2024

MEGAN BELL NOTARY PUBLIC PAULDING COUNTY, GEORGIA MY COMMISSION EXPIRES MARCH 27, 2024

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

The 565 South Cobb Parkway Senior Community

Project Narrative

Prestwick and The Marietta Housing Authority will develop a market quality product consistent with The Manor at Scott's Crossing and Gateway Capitol View in the City of Atlanta in Marietta. The HFOP (senior) multifamily complex will showcase 94 units (47-one bedroom and 47-two bedroom). All units will be in one individual building and there will be an integrated community center. The building's attractive, modern exterior will consist of brick or stone complemented by hardi-plank façade providing maximum architectural appeal. The project will seek the Southface Energy Institute's Earth Craft certification.

For the enjoyment and convenience of all residents, central common areas will include a community room with a kitchen, fitness center, business center with computer stations, furnished library, community garden, wellness room, interior gathering areas, and a laundry room. The senior community will also offer a gazebo / picnic area and other green space. Resident activities will be ongoing and designed to meet the needs of the changing community.

The site's best amenity, however, might be its location. The site is located within the major employment center of Marietta, which has fantastic schools, and is an area of opportunity. The site is within a short walking distance to transit, several parks and other community amenities.

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **May 15, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, June 2nd, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, June 10th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-22 [REZONING] PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY are requesting the rezoning of approximately 1.6 acres located in Land Lots 506 & 575, District 17, Parcel 0620 of the 2nd Section, Cobb County, Georgia, and being known as a portion of 565 Cobb Parkway South from CRC (Community Retail Commercial) to RHR (Residential High Rise). Ward 1A.

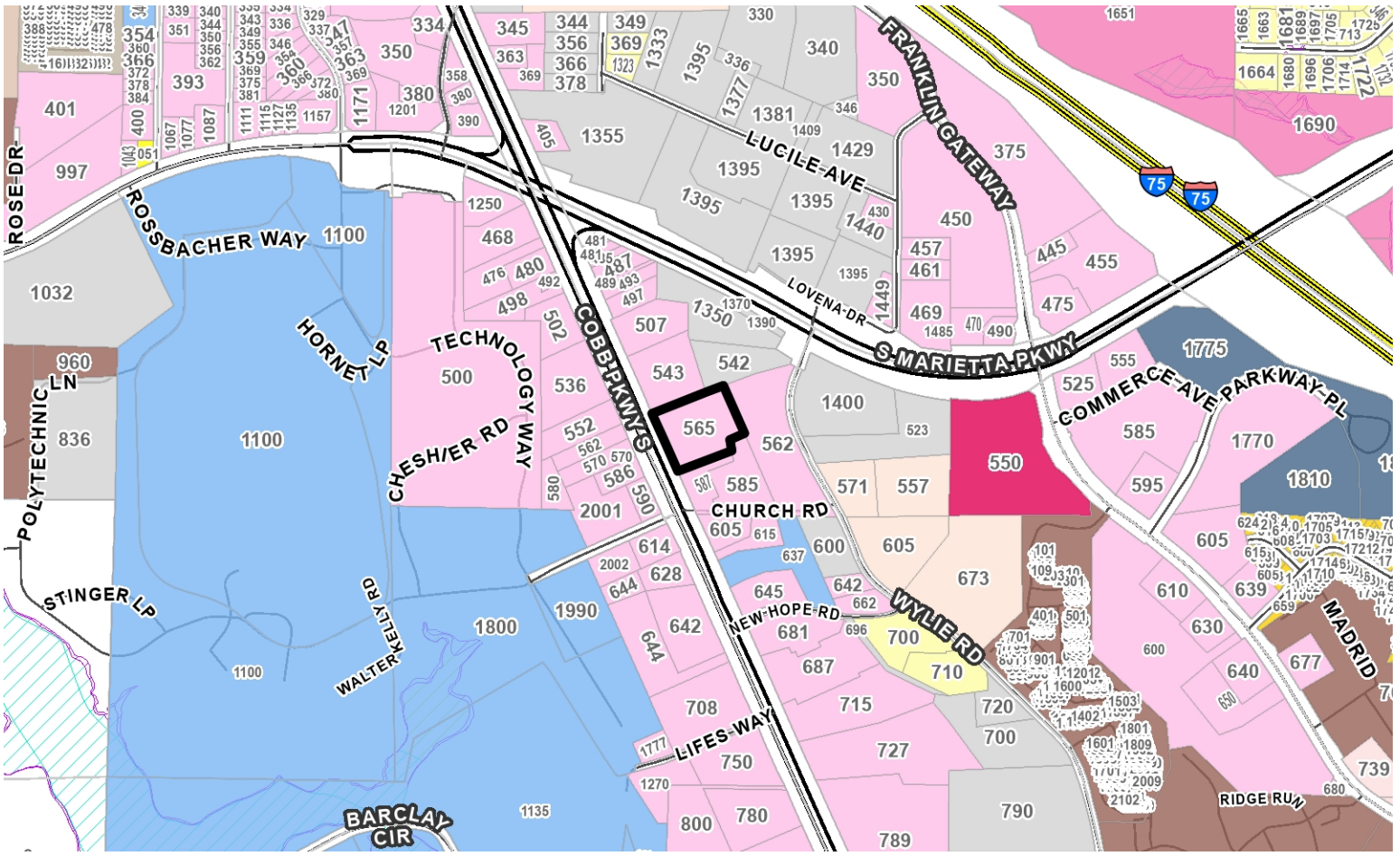
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
565 COBB PKWY S	17050600620	2.416	1A	CRC	CAC

Property Owner: ISTAR Bowling Centers I LP

Applicant: Prestwick Land Holdings and the Marietta Housing Authority-Edrick Harris

Proposed Zoning: CRC to RHR

Agent:

Proposed Use:

Planning Commission Date: 06/02/2020

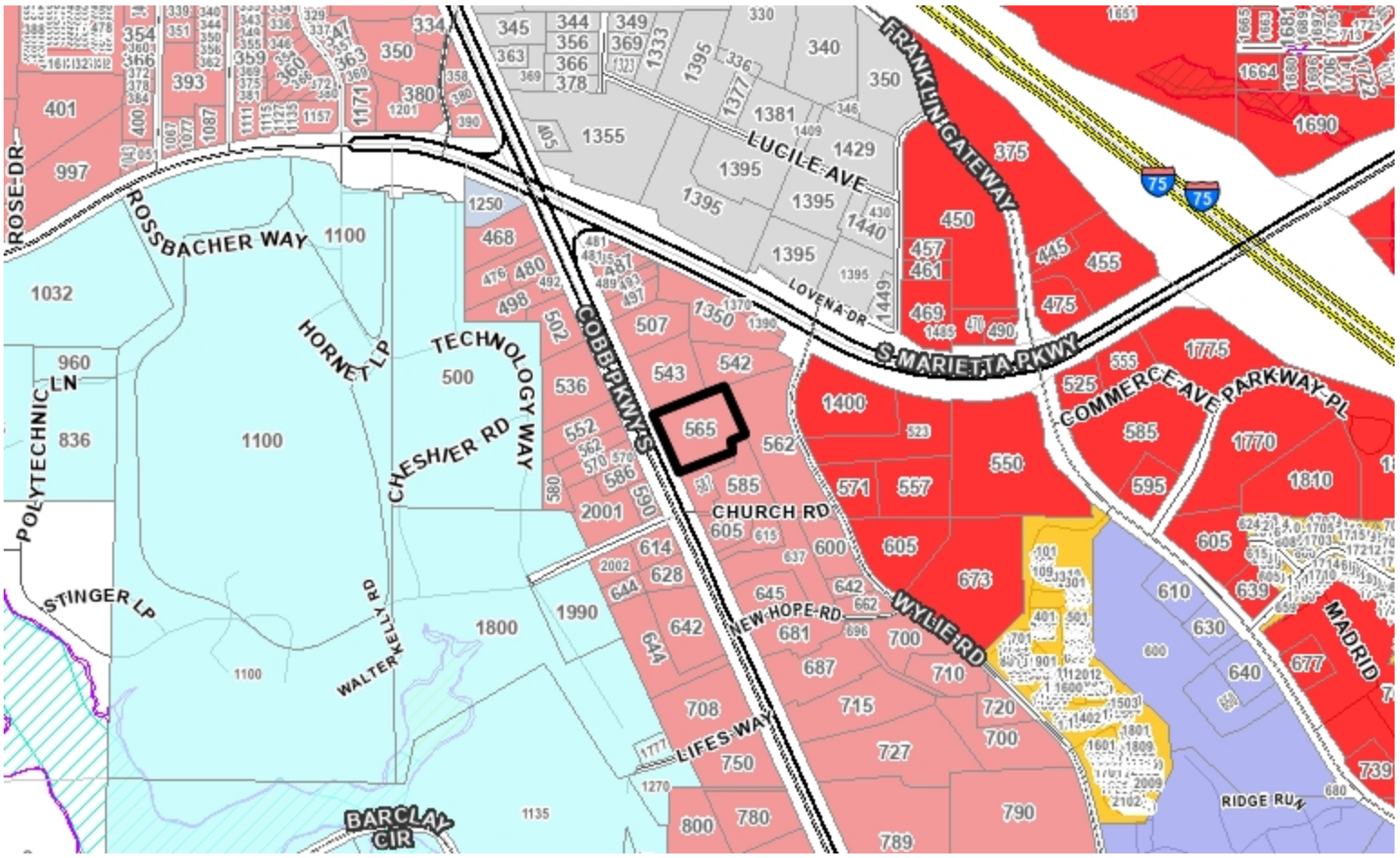
City Council Hearing Date: 06/10/2020 Case Number: Z2020-22

City of Marietta Planning & Zoning

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Moble Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
565 COBB PKWY S	17050600620	2.416	1A	CRC	CAC

Planning Commission Hearing Date:	06/02/2020
City Council Hearing Date:	06/10/2020
Future Land Use:	CAC
Case Number:	Z2020-22
Comments:	

Future Land Use Symbols

- Railroads
- City Limits
- Cobb County Pockets
- RAC - Regional Activity Center
- CAC - Community Activity Center
- NAC - Neighborhood Activity Center
- CBD - Central Business District
- MXD - Mixed Use Development
- CSI - Community Service and Institutional
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities

City of Marietta Planning & Zoning

Aerial Map

Address	Parcel Number	Acreage	Ward	Zoning	FLU
565 COBB PKWY S	17050600620	2.416	1A	CRC	CAC

Property Owner: ISTAR Bowling Centers I LP

Applicant: Prestwick Land Holdings and the Marietta Housing Authority-Edrick Harris

City Council Hearing Date: 06/10/2020

Planning Commission Hearing Date: 06/02/2020

BZA Hearing Date:

Case Number: Z2020-22

Comments:

Legend

Railroads

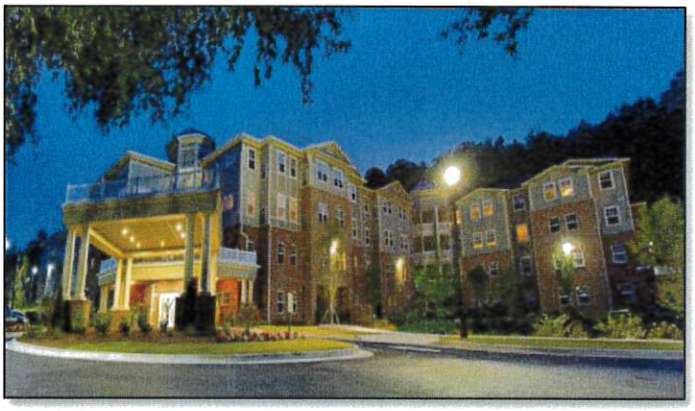
City Limits

Cobb County Pockets

City of Marietta Planning & Zoning

Prestwick companies

PROJECT EXAMPLES



PARK 9

Park 9 at Ridgewalk
Multifamily Residential
800 Milwood St.
Woodstock, GA 30189

Project Completion:
Fall 2016

Amount:
$31.8 million TDC

Size:
275-units Total

Services:
Owner/Developer

Type:
Multifamily/ Class A
Luxury Market

Prestwick Companies is proud to announce the completion of Park 9 Apartments in Woodstock, Georgia. The 275 Unit, Class A apartment development has been designed to be one of Atlanta's most walkable and active suburban communities. Borrowing from the principles of new urbanism, sidewalks will connect parks, playgrounds, community gardens, a resort style pool and residences throughout the project. The development is within five minutes of Downtown Woodstock, The Outlet Shoppes of Atlanta, as well as kayaking, mountain biking and other outdoor recreational opportunities.

The apartment units feature options for every lifestyle, from family units with attached garages, to units for the young professional, and empty nester.

This project was completed in the Summer of 2016. For more information about this project, please visit our website at www.park9apts.com.

Discipline, Innovation, Achievement, Integrity, Respect, and Responsibility.

Prestwick companies

The Eddy at Riverview Landing

Multifamily Residential

6250 Riverview Rd.
Mableton, GA 30126

Project Completion:
Spring 2020

Amount:
$50 million TDC

Size:
310-units Total

Services:
Owner/Developer

Type:
Multifamily/ Class A
Luxury Market

Smyrna, GA –Anchored by the Chattahoochee River, "The Eddy at Riverview Landing" will rise as one of the first components of the 82-acre mixed-use destination known as Riverview Landing. In addition to the 12-acre community park, The Eddy will feature 310 Class A apartments amidst a walkable waterfront oasis.

The Eddy at Riverview Landing will provide residents with pristine river views and direct access to outdoor amenities such as a kayak launch, public dock, observation decks and a community theater, which will host regular community programming and events. It will also house approximately 8,000 square feet of commercial space, featuring a coffee shop, restaurant and coworking space. Prestwick announced it will dedicate the waterfront park to the city of Smyrna upon completion. The park features premier river access for residents, and will create a beautiful greenspace for the community to enjoy throughout the year. The Eddy at Riverview Landing is slated to open in Spring 2019.

Discipline, Innovation, Achievement, Integrity, Respect, and Responsibility.

Prestwick companies

Manor at Scott's Crossing

Multifamily Residential

1671 James Jackson Pkwy
Atlanta, GA 30318

Project Completion:
July 2012

Amount:
$13.7 million TDC

Size:
101-units Total
100 – 1BR
1 - 2BR
100 PBRA

Services:
Owner/Developer

Type:
Multifamily/LIHTC
Senior Independent Living

Completed in 2012, Manor at Scott's Crossing is a 101 unit Senior Independent Living community for households 62 years of age and up. The site contributes to the on-going revitalization for the City of Atlanta's designated Northwest Atlanta Redevelopment Area. The site is a former YMCA location and the existing gymnasium building was converted into 16 apartments along with amenity space during construction. The community received an EarthCraft Certification through the Southface Energy Institute sustainable program. The community offers a movie theater, fitness center, computer center, wellness center, arts and crafts area, community room, library and shuffleboard court.

Discipline, Innovation, Achievement, Integrity, Respect, and Responsibility.

Prestwick companies

Gateway at East Point

Multifamily Residential

1311 E. Cleveland Ave.
East Point, GA 30344

Project Completion:
July 2012

Amount:
$13.6 million TDC

Size:
101-units Total
100 – 1BR
1 - 2BR
100 PBRA

Services:
Owner/Developer

Type:
Multifamily/LIHTC
Senior Independent Living

Completed in 2012, Gateway at East Point is a 101 unit Senior Independent Living community for households 62 years of age and up. The site location is situated in an area deemed by the City of East Point as the "Gateway" to their city. The "Gateway" profile was not only incorporated within the name of the project but also within the upscale architectural and hardscape\landscape design. The community received an EarthCraft Certification through the Southface Energy Institute sustainable program. The community offers a fitness center, computer center, community room, wellness center, arts and crafts area, library, and shuffleboard court.

Discipline, Innovation, Achievement, Integrity, Respect, and Responsibility.

Prestwick companies

Manor Broad Street

Multifamily Residential

155 West Broad St.
Fairburn, GA 30213

Project Completion:
October 2015

Amount:
$8.8 million TDC

Size:
88-units Total
44 – 1BR
44 - 2BR

Services:
Owner/Developer

Type:
Multifamily/LIHTC
Senior Independent Living

Manor at Broad Street is an 88 unit senior living community located in the quickly growing city of Fairburn, GA. We worked closely with the City of Fairburn to complete this project due to adjacent uses of the Fairburn Fire Department and Fairburn Police Department. Amenities include community room, covered porch, on-site laundry, computer center, and fully furnished fitness center.

Discipline, Innovation, Achievement, Integrity, Respect, and Responsibility.

Prestwick companies

Gateway Capitol View

Multifamily Residential

1374 Murphy Ave.
Atlanta, GA 30310

Project Completion:
Q2 2018

Amount:
$23.9 million TDC

Funding:
Project Based Rental Assistance
4% Bond

Size:
162-units Total
139 – 1BR
23 - 2BR

Services:
Owner/Developer

Type:
Multifamily/LIHTC
Senior Independent Living

Gateway Capitol View is a 162 unit senior living community. As a transit oriented development, this property is located across from Oakland City MARTA Station and provides unparalleled access to pubic transit for the senior community. Additionally, the site is located within the Atlanta BeltLine Overlay District which provides even greater mobility options for its residents. On-site and interior amenities include community room, covered porch, on-site laundry, computer center, and fully furnished fitness center.

Discipline, Innovation, Achievement, Integrity, Respect, and Responsibility.

Prestwick companies

Brightstone

Multifamily Residential

2654 DeKalb Medical Pkwy
Lithonia, GA 30058

Project Completion:
Q2 2019

Amount:
$24.9 million TDC

Funding:
Project Based Rental Assistance
4% Bonds

Size:
175-units Total
152 – 1BR
23 - 2BR

Services:
Owner/Developer

Type:
Multifamily/LIHTC
Senior Independent Living

Brightstone is a 175 unit senior living community. This community is located across from DeKalb Medical at Hillandale Hospital and its residents can enjoy the convenient location to the surrounding medical office buildings and other community services. Close proximity to I-20, this development provides quick access to downtown Atlanta as well as Conyers. On-site and interior amenities include community room, covered porch, on-site laundry, computer center, and fully furnished fitness center.

Discipline, Innovation, Achievement, Integrity, Respect, and Responsibility.

Prestwick companies

Manor at Indian Creek

Multifamily Residential

3904 Durham Park Rd.
Stone Mountain, GA 30080

Project Completion:
Q2 2019

Amount:
$24.9 million TDC

Funding:
Project Based Rental Assistance
9% Bonds

Size:
188-Units Total
157 – 1BR
31 - 2BR

Services:
Owner/Developer

Type:
Multifamily/LIHTC
Senior Independent Living

Manor at Indian Creek is a 188 multi phase senior living community. This community is located on the north side of Durham Park Road and its residents can enjoy the convenient location to shopping centers, medical services, public transportation within walking distance and other community services. Close proximity to I-285, this development provides quick access to downtown Atlanta within seven miles. On-site and interior amenities include community room, covered picnic pavilion with benches and barbecues, gazeebo, shuffleboard court, on-site laundry, computer center, and fully furnished fitness center.

Discipline, Innovation, Achievement, Integrity, Respect, and Responsibility.

Prestwick companies

Prestwick companies

PRESTWICK COMPANIES

MISSION

Prestwick Companies will stay true to our core values.

By doing so we will provide:

Market quality family housing and services for our residents.

Promote long term relationships with our business partners to achieve a common goal.

Invest in the local community and support local initiatives that enhance stability and long term growth of the community and our residents.

VISION

Prestwick Companies invests its time and resources in the residences we develop, the people we connect with, and the communities where we are involved. These contributions are long term investments that we will see through.

CORE VALUES

gla

GLA-ATL,LLC
649 11TH STREET
ATLANTA,GA 30318
VOICE: 404.228.1958
FAX: 404.228.8350
WWW.GLAATL.COM

RELEASE DATES:

REV	# DATE	DESCRIPTION

Prestwick companies

STAMP:

STATE OF GEORGIA
THEODORA DIANA GENSLER
CERTIFICATE NO. 3302
REGISTERED ARCHITECT

CLIENT:
PRESTWICK COMPANIES
3175 NORTHSIDE
PARKWAY NW
BLDG 200, SUITE 175
ATLANTA, GA 30327

PROJECT:
SMYRNA HILL DRIVE
SENIOR APARTMENTS

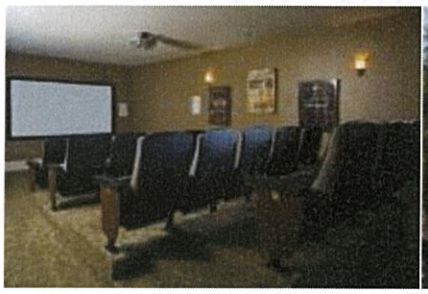
DRAWING TITLE:
PROPOSED ELEVATION

DRAWN BY:	CHECKED BY:
SCALE: AS NOTED	DATE: 08/8/19

PROJECT NUMBER: 1942

DRAWING NUMBER: A5-1

NOT RELEASED FOR CONSTRUCTION



Manor at Scott's Crossing Multifamily Residential**1671 James Jackson PkwyAtlanta, GA 30318**

gla

GLA-ATL,LLC
649 11TH STREET
ATLANTA,GA 30318
VOICE: 404.228.1958
FAX: 404.228.8350
WWW.GLAATL.COM

RELEASE DATES:

REV	# DATE	DESCRIPTION

Prestwick companies

STAMP:

CLIENT:
PRESTWICK COMPANIES
3175 NORTHSIDE
PARKWAY NW
BLDG 200, SUITE 175
ATLANTA, GA 30327

PROJECT:
MARIETTA APARTMENTS

565 SOUTH COBB PKWY
MARIETTA,GA 30060

DRAWING TITLE:
DENSITY STUDY

DRAWN BY:	CHECKED BY:
SCALE: AS NOTED	DATE: 03/17/2020
PROJECT NUMBER: 2023	
DRAWING NUMBER:	

NOT RELEASED FOR CONSTRUCTION

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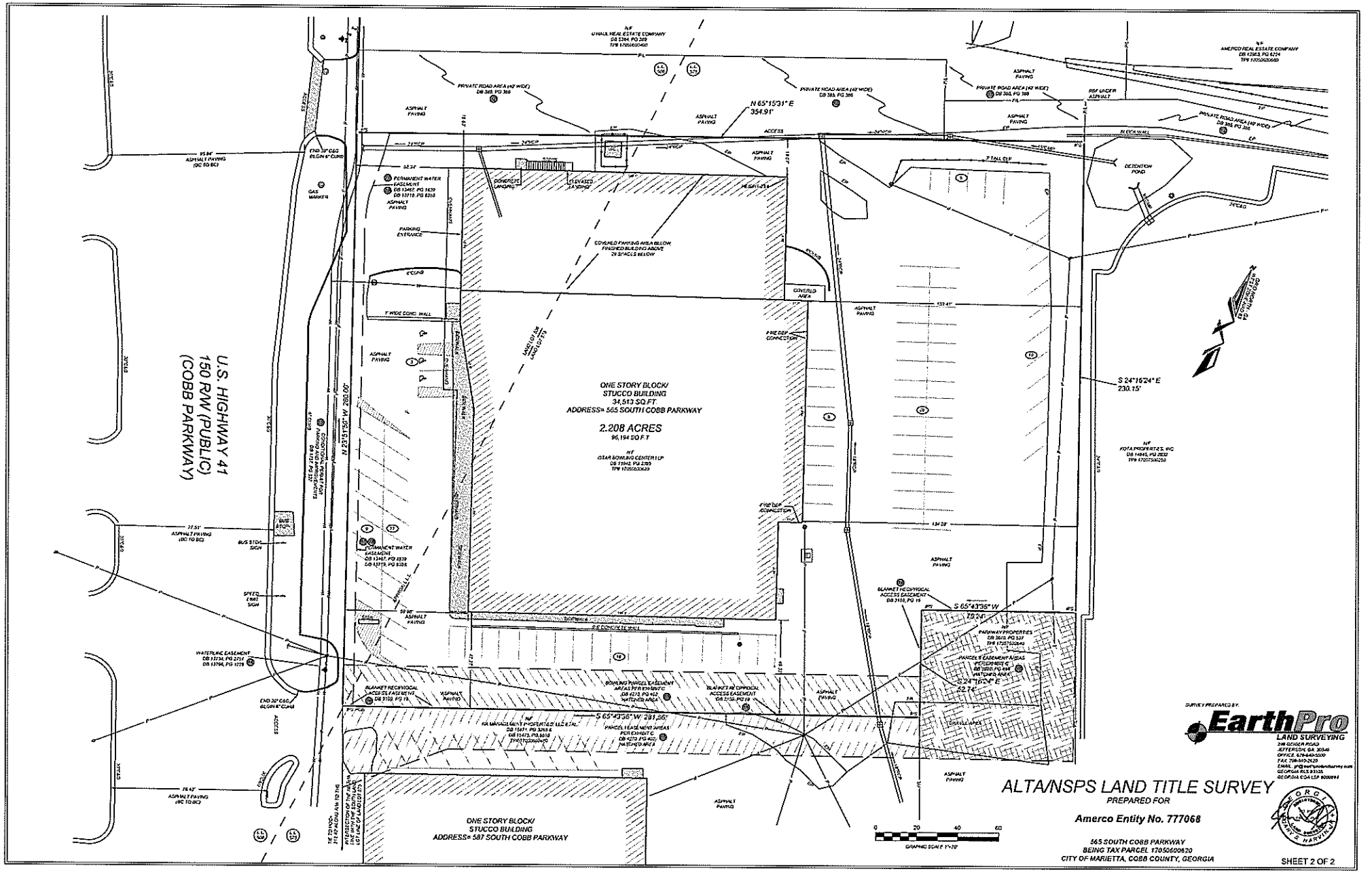
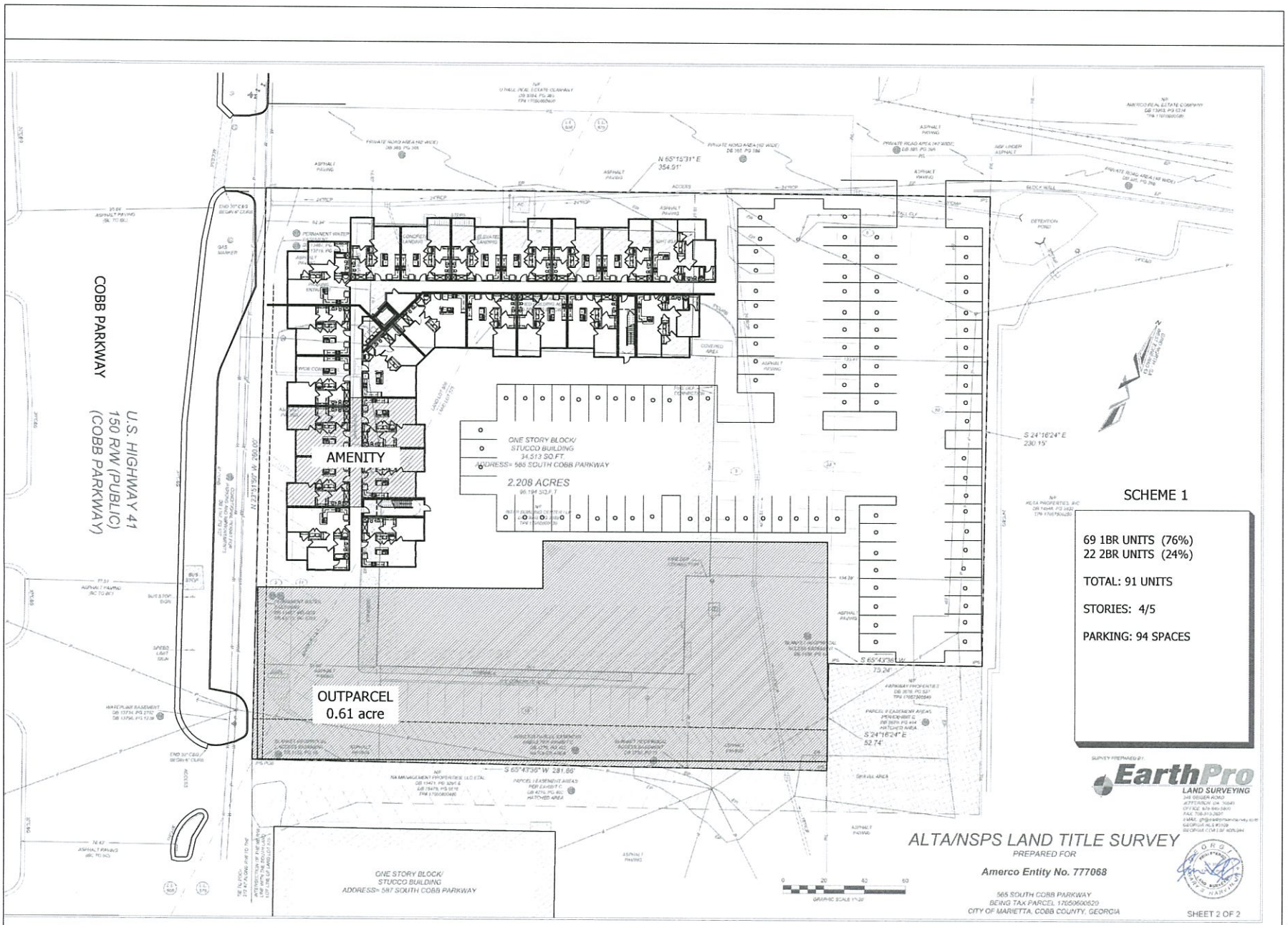

U.S. HIGHWAY 41
150 R/W (PUBLIC)
(COBB PARKWAY)
ONE STORY BLOCK/
STUCCO BUILDING
34,513 SQ.FT.
ADDRESS= 565 SOUTH COBB PARKWAY
2.208 ACRES
96,194 SQ.FT.
ONE STORY BLOCK/
STUCCO BUILDING
ADDRESS= 587 SOUTH COBB PARKWAY
N 65°15'31" E
354.91'
S 24°16'24" E
230.15'
S 65°43'36" W
S 65°43'36" W 281.56'
N 23°51'50" W 280.00'
ASPHALT PAVING
DETENTION POND
GRAPHIC SCALE 1"=20'
SURVEY PREPARED BY:
EarthPro
LAND SURVEYING
ALTA/NSPS LAND TITLE SURVEY
PREPARED FOR
Amerco Entity No. 777068
565 SOUTH COBB PARKWAY
BEING TAX PARCEL 17050600620
CITY OF MARIETTA, COBB COUNTY, GEORGIA
SHEET 2 OF 2



gla

GLA-ATL,LLC

649 11TH STREET
ATLANTA,GA 30318
VOICE: 404.228.1958
FAX: 404.228.8350

WWW.GLAATL.COM

RELEASE DATES:

REV	# DATE	DESCRIPTION

Prestwick companies

STAMP:

CLIENT:
PRESTWICK COMPANIES
3175 NORTHSIDE
PARKWAY NW
BLDG 200, SUITE 175
ATLANTA, GA 30327

PROJECT:
MARIETTA APARTMENTS

565 SOUTH COBB PKWY
MARIETTA,GA 30060

DRAWING TITLE:
DENSITY STUDY

DRAWN BY:	CHECKED BY:
SCALE: AS NOTED	DATE: 03/17/2020
PROJECT NUMBER: 2023	
DRAWING NUMBER:	

NOT RELEASED FOR CONSTRUCTION

ITEMS CORRESPONDING TO SCHEDULE B-II

CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NUMBER: 21800171
EFFECTIVE DATE: JANUARY 23, 2018

12. Right of Way Easement from J.M. Fowler, Jr., et al. to Barney P. Nunn, et al. dated December 5, 1956, recorded in Deed Book 385, page 386, Cobb County Records.
NOT ON SURVEYED PROPERTY: AREA OF RIGHT OF WAY IS SHOWN ON SURVEY.

13. Driveway Permits in favor of State Highway Board dated October 1, 1976, recorded in Deed Book 1730, page 35 and dated December 10, 1976, recorded in Deed Book 1757, page 537, aforesaid records.
AS SHOWN ON SURVEY.

14. Reciprocal Easement Agreement between Marietta Parkway, Ltd. And R. Craig Thornton and The Clancy Company dated June 6, 1984, recorded in Deed Book 3159, page 19, aforesaid records; as affected by as affected by Consent of Reciprocal Easement Holder to Waterline Easement by Ultima Lincoln West Limited Partnership, dated April 9, 2003 and recorded April 28, 2003 in Deed Book 13734, Page 2757, and by Consent of Reciprocal Easement Holder to Waterline Easement by Parkway Properties, a Georgia General Partnership between Robert E. Potter, Jeffyne S. Potter and Larry C. Lloy, dated July 3, 2003 and recorded July 18, 2003 in Deed Book 13796, Page 1228, aforesaid records.
AS SHOWN ON SURVEY. EXHIBIT C IS NOT PROVIDED.

15. Reciprocal Easement Agreement between Marietta Parkway, Ltd. And Sports Arenas Properties, Inc. dated December 15, 1987, recorded in Deed Book 4270, page 402 aforesaid records.
AS SHOWN ON SURVEY.

16. Declaration of Easements dated March 20, 1986, recorded in Deed Book 3870, page 494, aforesaid records; as affected by Consent of Reciprocal Easement Holder to Waterline Easement by Parkway Properties, a Georgia General Partnership between Robert E. Potter, Jeffyne S. Potter and Larry C. Lloy, dated July 3, 2003 and recorded July 18, 2003 in Deed Book 13796, Page 1228, aforesaid records.
AS SHOWN ON SURVEY.

17. Right of Entry from AMF Bowling Centers, Inc. to Cobb County-Marietta Water Authority and Marietta Board of Lights and Waterworks dated December 12, 2001, filed December 27, 2001, recorded in Deed Book 13467, page 1839 aforesaid records.
AS SHOWN ON SURVEY.

18. Easement in favor of Cobb County-Marietta Water Authority and the Marietta Board of Lights and Water, dated March 14, 2003, recorded in Deed Book 13719, page 6353, aforesaid records. Consented to by Deutsche Bank and Trust Company Americas, f/k/a Bankers Trust Company, dated March 7, 2003, filed May 16, 2003, recorded in Deed Book 13748, page 5925, aforesaid records.
AS SHOWN ON SURVEY.

19. Rights of AMF Bowling Centers, Inc., as tenant, under unrecorded lease, evidenced for record by that certain Memorandum of Lease with IStar Bowling Centers I LP, a Delaware limited partnership as Landlord, dated February 27, 2004 and recorded March 11, 2004 in Deed Book 13942, Page 3393, aforesaid records.
IT IS A BLANKET DOCUMENT.

LOCATION MAP
NOT TO SCALE

SURVEYED DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN LAND LOTS 506 & 575, 2ND SECTION, 17TH LAND DISTRICT, CITY OF MARIETTA, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON PIN SET ON THE NORTHEAST R/W LINE OF COBB PARKWAY (A.K.A. US HIGHWAY 41 150'R/W) SAID POINT BEING 212.40' AS MEASURED ALONG SAID R/W FROM THE SOUTH LAND LOT LINE OF LAND LOT 575; THENCE FROM THE POINT OF BEGINNING AND ALONG THE NORTHEAST R/W LINE OF COBB PARKWAY N 23°51'50" W A DISTANCE OF 280.00' TO AN IRON PIN SET; THENCE DEPARTING THE NORTHEAST R/W LINE OF COBB PARKWAY N 65°15'31" E A DISTANCE OF 354.91' TO AN IRON PIN SET; THENCE S 24°16'24" E A DISTANCE OF 230.15' TO AN IRON PIN SET; THENCE S 65°43'36" W A DISTANCE OF 75.24' TO AN IRON PIN SET; THENCE S 24°16'24" E A DISTANCE OF 52.74' TO AN IRON PIN SET; THENCE S 65°43'36" W A DISTANCE OF 281.66' TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 2.208 ACRES (96,194 SQUARE FEET).

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 21800171, DATED JANUARY 23, 2018.

MISCELLANEOUS NOTES

1. REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON IS MADE TO:
DEED BOOK 13942, PAGE 3385;

ALL RECORDS ON FILE WITH THE CLERK OF SUPERIOR COURT IN COBB COUNTY, GEORGIA.

2. BASIS OF BEARINGS NOTE
HORIZONTAL DATUM SHOWN HEREON IS GEORGIA GRID COORDINATES (WEST ZONE) ESTABLISHED USING GPS OBSERVATIONS WITH CORRECTIONS DERIVED FROM TRIMBLE VRS NOW NETWORK, NAD 83 (2011).

VERTICAL DATUM BASED UPON NAVD88 MEAN SEA LEVEL. CONTOUR INTERVALS EQUAL ONE FOOT. NO LOCAL VERTICAL DATUM BENCHMARK NETWORK EXISTS.

3. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.

4. THE LAST DAY OF FIELD WORK WAS APRIL 13, 2018.

5. ALL BUILDING DISTANCES AND DATA SHOWN HEREON ARE REFERENCED FROM OUTSIDE BUILDING DIMENSIONS. ALL SQUARE FOOTAGE SHOWN IS BASED ON GROUND LEVEL FLOOR ONLY.

6. NO ATTEMPT WAS MADE TO SHOW STREAM BUFFERS.

7. FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A TRIMBLE S6 TOTAL STATION. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 631,258 FEET. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 26,482 FEET AND AN ANGULAR ERROR OF 02 SECOND PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

9. THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES OR BURIAL GROUNDS ENCROACHING ON THE PROPERTY.

10. IRON PINS SET ARE #4 REBAR WITH YELLOW PLASTIC CAPS STAMPED RLS 3105.

11. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK ON GOING WITHIN RECENT MONTHS.

12. PARKING SPACE COUNTS ARE AS FOLLOWS:
119 REGULAR SPACES, 2 HANDICAP SPACES, FOR A TOTAL OF 121 SPACES

13. ADDRESS SHOWN HEREON WAS FIELD OBSERVED AS 565 SOUTH COBB PARKWAY.

14. ACCESS TO THIS SITE IS THROUGH THE PUBLIC RIGHT-OF-WAYS OF SOUTH COBB PARKWAY DIRECTLY AND VIA ACCESS EASEMENTS RECORDED IN DEED BOOK 385, PAGE 386, DEED BOOK 4270, PAGE 402.

15. NO WETLANDS WERE DELINEATED ON THIS SITE AT THE TIME OF THE FIELD SURVEY.

16. THERE IS NO OBSERVABLE EVIDENCE OF A SOLID WASTE DUMP, OR SANITARY LANDFILL ON THIS SITE.

17. THERE WERE NO OBSERVABLE CHANGES IN THE EXISTING STREET RIGHT OF WAY FOR ANY OF THE STREETS THAT THE SUBJECT PROPERTY ADJOINS.

18. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.

19. GPS INFORMATION WAS OBTAINED THROUGH THE TRIMBLE VRS NOW NETWORK WITH THE USE OF TRIMBLE GNSS RECEIVERS.

20. NATIONAL FISH AND WILDLIFE SERVICE WETLAND INVENTORY MAP NOTE:
NO WETLANDS DESIGNATION EXISTS AT TIME OF SURVEY PER THE NATIONAL WETLANDS INVENTORY MAPPER.

SIGNIFICANT OBSERVATIONS

NO ENCROACHMENTS AT TIME OF SURVEY

SURVEYOR'S CERTIFICATE

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND NOT APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY NO APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

04/13/2018

GARY S. HARVIN, REGISTERED GEORGIA LAND SURVEYOR #3105 — DATE
246 GEIGER ROAD, JEFFERSON, GA. 30549
PHONE: (678) 640-5500

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) "X" of the Flood Insurance Rate Map, Community Panel No. 13067C 0109H, which bears an effective date of 11/02/2012 and is not in a Special Flood Hazard Area.

ZONING INFORMATION

NO ZONING INFORMATION PROVIDED TO SURVEYOR AT TIME OF SURVEY.

RECORD DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 506 and 575 of the 17th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

To find the POINT OF BEGINNING, COMMENCE at a 3/4 inch iron pin found located at the intersection of the southerly land lot line of Land Lot 575 and the northeasterly right of way line of U.S. Highway 41 (150.0 foot right of way); running thence along the northeasterly right of way line of U.S. Highway 41 north 25 degrees 17 minutes 51 seconds west a distance of 192.43 feet to a #4 rebar found on the northeasterly right of way line of U.S. Highway 41; thence north 25 degrees 17 minutes 51 seconds west 19.97 feet along the northeasterly right of way line of U.S. Highway 41 to a point, which point is the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING as thus established running thence north 25 degrees 17 minutes 51 seconds west along said northeasterly right of way line of U.S. Highway 41 a distance of 280.00 feet to an iron pin set; running thence north 63 degrees 49 minutes 30 seconds east a distance of 354.91 feet to an iron pin set; running thence south 25 degrees 42 minutes 25 seconds east a distance of 230.15 feet to an iron pin set; running thence south 64 degrees 17 minutes 35 seconds west a distance of 75.24 feet to a nail in painted "X" on asphalt; running thence south 25 degrees 42 minutes 25 seconds east a distance of 52.74 feet to a point; running thence south 64 degrees 17 minutes 35 seconds west a distance of 281.66 feet to a point and the TRUE POINT OF BEGINNING; said property containing 2.208 acres according to a survey prepared by Jack R. Busby, G.R.L.S. No. 1875 of J.S. Ross & Associates for Sports Arenas Properties, Inc. Owner and Marietta Parkway, Ltd. as Mortgagee said survey being dated May 10, 1984, last revised December 9, 1986.

TOGETHER WITH all right, title and interest in and to Reciprocal Easement Agreements between Marietta Parkway, Ltd. and R. Craig Thornton and The Clancy Company dated June 6, 1984, recorded in Deed Book 3159, page 19, and between Marietta Parkway, Ltd. and Sports Arenas Properties, Inc., dated December 15, 1986, recorded in Deed Book 4270, page 402, aforesaid records.

ALSO TOGETHER WITH perpetual non-exclusive easements for the benefit of Parcel for the purposes Stated in the Declaration of Easements dated March 20, 1986 in Deed Book 3870, Page 494.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 21800171, DATED JANUARY 23, 2018.

ALTA/NSPS LAND TITLE SURVEY

Surveyor's Certification

Amerco Entity No. 777068

565 SOUTH COBB PARKWAY
BEING TAX PARCEL 17050600620
CITY OF MARIETTA, COBB COUNTY, GEORGIA

based upon Title Commitment No. 21800171
of Chicago Title Insurance Company
bearing an effective date of January 23, 2018

To: Amerco Real Estate Company, a Nevada corporation; U-Haul Co. of Georgia and Chicago Title Insurance Company
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6a, 6b, 7a, 7b1, 7c, 8, 9, 11, 13, 14, 16, 17, 18, 19, 20, 21 of Table A thereof. The fieldwork was completed on April 13, 2018.

Gary S. Harvin, Jr.
Land Surveyor Number: 3105
In state of Georgia
Date of Plat or Map: April 13, 2018
Date of last revision:

GEORGIA REGISTERED NO. 3105 EXP. 12-31-18 LAND SURVEYOR GARY S. HARVIN, JR.

Survey Prepared By:
EarthPro Land Surveying
246 Geiger Road
Jefferson, Ga. 30549
Phone: 678-640-5500
Fax: 706-510-2620
gh@earthprolandsurvey.com
Georgia COA #000 994

EarthPro Project Number 18132

SURVEY PREPARED BY:
EarthPro LAND SURVEYING
246 GEIGER ROAD
JEFFERSON, GA. 30549
OFFICE: 678-640-5500
FAX: 706-510-2620
EMAIL: gh@earthprolandsurvey.com
GEORGIA RLS #3105
GEORGIA COA LSF #000994

SHEET 1 OF 2

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: **Z2020-23** **LEGISTAR: 20200366**

LANDOWNERS: **Board of Regents of**
The University System of Georgia
270 Washington St. SW
Atlanta, GA 30334

APPLICANT: **33 Holdings LLC/ Sanjay Raghavaraju**
1145 Hightower Trl.
Atlanta, GA 30350

PROPERTY ADDRESS: **401 Rose Drive**

PARCEL DESCRIPTION: **17043300140**

AREA: **3.26 ac.** **COUNCIL WARD: 1A**

EXISTING ZONING: **CRC (Community Retail Commercial)**

REQUEST: **RM-12 (Multi-Family Residential – 12 units/acre)**

FUTURE LAND USE: **CAC (Community Activity Center)**

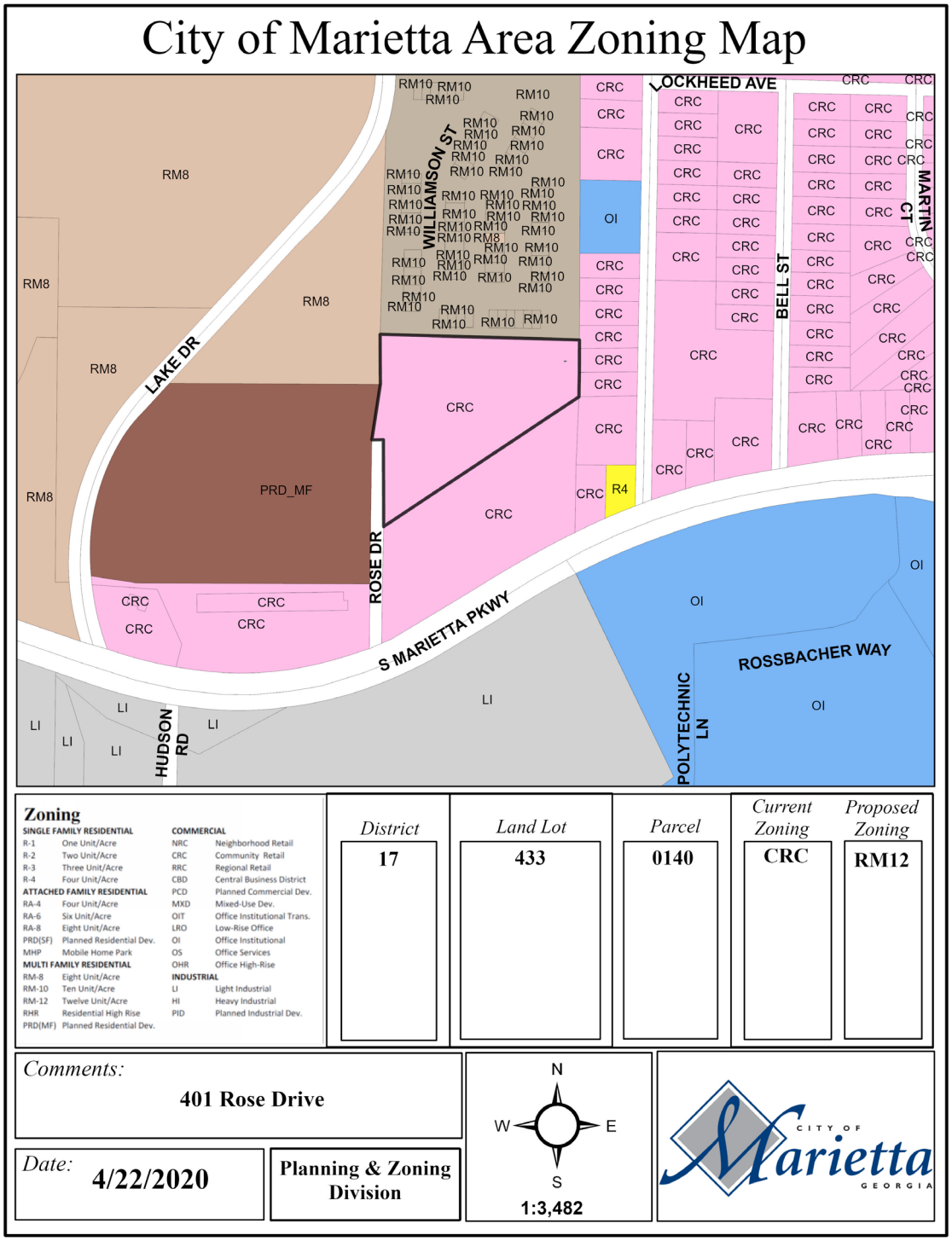
REASON FOR REQUEST: The applicant is requesting the rezoning of the subject property from CRC to RM-12 to develop a thirty-five (35) unit attached townhome community.

PLANNING COMMISSION HEARING: Tuesday, June 2nd, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: **Wednesday, June 10th, 2020 – 7:00 p.m.**

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



Department of Development Services
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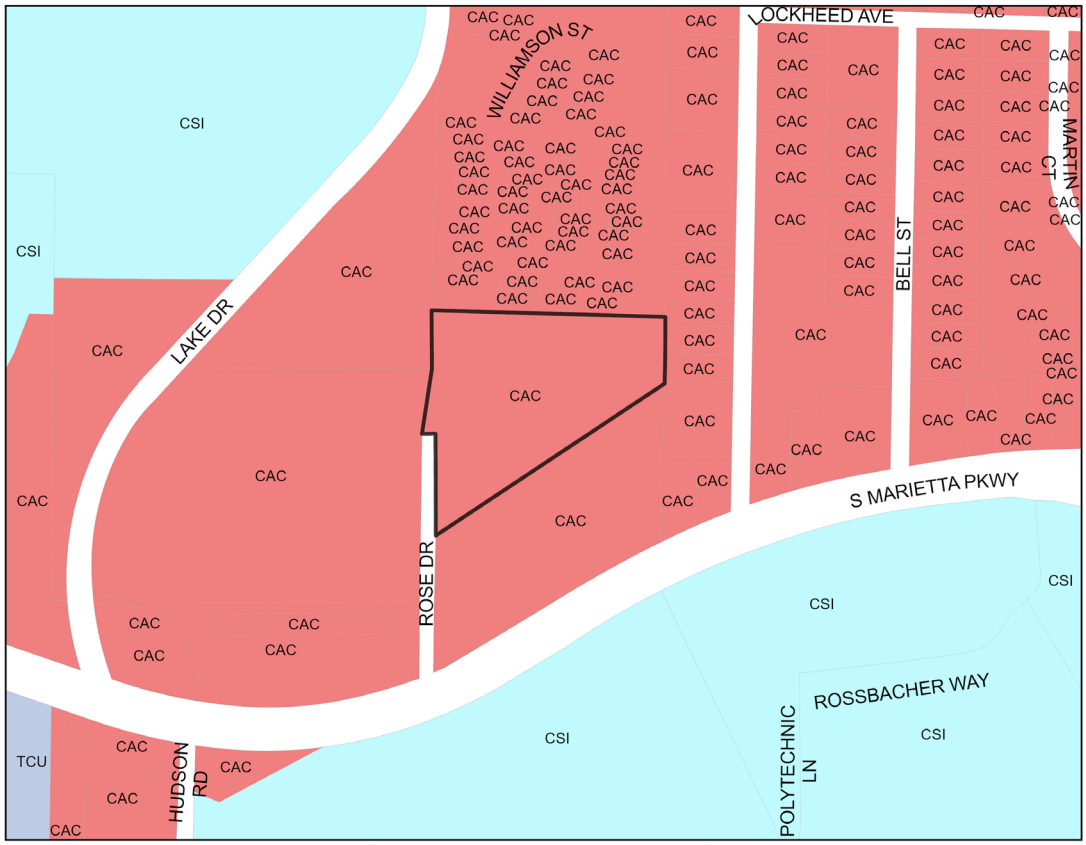
FLU MAP

City of Marietta Area FLU Map



Future Land Use

LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
NAC	Neighobrhood Activity
CAC	Community Activity Center
RAC	Regional Activity Center
CBD	Central Business District
IM	Industrial - Manufacturing
IW	Industrial - Warehousing
OSC	Open Space/Conservation
PR	Parks & Recreation
CSI	Community Service & Institutional
TCU	Transportation, Communication & Utilities
MXD	Mixed Use

District	*Land Lot*	*Parcel*	*Current FLU*	*Proposed FLU*
17	433	0140	CAC	n/a

Comments: **401 Rose Drive**

N W E S

1:3,482

Date: **4/22/2020**

Planning & Zoning Division

CITY OF Marietta GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

PICTURES OF PROPERTY

401 Rose Drive

Dead end of Rose Drive

Existing structure

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF ANALYSIS

Location Compatibility

The applicant, 33 Holdings LLC, is requesting to rezone the property located at 401 Rose Drive, which is located on a dead-end street accessed from South Marietta Parkway. The subject property is zoned CRC (Community Retail Commercial) and is 3.26 acres in area. To the west of the subject property are two apartment complexes zoned PRD-MF (Planned Residential – Multi-Family) and RM-8 (Multi-Family Residential – 8 units/acre); to the north is a townhome community zoned RM-10 (Multi-Family Residential – 10 units/acre); and to the east and south are commercial properties zoned CRC (Community Retail Commercial). The applicant's request is to rezone the subject property from CRC to RM-12 (Multi-Family Residential – 12 units/acre) to construct a thirty-five (35) unit townhome community.

Use Potential and Impacts

The proposed thirty-five (35) unit townhome community would have access from Marietta Parkway by a new private road. Each of the units would be 2-stories and contain three (3) bedrooms with two-car garages. Under the RM-12 zoning classification, condominiums or townhomes are a permitted use with additional conditions, such as a mandatory homeowners association, additional guest parking, four-sided architecture, and recreation areas.

Based on the submitted plans, the proposed development would meet the additional parking requirements; but the plans do not contain sufficient information to determine compliance with impervious surface and open area requirements. With thirty-five (35) units, the site is required to provide at least 0.7 acres of recreation area, including a passive and active feature. A passive recreational feature could include a walking trail, pavilion, gazebo or picnic area; and an active recreational feature could include a swimming pool, playground or tennis courts. The applicant stated the community would include green spaces that would provide walking trails, dog park, and open area.

It should be noted that the RM-12 regulations include compliance with four-sided architecture style; and that all units shall be "for sale" only. Further, no more than five percent (5%) of the units are allowed to be renter occupied at any time.

The applicant stated that the proposed homes would be finished with a brick/cement siding and a range of roof profiles with architectural features. However, Staff has not yet received any building elevations.

The following variances would be necessary to allow development of the submitted site plan:

1. Variance to reduce the minimum lot size from 5 ac. to 3.26 ac. [*§708.12 H*]
2. Variance to waive the active recreation requirement. [*§708.12 (B.1.i)*]

The zoning request, RM-12, allows for a density of twelve (12) units per acre; and the proposed plan shows 35 units on 3.26 acres, which yields 10.7 units per acre. The proposed density is comparable with other, recently approved townhouse developments, as shown below:

Development	Townhouse Units	Acreage	Density	Open Space
Parkside East	59	5.24	11.25	38.9%
Powder Springs Rd 1400	72	8.03	9.0	18.4%
The Registry	12	1.02	11.8	9.3%
Grammercy Park	32	3.29	9.72	12.8%
Wylie Road	150	12.13	12.37	30%
Frey's Gin	123	9.58	12.84	28.5%

The Future Land Use (FLU) designation of the subject property is CAC (Community Activity Center). The purpose of CAC is to provide the retail and service needs of the surrounding community. Residential opportunities within CAC should be limited to a mixed-use setting. The use of the property as residential only and RM-12 rezoning request is not supported by the City's Comprehensive Plan.

Environmental Impacts

Because the property is at the top of a hill, there are no potential environmental concerns such as floodplains, wetlands and streams located on the property. The property contains existing trees along the periphery of the site that, if preserved, would provide separation from the adjacent properties as well as contribute to the provided open space.

Economic Functionality

The subject property has not had an active business license since 2008. However, other buildings in the surrounding area appear to be occupied and the area is seen as a desirable location for businesses. Limited accessibility and visibility make this site difficult for commercial use.

Infrastructure

The development would be expected to provide a sidewalk along Rose Drive to the entrance of the property as well as an interior sidewalk to provide continuous accessibility. The current configuration of the development's entrance may require reconfiguration to allow circulation of city service vehicles such as Fire and Sanitation. The street centerline radii cannot be less than 100 feet.

Further, the minimum road standards for fire access is 35' radius on all turns and minimum 20' road width measured from EOP to EOP (edge of pavement).

The serving elementary school is Park Street, which is nearing capacity. Otherwise, the proposed development should not have a negative impact on any existing infrastructure.

Overhead Electrical/Utilities

There are overhead utility poles along Rose Drive; however, they are not anticipated to conflict with the proposed development.

History of Property

A variance was granted in 2006 (V2005-29) for the construction of the existing building. The variance granted a buffer reduction, with stipulations, along the northern boundary line prior to the construction of the adjacent townhome community.

Other Issues

All units would be required to be built with automatic fire sprinklers according to Marietta Fire Department.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

ANALYSIS & CONCLUSION

The applicant, 33 Holdings LLC, is requesting to rezone the property located at 401 Rose Drive from CRC to RM-12. The property is 3.26 acres in size and is surrounded by properties zoned PRD-MF, RM-8, RM-10, and CRC. The proposal is to construct a thirty-five (35) unit townhome community with a new private road. Each of the units would be 2-stories and contain three (3) bedrooms with two-car garages.

Under the RM-12 zoning classification, condominiums or townhomes are a permitted use with additional conditions, such as a mandatory homeowners association, additional guest parking, and recreation areas. Based on the submitted plans, the proposed development meets the additional parking requirements but does not contain information such as amount of impervious surfaces and open areas. With thirty-five (35) units, the site is required to provide at least 0.7 acres of recreation area, including a passive and active feature. The applicant stated the community would include green spaces that would provide walking trails, dog park, and open area.

The applicant stated that the proposed homes shall be finished with a brick/cement siding and a range of roof profiles with architectural features. Staff has not received any building elevations.

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Prepared by: Jasi Thrut

Approved by: Rusty Roth

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	8”
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	350’
Size of the sewer line?	10”
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Rottenwood
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Additional Comments:

- Full site development plans required
- Sidewalks required along frontage and interior to the project
- Show turning template of access for Sanitation vehicle for street centerline radii less than 100' (City minimum). Trash corals may be required.
- Entrance will need to be reconfigured

TRANSPORTATION

What is the road affected by the proposed change?	Rose Dr
What is the classification of the road?	Local
What is the traffic count for the road?	Unknown
Estimated # of trips generated by the proposed development?	Information not provided
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	No
Transportation improvements in the area?	No
If yes, what are they?	NA

- Add sidewalk to proposed development to at least the utility pole.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	149 Dodd St
Distance of the nearest station?	0.9 mile
Most likely station for 1st response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:

- Minimum 35' radius on all turns to fire department access roads, and minimum 20' EOP to EOP.
- All units will be required to be protected by automatic fire sprinklers.\
- If gated, gates will be required to be set back 50'; 30' wide; and keyed to MariettaFire's knox box system.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes x No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Park Street**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**550**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**520**
Current enrollment of Middle School:	**1,386**
Current enrollment of High School:	**2,410**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**17**
New schools pending to serve this area:	**0**

Comments: Student enrollment based on last day of school.

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Marietta GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: Z2020-23 Legistar #: 20200366 PZ #:

Planning Commission Hearing: 6-2-10 City Council Hearing: 6-10-20

Owner's Name: Board of Regents of The University System of Georgia

EMAIL Address: sandra.neuse@usg.edu

Mailing Address: 270 Washington St, SW Atlanta Zip Code: 30334 Telephone Number: (404) 962-3162

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: 33 HOLDINGS LLC / Sanjay Raghavaraju ~~Kimani, KS, Architect~>

EMAIL Address: sanjayr@33holdings.com KSidesign@outlook.com

Mailing Address: 1145 Hightower Trl Atlanta GA Zip Code: 30350

Telephone Number: 770.265.9392 Email Address: sanjayr@33holdings.com

Address of property to be rezoned: 401 Rose Dr Marietta GA 30060

Land Lot (s) 0433 District 17 Parcel 17043300140 00140 Acreage 3.260 Ward 1A Future Land Use: CAC

Present Zoning Classification: CRC Proposed Zoning Classification: RM-12

REQUIRED INFORMATION

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.**
2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee ($500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
   If providing (24"x 36") then **5** copies REQUIRED.
   The following information must be included:
   - Specific use or uses proposed for the site
   - Acreage, bearing and distances, other dimensions, and location of the tract(s)
   - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
   - Detention/retention areas, and utility easements
   - Public or private street(s) - right of way and roadway widths, approximate grades
   - Location and size of parking area with proposed ingress and egress
   - Specific types and dimensions of protective measures, such as buffers
   - Landscaping
   - Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

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CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐has ☑has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

DocuSigned by:

X Sandra Lynn Neuse
Signature of Owner

Sandra Lynn Neuse
Print Name

Signature of Applicant

Sanjay Raghavaraju
Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☑has ☐has not a financial interest in the property which is ten percent (10%) or more.

Sanjay Raghavaraju
Print Name

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

Signature

Sanjay Raghavaraju
Please Print

1145 Hightower Trl Atlanta GA 30350
Address

20-April-2020
Date

Signed, sealed and delivered in the presence of:

My Commission Expires: 10-23-2

JOSHUA DAVID RAND
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
My Commission Expires 10-23-2022

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

KSi design group
228 Glenwood Dr, Canton, GA 30115 KSidesign@outlook.com.com * Tel: 678-438-4759

Tuesday, April 21, 2020

Rezoning Application- Project Description

Property Address:	401 Rose Dr, Marietta, GA
Property Size	3.260 Acres
Developer	33 Holdings LLC
Proposed Zoning:	RM-12
Existing Zoning	CRC

The property currently has a 2 story 30,000sf concrete building that has been vacant for quite some time. The site had been developed to have another similar sized building that was never built.

This proposed development will involve demolishing the existing structure and replacing it with thirty-five (35) 2 story townhomes that are more compatible with the surrounding residential developments in use, style and scale.

The Development will use existing curb cuts, and a new private drive to allow for better traffic flows to existing streets and with its neighbors

On site guest parking will be provide per the city's requirement. Guest Parking will be spread throughout the development to be close to the homes.

Dumpsters, mechanical units, meters and other unsightly features will be screened using planting and enclosures.

Each unit will have:

- 2 Car Garage
- Living areas on Main
- 3 Bedrooms on 2nd floor

The buildings will be wood framing with Brick/Cement Siding veneer and Asphalt shingle roof(pitched). Energy efficient fixtures, lighting envelop insulation will be standard.

Though The units will have similar floor plans the exterior elevations will be varied through the use of different finishes, roof profiles and other Architectural embellishments.

Landscaped outdoor community green spaces will be provided including walking trails, dog park and open areas.

Sincerely

Samwel K Kimani, Architect
228 Glenwood Dr,
Canton GA 30115

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **May 15, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, June 2nd, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, June 10th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-23 [REZONING] 33 HOLDINGS LLC is requesting the rezoning of 3.26 acres located in Land Lot 433, District 17, Parcel02 0140 of the 2nd Section, Cobb County, Georgia, and being known as 401 Rose Drive from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential – 12 units/acre). Ward 1A.

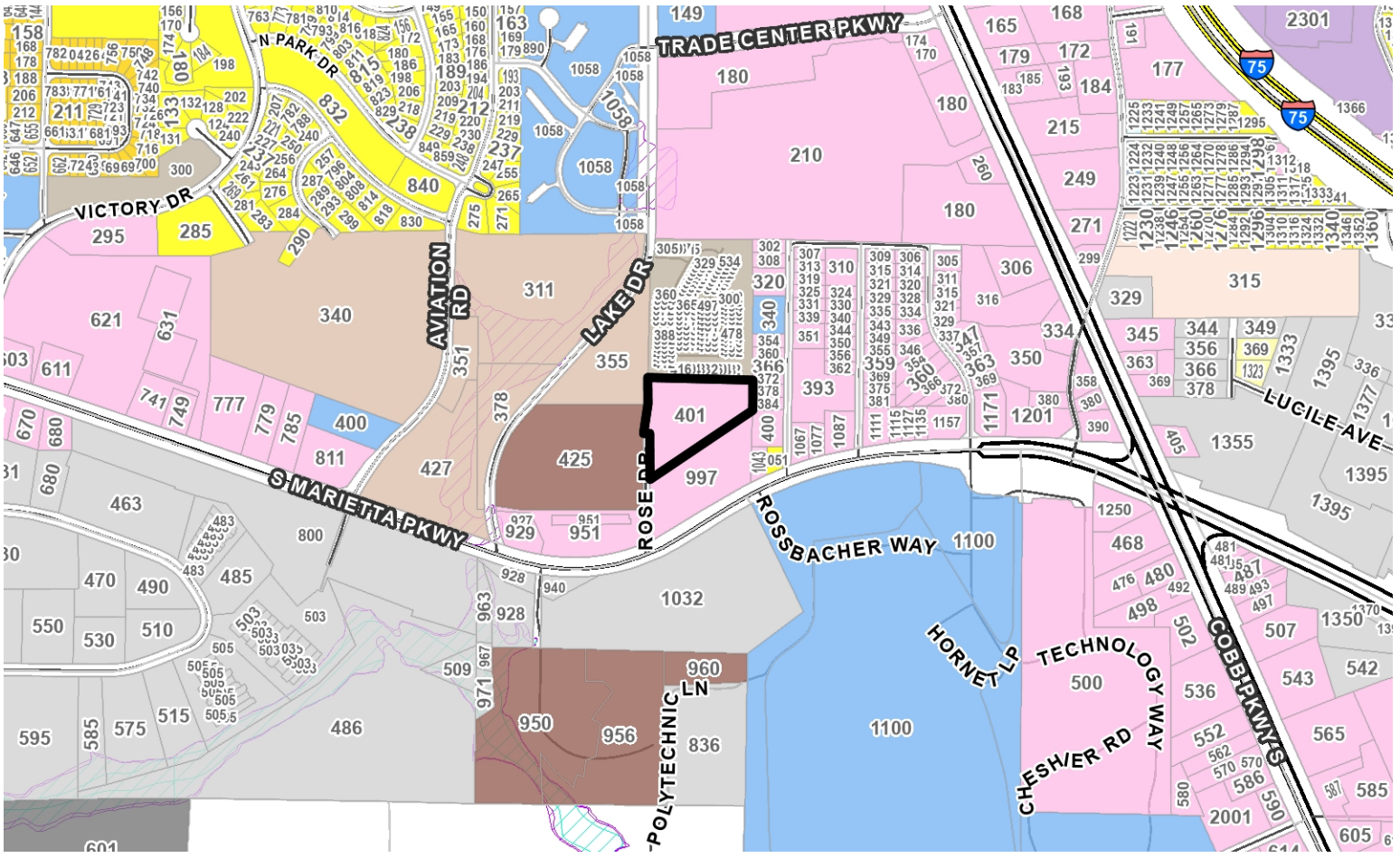
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
401 ROSE DR	17043300140	3.609	1A	CRC	CAC

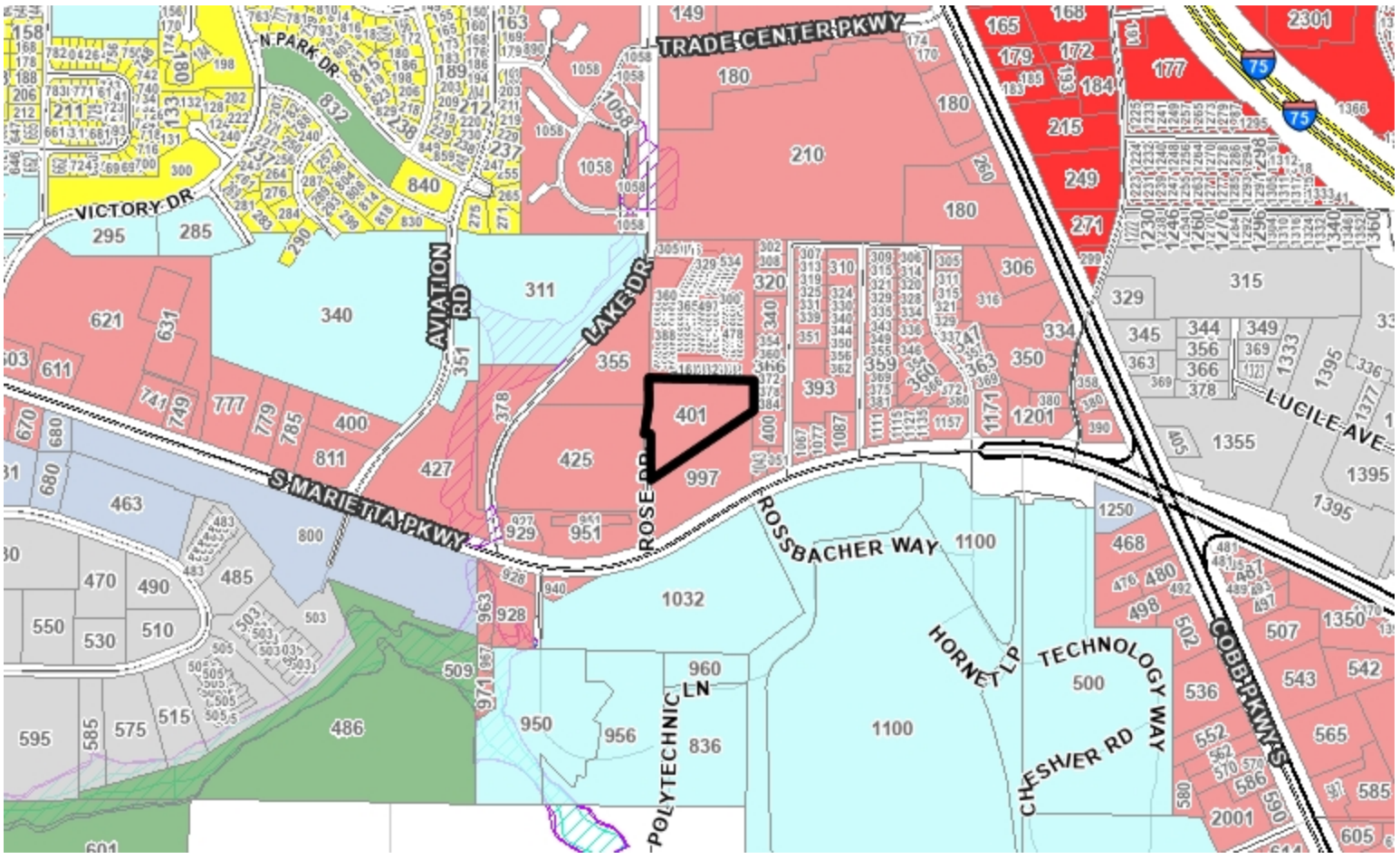
Property Owner:	Board of Regents of the University System of Georgia
Applicant:	33 Holdings LLC/Sanjay Raghavaraju
Proposed Zoning:	CRC to RM12
Agent:	
Proposed Use:	
Planning Commission Date:	06/02/2020
City Council Hearing Date:	06/10/2020 Case Number: Z2020-23

City of Marietta Planning & Zoning

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Moble Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
401 ROSE DR	17043300140	3.609	1A	CRC	CAC

Planning Commission Hearing Date:	06/02/2020
City Council Hearing Date:	06/10/2020
Future Land Use:	CAC
Case Number:	Z2020-23
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

- Railroads
- City Limits
- Cobb County Pockets
- RAC - Regional Activity Center
- CAC - Community Activity Center
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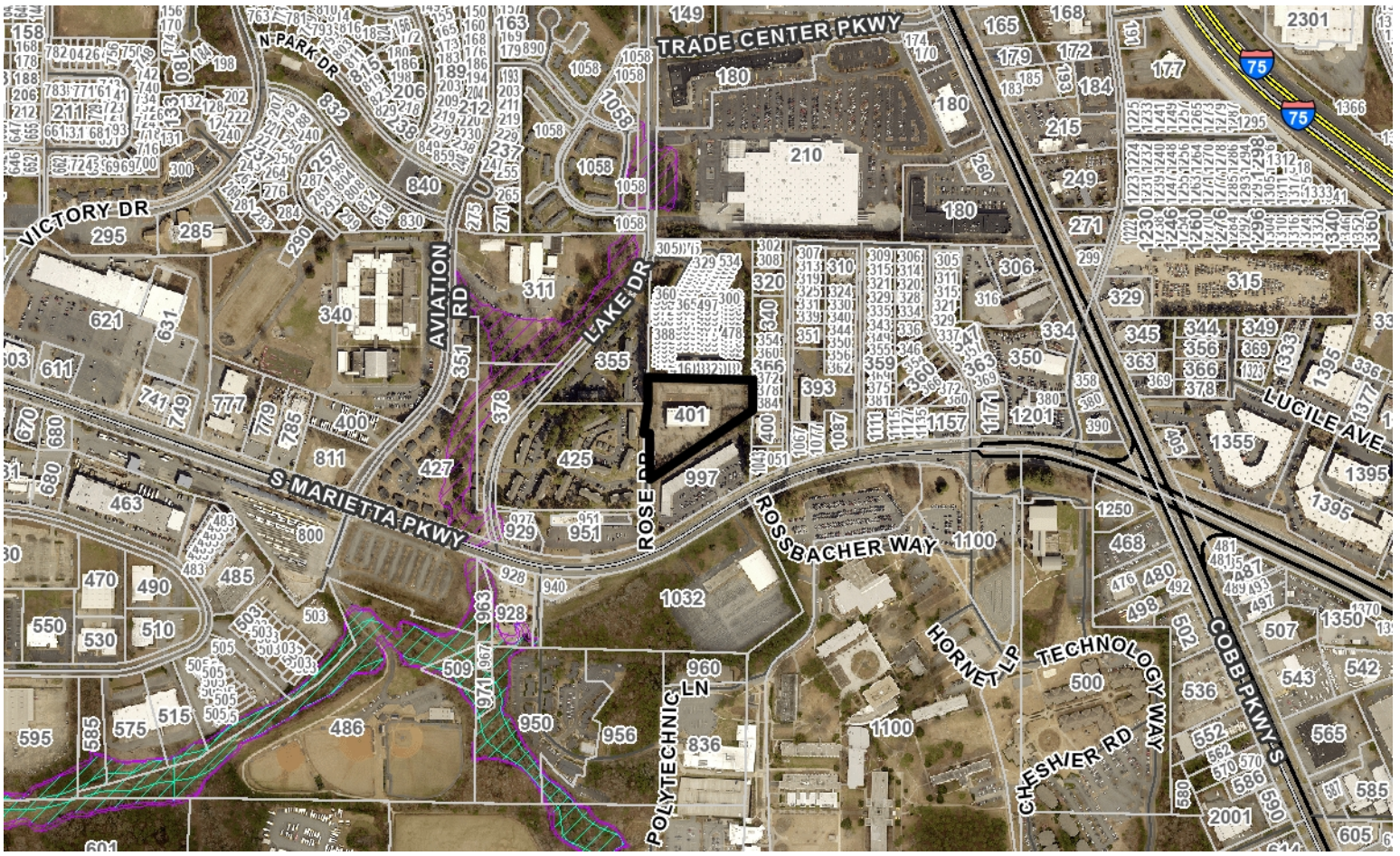
- CBD - Central Business District
- MXD - Mixed Use Development
- CSI - Community Service and Institutional
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities

Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
401 ROSE DR	17043300140	3.609	1A	CRC	CAC

Property Owner: Board of Regents of the University System of Georgia

Applicant: 33 Holdings LLC/Sanjay Raghavaraju

City Council Hearing Date: 06/10/2020

Planning Commission Hearing Date: 06/02/2020

BZA Hearing Date: Case Number: Z2020-23

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning

EQUIPMENT USED: THEODOLITE READING TO 05 SECONDS; ELECTRONIC DISTANCE METER READING TO .005 FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A HORIZONTAL CLOSURE OF 1 IN 64675.

DATE OF FIELD WORK: 3-4-19

TRAVERSE IS NOT ADJUSTED.

IRON PINS PLACED ARE 1/2" REBAR

THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE BY LATITUDE AND DEPARTURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 308,389 FEET

THIS BLOCK RESERVED FOR CLERK OF SUPERIOR COURT

THIS PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAP NUMBER: 13067C0109H

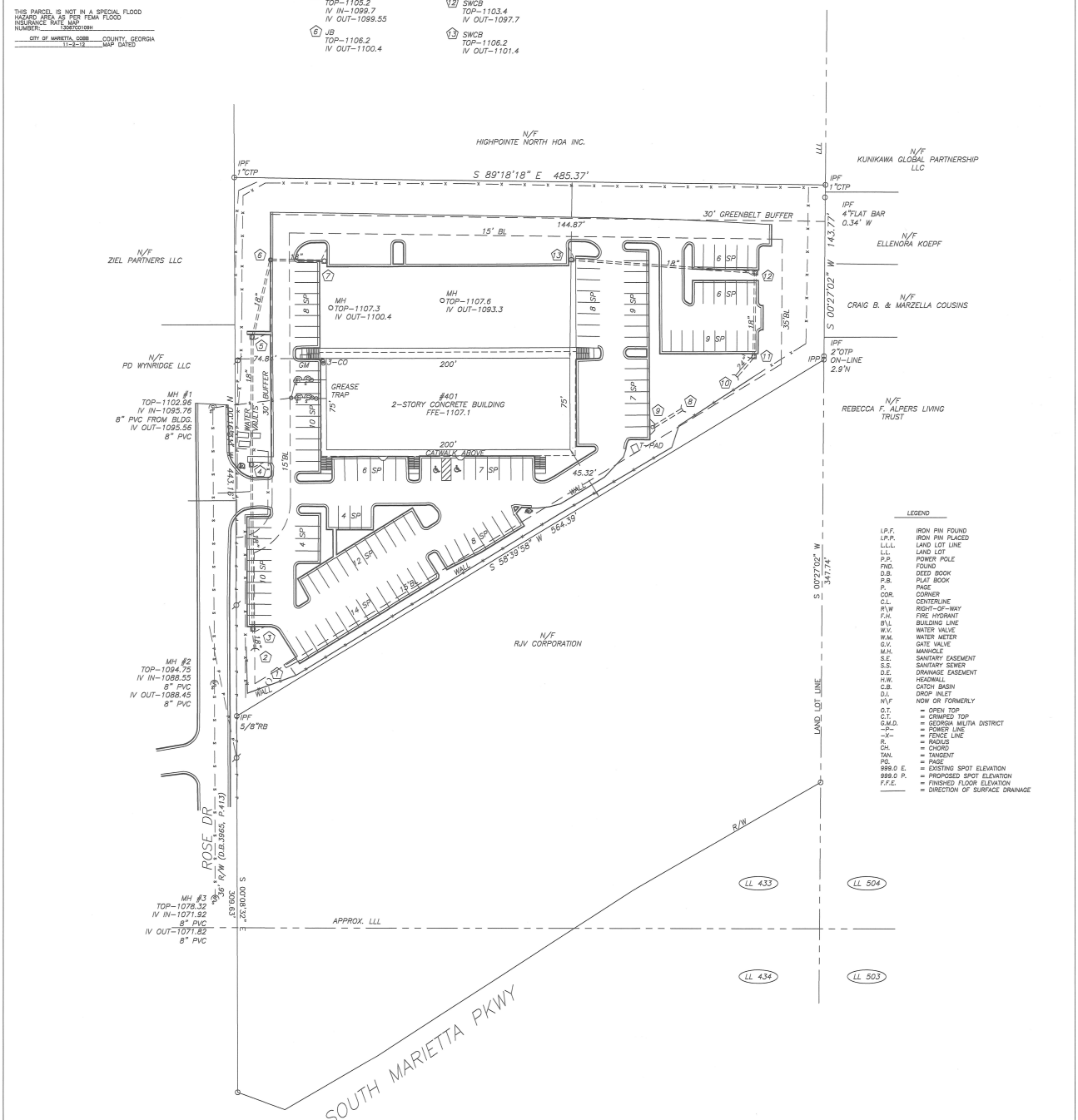
CITY OF MARIETTA, COBB COUNTY, GEORGIA
11-2-12 MAP DATED

STORM STRUCTURES *SEVERAL STRUCTURES COULD NOT BE OPENED

1. OUTLET STRUCTURE
   IV 12" HOLE-1092.8
   TOP PERF. PIPE-1094.3
2. HEADWALL IV-1094.3
3. SWCB
   TOP-1101.3
   IV OUT-1093.1
4. SWCB
   TOP-1105.1
   IV IN-1097.9
   IV OUT-1097.85
5. SWCB
   TOP-1105.2
   IV IN-1099.7
   IV OUT-1099.55
6. JB
   TOP-1106.2
   IV OUT-1100.4
7. SWCB
   TOP-1106.7
   IV OUT-1101.4
8. HEADWALL IV-1098.0
9. DWCB
   TOP-1105.3
   IV OUT-1099.05
10. HEADWALL IV-1096.4
11. SWCB
    TOP-1102.7
    IV OUT-1097.4
12. SWCB
    TOP-1103.4
    IV OUT-1097.7
13. SWCB
    TOP-1106.2
    IV OUT-1101.4

N
W E
S

BASIS OF BEARINGS IS AN EXEMPTION PLAT FOR ARMANDO & ALEJANDRO MUNOZ BY KEN NUTT, LLC DATED 3-27-03 AND RECORDED IN PB 216, PG 7.



LEGEND

I.P.F.	IRON PIN FOUND
I.P.P.	IRON PIN PLACED
L.L.L.	LAND LOT LINE
L.L.	LAND LOT
P.P.	POWER POLE
FND.	FOUND
D.B.	DEED BOOK
P.B.	PLAT BOOK
P.	PAGE
COR.	CORNER
C.L.	CENTERLINE
R\W	RIGHT-OF-WAY
F.H.	FIRE HYDRANT
B\L	BUILDING LINE
W.V.	WATER VALVE
W.M.	WATER METER
G.V.	GATE VALVE
M.H.	MANHOLE
S.E.	SANITARY EASEMENT
S.S.	SANITARY SEWER
D.E.	DRAINAGE EASEMENT
H.W.	HEADWALL
C.B.	CATCH BASIN
D.I.	DROP INLET
N\F	NOW OR FORMERLY
O.T.	= OPEN TOP
C.T.	= CRIMPED TOP
G.M.D.	= GEORGIA MILITIA DISTRICT
--P--	= POWER LINE
--X--	= FENCE LINE
R.	= RADIUS
CH.	= CHORD
TAN.	= TANGENT
PG.	= PAGE
999.0 E.	= EXISTING SPOT ELEVATION
999.0 P.	= PROPOSED SPOT ELEVATION
F.F.E.	= FINISHED FLOOR ELEVATION
	= DIRECTION OF SURFACE DRAINAGE

NOTES

1. STRUCTURES VISIBLE ON THE DATE OF SURVEY ARE SHOWN HEREON.
2. LOCATIONS ARE ACCURATE ONLY WHERE DIMENSIONED.
3. THIS PROPERTY MAY CONTAIN WETLANDS. ALL WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS ARE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE PROTECTED AREAS WITHOUT THE PROPER PERMIT APPLICATION AND APPROVAL.
4. THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE; THEREFORE, THE UNDERSIGNED AND TIBBITTS LAND SURVEYING, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.

THE UTILITIES SHOWN ARE SHOWN FOR THE CLIENTS' CONVENIENCE ONLY. THERE MAY BE OTHER UNDERGROUND UTILITIES NOT SHOWN. THE SURVEYOR ASSUMES RESPONSIBILITY ONLY FOR THE UTILITIES SHOWN. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE OWNER, OR OWNERS' AGENT SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER, OR OWNERS' AGENT.

THIS PLAT IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. TIBBITTS LAND SURVEYING, INC. WILL NOT ACCEPT ANY RESPONSIBILITY OR LIABILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE PERSON, OR PERSONS, NAMED IN THE TITLE BLOCK.

GEORGIA REGISTERED No. 3051 LAND SURVEYOR JUDSON R. TIBBITTS

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JUDSON R. TIBBITTS, GAPLS#3051

770-443-1021 TIBBITTS LAND SURVEYING, INC. 362 WEST MEMORIAL DRIVE, DALLAS, GEORGIA 30132

COPYRIGHT TIBBITTS LAND SURVEYING, INC.

TRACT AREA

142,019 S.F.
3.26 ACRES

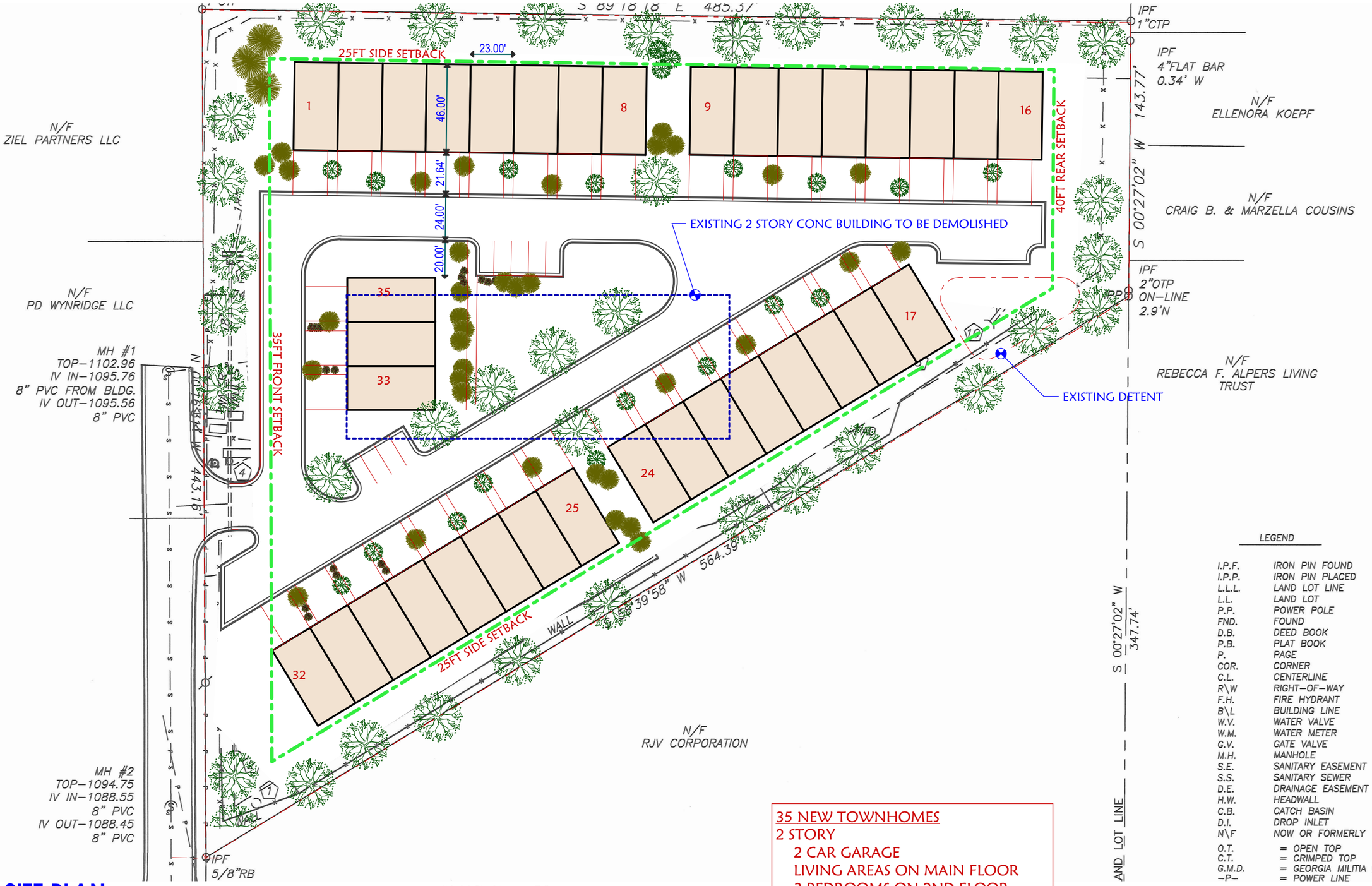
0' 40 80 120
1"=40'

19040.CRD F:\SU-DWG\19040\WKSHT.DWG

RETRACEMENT SURVEY FOR
THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA ON BEHALF OF KENNESAW STATE UNIVERSITY

LAND LOT	DISTRICT	SECTION	COUNTY	
433	17TH		COBB	GEORGIA
DATE:	DRAWN BY:	CHECKED	JOB NO.	DISK
3-22-19	BTE	JRT	19040	SERVER

TIBBITTS LAND SURVEYING, INC.
362 WEST MEMORIAL DRIVE, DALLAS, GEORGIA 30132
(770) 443-1021
AUTHORIZATION #000000000



LEGEND

I.P.F.	IRON PIN FOUND
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S.E.	SANITARY EASEMENT
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N\F	NOW OR FORMERLY
O.T.	= OPEN TOP
C.T.	= CRIMPED TOP
G.M.D.	= GEORGIA MILITIA DISTRICT
-P-	= POWER LINE

35 NEW TOWNHOMES
2 STORY
2 CAR GARAGE
LIVING AREAS ON MAIN FLOOR
3 BEDROOMS ON 2ND FLOOR

PROPOSED SITE PLAN

SCALE: 1" = 50'

01

The Rose Dr- A Residential DEVELOPMENT

401 ROSE DR MARIETTA, COBB COUNTY, GA

Architect
KSi design group
678-438-4759, KSidesign@outlook.com

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KSi design group
228 Glenwood Dr, Canton, GA 30115 KSidesign@outlook.com.com * Tel: 678-438-4759

Friday, May 29, 2020

Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
205 Lawrence Street, Marietta, Georgia 30060

RE: **PROPOSED PROJECT STIPULATIONS AND CONDITIONS**

Property Address:	401 Rose Dr, Marietta, GA
Property Size	3.260 Acres
Developer	33 Holdings LLC
Proposed Zoning:	RM-12,
Existing Zoning:	CRC

The undersigned and this firm will be the Project Architect and has been authorized by the project Owner, 33 Holdings LLC to submit this letter of agreeable Stipulations and conditions as part of the Rezoning Applications.

1. This proposed development will involve demolishing the existing structure and replacing it with thirty-five (35) townhomes that are more compatible with the surrounding residential developments in use, style, and scale.

2. On site guest parking will be provided per the city's requirement. Guest Parking will be spread throughout the development to be close to the homes.

3. Dumpsters, mechanical units, meters, and other unsightly features will be screened using planting and enclosures.

4. Each unit with a minimum heated area of at least 1,800sf will have:
   - 2 Car Garage
   - Living areas on Main
   - 3 Bedrooms on 2nd floor with Bonus room in the Attic

5. The proposed townhomes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, in compliance with the City of Marietta's "four-sided architecture" requirement.

6. No garage areas within the proposed townhome community shall be converted into heated living space for the units. All garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles

7. Applicant agrees there shall be no "short-term" (defined as less than a one-year lease) rental of homes within the proposed development

8. Applicant agrees to the creation of a mandatory homeowners' association consistent with upscale communities in the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all landscaping and landscaping maintenance of common areas, buffer areas, open space areas, and exterior yard areas around the residences; as well as entrance area; mail kiosk; private street, and the like contained within the proposed residential community.

9. As part of its Application for Rezoning, Applicant requests the following contemporaneous variance be granted:
    I. Variance to reduce the minimum lot size from 5 ac. to 3.26 ac
    II. Variance to waive the active recreation requirement. The project will include trails linked to interior sidewalks, a dog park area, and a small community park.

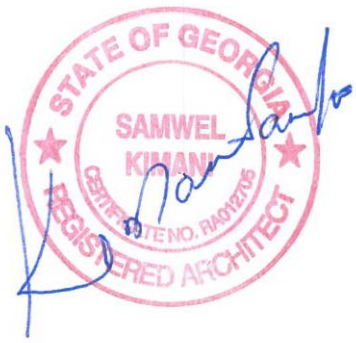
10. The Applicant agrees to comply with the following Staff comments. Land Disturbance (LDP) and Building Permit and Construction Drawings (CDs) will reflect compliance to these comments in detail.
    a. Environmental
        i. Full site development plans required
        ii. Sidewalks required along frontage and interior to the project
        iii. Show turning template of access for Sanitation vehicle for street centerline radii less than 100' (City minimum). Trash corals may be required.
        iv. Entrance will need to be reconfigured
    b. Transportation
        i. Add sidewalk to proposed development to at least the utility pole.

    c. Emergency Services
        i. Minimum 35' radius on all turns to fire department access roads, and minimum 20' EOP to EOP.
        ii. All units will be required to be protected by automatic fire sprinklers.
        iii. If gated, gates will be required to be set back 50'; 30' wide; and keyed to Marietta Fire's Knox box system.

The proposed residential community shall be a great development, a quality replacement to the existing 30,000sf vacant building, a compatible addition to the surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole.

Thank you for your consideration.

Sincerely



Samwel K Kimani, Architect
228 Glenwood Dr,
Canton GA 30115

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF REVIEW

Variance Case #: **V2020-17** **Legistar #: 20200327**

City Council Hearing: **Wednesday, June 10th, 2020 – 7:00 p.m.**

Property Owner: **Cobb County VA LLC**
Richard Baier
4706 Broadway, Suite 240
Kansas City, MO 64112

Applicant: **Long Engineering**
2550 Heritage Court, Suite 250
Atlanta, GA 30339

Address: **1161 Bells Ferry Road**

Land Lot: **941** **District:** **16** **Parcel:** **0030**

Council Ward: **4B** **Existing Zoning:** **LI (Light Industrial)**

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North. [*§712.08 (G.2.a)*]
2. Variance to allow more than twelve (12) parking spaces in a row without a planter island. [*§712.08 (G.1.a)*]
3. Request to modify the site plan associated with Z2018-32 (20181183).

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

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

Subject property

Staff Review:

Cobb County VA LLC is requesting variances and modifications to previously approved stipulations for the property at 1161 Bells Ferry Road, which was rezoned from HI (Heavy Industrial) to LI (Light Industrial) in December 2018. The subject property is approximately 11.4 acres with frontage along Cobb Parkway North, Old Highway 41, and Bells Ferry Road. A parking area was constructed on the site in 2000 but has since remained vacant and unused.

Cobb County VA LLC is proposing to build a 78,314 square foot Community-Based Outpatient Clinic for the US Department of Veterans Affairs. The proposal is similar to the plan submitted with the December 2018 rezoning request, except that it includes less paving, no vehicular access to Old Highway 41, and slight reconfiguration of the site. Because the property was rezoned with a stipulation that tied it to a specific site plan, any changes are required to be reviewed by City Council as a zoning amendment.

Further, an issue with the deed has made the provision of the ten (10) foot planted border area along the entire frontage of Cobb Parkway North problematic to the layout of the site. As a result, the application is requesting a variance to eliminate or reduce the planted border area along a portion of Cobb Parkway North as shown on the submitted plan. If approved, staff would ensure that street trees along Cobb Parkway North would be provided in the remaining areas.

The Tree Protection and Landscaping Ordinance also requires no more than twelve (12) parking spaces in a row without a tree island. An exception can be made when parking rows face a continuous island at least five (5) feet in width and containing at least one small or medium canopy tree every twenty feet. The majority of the parking rows meet the condition of having the continuous five (5) foot island except along Cobb Parkway North. In that area, neither the continuous five (5) or ten (10) foot planted border is provided and there is no tree island to separate a row of twenty-four (24) parking spaces.

It should also be noted that sidewalks are missing from the proposed plan. Bells Ferry Road already contains some sidewalks, although they do not appear to be in very good condition. Considering the amount of pedestrian traffic in the area, the addition or improvement of sidewalks on the Bells Ferry Road and Cobb Parkway North frontages would drastically improve pedestrian safety in the area.

Also, during review of the 2018 rezoning, Cobb DOT had recommended extending the right turn deceleration lane on southbound Cobb Parkway North to connect with the right turn lane onto Bells Ferry Road. GDOT may also require this improvement and, if it is required, it will be the responsibility of the applicant to complete the work.

All other conditions of Z2018-32 would remain applicable unless explicitly removed. Based on the new plan, the following variances from the association stipulation letter are probably not necessary and can be eliminated:

(4)(a) Increase of the allowable, maximum impervious surface area from 75% to 85%
(4)(c) Waive the ten (10) foot landscape strip/border along Old Highway 41
(4)(d) Eliminate portions of the five (5) foot landscape strip/border along the service drive

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FILE REFERENCE NO: 20181183
ORDINANCE NO: 8066

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 941, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1161 Bells Ferry Road.**

WHEREAS, application has been filed by **FAIRBURN TOWN & COUNTRY APARTMENTS, LTD (THE MOLASKY GROUP OF COMPANIES)** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

All that tract or parcel of land lying and being in land lots 932, 933 940 and 941 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

To find the true point of beginning commence at a 1 1/2 inch open top pipe found located at the intersection of the southwesterly right of way of U.S. Highway 41 (300 foot right of way at this point) with the westerly right of way line of Bells Ferry Road (130 foot right of way); thence along said right of way line of U.S. Highway 41 North 64 degrees 29 minutes 42 seconds west 200.00 feet to the TRUE POINT OF BEGINNING; from the True Point of Beginning as thus established run south 15 degrees 12 minutes 26 seconds west 184.06 feet to an iron pin; thence south 13 degrees 34 minutes 34 seconds west 150 feet to an iron pin; thence north 88 degrees 26 minutes 26 seconds east 200.00 feet to a point located on the westerly right of way line of Bells Ferry Road; thence along said right of way line south 01 degree 45 minutes 11 seconds west 34.98 feet to an iron pin; thence leave said right of way line and run south 89 degrees 33 minutes 19 seconds west 200.02 feet to an iron pin; thence south 02 degrees 18 minutes 57 seconds east 71.97 feet to a 1/2 inch rebar found; thence north 89 degrees 31 minutes 48 seconds east 199.81 feet to a 1/2 inch rebar found located on the westerly right of way line of Bells Ferry Road; thence along said right of way line the following courses and distances: South 08 degrees 01 minute 24 seconds east 58 feet to an iron pin; and south 13 degrees 08 minutes 04 seconds east 86.77 feet to an iron pin; thence leave said right of way line and run north 87 degrees 07 minutes 59 seconds west 77.60 feet to an iron pin; thence north 83 degrees 47 minutes 59 seconds west 137.00 feet to an iron pin; thence south 17 degrees 10 minutes 42 seconds east 198.90 feet to an iron pin located on the northerly right of way line of Old U.S. Highway 41 (100 foot right of way); run thence along said right of way the following courses and distances: north 86 degrees 23 minutes 35 seconds west

91.22 feet to a concrete monument found; north 88 degrees 20 minutes 05 seconds west 60.62 feet to an iron pin; and north 88 degrees 50 minutes 58 seconds west 189.85 feet to an iron pin located at intersection of said right of way line with the northeasterly right of way line of the L & N Railroad (66 foot right of way); run thence along said railroad right of way line the following courses and distances: north 35 degrees 50 minutes 07 seconds west 48.60 feet to an iron pin; along the arc of a 1,818.52 foot radius curve to the left, an arc distance of 309.20 feet to an iron pin (said arc being subtended by a chord having a bearing of north 39 degrees 04 minutes 27 seconds west and a length of 308.82 feet); north 45 degrees 39 minutes 31 seconds west 240.03 feet to an iron pin; along the arc of a 1,072.90 foot radius curve to the right an arc distance of 167.12 feet to an iron pin (said arc being subtended by a chord having a bearing of north 41 degrees 42 minutes 55 seconds west and a length of 166.95 feet); thence leave said right of way line and run south 87 degrees 24 minutes 23 seconds east 21.99 feet to a one inch open top pipe found; thence north 28 degrees 50 minutes 37 seconds east 561.71 feet to an iron pin located on the southwesterly right of way line of U.S. Highway 41 (200 foot right-of-way at this point); thence along said right of way line the following courses and distance: south 63 degrees 09 minutes 37 seconds east 450.00 feet to a concrete monument found; south 25 degrees 30 minutes 18 seconds west 50.00 feet to a concrete monument found; and south 64 degrees 29 minutes 42 seconds east 203.27 feet to the iron pin at the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 13.52± acres (588,931 square feet).

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from HI (Heavy Industrial) to LI (Light Industrial).

Section 3: The following stipulations are incorporated as conditions of zoning:

- Letter of stipulations from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated December 10, 2018.
- Variance (4)(d) in Letter of stipulations be amended to include "*as shown on the attached plan referenced herein dated October 15, 2018.*"

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Rusty Roth

Rusty Roth, Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: December 12, 2018

APPROVED:

ATTEST:

Stephanie Guy

Stephanie Guy, City Clerk

R. Steve Tumlin, Jr.

R. Steve Tumlin, Jr., Mayor

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
400 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9029

JACKSONVILLE, FLORIDA
10731 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 425-1405

BRENTWOOD, TENNESSEE
5200 MARYLAND WAY
SUITE 301
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7047

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-0233

MECHANICSBURG, PENNSYLVANIA
5000 RITTER ROAD
SUITE 106
MECHANICSBURG, PENNSYLVANIA 17055
TELEPHONE (717) 790-2854

December 10, 2018

Hand Delivered

Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

RE:	Application for Rezoning -	Zoning Case No.: Z2018-32 (Legistar No. 20181183)
	Applicant:	The Molasky Group of Companies
	Property Owner:	Fairburn Town & Country Apartments, LTD.
	Property:	13.52 acres, more or less, located on the westerly side of Bells Ferry Road, the northerly side of Old Highway 41, and the southerly side of Cobb Parkway (1161 Bells Ferry Road), Land Lots 932, 933, 940, and 941, 16th District, 2nd Section, Cobb County, Georgia

Dear Shelby:

The undersigned and this firm represent The Molasky Group of Companies, the Applicant (hereinafter referred to as "Applicant"), and Fairburn Town & Country Apartments, LTD., the Property Owner (hereinafter referred to as "Owner" or "Property Owner"), in their request for rezoning of approximately 13.52 acres of property located on the westerly side of Bells Ferry Road, the northerly side of Old Highway 41, and the southerly side of Cobb Parkway, being more particularly known as 1161 Bells Ferry Road, Land Lots 932, 933, 940, and 941, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and various City Staff, reviewing the City's Rezoning Application Analysis, and following the presentation to and hearing before the Planning Commission, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning category of Heavy Industrial ("HI") to the proposed zoning category of Light Industrial ("LI"), site plan specific to the Site Plan dated October 15, 2018, and filed contemporaneously with the Application for Rezoning. A reduced copy of the Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.

(2) All drive aisles within the parking areas of the proposed development shall be a minimum of twenty-four (24) feet in width.

(3) Applicant agrees to utilize "cut-off, down-glare lighting" for all parking areas within the proposed development.

(4) As part of its Application for Rezoning, Applicant requests the following contemporaneous variances be granted:

(a) Increase of the allowable, maximum impervious surface from seventy-five (75) percent to eighty-five (85) percent;

(b) Reduce the standard individual parking space stall dimensions from nine (9) feet by twenty (20) feet to nine (9) feet by eighteen (18) feet;

(c) Waive the ten (10) foot landscape strip/border along Old Highway 41;

(d) Eliminate portions of the five (5) foot landscape strip/border along the service drive; and

(e) Increase the allowable size for a directional sign to sixty (60) square feet.

We believe the requested zoning, together with the referenced Site Plan and the stipulations set forth above, is an appropriate use of the Subject Property while taking into consideration the location of the Property and the uses of properties in the surrounding area. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

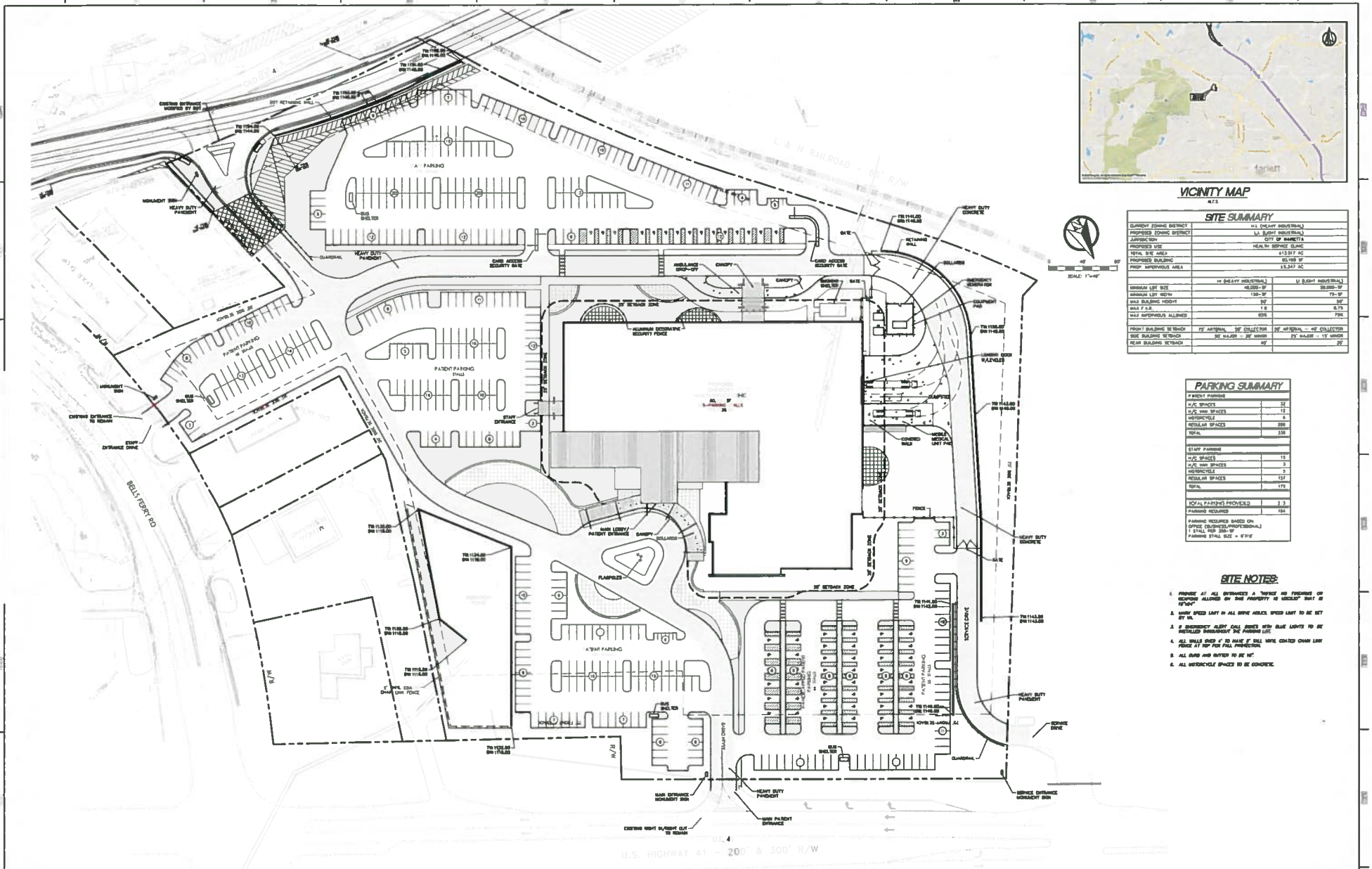
MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Attachment
c: Russell J. Roth, AICP
Development Director
City of Marietta
(With Copy of Attachment)

The Molasky Group of Companies
(With Copy of Attachment)

EXHIBIT "A"



VICINITY MAP

SITE SUMMARY

CURRENT ZONING DISTRICT	H-1 (HEAVY INDUSTRIAL)	
PROPOSED ZONING DISTRICT	LI (LIGHT INDUSTRIAL)	
JURISDICTION	CITY OF MARIETTA	
PROPOSED USE	HEALTH SERVICE CLINIC	
TOTAL SITE AREA	613,917 AC	
PROPOSED BUILDING	80,160 SF	
PROP. IMPERVIOUS AREA	±5,347 AC	
	H (HEAVY INDUSTRIAL)	LI (LIGHT INDUSTRIAL)
MINIMUM LOT SIZE	40,000 SF	20,000 SF
MINIMUM LOT WIDTH	150' SF	75' SF
MAX BUILDING HEIGHT	50'	35'
MAX F.A.R.	1.0	0.75
MAX IMPERVIOUS ALLOWED	85%	75%
FRONT BUILDING SETBACK	75' ARTERIAL, 35' COLLECTOR	35' ARTERIAL, 45' COLLECTOR
SIDE BUILDING SETBACK	30' MAJOR, 20' MINOR	15' MAJOR, 15' MINOR
REAR BUILDING SETBACK	40'	20'

PARKING SUMMARY

PATIENT PARKING	
H/C SPACES	32
H/C VAN SPACES	12
MOTORCYCLE	6
REGULAR SPACES	288
TOTAL	338
STAFF PARKING	
H/C SPACES	10
H/C VAN SPACES	3
MOTORCYCLE	3
REGULAR SPACES	157
TOTAL	173
TOTAL PARKING PROVIDED	511
PARKING REQUIRED	194

PARKING REQUIRED BASED ON OFFICE (BUSINESS/PROFESSIONAL) 1 STALL PER 250 SF
PARKING STALL SIZE = 9'X18'

SITE NOTES:

1. PROVIDE 42" ALL ENTRANCES A "NOTICE NO FIREARMS OR WEAPONS ALLOWED ON THIS PROPERTY IS UNLESS" SIGN 8" X 12"
2. MARK SPEED LIMIT IN ALL DRIVE AISLES. SPEED LIMIT TO BE SET BY VA.
3. 2 EMERGENCY ALERT CALL BOXES WITH BLUE LIGHTS TO BE INSTALLED THROUGHOUT THE PARKING LOT.
4. ALL WALLS OVER 4' TO HAVE 6' BALL VINYL COATED CHAIN LINK FENCE AT TOP FOR FALL PROTECTION.
5. ALL CURB AND GUTTER TO BE 16".
6. ALL MOTORCYCLE SPACES TO BE CONCRETE.

SOLICITOR	The MOLASKY GROUP OF COMPANIES	CONTINEO GROUP	Lyman Davidson Dooley, Inc	SITE PLAN	VA CBOC - COBB COUNTY, GA	OFFICE OF CONSTRUCTION AND FACILITIES MANAGEMENT
CONTRACTOR	FREESE JOHNSON				COBB COUNTY, GA	Department of Veterans Affairs
					DATE 10-15-2018 BHR EGS	C02

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Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-17 **Legistar #:** 20200327 **BZA Hearing Dt:** —

City Council Hearing Dt (if applicable) #: 6-10-20 **PZ #:** 20-121

This is a variance/appeal application for:

☐ **Board of Zoning Appeals** ☒ **City Council**

Owner's Name COBB COUNTY VA LLC - RICHARD BAIER (MEMBER)

EMAIL Address: rbaier@usfpco.com

Mailing Address 4706 Broadway Suite 240 KC MO Zip Code: 64112 Phone Number 816-352-8791

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: LONG ENGINEERING (AGENT)

EMAIL Address: tandrey@longeng.com

Mailing Address 2550 Heritage Court, Suite 250 Zip Code: 30339 Phone Number 770-951-2495

Address of subject property: 1161 BELLS FERRY ROAD Date of Acquisition: _____

Land Lot (s) 0941 District 16 Parcel 00030 Acreage 13.5 / 13.18 Zoned LI Ward 4B FLU: CAC

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

Variance to reduce landscape buffer on the west side of the proposed drive along US HWY 41 from 10 feet to 0 feet.

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 ½" x 11") **-or-** (11" x 17") drawn to scale.
   Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐has ☒has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Signature of Owner

Richard Baier
Print Name

Signature of Applicant

Trevor Andrey (Agent)
Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐has ☒has not a financial interest in the property which is ten percent (10%) or more.

Trevor Andrey (Agent)
Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Signature of Applicant

4/10/2020
Date

TREVOR ANDREY
Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Signature of Owner

Richard Baier
Please Print

4706 Broadway Suite 240 Kansas City, MO 64112
Address

4-10-2020
Date

Signed, sealed and delivered in the presence of:

Kristi Stuedle

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

KRISTI STUEDLE
My Commission Expires
November 4, 2021
Clay County
Commission #13473833

My Commission Expires: 11/4/21

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

LONG ENGINEERING

April 15, 2020

Shelby Little
City of Marietta Department of Development Services
205 Lawrence Street
Marietta, GA 30060

RE: Application for Variance
1161 Bells Ferry Road
Marietta, GA 30066

Dear Shelby Little,

This letter is to request approval for a City Council variance for the property located at 1161 Bells Ferry Road, Marietta, Georgia. Below describes in detail the reason for a variance request.

1. While we were having the survey completed, we were informed that there's a section of land between our site and Cobb Road that appears to be owned by someone else but we haven't been able to confirm who owns that sliver of land. As a result, the proposed parking layout will set directly against the property line without room for a landscape buffer.
2. This a City Council variance request to reduce the landscape buffer for a potion of the property frontage along HWY 41 from 10 feet to 0 feet.

Thank you for the opportunity to present this variance request, and I look forward to hearing from you.

Sincerely,

Trevor Andrey, PE
Project Manager

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **May 15, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests at the City Council meeting held on **Wednesday, June 10th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC) are requesting variances for property located in Land Lot 941, District 16, Parcel 0030, 2nd Section of Cobb County, Marietta, Georgia and being known as 1161 Bells Ferry Road. Variance to reduce a portion of the 10' planted border area along Cobb Parkway North; Variance to allow more than 12 parking spaces in a row without a planter island; request to modify the site plan associated with Z2018-32 (20181183). Ward 4B.

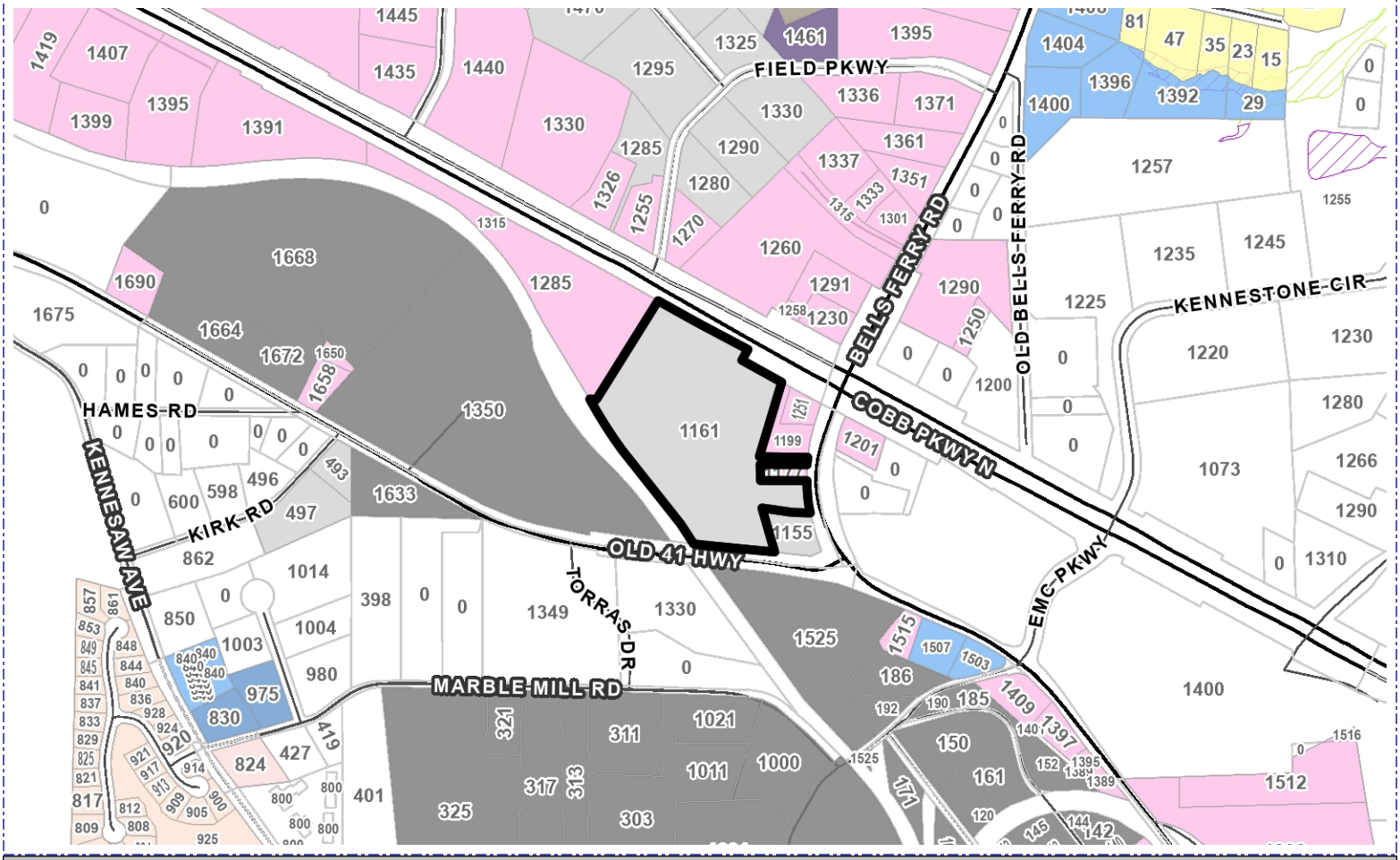
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator at 770-794-5558 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
1161 BELLS FERRY RD	16094100030	13.759	4B	LI	CAC

Property Owner: Cobb County VA - Richard Baier

Applicant:

City Council Hearing Date: 06/10/2020

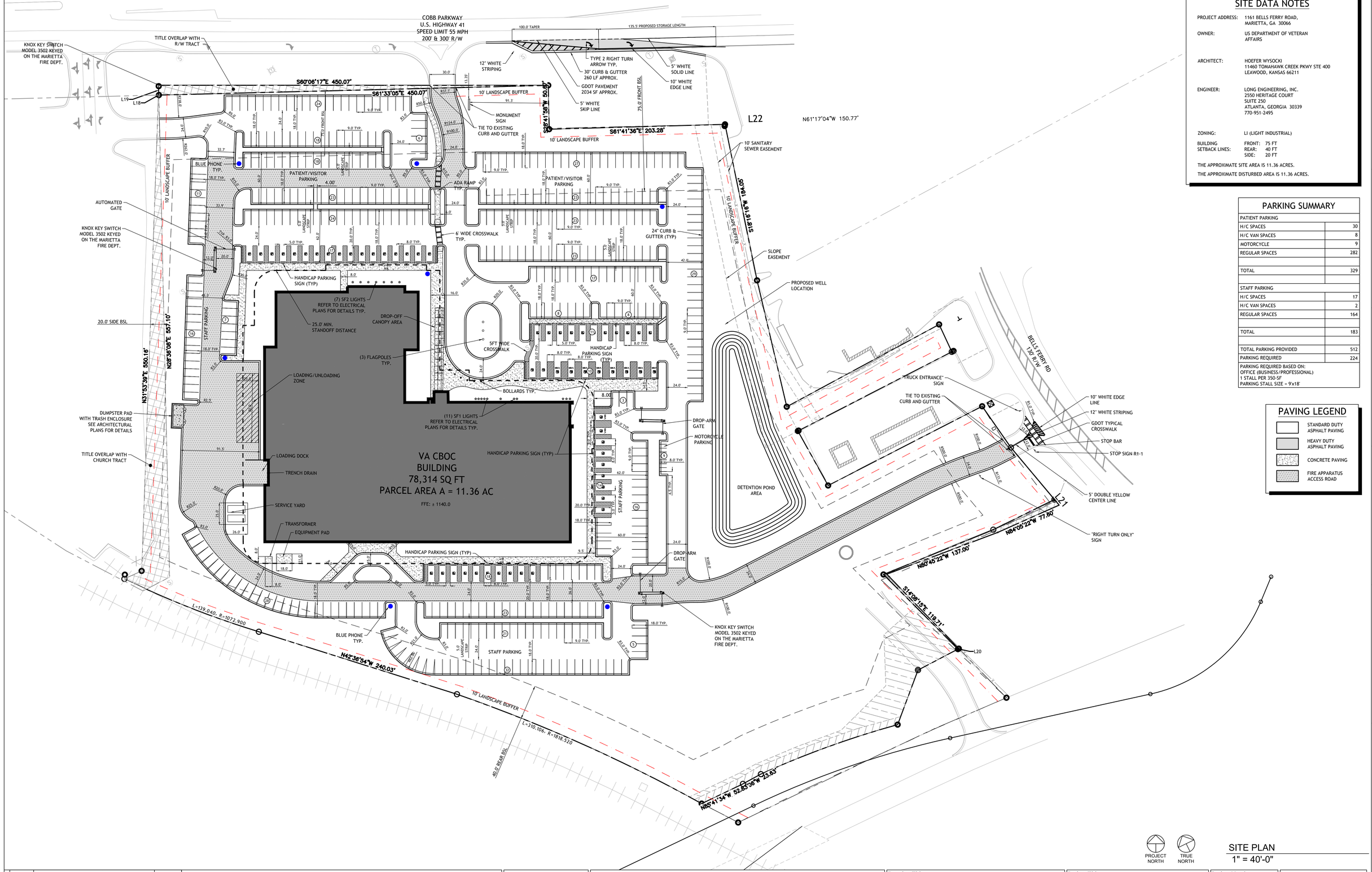
Acquisition Date:

Case Number: V2020-17

City of Marietta Planning & Zoning

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Moble Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise



SITE DATA NOTES

PROJECT ADDRESS:	1161 BELLS FERRY ROAD, MARIETTA, GA 30066
OWNER:	US DEPARTMENT OF VETERAN AFFAIRS
ARCHITECT:	HOEFER WYSOCKI 11460 TOMAHAWK CREEK PKWY STE 400 LEAWOOD, KANSAS 66211
ENGINEER:	LONG ENGINEERING, INC. 2550 HERITAGE COURT SUITE 250 ATLANTA, GEORGIA 30339 770-951-2495
ZONING:	LI (LIGHT INDUSTRIAL)
BUILDING SETBACK LINES:	FRONT: 75 FT REAR: 40 FT SIDE: 20 FT

THE APPROXIMATE SITE AREA IS 11.36 ACRES.

THE APPROXIMATE DISTURBED AREA IS 11.36 ACRES.

PARKING SUMMARY

PATIENT PARKING	
H/C SPACES	30
H/C VAN SPACES	8
MOTORCYCLE	9
REGULAR SPACES	282
TOTAL	329
STAFF PARKING	
H/C SPACES	17
H/C VAN SPACES	2
REGULAR SPACES	164
TOTAL	183
TOTAL PARKING PROVIDED	512
PARKING REQUIRED	224

PARKING REQUIRED BASED ON:
OFFICE (BUSINESS/PROFESSIONAL)
1 STALL PER 350-SF
PARKING STALL SIZE = 9'x18'

PAVING LEGEND

- STANDARD DUTY ASPHALT PAVING
- HEAVY DUTY ASPHALT PAVING
- CONCRETE PAVING
- FIRE APPARATUS ACCESS ROAD

PROJECT NORTH

TRUE NORTH

SITE PLAN
1" = 40'-0"

NO.	Description	Date

CONSULTANTS:

Manhattan Building excellence. · LONG ENGINEERING · LAND3 STUDIO · BOB D. CAMPBELL & CO., INC. Structural Engineers – Since 1957 · Protection Engineering CONSULTANTS · smith&boucher ENGINEERS · fc

PROFESSIONAL SEAL

ARCHITECT/ENGINEERS:

HOEFER WYSOCKI

Drawing Title: SITE PLAN

Approved: Project Director

Project Status: DESIGN DEVELOPMENT 2

Project Title: VA COBB COUNTY CBOC

Location: 1263 COBB PKWY NW, MARIETTA, GA 30060

Date: 27 MARCH 2020 | Checked: | Drawn:

Project Number: 174151

Building Number:

Drawing Number: C-3.0 Dwg. of

Office of Construction and Facilities Management

VA | U.S. Department of Veterans Affairs

COPYRIGHT © BY HOEFER WYSOCKI ARCHITECTS, LLC

3/23/2020 10:23:39 AM

VA FORM 08-6231

FILE REFERENCE NO: 20200348
ORDINANCE NO: 8165

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 1144, District 16, Parcel 1680 of the 2nd Section, Cobb County, Georgia, and being known as **308 Montgomery Street.**

WHEREAS, application has been filed by **MARK LEWIS** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

All that certain lot, tract or parcel of land lying and being in Land lot 1144, the 16th District and the 2nd Section of Cobb County, Georgia, being a part of Parcel 2 of Block 8 of The Marietta Housing Authority, being more fully described by metes, bounds, courses and distances as follows:

Commence at the point where the southern right of way of Montgomery Street (a 50 foot right of way) and the western right of way of Cole Street (a 50 foot right of way) would intersect if both rights of way were extended in straight lines; from this point, proceed south 02 degrees 21minutes OO seconds west a distance of 19.95 feet to a point, for purposes herein called the POINT OF BEGINNING; turning thence, proceed south 02 degrees 21 minutes 00 seconds west a distance of 4.60 feet to a point; turning thence, proceed a chord length of 132.80 feet in a chord direction of 24 degrees 01 minutes 36 seconds west (length 136.05 feet/radius 178.87 feet) to an iron pin calculated on the northwestern right of way of Cole Street; turning thence, proceed north 87 degrees 39 minutes 00 seconds west a distance of 25.70 feet to an iron pin calculated; turning thence, proceed north 01degree 43minutes 18 seconds east a distance of 145.33 feet to an iron pin calculated on the apparent southern right of way of Montgomery Street; turning thence, proceed north 89 degrees 25 minutes 06 seconds east a distance of 52.86 feet to a point; and, turning thence, proceed a chord length of 28.26 feet in a chord direction of south 42 degrees 34 minutes 39 seconds east (length 31.37 feet/radius 20.00 feet) to a point, herein above noted as the POINT OF BEGINNING.

Said tract or parcel of land contains 0.74 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-4 (Single Family Residential – 4 units/acre) to R-4 (Single Family Residential – 4 units/acre) with an increase in density.

Section 3: The following variance and stipulation are incorporated as conditions of zoning:

1. Variance to increase the density from 4 units/acre to 4.05 units/ acre.
2. Sidewalks will be required as part of the building permit for each parcel.

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Rusty Roth

Rusty Roth, Acting Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 10, 2020

APPROVED:

R. Steve Tumlin

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy

Stephanie Guy, City Clerk

FILE REFERENCE NO: 20200295
ORDINANCE NO: 8164

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 1159, District 16, Parcel 0350 of the 2nd Section, Cobb County, Georgia, and being known as **268 CHURCH STREET.**

WHEREAS, application has been filed by **MICHAEL LANGSTON** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

All that tract or parcel of land lying and being in land lot 1159 of the 16th district, 2nd Section, cobb county, Georgia and being more particularly described as follows:

Beginning at an iron pin on the easterly side of Church Street at its intersection with the southeasterly side of North Marietta Parkway and running thence north 53 degrees 58 minutes 51 seconds east along the southeasterly side of North Marietta Parkway 35.49 feet to an iron pin; running thence south 87 degrees 23 minutes 26 seconds east a distance of 119.65 feet to an iron pin; running thence south 01 degrees 45 minutes 52 seconds east a distance of 58.61 feet to an iron pin found; running thence north 89 degrees 12 minutes 18 seconds west a distance of 150.0 feet to an iron pin on the easterly side of Church Street; running thence along the easterly side of Church Street north 00 degrees 03 minutes 59 seconds west a distance of 41.08 feet to an iron pin and the point of beginning.

Said tract or parcel of land contains .2± acres (8,712 square feet).

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-4 (Single Family Residential – 4 units/acre) to OIT (Office Institution Transitional).

Section 3: The following variances are incorporated as conditions of zoning:

1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [*§708.21 H*]
2. Variance to reduce the minimum lot width from 75' to 60'. [*§708.21 H*]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [*§708.21 H*]

4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [*§708.21 H*]
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [*§708.21 H*]

Section 4: The following stipulation is incorporated as conditions of zoning:

1. The exterior of the property be brought into compliance within three (3) months.
2. A solid fence, six feet in height, will be constructed across the rear line of the property where it abuts property zoned PRD-SF and a row of evergreen trees, a minimum of eight feet in height at the time of planting will be installed along the interior (268 Church St. side) of the fence along the rear line. The fence will be installed not later than August 15, 2020 and the applicant will attempt to have the landscaping installed by October 15, 2020, but in no event later than November 1, 2020.

Section 5: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 7: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Rusty Roth

Rusty Roth, Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 10, 2020

APPROVED:

R. Steve Tumlin, Jr.

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy

Stephanie Guy, City Clerk

FILE REFERENCE NO: 20200365
ORDINANCE NO: 8166

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 506 & 575, District 17, Parcel 0620 of the 2nd Section, Cobb County, Georgia, and being known as **a portion of 565 Cobb Parkway South.**

WHEREAS, application has been filed by **PRESTWICK LAND HOLDINGS & MARIETTA HOUSING AUTHORITY** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

All that tract or parcel of land lying and being in Land Lots 506 and 575 of the 17th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:
To find THE TRUE POINT OF BEGINNING, commence at a point where the northeasterly right of way of U.S. Highway 41, (also known as Cobb Parkway and having a 150 foot right of way) and the southern line of Land Lot 575 intersect; thence continuing northwesterly direction and along the northeasterly right of way of U.S. Highway 41 for a distance of 212.40 feet to a point; thence continuing along said right of way North 23° 51' 50" West for a distance of 87.71 feet to THE TRUE POINT OF BEGINNING; thence continuing in a northwesterly direction and along said right of way North 23° 51' 50" West for a distance of 198.29 feet to a point; thence leaving said right of way and continuing in a northeasterly direction North 65° 15' 31" East for a distance of 354.91 feet to a point; thence continuing in a southeasterly direction South 24° 16" 24" East for a distance of 230.15 feet to a point; thence continuing in a southwesterly direction South 65° 43' 36" West for a distance of 75.24 feet to a point; thence continuing in a northwesterly direction North 25° 54' 21" West for a distance of 55.50 feet to a point; thence continuing in a southwesterly direction South 64° 51' 49" West for a distance of 134.49 feet to a point; thence continuing in a southeasterly direction South 25° 08' 11" East for a distance of 22.30 feet to a point; thence continuing in a southwesterly direction South 64° 51' 50" West for a distance of 145.38 feet to THE TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 1.6 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from CRC (Community Retail Commercial) to RHR (Residential High Rise).

Section 3: The following variances are incorporated as conditions of zoning:

1. Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac. [*§708.13 (H)*]
2. Variance to reduce the minimum building height from 5 stories to 4 stories. [*§708.13 (H)*]
3. Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'. [*§708.13 (H)*]
4. Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'. [*§708.13 (H)*]
5. Variance to reduce the parking minimum from 148 to 86 parking spaces. [*§716.07 and §708.13 (H)*]

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Rusty Roth

Rusty Roth, Acting Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 10, 2020

APPROVED:

R. Steve Tumlin

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy

Stephanie Guy, City Clerk

FILE REFERENCE NO: 20200366
ORDINANCE NO: 8167

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 433, District 17, Parcel02 0140 of the 2nd Section, Cobb County, Georgia, and being known as **401 Rose Drive.**

WHEREAS, application has been filed by **33 HOLDINGS LLC** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

All that tract or parcel of land lying and being in Land Lot 433 of the 17th District, 2nd Section, Cobb County, Georgia, and being Tract 1, as shown on Exemption Plat for Armando & Alejandro Munoz, dated March 27, 2003, recorded in Plat Book 215 Page 7, Cobb County, Georgia records which plat is incorporated into and made a part hereto by reference, and being further described as follows:

Commencing at a point at the intersection of the northern right-of-way of South Marietta Parkway a/k/a 120 South Loop (variable right-of-way) with the Eastern right-of-way of Rose Drive (36 foot right-of-way); thence along said right-of-way of Rose Drive, North 00 degrees 24 minutes 51 seconds East a distance of 310.17 feet to a 5/8 inch _rebar set being the TRUE POINT OF BEGINNING. Thence North 00 degrees 20 minutes 52 seconds East a distance of 443.00 feet to a 3/4 inch open top pipe found; thence South 88 degrees 45 minutes 54 seconds East a distance of 485.37 feet to a 5/8 inch rebar set; thence South 00 degrees 59 minutes 54 seconds West a distance of 143.77 feet to a 5/8 inch rebar set; thence South 59 degrees 15 minutes 07 seconds West a distance of 564.84 feet to a 5/8 inch rebar set; said 5/8 inch rebar set found being the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 3.26 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential – 12 units/acre).

Section 3: The following stipulations are incorporated as conditions of zoning:

1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.
2. At the time that the preliminary plat is submitted for consideration and approval, in addition to the site plan and landscape plan, a building footprint plan showing staggered units and architectural elevations showing all four sides of the buildings must also be included as part of the preliminary plat for consideration and approval.

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Rusty Roth

Rusty Roth, Acting Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 10, 2020

APPROVED:

R. Steve Tumlin, Jr.

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy

Stephanie Guy, City Clerk

KSi design group
228 Glenwood Dr, Canton, GA 30115 KSidesign@outlook.com.com * Tel: 678-438-4759

Friday, May 29, 2020

Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
205 Lawrence Street, Marietta, Georgia 30060

RE: **PROPOSED PROJECT STIPULATIONS AND CONDITIONS**

Property Address:	401 Rose Dr, Marietta, GA
Property Size	3.260 Acres
Developer	33 Holdings LLC
Proposed Zoning:	RM-12,
Existing Zoning:	CRC

The undersigned and this firm will be the Project Architect and has been authorized by the project Owner, 33 Holdings LLC to submit this letter of agreeable Stipulations and conditions as part of the Rezoning Applications.

1. This proposed development will involve demolishing the existing structure and replacing it with thirty-five (35) townhomes that are more compatible with the surrounding residential developments in use, style, and scale.

2. On site guest parking will be provided per the city's requirement. Guest Parking will be spread throughout the development to be close to the homes.

3. Dumpsters, mechanical units, meters, and other unsightly features will be screened using planting and enclosures.

4. Each unit with a minimum heated area of at least 1,800sf will have:
   - 2 Car Garage
   - Living areas on Main
   - 3 Bedrooms on 2nd floor with Bonus room in the Attic

5. The proposed townhomes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, in compliance with the City of Marietta's "four-sided architecture" requirement.

6. No garage areas within the proposed townhome community shall be converted into heated living space for the units. All garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles

7. Applicant agrees there shall be no "short-term" (defined as less than a one-year lease) rental of homes within the proposed development

8. Applicant agrees to the creation of a mandatory homeowners' association consistent with upscale communities in the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all landscaping and landscaping maintenance of common areas, buffer areas, open space areas, and exterior yard areas around the residences; as well as entrance area; mail kiosk; private street, and the like contained within the proposed residential community.

City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Motion Signature

File Number: 20200327

V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC)

V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC) are requesting variances for property located in Land Lot 941, District 16, Parcel 0030, 2nd Section of Cobb County, Marietta, Georgia and being known as 1161 Bells Ferry Road. Ward 4B.

1. Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North, as shown on the site plan. [*§712.08 (G.2.a.)*]
2. Request to modify the site plan associated with Z2018-32 (20181183).

Date 6/10/2020

R. Steve Tumlin, Jr., Mayor

Stephanie Guy, City Clerk