1. Agenda

   Documents:

   031120RM.PDF

2. Z2020-06 Morningside Dr 508,510

   Documents:

   Z2020-06 MORNINGSIDE DR 508,510.PDF

3. Z2020-08 Cole St 171

   Documents:

   Z2020-08 COLE ST 171.PDF

4. Z2020-10 (A2020-02) Sandtown Rd 1501, 1521

   Documents:

   Z2020-10 (A2020-02) SANDTOWN RD 1501, 1521.PDF

5. V2020-09 Washington Ave 546 And N Fairground St 27

   Documents:

   V2020-09 WASHINGTON AVE 546, N FAIRGROUND ST 27.PDF

6. V2020-11 Powder Springs St 695 And Sandtown Rd 701

   Documents:

   V2020-11 POWDER SPRINGS ST 695, SANDTOWN RD 701.PDF

7. Executed Rezoning Ordinances

   Documents:

   Z2020-08 COLE ST 171 (20200061).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, March 11, 2020 | **7:00 PM** | **Council Chamber**

CALL TO ORDER:

INVOCATION:

Council Member Grif Chalfant, Ward 2

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20200211 **Wellstar Kennestone Hospital**

Presentation to thank Wellstar Kennestone Hospital & Innovative Fitness for the donation of the exercise equipment to the Marietta Police Department.

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20200186 **Scheduled Appearance**

Scheduled Appearance - Larry Wills

20200187 **Scheduled Appearance**

Scheduled Appearance - Don Barth

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:

* **20200183** **Regular Meeting - February 12, 2020**

Review and approval of the February 12, 2020 regular meeting minutes.

* **20200188** **Special Meeting - February 25, 2020**

Review and approval of the February 25, 2020 special meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

20200220 **Marietta Pension Board - Post 7 (General Employee Representative)**

Appointment of Scott Reece to fill the vacated membership of Keisha Register on the Marietta Pension Board (Post 7) with term expiring December 31, 2021.

ORDINANCES:

20200036 **Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC)**

Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC) is requesting the rezoning of 0.21 acres located in Land Lot 1143, District 16, Parcel 0370 of the 2nd Section, Cobb County, Georgia, and being known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

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

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

- *Variance to reduce the major side setback along the eastern property line from 25 feet to 21 feet. [§708.04 (H)]*
- *Variance to reduce the front yard setback along the northern property line from 25 feet to 19 feet. [§708.04 (H)]*

The following stipulation is incorporated as a condition of zoning:

A new paved driveway that will hold at least 3 cars will be provided on the west side of the property.

Public Hearing (all parties are sworn in)

20200061 **Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC**

Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC is requesting the rezoning of 0.27 acres located in Land Lot 1160, District 16, Parcel 1280 of the 2nd Section, Cobb County, Georgia, and being known as 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 5A.

Mr. Anderson 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 variance would be incorporated as conditions of zoning:
Variance:

Variance to reduce the southern side yard setback from 10 feet to 7 feet. [§708.04 (H)]

Public Hearing (all parties are sworn in)

20200077 **Z2020-10 [REZONING] 20 HOLDINGS, LLC**

Z2020-10 [REZONING] 20 HOLDINGS, LLC is requesting the rezoning of 4.2 acres located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia, and being known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 3A.

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

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

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 March 2, 2020.

Applicant must comply with noise attenuation construction requirements as identified in the letter from Kenneth W. Williams, Base Civil Engineer, Dobbins ARB to Rusty Roth, Development Services Director for the City of Marietta, dated March 2, 2020.

Public Hearing (all parties are sworn in)

20200078 **A2020-02 [ANNEXATION] 20 HOLDINGS, LLC**

A2020-02 [ANNEXATION] 20 HOLDINGS, LLC is requesting the annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia and being known as 1501 & 1521 Sandtown Road, and any associated right of way, consisting of approximately 4.2 acres. Ward 3A.

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

Public Hearing (all parties are sworn in)

20200079 **CA2020-02 [CODE AMENDMENT]**

CA2020-02 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, and being known as 1501 & 1521 Sandtown Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 3A.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. 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

20200069 **Marietta Tax Allocation Districts**

Motion to authorize staff to pursue termination of the Center City South Renaissance and Center City Perimeter Tax Allocation Districts.

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.

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

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

* **20191153** **Smoking in Outdoor Cafes**

Motion to approve the amendments to Chapter 8-39, Outdoor Cafes, to restrict smoking in encroachment areas.

Second Reading

Council member Goldstein disclosed that members of his family and entities owned by himself and family members own properties within the proposed no smoking district.

* **20200132** **No Smoking District**

Motion to approve the amendment to Chapter 10-4-210, Smoking prohibited, for the establishment of the downtown No Smoking District.

Second Reading

Council member Goldstein disclosed that members of his family and entities owned by himself and family members own properties within the proposed no smoking district.

* **20200168** **Polling Location Change**

Motion to approve an Ordinance amending Section 1-6-080 of the Marietta Code of Ordinances to change the polling locations for Wards 3A and 6A.

First Reading

* **20200064** **Detailed Plan - South Avenue Townhomes**

Motion to approve the detailed plan consisting of a site plan, tree plan, and building elevations for 127, 135, & 141 South Avenue.

* **20200159** **Detailed Plan - 1725 Stilesboro Road**

Motion to approve the detailed site and tree plan for the development of thirty-seven (37) age restricted, single family detached homes at 1725 Stilesboro Road.

Architectural elevations for the homes will be brought back to City Council for approval prior to issuance of any building permits.

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

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20191046** **Nationwide 457(b) Deferred Compensation Plan Amendment**

Motion approving the Memorandum of Understanding amending the current Fixed Account Amendment on the Nationwide 457(b) Deferred Compensation Plan. This amendment freezes all existing funds in the Fixed Account at a 3.5% Guaranteed Minimum Interest Rate (GMIR) effective July 1, 2020, moves future funds to a 1.1% crediting rate and 0% GMIR, and maintains participant liquidity at 100%.

6. Public Safety Committee: Reggie Copeland, Chairperson

* **20200065** **Revisions to Marietta Fire Department Code**

Motion to approve the revisions for the Marietta Fire Department for the Fire Prevention and Protection Code.

Second Reading

7. Public Works Committee: Grif Chalfant, Chairperson

* **20200149** **Delk Rd. Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Delk Road from Franklin Gateway SE to Powers Ferry Road. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

* **20200150** **Gresham Rd. NE Utilities**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Gresham Rd NE from Cobb Parkway North to 1122 Gresham Rd NE. This motion does not grant a perpetual variance. MCIMetro/Verizon must relocate underground at their expense if other utilities at the location are moved underground.

* **20200151** **Brumby ROW**

Motion authorizing the approval of the dedication of ROW, Permanent Easement, and Driveway Easement at the Brumby House at 472 Powder Springs St for the construction of the Powder Springs Streetscape.

***** **20200152** **Marietta Conference Center ROW**

Motion authorizing the approval of the dedication of ROW, Permanent Easement, and Temporary Easement at the Marietta Conference Center 500 Powder Springs St for the construction of the Powder Springs Streetscape.

***** **20200153** **Kiowa and Sequoia Drive Traffic Calming**

Motion authorizing Public Works to install stop signs at the intersection Kiowa and Sequoia Drive.

20200154 **North Fairground Street Sidewalk Access**

Motion authorizing the signing of an indemnification and release agreement by the property owner, compensation of $1800.00 from the property owner for the removal of the 6-foot section of decorative wall to be returned to the applicable Special Local Option Sales Tax (SPLOST) account, return the remaining area of decorative wall to its current condition, and authorization of the installation of the side door and access directly onto the sidewalk at 27 North Fairground Street.

***** **20200162** **Bells Ferry - Turner Rd Intergovernmental Agreement**

Motion authorizing the execution of the Intergovernmental Agreement between City of Marietta and Cobb County for the construction of a signalized intersection at Bells Ferry Rd and Turner Rd/Dickson Rd.

OTHER BUSINESS:

20200037 **V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC**

V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC is requesting variances for property located in Land Lots 1215 & 1234, District 16, Parcels 0600 & 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 27 North Fairground Street and 546 Washington Avenue. Ward 5A.

- Variance to eliminate the 10' planted border along Rock Street. [*§712.08 G.2.a*]
- Variance to reduce the setback on Rock Street from 40' to 1'. [*§708.16 H.*]
- Variance to reduce the southern side setback for the new building from 15' to 3'. [*§708.16 H*]
- Variance to reduce the northern side setback for the new building from 15' to 3'. [*§708.16 H*]
- Variance to increase the impervious surface from 96% to 98%. [*§708.16 H*]

Public Hearing (All parties are sworn in)

20200072 **V2020-11 [VARIANCE] RACETRAC PETROLEUM, INC**

V2020-11 [VARIANCE] RACETRAC PETROLEUM, INC is requesting variances for property located in Land Lot 214, District 17, Parcels 0710 & 0220, 2nd Section of Cobb County, Marietta, Georgia and being known as 695 Powder Springs Street and 701 Sandtown Road. Ward 1A.

- Variance to waive the Commercial Corridor Overlay District Tier B's site design mandatory element "*75-foot maximum front setback from the building to the property line along any public street*". [§712.09 (G.2.b.i)]
- Variance to increase the sign face area for a monument sign on a collector road (Sandtown Road) from 50 square feet to 100 square feet. [§714.04 (F.3) Table H]
- Variance to increase the sign face area for a monument sign on an arterial road (Powder Springs Street) from 90 square feet to 100 square feet. [§714.04 (F.3) Table H]
- Variance to increase the sign height for a monument sign on a collector road (Sandtown Road) from 10 feet to 15 feet. [§714.04 (F.3) Table H]
- Variance to allow the digital sign area to exceed 50% of the total sign face. [§714.04 (F.4.c)]
- Variance to allow digital signs within 200 feet of residential property. [§714.04 (F.4.a)]

Public Hearing (All parties are sworn in)

* **20200216** **Travel & Training**

Motion to set budget for Elected Officials' Training and Development for FY2021 at $5,000 for each Elected Council Member ($35,000 cumulative) and $1,000 for Mayor (total budget $36,000) with no unused training and development costs carried forward or retroactively applied. In addition to CMA events being exempt, City sponsored "seating" at sanctioned events (Chamber & Civic functions and community sponsorships), where approved by City manager with same standard use for staff development, are exempt from EO Development cost annual Cap.

* **20200217** **Bond Tax Mileage Rate**

Motion to approve a reduction of the millage rates for the Redevelopment Bond and the Parks Bond. The Redevelopment Bond reduced to 1.625 mills and the Parks Bond reduced to .625 mills.

* **20200218** **City Bonds**

Motion to authorize staff to engage financial advisors and bond attorney for the purpose of refinancing the Redevelopment Bond and the Parks Bond to a lower rate.

20200184 **BLW Actions of March 9, 2020**

Review and approval of the March 9, 2020 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT:

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-06 **LEGISTAR: 20200036**

LANDOWNERS: **ACFL2, Inc./ Andre Chassaigon**
260 Howard Street NE
Suite# 4
Atlanta, Georgia 30317

APPLICANT: **Aramis Realty, LLC/ Jody Collins**
260 Howard Street NE
Suite# 4
Atlanta, Georgia 30317

AGENT: **N/A**

PROPERTY ADDRESS: **508 & 510 Morningside Drive NE**
Marietta, Georgia 30060

PARCEL DESCRIPTION: 16 11430 0370

AREA: ~0.21 AC **COUNCIL WARD: 5A**

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

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

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

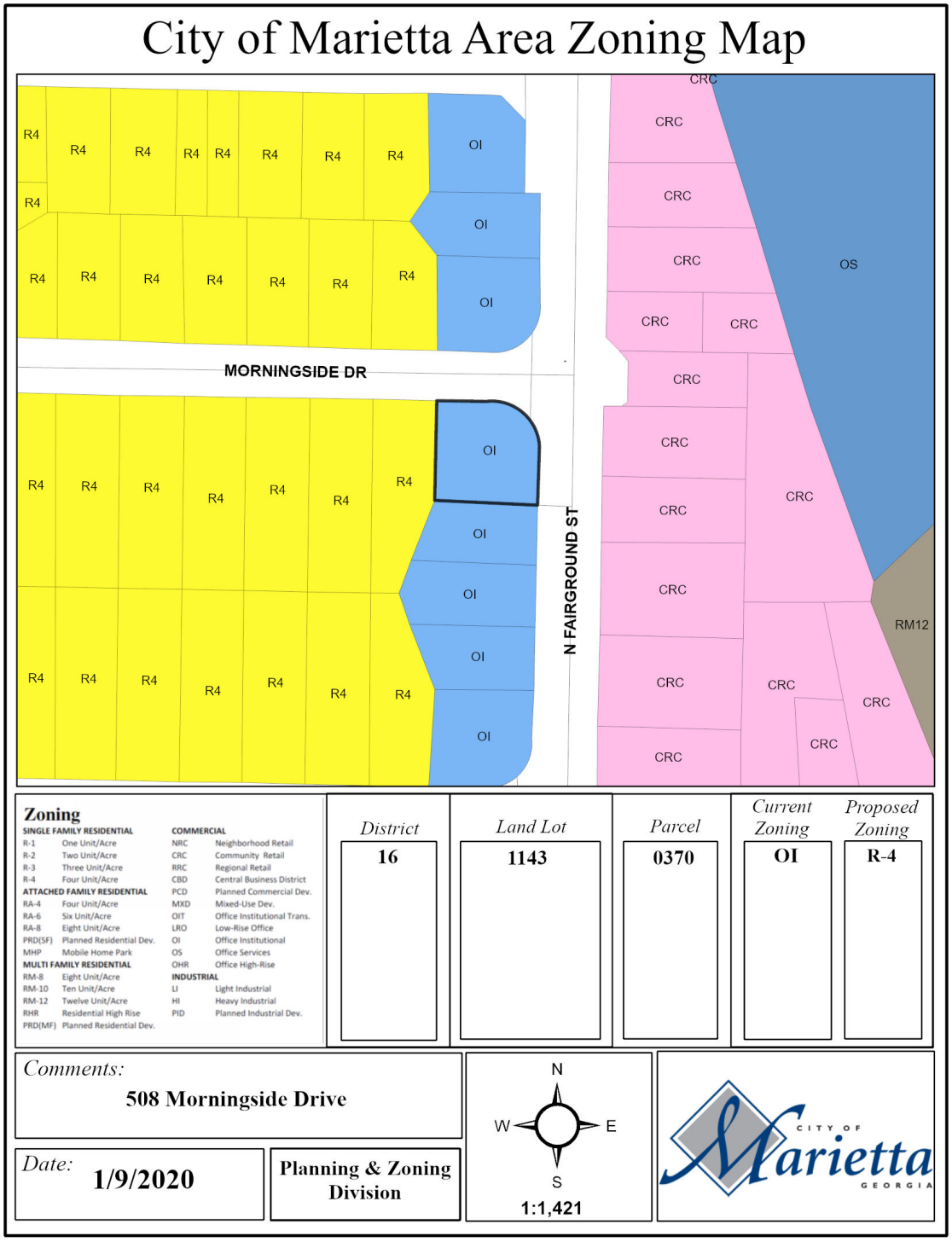
REASON FOR REQUEST: The applicant is requesting the rezoning of the property at 508 & 510 Morningside Drive NE from OI to R-4 in order to use as a single-family detached residence.

PLANNING COMMISSION HEARING: Tuesday, March 3, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: **Wednesday, March 11, 2020 – 7:00 p.m.**

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

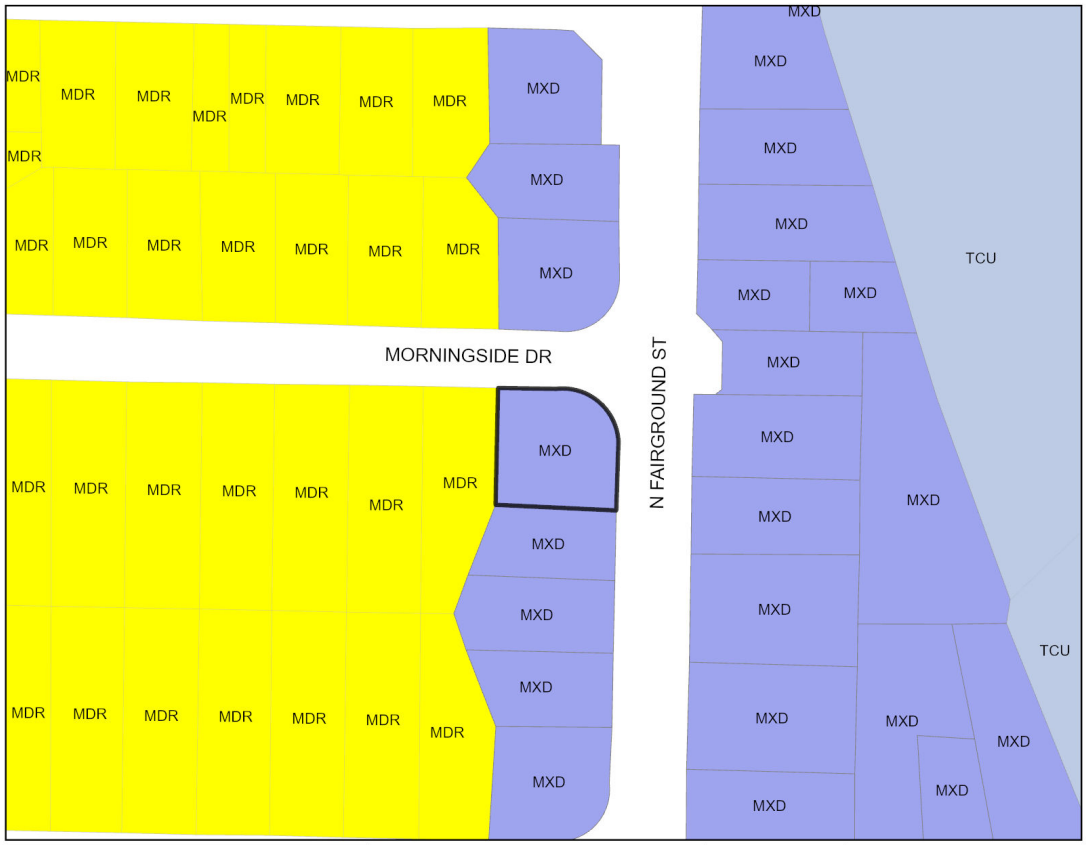
MAP



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

FLU MAP

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
16	1143	0370	MXD	n/a

Comments:

508 Morningside Drive

Date: **2/4/2020**

Planning & Zoning Division

N W E S

1:1,421

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

PICTURES OF PROPERTY

Front of property at 508 & 510 Morningside Drive

Driveway next to public right of way on the eastside of property

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

Driveway next to public right of way on the westside of property

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

STAFF ANALYSIS

Location Compatibility

The applicant, Aramis Realty, LLC/ Jody Collins, is requesting the rezoning of the subject property located at 508/510 Morningside Drive, which is 0.21 acres in area, from OI (Office Institutional) to R-4 (Single Family Residential-4 units/acre). The applicant is requesting this rezoning in order to use the existing structure as a single-family residence. The property is located at the corner of Morningside Drive and North Fairground Street.

The adjacent properties to the north are zoned OI and R-4; to the west are all zoned R-4; to the east (across N Fairground St) are zoned CRC (Community Retail Commercial); and to the south are a mixture of OI and R-4 zoning. Further north of Morningside Drive, along both Hyde and Freyer Drive, there are no duplexes and all the residences are single family units.

Use Potential and Impacts

The Morningside/Ramona/Birney area was developed with a mix of duplexes and single-family homes in the 1940s. Many of the duplexes are rental units and many have deteriorated due to lack of maintenance. However, the construction of new homes in the area is expected to increase interest in rehabilitating and reinvesting in nearby, existing homes.

This property had previously been used as a duplex but has been vacant and listed for sale for approximately six (6) years. Many of the residential properties within the area and along Morningside Drive are currently being used as rented duplexes. The applicant had previously requested to rezone (Z2018-31) the property to R-4 with an additional use as a duplex in December 2018 but was denied. This property is surrounded by residential uses and low intensity offices; therefore, the proposed use of this property as a single-family residence should not pose a detrimental effect on the surrounding areas.

To convert the duplex into a single family home, the applicant has provided plans to remove an interior wall separating the living areas. However, there is no indication that the second, unnecessary kitchen will be altered. Should this property be rezoned as requested, the removal of one of the kitchens will be required to ensure that the structure will not be used as two separate units.

Also, the following variances would be necessary to allow the existing structure to remain as is:

1. Variance to reduce the major side setback along the eastern property line from 25 ft. to 21 ft. [*§708.04 (H)*]
2. Variance to reduce the front yard setback along the northern property line from 25 ft. to 19 ft. [*§708.04 (H)*]

The FLU (Future Land Use) of this property is CAC (Community Activity Center); The purpose of the Community Activity Center category is to provide for areas that can meet the retail and service needs of several neighborhoods and communities. These are areas that provide a wide range of goods and services, including businesses and professional offices, which are appropriately located throughout the city along collector and arterial streets. The current zoning of OI is compatible with the FLU. Although R-4 zoning is not compatible with the CAC Future Land Use, it is reflective of the current use of properties in the surrounding neighborhood.

Environmental Impacts

Only minimal changes are proposed so there should be no additional environmental impacts caused by the proposed request. There is no indication of any wetlands, streams, or endangered species existing on the property.

Economic Functionality

The subject property, as well as all corner properties along the west side of North Fairground Street, are zoned OI. However, most of these parcels lack the size needed for viable office use. There are no commercial or office uses on the west side of Fairground Street, but several properties along the east side of Fairground Street have transitioned to commercial use. The limited area of the subject property does not meet the minimum lot size or provide enough area for office/commercial parking requirements; therefore, this property is not economically functional as currently zoned.

Infrastructure

The property has two areas used for parking: the eastern curb cut leads to a paved area and the western curb cut leads to a lightly graveled area that is now overgrown with grass. Current regulations require two (2) parking spaces per unit and the Zoning Ordinance prohibits parking on an unpaved surface or on the street. The paved parking space is located dangerously close to the intersection and stop sign at North Fairground Street. If the property is rezoned as requested, the existing paved parking space should be removed, and two paved parking spaces should be provided on the west side of the home. The sidewalk at the driveway must also be replaced. Otherwise, the following variance would be necessary to allow conditions remain as-is:

1. Variance to allow a gravel and grass surface for parking. [*§716.08 (B)*]

According to Marietta City Schools Impact Assessment, there is only the potential of two (2) students that would possibly enroll in the school system from the rezoning of this development. Therefore, staff does not expect the rezoning of this property to have a negative impact on the city school system.

Overhead Electrical/Utilities

There are overhead utilities on Morningside Drive, but no potential conflicts are anticipated with this request.

History of Property

The applicant previously requested the rezoning of this property in 2018 (Z2018-31) from OI to R-4 with the additional usage as a duplex but the request was denied by City Council.

Historical Impacts

There is no known historical significance associated with this property.

Marietta
GEORGIA

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

ANALYSIS & CONCLUSION

The applicant, Aramis Realty, LLC/ Jody Collins, is requesting the rezoning of the subject property located at 508/510 Morningside Drive, which is 0.21 acres in area, from OI to R-4. The applicant is requesting this rezoning in order to convert the existing structure to a single-family residence. The property is located at the corner of Morningside Drive and North Fairground Street. Surrounding properties are zoned R-4, OI, and CRC.

This property had previously been used as a duplex but has been vacant and listed for sale for six (6) years. Many of the residential properties within the area and along Morningside Drive are currently being used as duplexes. However, most are rental units that have deteriorated due to lack of maintenance. The applicant had previously requested to rezone the property to R-4 (Z2018-31) with an additional use as a duplex in December 2018 but that request was denied. Since the property is surrounded by residential uses and low intensity offices, a single-family residence should not be detrimental to the surrounding area.

The applicant has provided plans to remove an interior wall separating the living areas to convert the duplex into a single-family home. However, there is no indication that the second, unnecessary kitchen would be altered. Should this property be rezoned as requested, the removal of one of the kitchens will be required to ensure that the structure will not be used as two separate units. Also, should the property be rezoned as requested, the following variances would be necessary to allow the structure remain as is:

1. Variance to reduce the major side setback along the eastern property line from 25 ft. to 21 ft. for the existing structure only. [*§708.04 (H)*]
2. Variance to reduce the front yard setback along the northern property line from 25 ft. to 19 ft. for the existing structure only. [*§708.04 (H)*]

The existing paved parking space, which is dangerously close to the intersection, should be removed and two paved parking spaces should be provided on the west side of the home. The sidewalk at the driveway must also be replaced. Otherwise, the following variance would be necessary to allow the parking to remain as-is:

- Variance to allow a gravel and grass surface for parking. [*§716.08(B)*]

The FLU (Future Land Use) of this property is CAC (Community Activity Center); The purpose of the Community Activity Center category is to provide for areas that can meet the retail and service needs of several neighborhoods and communities. Although the existing OI zoning is compatible with the FLU, a single family home zoned R-4 is more reflective of the current use of the neighborhood.

Prepared by: J. Lindlee

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 Morningside and 12 in Fairground
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?	6 inch in Morningside and 8 inch in Fairground
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?	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?	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

- For safety reasons, reconfiguration of the eastern driveway is strongly recommended and requested

TRANSPORTATION

What is the road effected by the proposed change?	Fairground St. and Morningside Dr.
What is the classification of the road?	Fairground St.: Collector
What is the traffic count for the road?	Morningside Dr.: Local
Estimated # of trips generated by the proposed development?	Fairground St.: 22,076 (2018)
Estimated # of pass-by cars entering proposed development?	Morningside Dr.: n/a
Do sidewalks exist in the area?	Daily 10
Transportation improvements in the area?	AM 1
If yes, what are they?	PM 1

Recommend requiring removal of driveway closest to Fairground Street and replacing sidewalk at driveway.

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	112 Haynes St (51)
Distance of the nearest station?	1.2 miles
Most likely station for 1st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	n/a

Comments: If the cost of the project meets or exceeds 100% of the gross assessed value of the building (appraised value of the building) as recorded with the Cobb County Tax Assessor's office, then the building could be subject to the fire protection ordinance of the 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?

None

Additional comments:

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Sawyer Road Elementary**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**725**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**630**
Current enrollment of Middle School:	**1,390**
Current enrollment of High School:	**2,455**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**1**
New schools pending to serve this area:	**0**
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 #: Z2020-06 **Legistar #:** 2020 0036 **PZ #:** 20-21
Planning Commission Hearing: 3-3-20 **City Council Hearing:** 3-11-20

Owner's Name ACFL2, Inc. / André Chassaigon

EMAIL Address:

Mailing Address 260 Howard St NE #4 Zip Code: 30317 Telephone Number 404-512-1876

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Aramis Realty, LLC / Jody Collins

EMAIL Address: operations@aramisrealty.com

Mailing Address 260 Howard St NE, Ste 4, Atlanta, GA Zip Code: 30317

Telephone Number 404-512-1876 Email Address:

Address of property to be rezoned: 508/510 Morningside Dr NE, Marietta, GA 30060

Land Lot (s) 1143 District 16 Parcel 0370 Acreage 0.241 Ward 5A Future Land Use: ~~GAC~~ MXD

Present Zoning Classification: O1 Proposed Zoning Classification: R-4

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

André Chaissaignon
Print Name

Jody Collins
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.

Jody Collins
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

Jody Collins
Please Print

260 Howard St NE, Ste 4, Atlanta, GA 30317
Address

1/7/2020
Date

Signed, sealed and delivered in the presence of:

Kacy-Ann Marie Brown

My Commission Expires: 05/22/23

KACY ANN MARIE BROWN
NOTARY
EXPIRES
GEORGIA
May 22, 2023
W-00412130
PUBLIC
COBB COUNTY

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

PROPOSED DEVELOPMENT/PROJECT – 508-510 MORNINGSIDE DR NE

Given that the property located at 508-510 Morningside Dr NE, Marietta, GA 30060 is a single-family duplex originally built and used for residential purposes, and that the street on which this property is located is a residential neighborhood, and that this property has remained vacant for a period greater than 6 months and thus has fallen into disrepair and is no longer suitable for habitation as-is, we propose to make extensive repairs and modifications to both the interior and exterior of the building, which, when complete, will result in a single-family, non-duplex dwelling fit for renting to and being inhabited by members of the general public.

The proposed repairs to the property will: A) remove the presence of squatters from the premises and discourage their presence in the property or surrounding area(s) via the installation of a 24x7 monitored alarm system and the replacement of broken windows, doors, crawlspace access, etc., including the removal of boards over the existing windows; B) repair and modify the exterior structure and cosmetic appearance via replacement of the roof, rotted siding, entry doors, decorative metalwork and railings, and altering the roof and facade structureal designs as needed for the converdsion from a duplex into a single-family property; C) render the units fit for residential use and convert the interior layout from a duplex to a single-family design via modification, removal and/or addition of interior walls and doorways, replacement and painting of interior sheetrock on walls and ceilings, replacement and/ or refinishing of flooring, replacement of stolen plumbing and electric lines, replacement of central heating and air conditioning systems and linesets, installation of kitchen appliances, application of pest/ rodent control measures, etc.

The specific conversion plans for this property are being designed by ESi (Engineering Systems, Inc.), a licensed architectural firm. The actual conversion will be completed by a General Contractor, to be determined.

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **February 14, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, March 3rd, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, March 11th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC) is requesting the rezoning of 0.21 acres located in Land Lot 1143, District 16, Parcel 0370 of the 2nd Section, Cobb County, Georgia, and being known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential – 4 units/acre). Ward 5A.

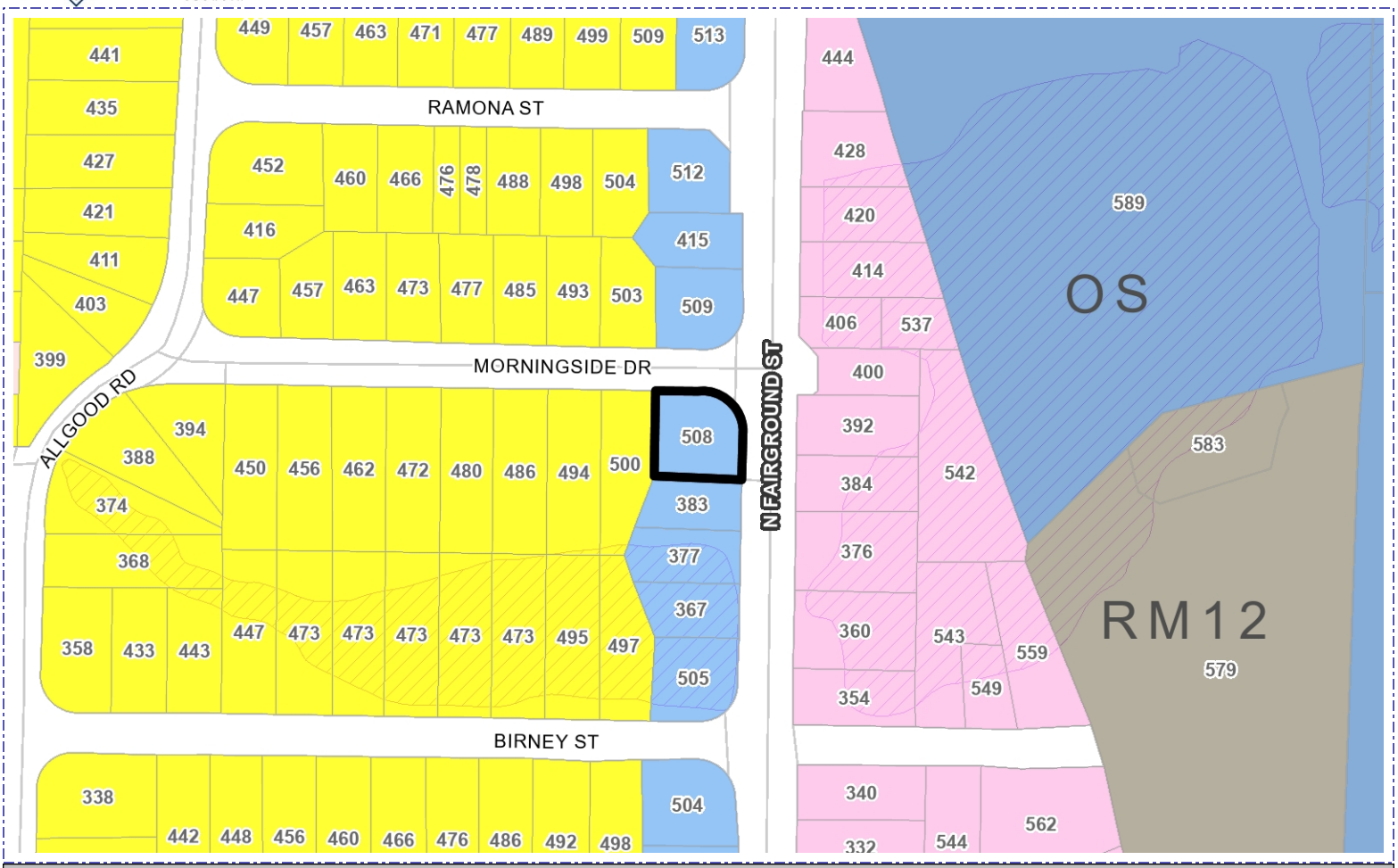
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information 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*
508 MORNINGSIDE DR	16114300370	0.241	5A	OI	MXD

Property Owner: ACFL2, Inc./Andre Chassaigon

Applicant: Aramis Realty/Jody Collins

Proposed Zoning: OI to R4

Agent:

Proposed Use:

Planning Commission Date: 03/03/2020

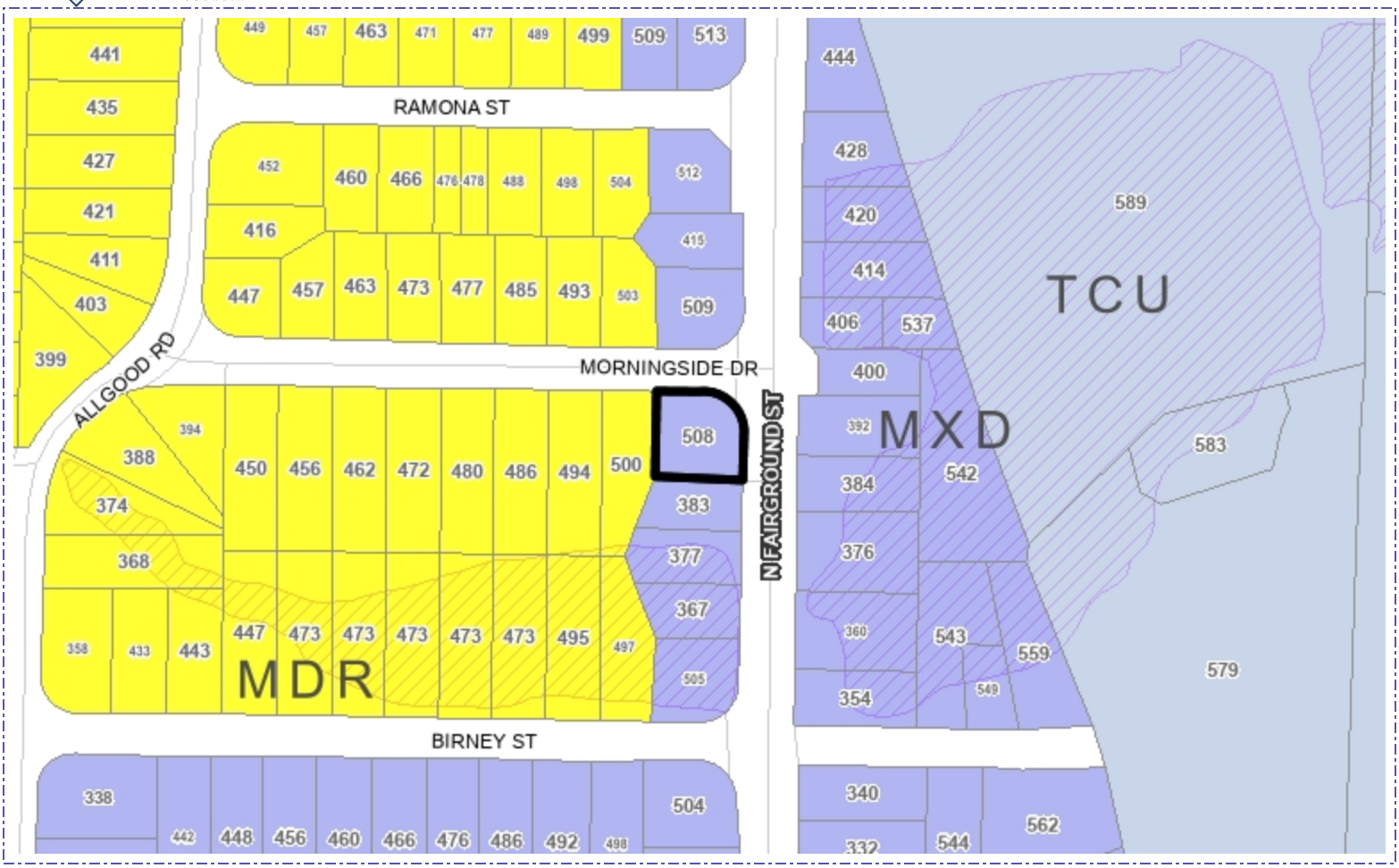
City Council Hearing Date: 03/11/2020 Case Number: Z2020-06

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
508 MORNINGSIDE DR	16114300370	0.241	5A	OI	MXD

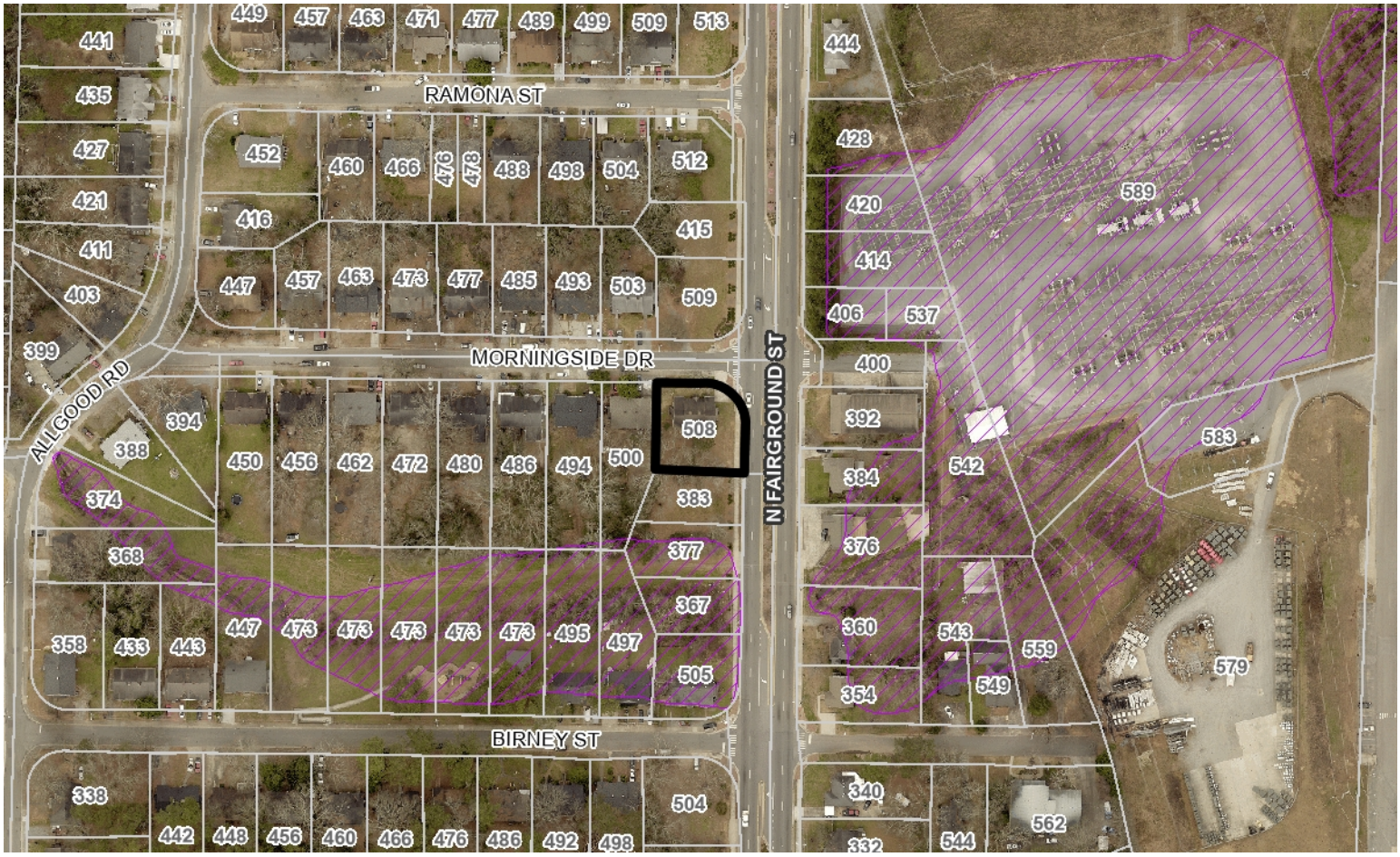
Planning Commission Hearing Date:	03/03/2020
City Council Hearing Date:	03/11/2020
Future Land Use:	MXD
Case Number:	
Comments:	

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
508 MORNINGSIDE DR	16114300370	0.241	5A	OI	MXD

Property Owner: ACFL2, Inc./Andre Chassaigon

Applicant: Aramis Realty/Jody Collins

City Council Hearing Date: 03/11/2020

Planning Commission Hearing Date: 03/03/2020

BZA Hearing Date: Case Number: Z2020-06

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning

508 MORNINGSIDE DRIVE NE MARIETTA, GA

SHEET INDEX

SHEET NO.	SHEET DESCRIPTION	REV.
C1	EXTERIOR SITE PLAN	0
C2	INTERNAL LAYOUT	0

NORTH

SITE LOCATION

ENGINEERING SYSTEMS, INC.
Structural Engineering Group
6230 Regency Parkway
Norcross, GA 30071
(678) 990-3280 phone

ESi

508 MORNINGSIDE DRIVE NE SITEPLAN

NO.	DATE	DESCRIPTION
-	12/21/2019	508 MORNINGSIDE DR SITEPLAN
-	-	-
-	-	-
-	-	-
-	-	-

JOB NO: 74121 | ENG: NXA | DRAWN BY: DXE

NOT ISSUED FOR CONSTRUCTION

0

COVER SHEET

GEORGIA REGISTERED PROFESSIONAL ENGINEER
11/6/20

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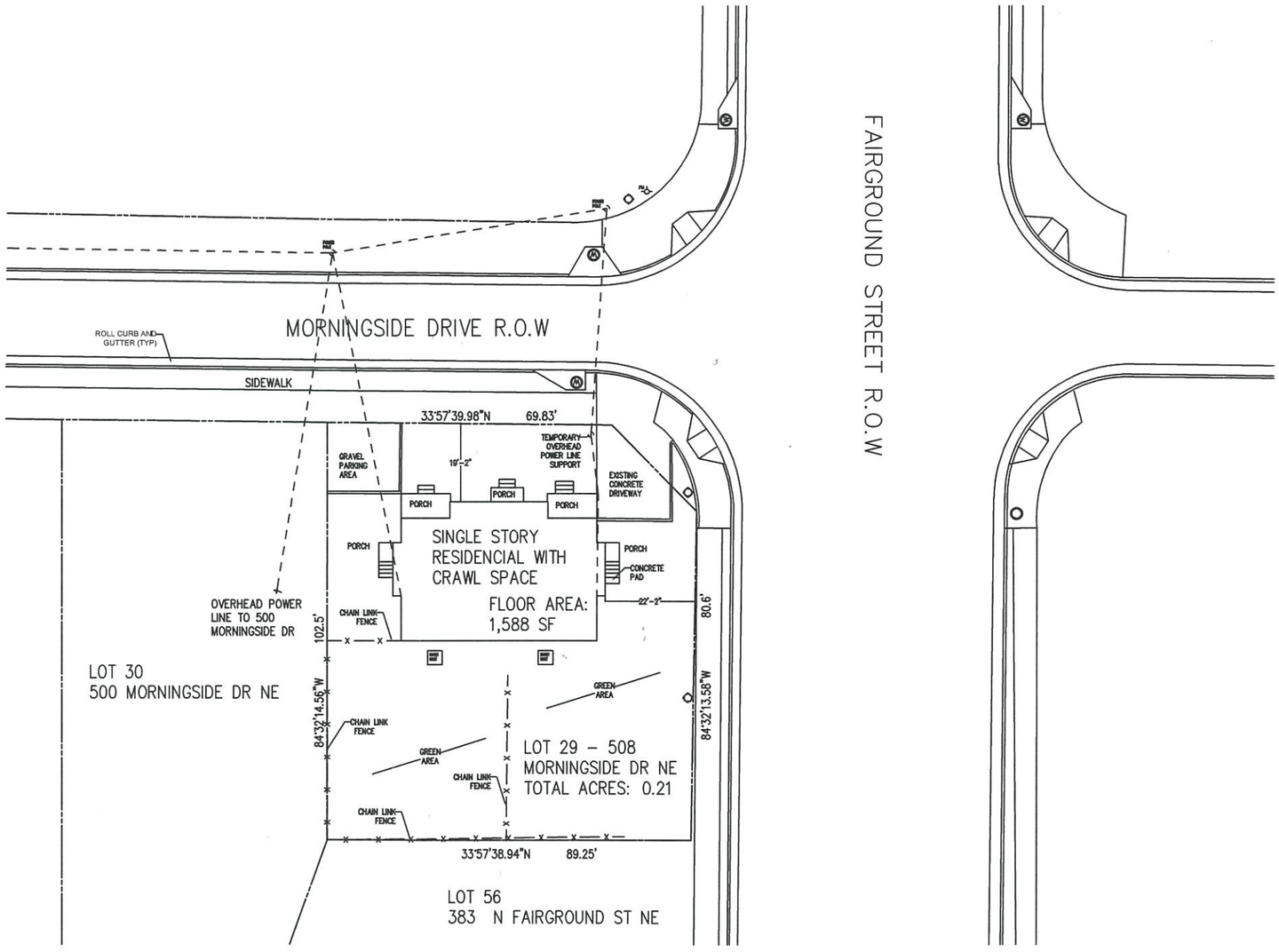
GENERAL NOTES:
1. PROPERTY IS OUTSIDE 100 YEAR FLOODPLAIN.
2. SITE PLAN OF EXISTING CONDITIONS AS OBSERVED ON 11/26/2019.

LEGEND:

SYMBOLS:

◇	STREET LIGHT POLE
	FIRE HYDRANT
	ELECTRICAL POLE
Ⓜ	DRAINAGE MANHOLE
○	MANHOLE
———	PROPERTY AND R.O.W. LIMITS
- - - -	OVERHEAD POWER LINES
—x—	CHAIN LINK FENCE
R.O.W.	RIGHT OF WAY



NORTH

C1 SITE PLAN EXISTING CONDITIONS
SCALE: 1/32" = 1'-00"

GEORGIA REGISTERED PROFESSIONAL ENGINEER NILA ABUBAKAR

ENGINEERING SYSTEMS, INC.
Structural Engineering Group
6230 Regency Parkway
Norcross, GA 30071
(678) 990-3280 phone

508 MORNINGSIDE DRIVE NE SITEPLAN

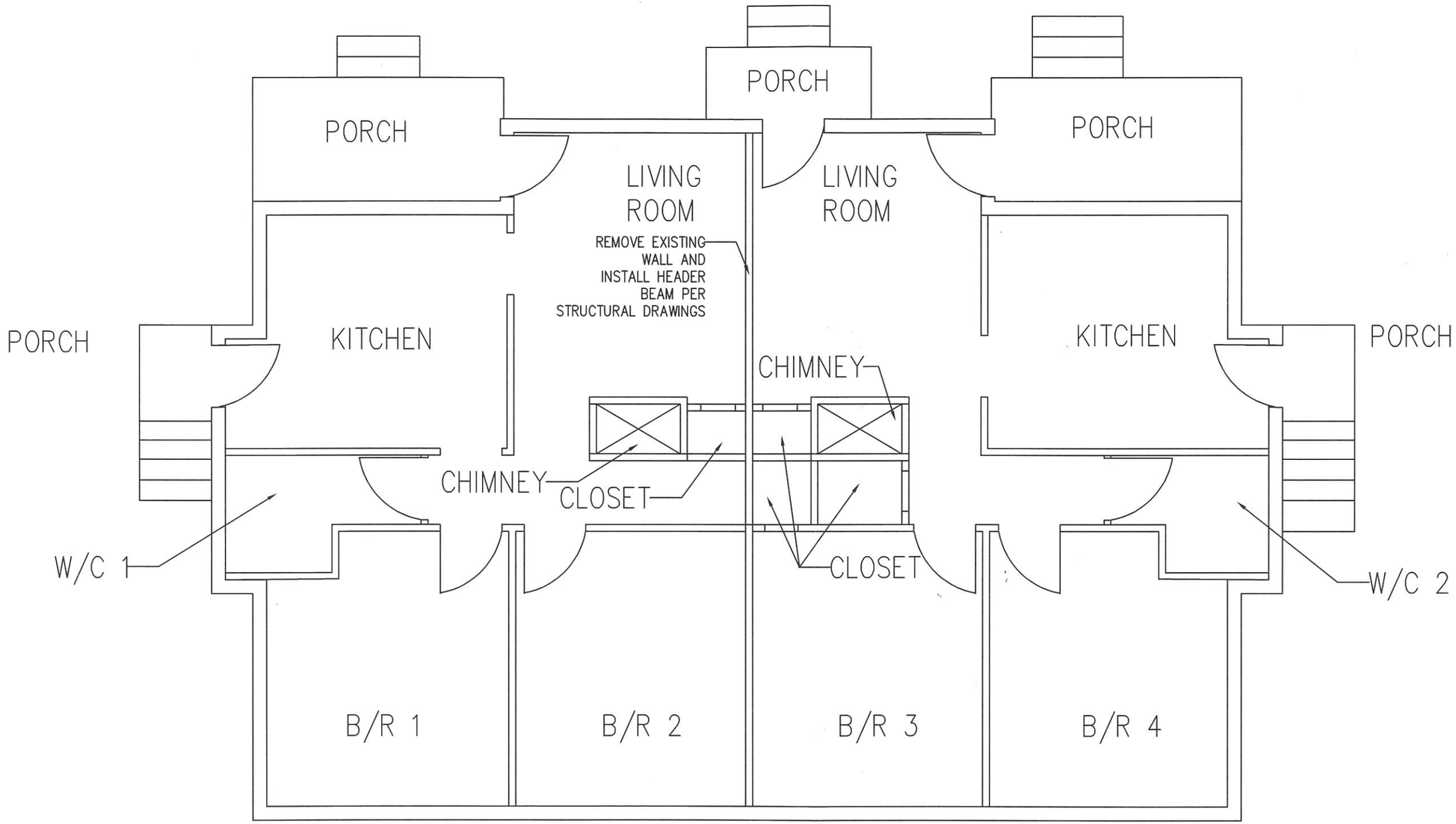
NO.	DATE	DESCRIPTION
-	12/21/2019	508 MORNINGSIDE DR SITEPLAN

JOB NO: 74121 | ENG: NXA | DRAWN BY: DXE

NOT ISSUED FOR CONSTRUCTION

EXISTING CONDITIONS

C1



C1 SITE PLAN EXISTING CONDITIONS
SCALE: 3/16" = 1'-00"

GEORGIA REGISTERED ENGINEER NILA ABUBAKAR

NOT ISSUED FOR CONSTRUCTION

ENGINEERING SYSTEMS, INC.
Structural Engineering Group
6230 Regency Parkway
Norcross, GA 30071
(678) 990-3280 phone

508 MORNINGSIDE DRIVE NE SITEPLAN

NO.	DATE	DESCRIPTION
-	12/21/2019	508 MORNINGSIDE DR SITEPLAN

JOB NO: 74121 ENG: NXA DRAWN BY: DXE

INTERNAL LAYOUT

C2

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-08 **LEGISTAR: 20200061**

LANDOWNERS: **T.D. Property Rentals LLC**
C/O Scot Teverino
PO Box 4333
Marietta, GA 30060

APPLICANT: **Same as above**

AGENT: **N/A**

PROPERTY ADDRESS: **171 Cole Street NE**

PARCEL DESCRIPTION: **16116001280**

AREA: 0.27 acres **COUNCIL WARD: 5A**

EXISTING ZONING: **NRC (Neighborhood Retail Commercial)**

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

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

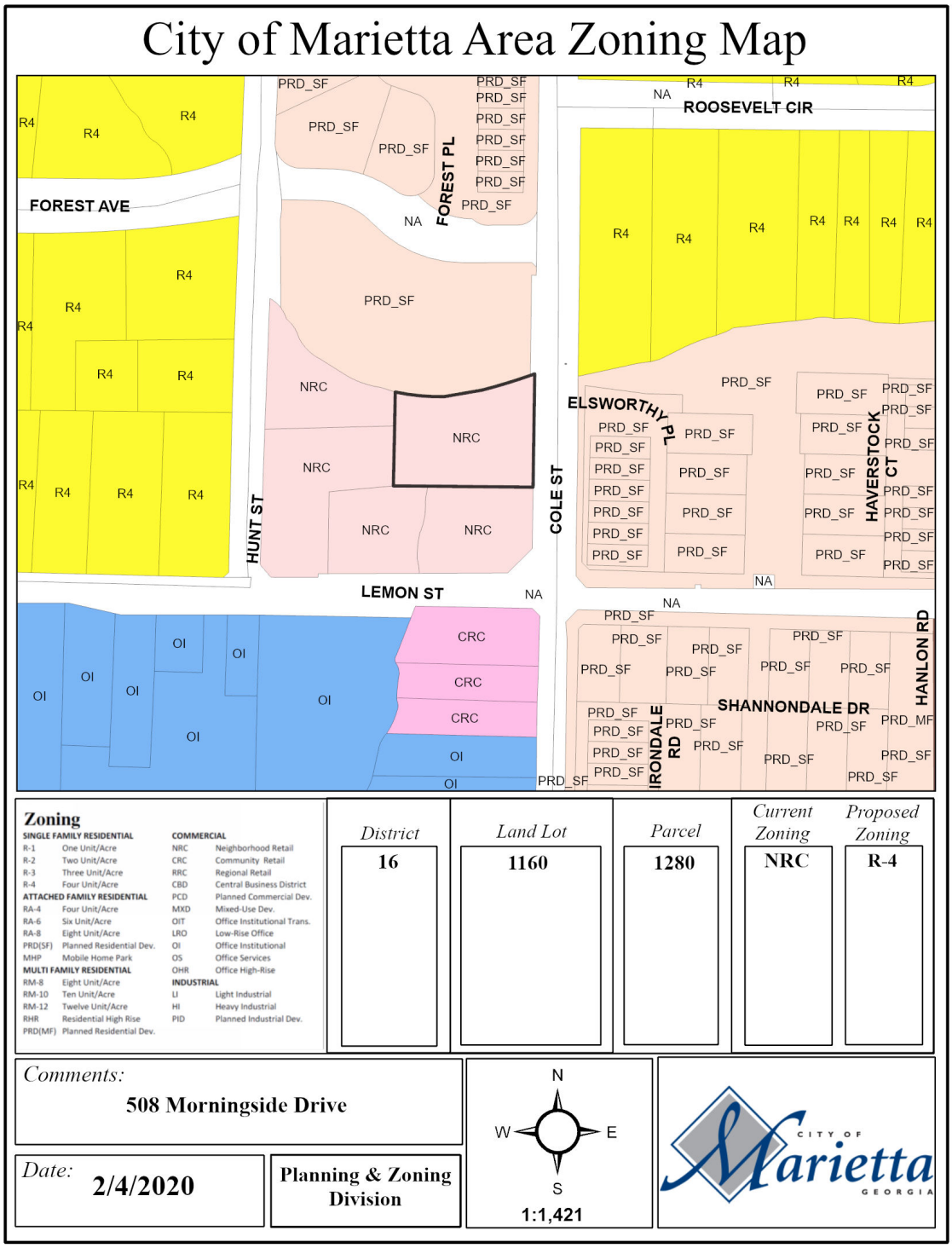
REASON FOR REQUEST: The applicant is requesting the rezoning of the subject property from NRC to R-4 to use the property as a single-family residence.

PLANNING COMMISSION HEARING: Tuesday, March 3, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: **Wednesday, March 11, 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

Subject property at 171 Cole Street

Neighboring property's deck encroaching into subject property's parcel

Creek running along the rear of the structure

Creek running alongside subject property

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

STAFF ANALYSIS

Location Compatibility

The applicant, T.D. Property Rentals, LLC, is requesting the rezoning of the property at 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential Detached – 4 units/acre). The property is approximately 0.27 acres in size. The Quad at Meeting Park and Manor Park are located to the north and east, across Cole Street, and are zoned PRD-SF (Planned Residential Development – Single Family). The properties immediately to the west and south are also zoned NRC. The applicant is requesting the rezoning in order to renovate the existing structure and use it as a single-family residence.

Use Potential and Impacts

The existing home, which was built in the 1960s, has been used sporadically as a residence over the last sixteen (16) years. The entire corner of Hunt, Cole, and Lemon Streets that is south of the creek has also been zoned NRC since the 1960s (previously Neighborhood Shopping). The applicant wishes to make substantial renovations to the home that would not be permitted under the existing commercial zoning. Rezoning this property to residential will require additional paving for parking, and given the floodplain and stream buffer issues, may negatively impact on the surrounding area.

Homes on properties zoned R-4 are required to maintain a minor side yard setback of at least ten (10) feet from the side property lines. The existing structure projects into the side yard setback on the south side, so the following variance would be necessary to allow the house to remain as is:

1. Variance to reduce the southern side yard setback from 10 ft. to 7 ft. [§708.04 (H)]

The City's Comprehensive Plan designates the Future Land Use (FLU) of the subject property and adjacent properties 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. As a result, the proposed rezoning to R-4 is supported by the City's Comprehensive Plan.

Environmental Impacts

A substantial portion of this property is impacted by floodplain and stream buffers, as there is a creek that diverges on the property. Any proposed construction will be evaluated according to the City's Floodplain Ordinance (Article 7-8-10) and Stream Buffer Protection Ordinance (Article 7-10). The Engineering Division has also indicated the potential presence of wetlands, which may further impact any proposed improvements.

Economic Functionality

The property has been neglected and in disrepair for quite some time but has been used sporadically as a residence over the last sixteen (16) years. Despite the commercial zoning, the structure has never been updated to commercial standards. This is likely due to the extent of work that would be required, the environmental barriers caused by the creek, and the small size of the parcel. Until more environmental study is conducted, it is not clear that the property has any economic value – either as currently zoned or as proposed.

Infrastructure

Single family detached homes are required to have two parking spaces for residents. A small, deteriorated driveway currently exists on the right (north) side of the structure closest to the stream. If approved, a paved area large enough to accommodate two cars would be required. However, because almost the entire parcel is covered by state or City stream buffers, the addition of a parking area may not be allowed. A stream buffer variance from City Council may be an option, but more study of the extent of the stream buffers would be necessary to assess this possibility.

The Marietta Transportation Division has a sidewalk project along Cole Street connecting Lemon Street to North Marietta Parkway and is currently in the right of way acquisition phase. Transportation is requesting the donation of easements necessary to construct the sidewalk project.

In addition to the creeks, there is a sanitary sewer main that runs through the rear of the property. However, no structures are built on top of the sewer main or near the easement.

The requested rezoning does not pose any impacts to transportation, education, electricity, or other public infrastructure in the area.

Overhead Electrical/Utilities

The requested rezoning does not include any new building additions. Therefore, there is no anticipated conflict with the existing overhead utilities.

History of Property

There is no history on the subject property regarding variances, special land use permits, or rezonings.

Other Issues

The properties south of the creek between Hunt, Lemon, and Cole Streets have never been properly platted. Instead, the properties have been split and reconfigured over time by deed. This has resulted in many compliance issues with these properties. For instance, there is a deck on the neighboring property at 301 Lemon Street that is projecting across the property line onto the subject property. If the rezoning is approved, these platting issues would have to be addressed, which may require removal of the deck.

Marietta GEORGIA

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

ANALYSIS & CONCLUSION

The applicant, T.D. Property Rentals, LLC, is requesting the rezoning of the property at 171 Cole Street from NRC to R-4. The property is approximately 0.27 acres in size. Surrounding properties are zoned PRD-SF and NRC. The existing residential structure, which was built in the 1960s, has been used sporadically as a residence over the last sixteen (16) years. The applicant wishes to make substantial renovations to the home that would not be permitted under the existing commercial zoning.

A substantial portion of this property is impacted by floodplain and stream buffers, as there is a creek that diverges on the property. Any proposed construction will be evaluated according to the City's Floodplain Ordinance (Article 7-8-10) and Stream Buffer Protection Ordinance (Article 7-10).

Single family detached homes are required to have two parking spaces for residents. A small, deteriorated driveway currently exists on the right (north) side of the structure closest to the stream. If this request were to be approved, a paved area large enough to accommodate two cars would be required. However, because almost the entire parcel is covered by State or City stream buffers, the addition of a parking area may not be allowed. A stream buffer variance from City Council may be an option, but more study of the extent of the stream buffers and potential wetlands would be necessary.

It should be noted that a deck on the neighboring property at 301 Lemon Street is projecting across the property line onto the subject property, and may have to be removed. Also, the following variance would be required in order to allow the existing structure to remain as is:

1. Variance to reduce the southern side yard setback from 10 ft. to 7 ft.[§708.04 (H)]

It should be noted that Transportation is requesting the donation of easements necessary to construct the sidewalk project along Cole Street from Lemon Street to North Marietta Parkway.

The City's Comprehensive Plan designates the Future Land Use (FLU) of the subject property and adjacent properties 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. As a result, the proposed rezoning to R-4 is supported by the City's Comprehensive Plan.

Prepared by: _____

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 inch in Cole
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?	12 inch in rear of building
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:	Yes
What percentage of the property is in the flood plain?	65%
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?	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?	No
Potential presence of endangered species in the area?	No

- Full site development plans required (include independent flood study by Fort Hill)

TRANSPORTATION

What is the road affected by the proposed change?	Cole St.
What is the classification of the road?	Local
What is the traffic count for the road?	N/A
Estimated # of trips generated by the proposed development?	Daily 10
Estimated # of pass-by cars entering proposed development?	AM 1
Do sidewalks exist in the area?	PM 1
Transportation improvements in the area?	0
If yes, what are they?	Yes

- Sidewalk project along Cole Street connecting Lemon Street to North Marietta Parkway is currently in the right of way acquisition phase.
- Recommend donation of easements necessary to construct the sidewalk project. Current design only requires driveway easement to tie in unmaintained driveway at the north side of the property to Cole Street.

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 (51)
Distance of the nearest station?	0.3 miles
Most likely station for 1st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	n/a

Comments:
If the cost of the project exceeds the gross assessed value (appraised building value) of the building based on Cobb County Tax Assessor's records at the time of application for building permit, then the property could be subject to the fire protection ordinance of Marietta City Code 2-6-140. Will be evaluated when building permit is applied for. Will need to submit existing and proposed site plans.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**West Side Elementary**
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:	**546**
Current enrollment of Middle School:	**1,390**
Current enrollment of High School:	**2,455**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**1**
New schools pending to serve this area:	**0**
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 #: Z 2020-08 **Legistar #:** 2020 0061 **PZ #:** 20-31

Planning Commission Hearing: 3-3-20 **City Council Hearing:** 3-11-20

Owner's Name T.O. Property Rentals LLC c/o Scot Teverino

EMAIL Address: scot@northgeorgiatimber.com

Mailing Address PO Box 4333 Marietta Zip Code: 30060 Telephone Number 404 606 2569

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property to be rezoned: 171 Cole Street

Land Lot (s) 1160 District 216 Parcel 16116001280 ~~00120~~ Acreage .27 .323 Ward 5A Future Land Use: ~~GBD~~ MDR

Present Zoning Classification: ~~Commercial~~ GS NRC Proposed Zoning Classification: Residential R4

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

Scot Teverino

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.

Scot Teverino

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

Scot Teverino

Please Print

PO Box 4333, Marietta, GA 30061

Address

1/15/20

Date

Signed, sealed and delivered in the presence of:

My Commission Expires: 12/7/2020

MICHAEL BRASHIER NOTARY PUBLIC Exp. Dec. 07, 2020 DOUGLAS COUNTY, GA

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

171 Cole Street Proposed remodel:

Current state of structure: Former owner of the property started a remodeling process by removing all interior sheet rock, wiring, and plumbing down to the studs. Roof currently is in a state of disrepair, with soffits damaged and current leak over front entrance door into the living room. Remodel work halted in 2019 and property was sold to T.D. Property Rentals, November 13, 2019.

Proposed use and repair: Current owner requests to rezone the property to residential R4 zoning to fit in with surrounding properties. T.D Property Rentals, LLC proposes to remodel the upper level of the structure to a premium finishing level to coincide with the redeveloped neighborhood across the street. The final configuration of the house is proposed to go from a 3 bedroom/1 bath structure to a 3 bedroom/2 bath single family residential house. The structure will receive all new electrical, plumbing, insulation, drywall, and HVAC as minimum upgrades. Interior finishes will include hardwood floors throughout, new kitchen with granite countertops, and completed tub and showers.

The current stairwell into the basement will be closed off from the interior of the building due to flood zone restrictions. The basement will effectively become an exterior entered crawl space and will have FEMA approved Smart Vents for flooding installed in the walls per Marietta City Code by a Certified installer (See attached Flood Water Solutions proposal).

Exterior improvements proposed will include painting, new roof and gutters, repaired soffits, southern boundary line fence, repaired/new driveway, and addition of rear deck.

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **February 14, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, March 3rd, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, March 11th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-08 [REZONING] T.D. PROPERTY RENTALS LLC is requesting the rezoning of 0.27 acres located in Land Lot 1160, District 16, Parcel 1280 of the 2nd Section, Cobb County, Georgia, and being known as 171 Cole Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential – 4 units/acre). Ward 5A.

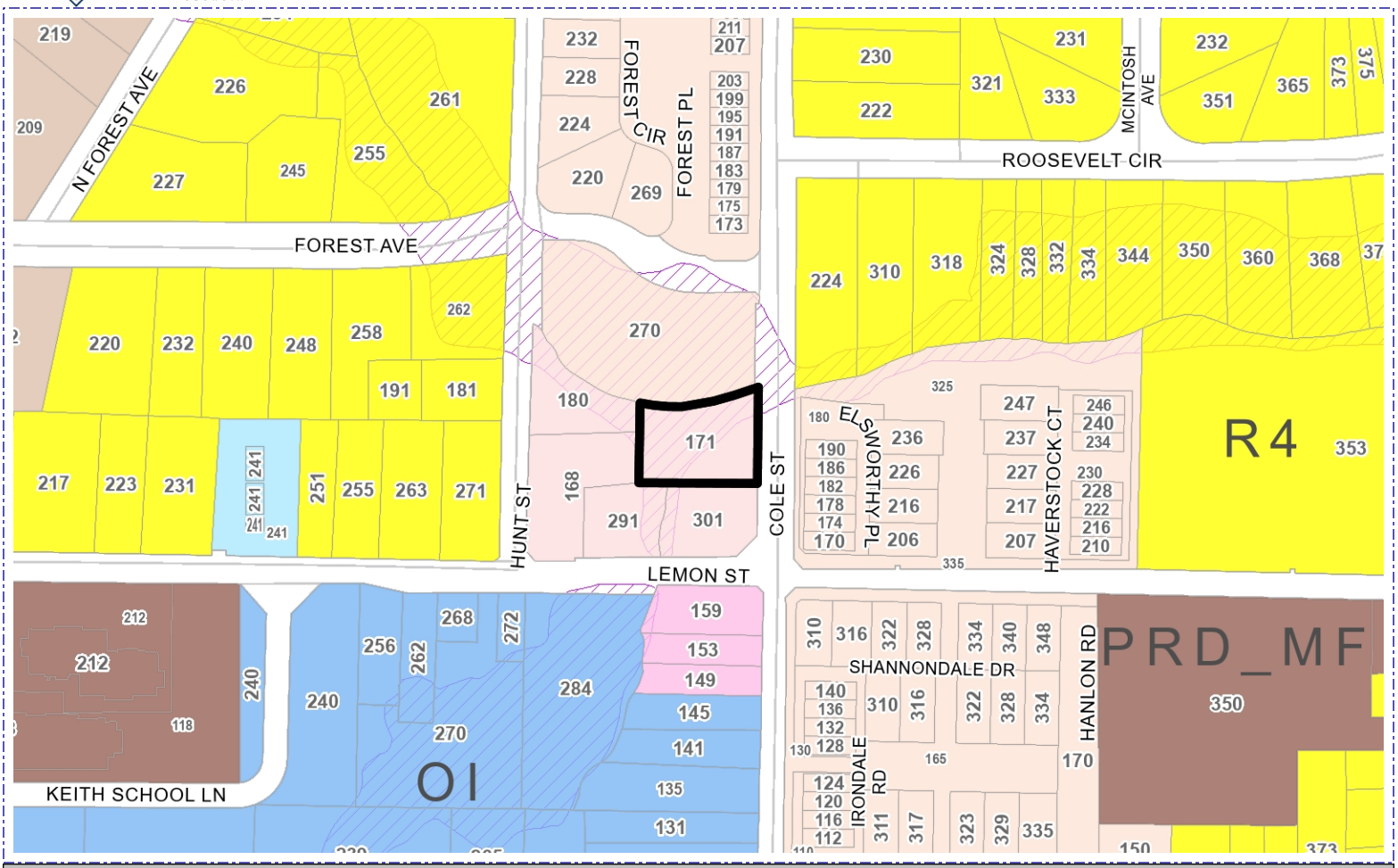
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information 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*
171 COLE ST	16116001280	0.323	5A	NRC	MDR

Property Owner: T.D. Property Rentals, LLC

Applicant:

Proposed Zoning: NRC to R4

Agent:

Proposed Use:

Planning Commission Date: 03/03/2020

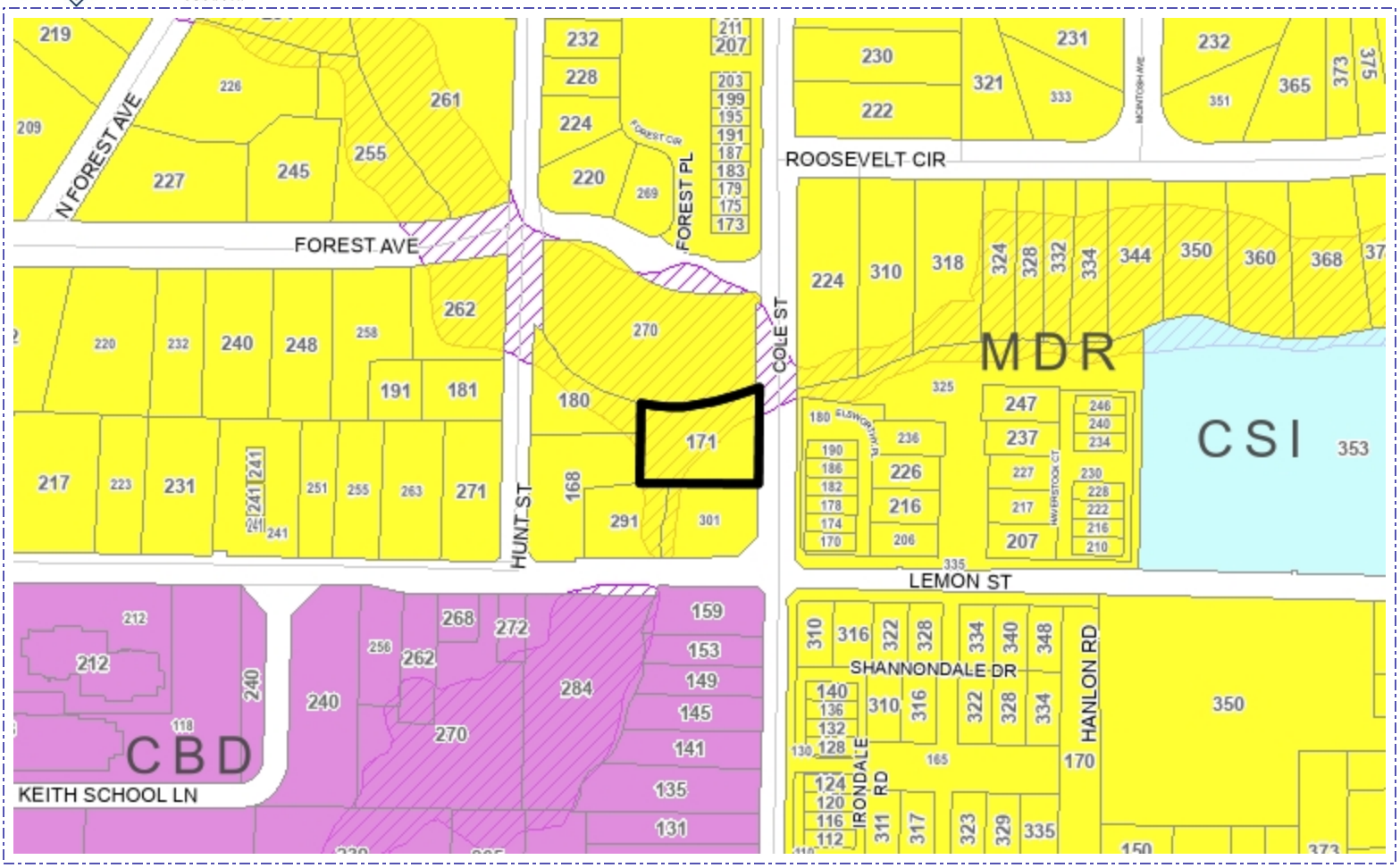
City Council Hearing Date: 03/11/2020 Case Number: Z2020-08

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
171 COLE ST	16116001280	0.323	5A	NRC	MDR

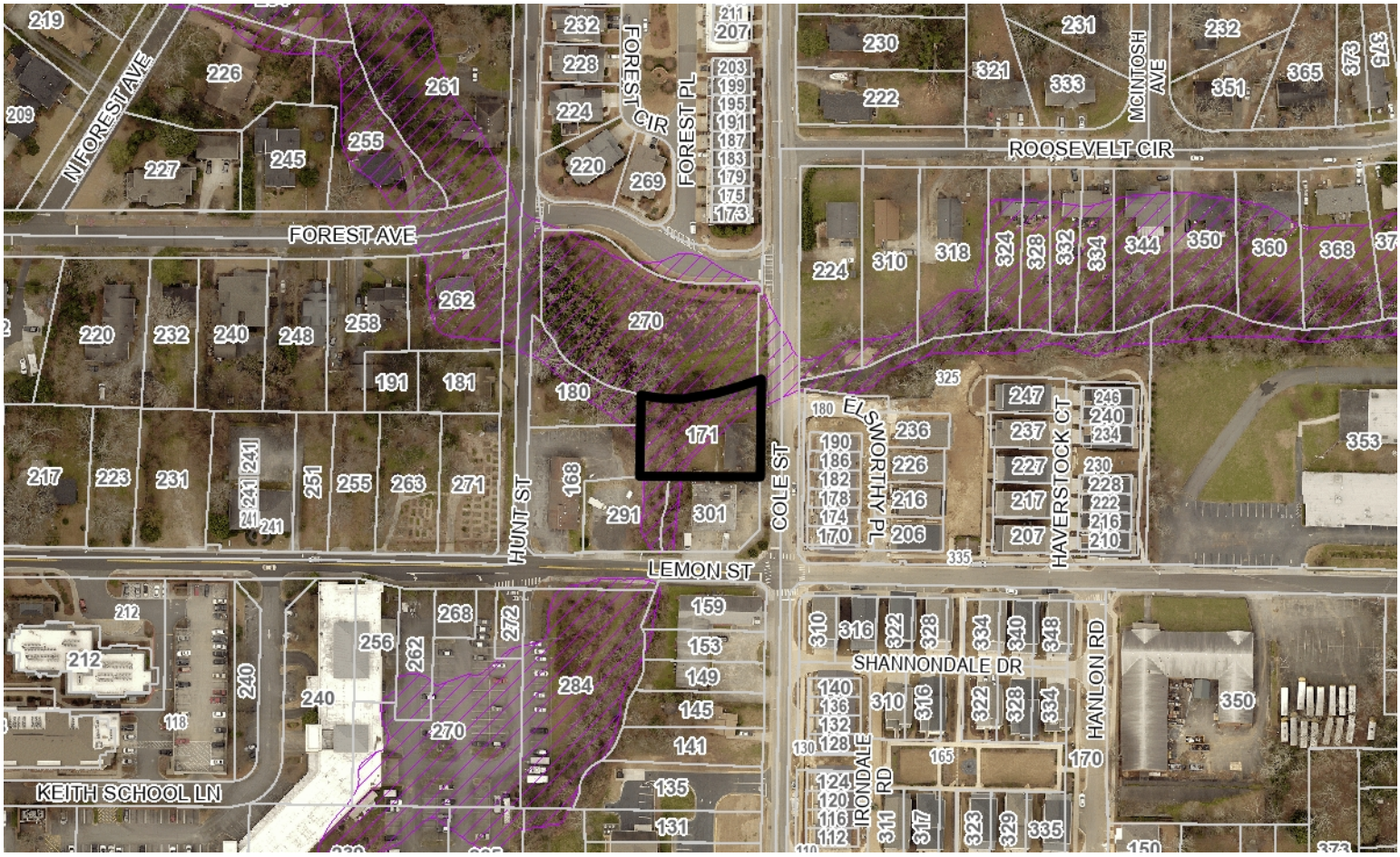
Planning Commission Hearing Date:	03/03/2020
City Council Hearing Date:	03/11/2020
Future Land Use:	MDR
Case Number:	
Comments:	

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
171 COLE ST	16116001280	0.323	5A	NRC	MDR

Property Owner: T.D. Property Rentals, LLC

Applicant:

City Council Hearing Date: 03/11/2020

Planning Commission Hearing Date: 03/03/2020

BZA Hearing Date: Case Number: Z2020-08

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

Flood Water Solutions

3800 Creekmore St.
Canton, GA 30115
770-820-7267
briankjohanson@gmail.com

October 10, 2019

Dan,

Estimated cost for the installation of 3 double stack Smart Vents in dwelling located at 171 Cole St., Marietta, GA 30060. The 3 (double) vents will give an effective venting sq. ft. of 1200 sq.ft., meeting both FEMA and zoning requirements.

One vent is to be Installed in the door exiting the basement and will require a wood trim to be installed around the vent perimeter on the inside. A new door is to be installed by the homeowner to accommodate the new vent. Installation cost of vent and trim: $150.00.

One vent (double vent) will be installed to the "right" of the door below the window. Cutting into the brick and foundation and then inserting the double stack vent. Installation cost of vent: $350.00.

The final vent will be installed to the left of the basement door on the adjacent foundation wall. Cutting through the brick and foundation will be required. Installation cost of vent: $350.00.

All vents are to be installed according to FEMA guidelines and by a Smart Vent Certified installer (Brian Johanson, Flood Water Solutions).

It is the homeowner's responsibility to register the vents after installation. The Homeowner will provide the vents for the installation.

All the best,

Brian Johanson

Brian Johanson, Owner
Floodwater Solutions, LLC

U.S. DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
National Flood Insurance Program

ELEVATION CERTIFICATE

IMPORTANT: FOLLOW THE INSTRUCTIONS ON PAGES 8-15

OMB Control Number: 1660-0008
Expiration: 11/30/2018

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION

	FOR INSURANCE COMPANY USE
A1. Building Owner's Name Darrell Bullock	Policy Number:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 171 Cole Street	Company NAIC Number:

City Marietta | State GA | Zip Code 30060

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
Metes and Bounds Legal Description. A portion of Land Lot 1160, 16th District, 2nd Section, Cobb County Georgia

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential

A5. Latitude/Longitude: Lat. 33.5720 Long. -84.3237 Horizontal Datum: ○ NAD 1927 ● NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 7

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s) N/A sq ft

b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade _____

c) Total net area of flood openings in A8.b _____ sq in

d) Engineered flood openings? ○ Yes ○ No

A9. For a building with an attached garage:

a) Square footage of attached garage N/A sq ft

b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____

c) Total net area of flood openings in A9.b _____ sq in

d) Engineered flood openings? ○ Yes ○ No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number	B2. County Name	B3. State
City of Marietta 130226	Cobb	GA

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/ Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use base flood depth
13067C 0108	J	3/4/13	3/4/13	A/X	1053.0'

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:
○ FIS Profile ○ FIRM ● Community Determined ○ Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: ○ NGVD 1929 ● NAVD 1988 ○ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ○ Yes ● No
Designation Date: ○ CBRS ○ OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ○ Construction Drawings* ○ Building Under Construction* ● Finished Construction
* A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations: Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: Coors Waas Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below. ○ NGVD 1929 ● NAVD 1988
○ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE. Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	1053 . 1	● feet	○ meters
b) Top of the next higher floor	1061 . 1	● feet	○ meters
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A .	○ feet	○ meters
d) Attached garage (top of slab)	N/A .	○ feet	○ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	N/A .	○ feet	○ meters
f) Lowest adjacent (finished) grade next to building (LAG)	1054 . 2	● feet	○ meters
g) Highest adjacent (finished) grade next to building (HAG)	1060 . 0	● feet	○ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	N/A .	○ feet	○ meters

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 171 Cole Street			Policy Number:
City Marietta	State GA	Zip Code 30060	Company NAIC Number:

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

☐ Check here if attachments.

Were latitude and longitude in Section A provided by a licensed land surveyor? ◉ Yes ○ No

Certifier's Name		License Number	
Christopher A. Evans		2784	
Title Professional Land Surveyor	Company Name Gaskins Surveying		
Address 1266 Powder Springs Road	City Marietta	State Ga	Zip Code 30064
Signature	Date 09/30/2019	Telephone 770-424-7168	

GEORGIA REGISTERED 2784 PLACE SEAL HERE

Copy all pages of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

Signature Date 09/30/2019

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ . _____ ○ feet ○ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ . _____ ○ feet ○ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see page 8 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ . _____ ○ feet ○ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____ . _____ ○ feet ○ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and /or equipment servicing the building is _____ . _____ ○ feet ○ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ○ Yes ○ No ○ Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name			
Address	City	State	ZIP Code
Signature	Date	Telephone	

Comments

☐ Check here if attachments.

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 171 Cole Street			Policy Number:
City Marietta	State GA	Zip Code 30060	Company NAIC Number:

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8-G10. In Puerto Rico only, enter meters.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4-G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued

G7. This permit has been issued for: ◯ New Construction ◯ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ . _____ ◯ feet ◯ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ . _____ ◯ feet ◯ meters Datum _____

G10. Community's design flood elevation: _____ . _____ ◯ feet ◯ meters Datum _____

Local Official's Name	Title
Community Name	Telephone
Signature	Date

Comments (including type of equipment and location, per C2(e), if applicable)

☐ Check here if attachments.

BUILDING PHOTOGRAPHS

See instructions for Item A6.

OMB Control Number: 1660-0008
Expiration: 11/30/2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 171 Cole Street			Policy Number:
City Marietta	State GA	Zip Code 30060	Company NAIC Number:

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front view" and Rear view"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

Front View 9/27/19

Left View 9/27/19

Rear View 9/27/19

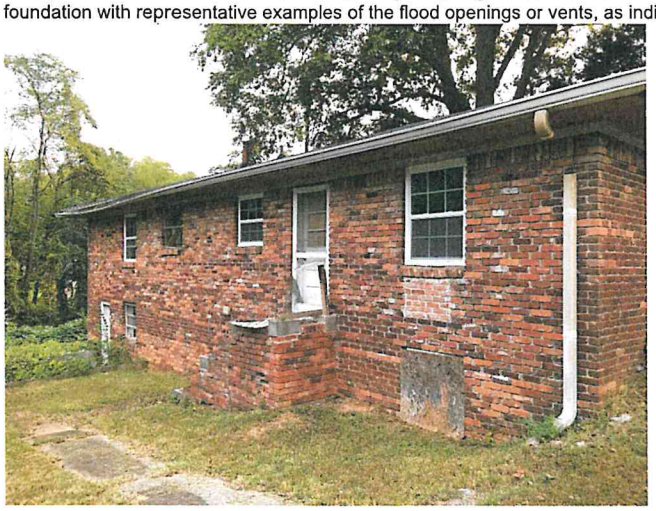
BUILDING PHOTOGRAPHS

Continuation Page

OMB Control Number: 1660-0008
Expiration: 11/30/2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit,Suite, and/or Bldg. No.) or P.O.Route and Box No. 171 Cole Street			Policy Number:
City Marietta	State GA	Zip Code 30060	Company NAIC Number:

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"' and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



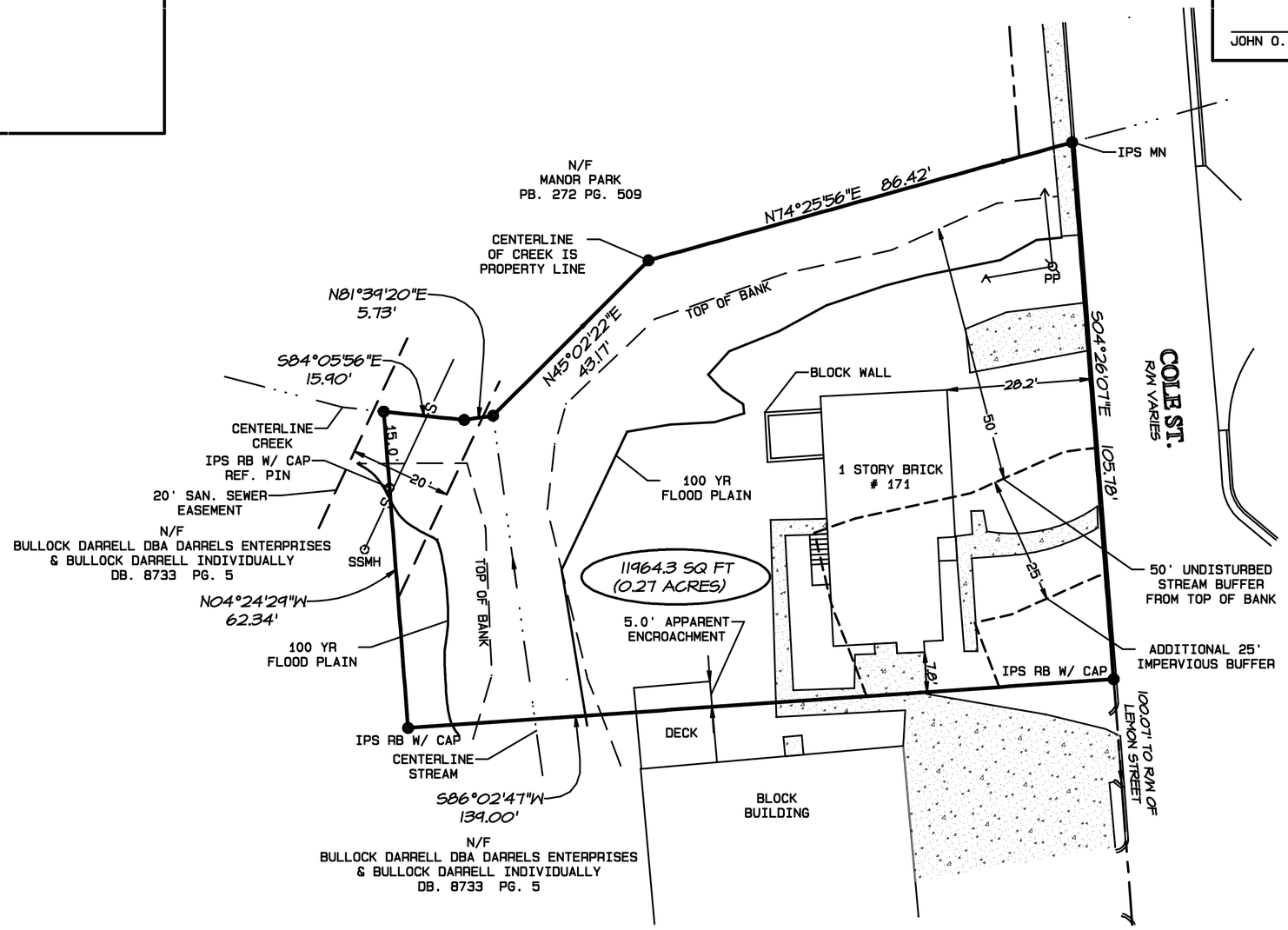
Right View 9/27/19

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, 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.

JOHN O. HUFFMAN RLS 2034

REFERENCES :

1. DEED BOOK 15684, PAGE 3662, COBB COUNTY RECORDS.



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A 15-6-67.

CERTIFICATE OF AUTHORIZATION NUMBER LSF 000196

THE ORIGINAL OF THIS DOCUMENT WAS SEALED AND SIGNED BY JOHN O. HUFFMAN, RLS # 2034, ON DECEMBER 31, 2019.
THIS REPRODUCTION IS NOT A CERTIFIED DOCUMENT.

EOR IA REGISTERED 2034 LAND SURVEYOR JOHN O. HUFFMAN

BOUNDARY SURVEY
FOR
TD PROPERTY RENTALS, LLC
LOCATED IN LAND LOT 1160
16th. DISTRICT, 2nd. SECTION
CITY OF MARIETTA
COBB COUNTY, GEORGIA
SCALE: 1" = 20'

20 0 20 40
GRAPHIC SCALE

DATE OF SURVEY : DECEMBER 12, 2019
DATE OF DRAWING : DECEMBER 31, 2019

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE; EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

ACCORDING TO AN EXAMINATION OF THE OFFICIAL F.I.R.M. FLOOD MAPS, THIS PROPERTY DOES NOT HAVE ANY SPECIAL FLOOD HAZARD CONDITIONS.

EQUIPMENT USED : GEOMAX ZOOM90

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,442 FEET, AND AN ANGULAR ERROR OF 12" PER ANGLE POINT, AND WAS ADJUSTED USING: NO ADJUSTMENT

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 129,551 FEET.

LEGEND

MH	MANHOLE	IPF	IRON PIN FOUND
MON	MONUMENT	IPS	IRON PIN SET
FH	FIRE HYDRANT	RB	REBAR
WV	WATER VALVE	OT	OPEN TOP
WM	WATER METER	CT	CRIMP TOP
CO	CLEAN OUT	MN	MAG NAIL
GM	GAS METER	CB	CATCH BASIN
GV	GAS VALVE	JB	JUNCTION BOX
FFE	FINISH FLOOR ELEVATION	DI	DROP INLET
		WI	WEIR INLET
PP	POWER POLE	YI	YARD INLET
LP	LIGHT POLE	SS	SANITARY SEWER

H. B. & P. SURVEYING, LLC

850 KENNESAW AVE. STE.8
MARIETTA, GA. 30060
PHONE (770) 425-0141
FAX (770) 425-8579

JOB # 19-063

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020 - 10 **LEGISTAR: 20200077**

LANDOWNERS: **20 Holdings, LLC.**
1360 Center Drive, Suite 210
Atlanta, GA 30338

APPLICANT: **Same as above**

AGENT: **J. Kevin Moore, Esq.**
Moore, Ingram, Johnson, & Steele, LLP
326 Roswell Street
Marietta, GA 30060

PROPERTY ADDRESS: **1501 & 1521 Sandtown Road**

PARCEL DESCRIPTION: **17 02090 0810 & 17 02080 0010**

AREA: ~4.2 Acres **COUNCIL WARD: 3A**

EXISTING ZONING: **R-20 (Cobb County) Single Family Residential**

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

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

REASON FOR REQUEST: The applicant is requesting this annexation and rezoning to develop thirty-three (33) single family residential attached homes in the City of Marietta.

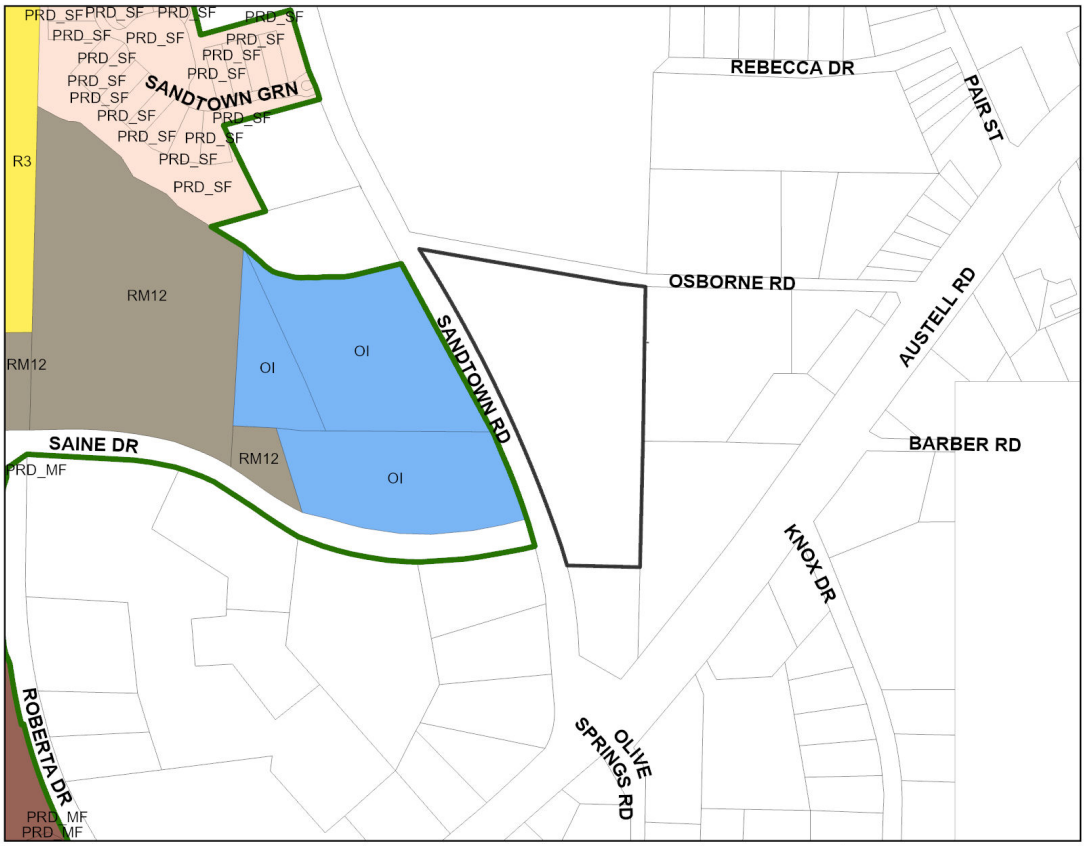
PLANNING COMMISSION HEARING: Tuesday, March 3, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, March 11, 2020 – 7:00 p.m.

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

MAP

City of Marietta Area Zoning Map



Zoning

SINGLE FAMILY RESIDENTIAL		**COMMERCIAL**	
R-1	One Unit/Acre	NRC	Neighborhood Retail
R-2	Two Unit/Acre	CRC	Community Retail
R-3	Three Unit/Acre	RRC	Regional Retail
R-4	Four Unit/Acre	CBD	Central Business District
ATTACHED FAMILY RESIDENTIAL		PCD	Planned Commercial Dev.
RA-4	Four Unit/Acre	MXD	Mixed-Use Dev.
RA-6	Six Unit/Acre	OIT	Office Institutional Trans.
RA-8	Eight Unit/Acre	LRO	Low-Rise Office
PRD(SF)	Planned Residential Dev.	OI	Office Institutional
MHP	Mobile Home Park	OS	Office Services
MULTI FAMILY RESIDENTIAL		OHR	Office High-Rise
RM-8	Eight Unit/Acre	**INDUSTRIAL**	
RM-10	Ten Unit/Acre	LI	Light Industrial
RM-12	Twelve Unit/Acre	HI	Heavy Industrial
RHR	Residential High Rise	PID	Planned Industrial Dev.
PRD(MF)	Planned Residential Dev.		

District	*Land Lot*	*Parcel*	*Current Zoning*	*Proposed Zoning*
17	208	0010	R-20 (County)	PRD-SF (City)
17	209	0810		

Comments: **1501 & 1521 Sandtown Rd**

Date: **2/4/2020**

Planning & Zoning Division

N W E S

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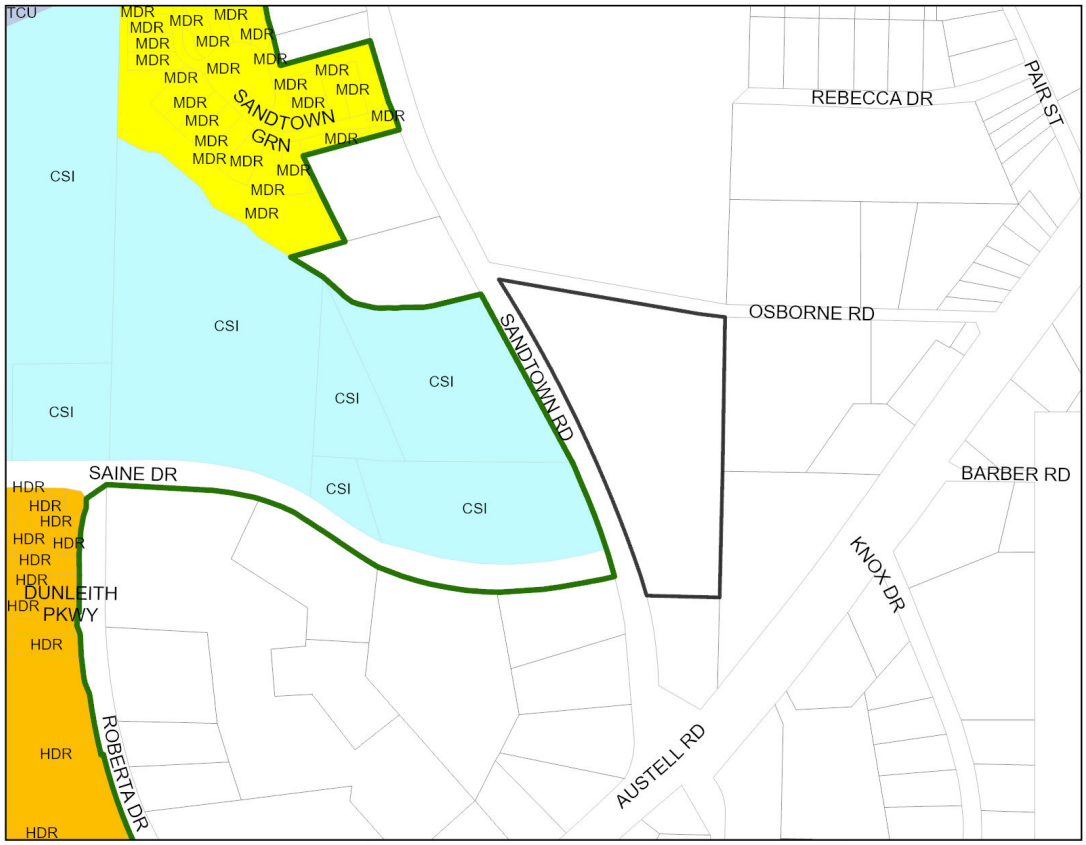
CITY OF Marietta GEORGIA

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

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	**208**	**0010**	**PI**	**MDR**
17	**209**	**0810**	**PI (County)**	**MDR (City)**

Comments: **1501 & 1521 Sandtown Rd**

Date: **2/4/2020**

Planning & Zoning Division

N W E S

1:3,471

CITY OF Marietta GEORGIA

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

PICTURES OF PROPERTY

1501 & 1521 Sandtown Road looking south

Osborne Road frontage

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

STAFF ANALYSIS

Location Compatibility

The applicant, 20 Holdings, LLC, is requesting the rezoning of 4.2 acres at 1501 & 1521 Sandtown Road from the existing Cobb County zoning of R-20 (Single Family Residential-20,000-square-foot lot size) to the City of Marietta's PRD-SF (Planned Residential Development - Single Family) zoning to build thirty-three (33) attached single-family townhouses. It should be noted that the applicant has applied for annexation in conjunction with the filing of this rezoning.

The subject property consists of two (2) parcels located on the corner of Sandtown Road and Osborne Road in unincorporated Cobb County. Each parcel currently contains a single-family home. Across Osborne Road to the north is the Grey's Landing subdivision zoned RM-8 (residential multifamily) and to the east is the Shepard's Walk Apartments, zoned R-20 (Single Family Residential-20,000-square-foot lot size) – both are located within unincorporated Cobb County. Eastside Baptist Church, also zoned R-20 in Cobb County, is directly to the south and southeast of the subject property. A nursing home zoned OI (Office Institutional) in the city is located across Sandtown Road to the west.

Use Potential and Impacts

The applicant is proposing to build a townhouse community of thirty-three (33) units on 4.2 acres, yielding a density of 8.61 units per acre. This section of Sandtown Road is a mixture of medium density residential with nearby commercial and industrial businesses. Other residential developments built in the area appear to be of comparable density to this proposal.

The parking requirements for townhouses include a 2-car garage with a 20-foot long driveway and a 0.2 guest spaces per unit. The proposed plan includes the required minimum of seven (7) guest parking spaces along the new private streets. Although not shown, a mail kiosk with an ADA accessible space and route would be required.

Recreation area is calculated at 1 acre for every 50 units; and as such this development would require 0.66 acres of recreation space with at least one active and one passive feature. These plans indicate the provision of 0.7 acres of open space with the potential for a "flex court or playground" to satisfy the active feature and a gazebo to satisfy the passive feature.

Although elevations have not been provided, the applicant has indicated the exterior façades will be traditional/craftsman in style, architecture, and design using brick, stone, stacked stone, cedar shake, board and batten, and combinations thereof.

Cobb County has designated the Future Land Use (FLU) of the subject property as PI (Public Institutional). As part of the annexation request, the City is suggesting a Future Land

Use (FLU) classification of MDR (Medium Density Residential) because of the type of development proposed. The City's Comprehensive Plan describes MDR as areas that are suitable for medium density housing with densities from five (5) to eight (8) dwelling units per acre. The most appropriate developments for a FLU of MDR are single-family detached housing, cluster housing, and/or townhomes.

Environmental Impacts

This property does not contain any wetlands, streams, or floodplain. There is no indication of any endangered species on the property.

If annexed and rezoned as requested, the development will be expected to comply with the City's Tree Protection and Landscaping Ordinance.

Economic Functionality

Currently the property contains a single-family ranch-style home on each of the two parcels. Under the current zoning, a 4.2-acre lot zoned R-20 in Cobb County could contain approximately nine (9) units. Based on recent residential development patterns in the City and County, this property could support more units than the current zoning allows.

Infrastructure

No age restriction is proposed for this development, and as such the number of children attending Marietta City Schools will likely increase. The elementary school serving this area would be Dunleith Elementary School, which has the capacity for additional students.

Multiple access points to an arterial or collector road are required for single-family developments containing more than fifty-one (51) dwelling units. But since this development would not meet that threshold, only one point of entry/exit is proposed off Sandtown Road. Gates are shown at the entrance, which will require the proposed streets to be privately maintained. Gates must be a minimum of fifty (50) feet from public right-of-way and a minimum width of thirty (30) feet. Further, access for emergency services must be provided and an indemnity agreement would be required.

City regulations also require that streets that have one end permanently closed must provide a turnaround with a minimum road diameter of eighty (80) feet and right-of-way diameter of 100 feet. The proposed plans indicate a hammerhead turnaround instead of a cul-de-sac. However, according to the Marietta Fire Department, the design of the southern hammerhead does not meet radius and road width requirements for sufficient turnaround but could be easily modified. As such, the proposed design would require the following variance:

- Variance to allow hammerhead configuration in lieu of the required cul-de-sac. *[§730.01 (E)]*

Sidewalks will be required on one side of the new private street within the development and along the frontage of Sandtown Road and Osborne Road – sidewalks are not currently shown. The City's Transportation Division is also requesting a left turn lane from Sandtown Road and has expressed concern over potential sight distance and inadequate right of way. Staff has also requested the applicant to obtain approval from Cobb County regarding any road improvements.

Water and sewer service for the subject property will be provided by Cobb Water.

Overhead Electrical/Utilities

No overhead utility lines are located near the proposed buildings so there should not be any conflict.

History of Property

Because the property is not within the city limits currently, the City has no record of any variances, rezonings, or special land use permits. The property is currently going through the annexation process.

Other Issues

According to the Marietta Fire Department all buildings shall be protected throughout with an approved automatic fire sprinkler system as required by Marietta City Code 2-6-140.

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.

Marietta GEORGIA

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

ANALYSIS & CONCLUSION

The applicant, 20 Holdings, LLC, is requesting to annex and rezone 4.2 acres at 1501 & 1521 Sandtown Road from the existing Cobb County zoning of R-20 to PRD-SF in the City of Marietta to build thirty-three (33) attached single-family townhouses. The subject properties are located at the corner of Sandtown Road and Osborne Road. Surrounding properties are zoned RM-8 and R-20 in the County while property across Sandtown Road to the west is zoned OI in the City. 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. If the rezoning is approved, the proposed plan would become the General Plan.

The applicant is proposing to build a townhouse community of thirty-three (33) units on 4.2 acres, yielding a density of 8.61 units per acre. This section of Sandtown Road is a mixture of medium density residential with nearby commercial and industrial businesses. Other residential developments built in the area appear to be of comparable density to this proposal.

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Prepared by: J. Rindle

Approved by: Rusty Roth

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

DATA APPENDIX

COBB COUNTY WATER & WASTEWATER

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?	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 (Cobb WSA & Cobb DOT approvals required)
- Sidewalk required along entire frontage of Sandtown Road
- Units 13-31 require sidewalk access
- Private gate as shown may not provide adequate stacking distance or pavement for turnaround movement

TRANSPORTATION

What is the road affected by the proposed change?	Sandtown Road
What is the classification of the road?	Collector
What is the traffic count for the road?	12,976 (GDOT 2/2019)
Estimated # of trips generated by the proposed development?	Daily 297
Estimated # of pass-by cars entering proposed development?	AM 23
Do sidewalks exist in the area?	PM 31
Transportation improvements in the area?	0
If yes, what are they?	No

- Left turn lane and decel lane are needed.
- Acel/decel lane required per City Code. Transportation is willing to consider waiving the acel lane requirement if the developer agrees to construct a left turn lane into the development along Sandtown Road.
- Decel lane and left turn lane needed to store vehicles for the gated access.
- Sidewalks required along Sandtown Road and Osborne Road frontages.
- Many units are not showing service by sidewalks.
- Verify sufficient PV turning at gate.
- Require donation of right of way along Sandtown Road to 40' from centerline, as shown on submittal.
- Cobb County DOT approval required.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	228 Chestnut Hill (54)
Distance of the nearest station?	1.6 miles
Most likely station for 1st response?	54
Service burdens at the nearest city fire station (under, at, or above capacity)?	n/a

Comments:

- Gates require a 50' set back from ROW, and minimum 30' width. If automatic KNOX key switch provided keyed to Marietta system.
- 35' turning radius for fire department access roads.
- Provide approved turn-around access for fire department apparatus. Hammerhead turn-around must be 120'.
- All buildings shall be protected throughout with an approved automatic fire sprinkler system as required by Marietta City Code 2-6-140.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Dunleith (not currently in district)**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**625**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**564**
Current enrollment of Middle School:	**1,390**
Current enrollment of High School:	**2,455**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**22**
New schools pending to serve this area:	
Comments:	

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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
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
5300 MARYLAND WAY
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

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) 367-6233

HARRISBURG, PENNSYLVANIA
3909 HARTZDALE DRIVE
SUITE 901
CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 790-2854

March 2, 2020

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.: Z2020-10
(Legistar No. 20200077)
Applicant/Property Owner: 20 Holdings, LLC
Property: 4.2 acres, more or less, located at the southeast intersection of Sandtown Road and Osborne Road, being more particularly known as 1501 and 1521 Sandtown Road; Land Lots 208, 209, and 225, 17th District, 2nd Section, Cobb County, Georgia

Dear Shelby:

The undersigned and this firm represent 20 Holdings, LLC, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Applications for Annexation and Rezoning of 4.2 acres, more or less, of property located at the southeast intersection of Sandtown Road and Osborne Road, being more particularly known as 1501 and 1521 Sandtown Road, Land Lots 208, 209, and 225, 17th 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 and reviewing the City's Rezoning Application Analysis, 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) Rezoning of the Subject Property shall be from the existing Cobb County zoning classification of R-20 to the proposed City of Marietta zoning classification of

PRD-SF, site plan specific to the Zoning Site Plan prepared for Applicant by Croy Engineering, LLC, dated November 13, 2019, last revised January 20, 2020, and filed with the Application for Rezoning. A reduced copy of the Zoning Site Plan is attached to this stipulation letter as Exhibit "A" and incorporated herein by reference.

(2) The Subject Property consists of 4.2 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of thirty-three (33) residences.

(3) 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.

(4) The units shall have two-car garages. 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.

(5) The proposed townhomes shall have a minimum of 1,650 square feet of heated and cooled area.

(6) All setbacks for the homes shall be as shown and reflected on the referenced Zoning Site Plan.

(7) 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.

(8) 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. The mandatory association shall be responsible for the enforcement of the covenants.

(9) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences.

(10) The proposed townhome 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, and shall be maintained by the mandatory homeowners association.

(11) Applicant shall be allowed to provide for a gated community, at its option, but consistent with City of Marietta requirements.

(12) 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. Any disturbed area shall be restored with comparable plantings.

(13) Applicant agrees to the installation of a deceleration lane, which shall be constructed pursuant to City of Marietta Standards and Ordinances.

(14) 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 community.

(15) As part of its Application for Rezoning, Applicant requests the following contemporaneous variance be granted:

(a) Variance to allow hammerhead configuration in lieu of the required cul-de-sac.

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

With kindest regards, I remain

Very truly yours,

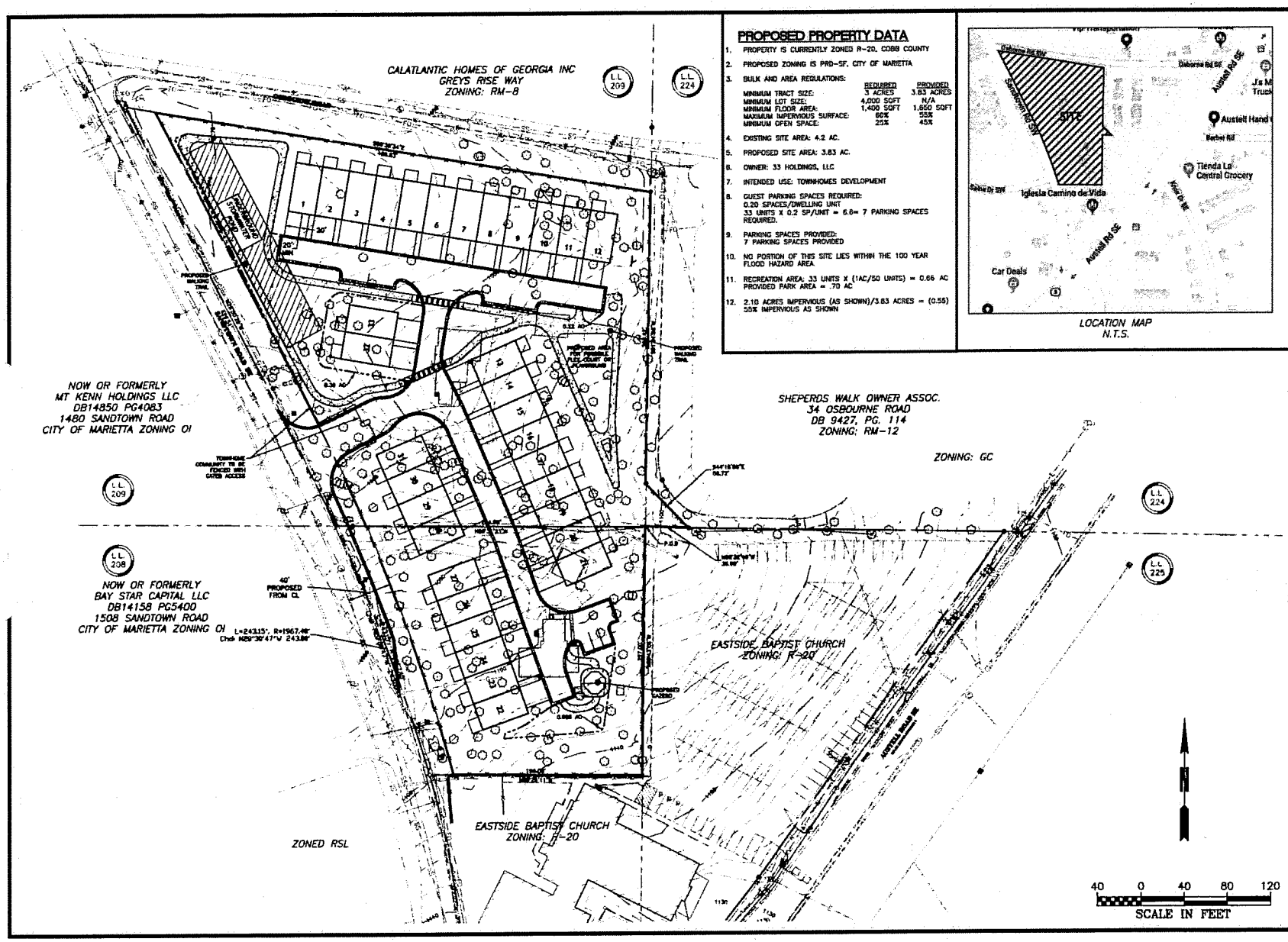
MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Attachment
c: Russell J. Roth, AICP
Development Director
City of Marietta
(With Copy of Attachment)

20 Holdings, LLC
(With Copy of Attachment)

EXHIBIT "A"



PROPOSED PROPERTY DATA

1. PROPERTY IS CURRENTLY ZONED R-20, COBB COUNTY
2. PROPOSED ZONING IS PRD-SF, CITY OF MARIETTA
3. BULK AND AREA REGULATIONS:

	REQUIRED	PROVIDED
MINIMUM TRACT SIZE:	3 ACRES	3.83 ACRES
MINIMUM LOT SIZE:	4,000 SQFT	N/A
MINIMUM FLOOR AREA:	1,400 SQFT	1,650 SQFT
MAXIMUM IMPERVIOUS SURFACE:	60%	55%
MINIMUM OPEN SPACE:	25%	45%

4. EXISTING SITE AREA: 4.2 AC.
5. PROPOSED SITE AREA: 3.83 AC.
6. OWNER: 33 HOLDINGS, LLC
7. INTENDED USE: TOWNHOMES DEVELOPMENT
8. GUEST PARKING SPACES REQUIRED:
   0.20 SPACES/DWELLING UNIT
   33 UNITS X 0.2 SP/UNIT = 6.6= 7 PARKING SPACES REQUIRED.
9. PARKING SPACES PROVIDED:
   7 PARKING SPACES PROVIDED
10. NO PORTION OF THIS SITE LIES WITHIN THE 100 YEAR FLOOD HAZARD AREA.
11. RECREATION AREA: 33 UNITS X (1AC/50 UNITS) = 0.66 AC
    PROVIDED PARK AREA = .70 AC
12. 2.10 ACRES IMPERVIOUS (AS SHOWN)/3.83 ACRES = (0.55)
    55% IMPERVIOUS AS SHOWN

LOCATION MAP
N.T.S.

CROY
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

SANDTOWN TOWNHOMES

PROJECT PHASE

LAND LOT(S) 208 & 209
OF THE 17TH DISTRICT
CITY OF MARIETTA, COBB COUNTY, GEORGIA

NO.	REVISION REFERENCE	DATE
3	REV. PER ANNEX CITY OF MARIETTA	[illegible]
2	REV. PER PLANNING COML COMMENTS	[illegible]
1	REV. PER CLIENT REVISIONS	[illegible]

SEAL

GSWCC CERT #14353

SHEET TITLE
ZONING SITE PLAN

DRAWN BY	CHECKED BY
ORG	KAK
SCALE	ISSUE DATE
1"=40'	11/13/2019

PROJECT NUMBER
2090.001

DRAWING NUMBER
Z1

SHEET 1 of 1

NOT ISSUED FOR CONSTRUCTION

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DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

02 March 2020

Rusty Roth
Development Services Director
City of Marietta
205 Lawrence ST
Marietta GA

Dear Mr. Roth

This letter is in reference to Marietta zoning application case **Z2020-10.** I am writing in opposition to the proposed rezoning at 1501-1521 Sandtown Road due to potential land use conflicts. However, if approved, noise-attenuating construction is recommended in order to mitigate residential use with impacts from aircraft noise.

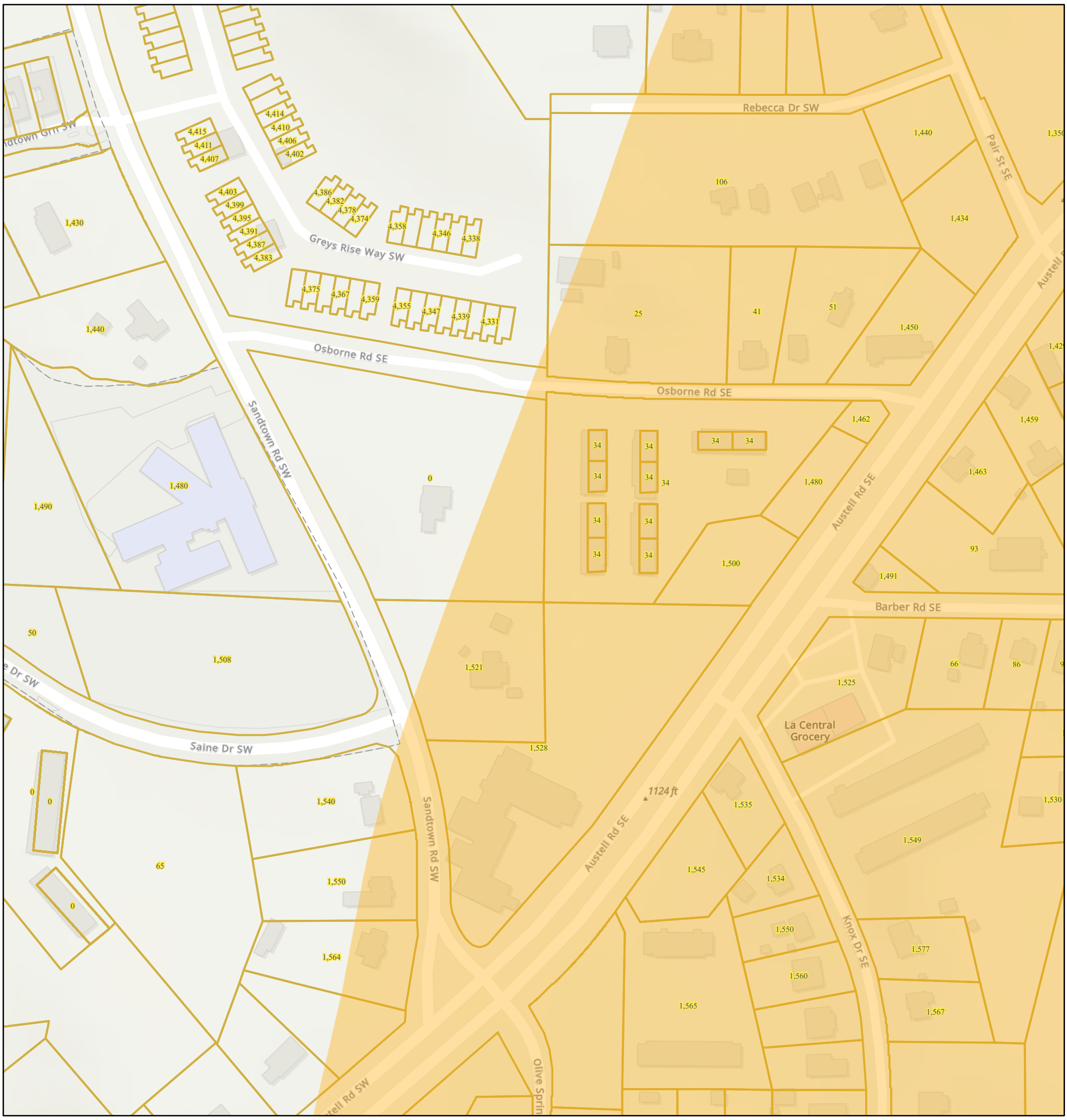
A portion of both the properties at 1501 and 1521 Sandtown Road are within the Cobb County Military Hazard Overlay District (Parcels 17020900810 and 17020800010). Both parcels are partially impacted by the 65-70 dB noise contour, which indicates likely impacts from military airport noise. Military Air Installation Compatible Use Zone (AICUZ) land use guidelines recommend noise attenuating construction to bring the average indoor noise level below 65 dB. The same military land use guidelines are adopted by reference within the City of Marietta zoning ordinance as the AICUZ Air Installation Compatible Use Zone Overlay District. https://library.municode.com/ga/marietta/codes/code_of_ordinances?nodeId=COOR_ZOOR_DIV712SUUSRE_712.05AIAIINCOUSZOOVDI

Since the city's AICUZ overlay district requires noise abatement within airport "Noise Zones", I hope this will be included as a condition of rezoning to townhomes or multi-family. It may also be helpful to incorporate this criteria into the zoning analysis application and GIS data. I don't see any reference to these districts in the packet or online map viewer.

Sincerely

Kenneth W. Williams
Base Civil Engineer
Dobbins ARB, GA 30069

Cobb Zoning Map



2/21/2020, 9:32:56 AM

1:2,257

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

Air Installation Compatible Use Zone (AICUZ)

Parcels

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap

Web AppBuilder for ArcGIS

Esri Community Maps Contributors, City of Marietta, GA, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA | Copyright Cobb County.

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 #: Z 2020-10 Legistar #: 20200077 PZ #:
Planning Commission Hearing: 03/03/2020 City Council Hearing: 03/11/2020

*Owner's Name 20 Holdings, LLC A2020-02 CA 2020-02

EMAIL Address: sanjayr@33holdings.com
Mailing Address 1360 Center Drive Suite 210 Atlanta, GA Zip Code: 30338 Telephone Number (770) 265-9392

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code:

Telephone Number Email Address:

Address of property to be rezoned: 1501, 1521 Sandtown Road

Land Lot (s) 02090 / 02080 District 17 Parcel 0810 / 0010 Acreage 4.2± Ward 3A Future Land Use: MDR
Present Zoning Classification: R-20 (Cobb) Proposed Zoning Classification: PRD-SF (City)

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.

***Applicant/Owner Representative - J. Kevin Moore - Moore Ingram Johnson & Steele, LLP**

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: **March 3, 2020**
March 11, 2020

Applicant/Property Owner: 20 Holdings, LLC

DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT

The property which is the subject of the Application for Rezoning by Applicant and Property Owner, 20 Holdings, LLC (hereinafter collectively "Applicant") is an assemblage of two parcels totaling 4.2 acres, more or less, located in Land Lots 208 and 209, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, as more particularly identified and set forth in the Application for Rezoning (hereinafter collectively the "Property" or the "Subject Property"). The Rezoning Application seeks approval of a request to rezone the Subject Property from the existing R-20 (Cobb County) zoning classification to the PRD-SF zoning classification (City of Marietta). Applicant is seeking rezoning for a townhome community.

Applicant proposes the construction of a maximum of thirty-three (33) townhome units. The residences shall be traditional or Craftsman in style, architecture, and design, with the exteriors consisting of brick, stone, stacked stone, cedar shake, board and batten, and combinations thereof. All residences shall have two car garages. Access to the proposed development will be from Sandtown Road, as shown on the Zoning Plan submitted with the Application for Rezoning.

Applicant will supplement its Application for Rezoning with additional items; including, but not limited to the following, throughout the rezoning process:

(1) Updated and revised Zoning Site Plan, if necessary;
(2) Landscape Plan for buffer areas and proposed Open Space areas;
(3) Elevations, floorplans, and finishes; and
(4) Details for open space and amenity areas.

A detailed letter of agreeable zoning stipulations and conditions will be submitted on behalf of Applicant prior to the hearings before the Planning Commission and City Council.

Applicant is very excited with the opportunity of this project within the City of Marietta. The project shall be a quality development and shall be an enhancement to the Subject Property and existing nearby neighborhoods and the community as a whole.

PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING
(Page Two of Two)

Application No.: _____
Legistar No.: _____
Hearing Dates: **March 3, 2020**
March 11, 2020

Applicant/Property Owner: 20 Holdings, LLC

20 HOLDINGS, LLC

BY: _____
Sanjay Raghavaraju
Managing Member

Date Executed: January 21, 2020

Signed, sealed, and delivered in the presence of:

Carolyn E. Cook
Notary Public
My Commission Expires: 01-10-2023

[Notary Seal]

CAROLYN E. COOK NOTARY PUBLIC EXP. JAN. 10, 2023 COBB COUNTY, GA

Applicant/Property Owner Address:

20 Holdings, LLC
1360 Center Drive
Suite 210
Atlanta, Georgia 30338
(770) 265-9392
E-mail: sanjayr@33holdings.com

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: **March 3, 2020**
March 11, 2020

Applicant/Property Owner: 20 Holdings, LLC

Representative for Applicant and Property Owner:

MOORE INGRAM JOHNSON & STEELE, LLP

BY: _____
J. Kevin Moore
Georgia Bar No. 519728

Attorneys for Applicant/Property Owner

Date Executed: January 21, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
Commission Expires: January 10, 2023

[Notarial Seal]

CAROLYN E. COOK NOTARY PUBLIC Exp. Jan. 10, 2023 COBB COUNTY, GA

Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
Suite 100
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

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

APPLICATION FOR ANNEXATION

(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#: A2020-02 Legistar#: 20200078 PZ #: N/A

PC Hearing: 03/03/2020 CC Hearing: 03/11/2020

The Honorable Mayor
Members of the City Council
City of Marietta
205 Lawrence Street
Marietta, GA 30060

Z2020-10
CA2020-02

Dear Mayor and Council:

This application/letter is a request that the City of Marietta annex into the city the property described below:

Property Owner's Name (please print): 20 Holdings, LLC

Address of property to be Annexed: 1501, 1521 Sandtown Road

Land Lot 02090 02080 District: 17 Parcel: 0810 0010 Number of Acres: 4.2±

Property owner's signature, date of signature and telephone number:

See Attached Exhibit "A" (770) 265-9392

(Property owner's signature) *(Date)* *(Telephone Number)*

Property owner's EMAIL: sanjayr@33holdings.com

Property owner's mailing address if different from property being annexed:

1360 Center Drive, Suite 210, Atlanta, GA 30338

Current land use of the property: Vacant/Former Residential
(i.e., commercial, residential, vacant, etc.)

If the current land use of the property is residential, how many people are living on the property: 0.

THE FOLLOWING INFORMATION MUST BE SUBMITTED BY THE PROPERTY OWNER BEFORE THE APPLICATION DEADLINE:

1. Legal Description.
2. One (1) copy of survey.
3. One (1) copies of county tax plat.
4. Copy of the Certificate of Occupancy (CO) from Cobb County Building Inspections Department (if applicable). If the property is vacant, no CO is necessary.

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR ANNEXATION

Application No.: _____
Legistar No.: _____
Hearing Dates: **March 3, 2020**
March 11, 2020

Applicant/Property Owner: 20 Holdings, LLC

20 HOLDINGS, LLC

BY: _____
Sanjay Raghavaraju
Managing Member

Date Executed: January 21, 2020

Signed, sealed, and delivered in the presence of:

Carolyn E. Cook
Notary Public
My Commission Expires: 01-10-2023

[Notary Seal]

CAROLYN E COOK NOTARY PUBLIC Exp. Jan. 10, 2023 COBB COUNTY, GA

Applicant/Property Owner Address:

20 Holdings, LLC
1360 Center Drive
Suite 210
Atlanta, Georgia 30338
(770) 265-9392
E-mail: sanjayr@33holdings.com

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **February 14, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, March 3rd, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, March 11th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-10 [REZONING] 20 HOLDINGS, LLC is requesting the rezoning of 4.2 acres located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia, and being known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential – Cobb County) to PRD-SF (Planned Residential Development – Single Family) in the City. Ward 3A.

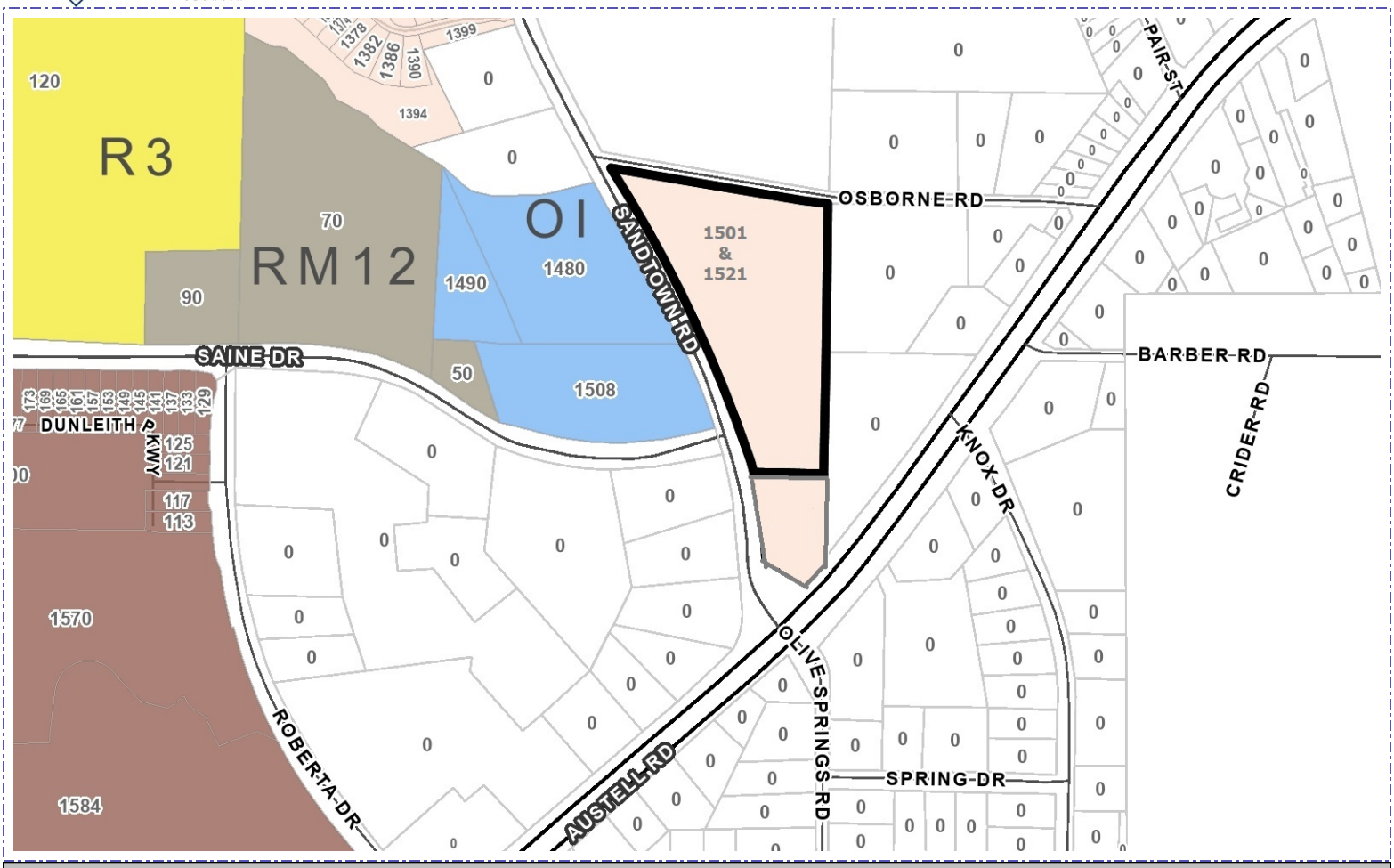
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information 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
1521 SANDTOWN RD	17020800010	4.244	3A		MDR
1501 SANDTOWN RD	17020900810	0.674	3A		MDR

Property Owner: 20 Holdings, LLC

Applicant:

Proposed Zoning: R20 (Cobb) to PRD-SF (City)

Agent: J. Kevin Moore, Esq.

Proposed Use:

Planning Commission Date: 03/03/2020

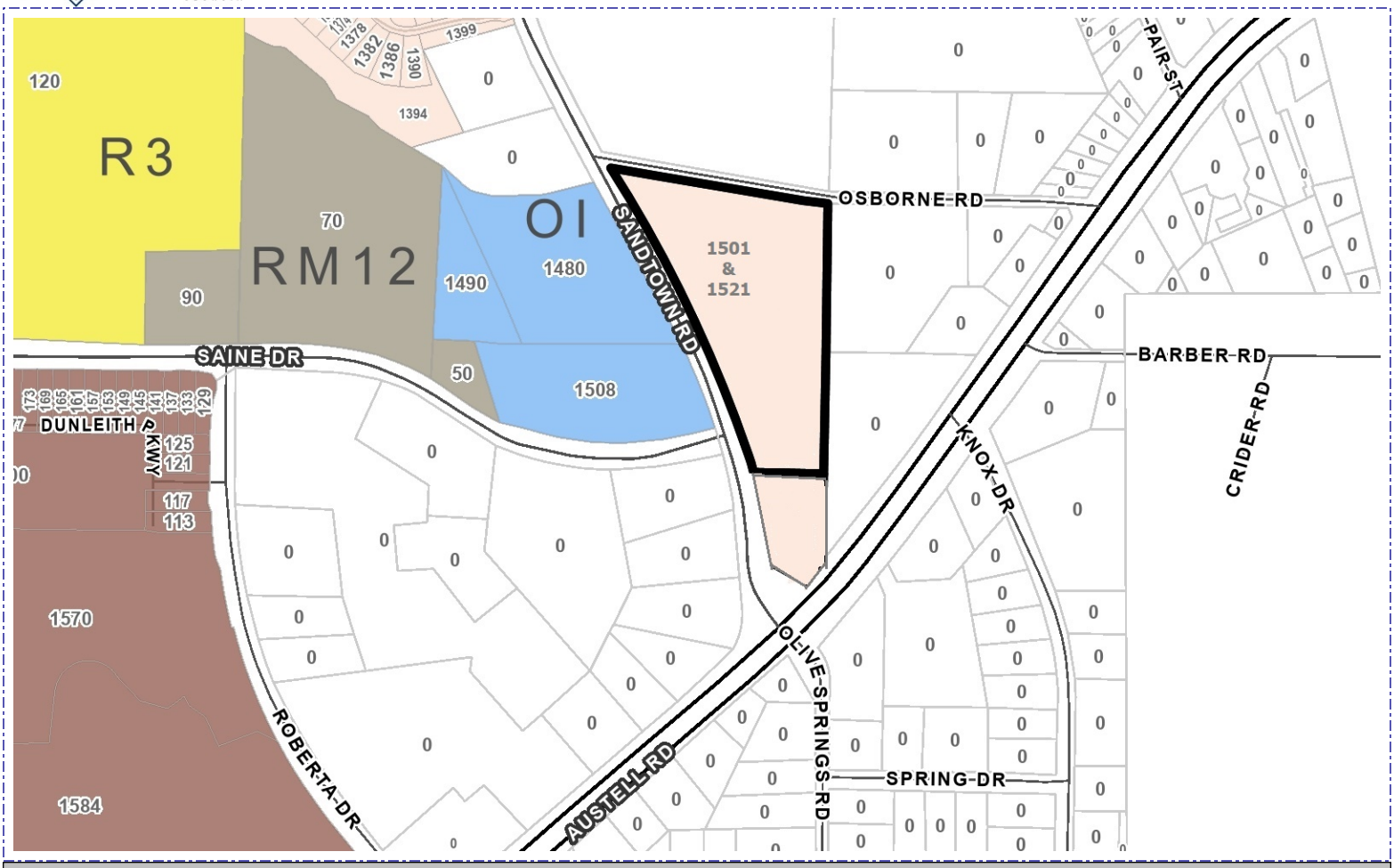
City Council Hearing Date: 03/11/2020 Case Number: Z2020-10

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

Annexation



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1521 SANDTOWN RD	17020800010	4.244	3A		MDF
1501 SANDTOWN RD	17020900810	0.674	3A		MDR

Property Owner: 20 Holdings, LLC

Applicant:

Proposed Zoning: R20 (Cobb) to PRD-SF (City)

Proposed Use:

Acquisition Date: Fair Market Value:

City Council Hearing Date: 03/11/2020 Case Number: A2020-02

Description of Property:

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
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- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
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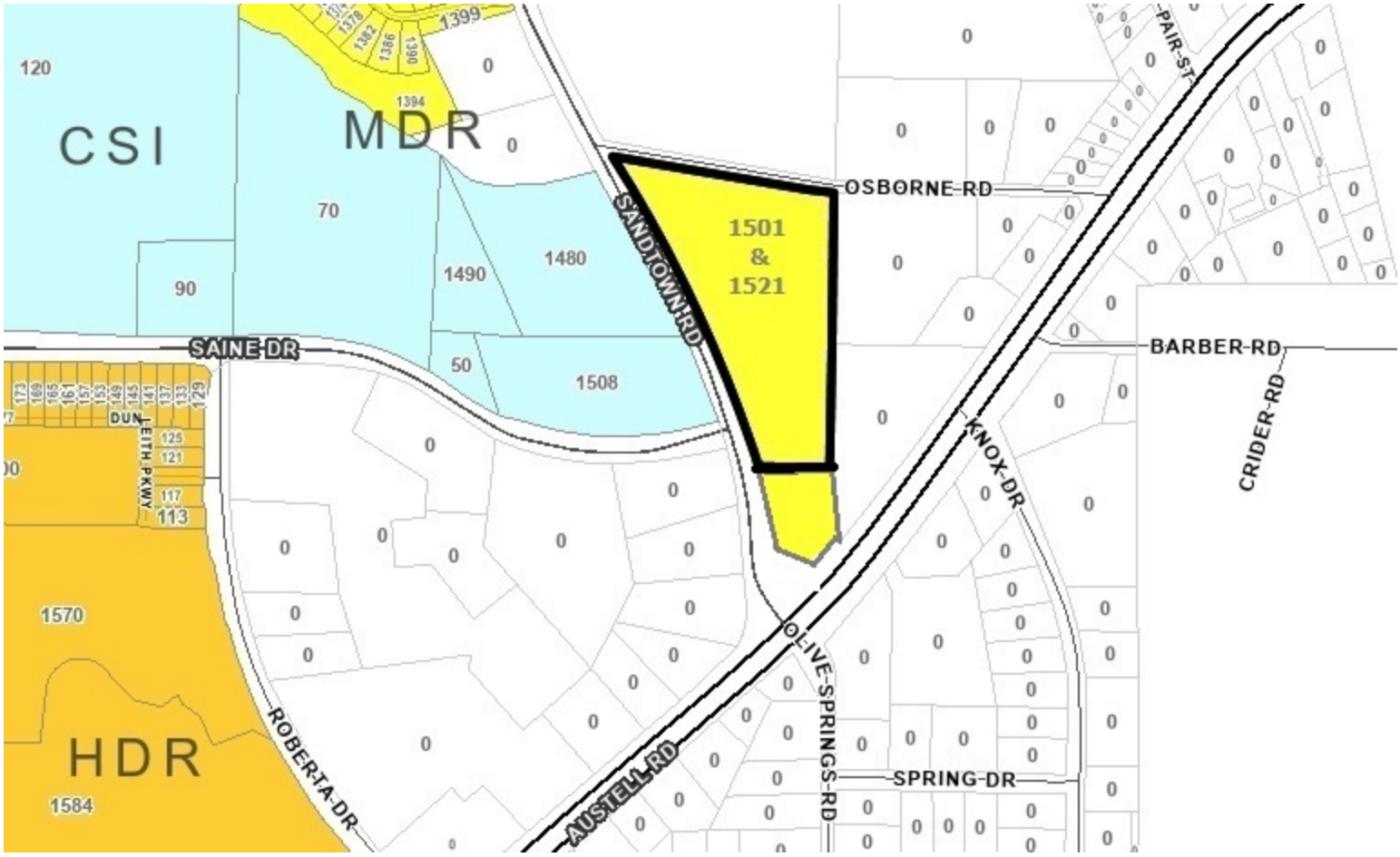
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1521 SANDTOWN RD	17020800010	4.244	3A		MDR
1501 SANDTOWN RD	17020900810	0.674	3A		MDR

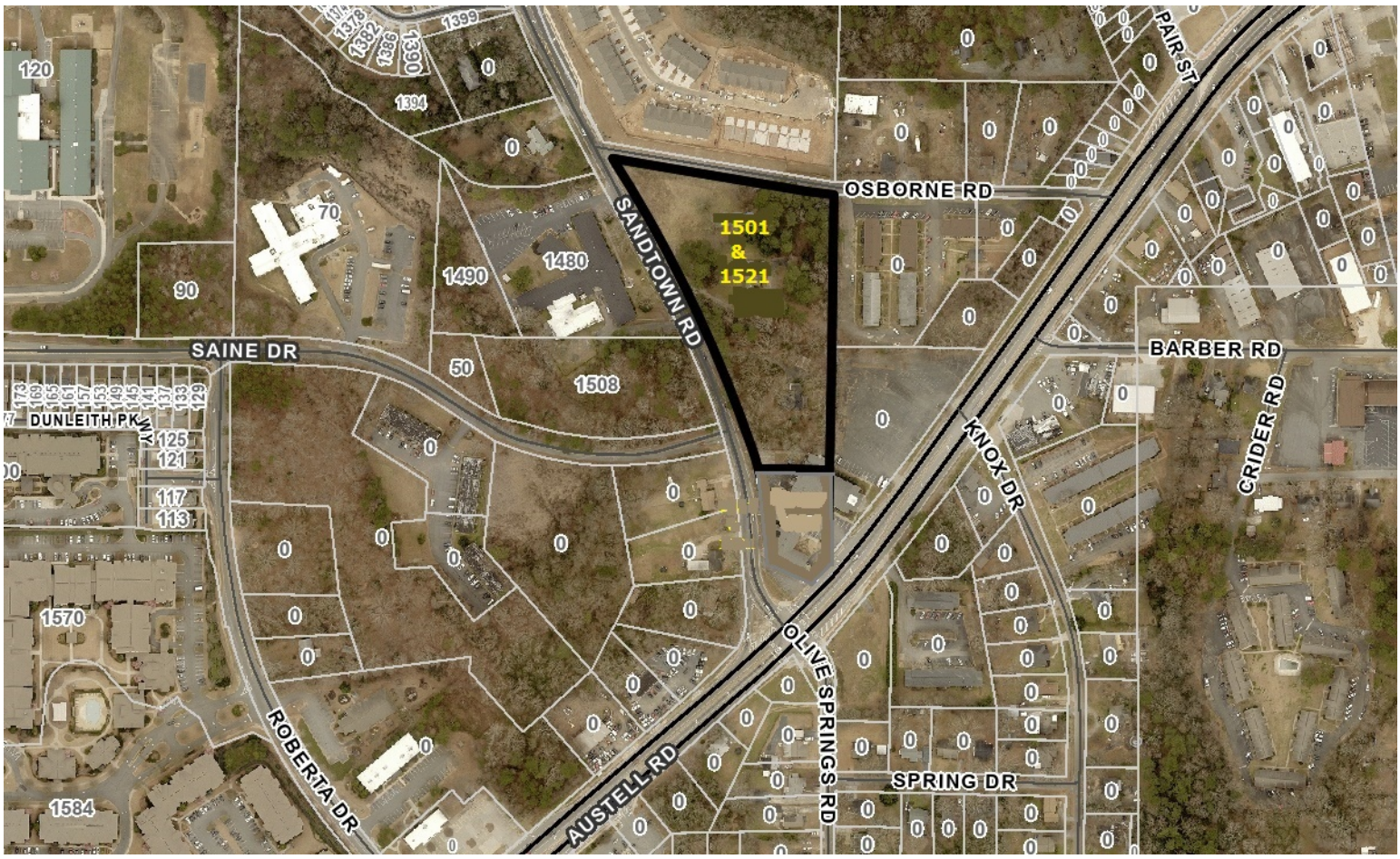
Planning Commission Hearing Date:	03/03/2020
City Council Hearing Date:	03/11/2020
Future Land Use:	MDR
Case Number:	Z2020-10
Comments:	

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
1521 SANDTOWN RD	17020800010	4.244	3A		MDR
1501 SANDTOWN RD	17020900810	0.674	3A		MDR

Property Owner: 20 Holdings, LLC

Applicant:

City Council Hearing Date: 03/11/2020

Planning Commission Hearing Date: 03/03/2020

BZA Hearing Date: Case Number: Z2020-10

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

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LEGEND

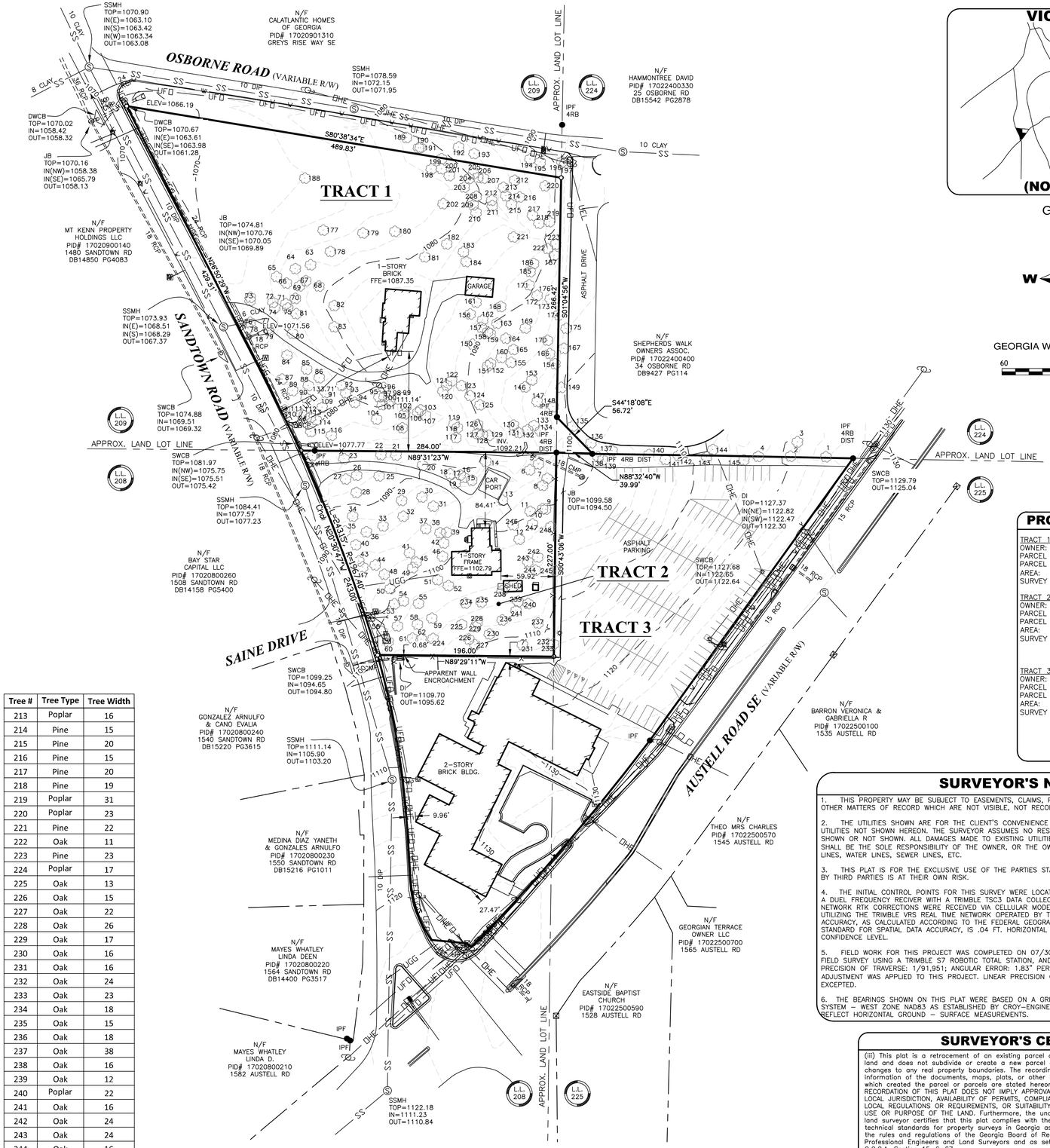
- BOUNDARY
- ADJ. BOUNDARY
- BUILDING
- WALL
- WOODS LINE
- FENCE
- SAN. SEWER LINE
- LAND LOT LINE
- STORM SEWER LINE
- JUNCTION BOX
- SINGLE WING C.B.
- DOUBLE WING C.B.
- DROP INLET
- SAN. SEWER MANHOLE
- FIRE HYDRANT
- WATER METER
- IRRIG. CONTROL VALVE
- WATER VALVE
- FIRE DEPT. CONNECTION
- SPRINKLER HEAD
- GAS VALVE
- TELE. PEDESTAL
- ELECTRIC BOX
- ELECTRIC METER
- PULL BOX
- LIGHT POLE
- POWER POLE
- H/C PARKING
- BOLLARD
- MAIL BOX
- CLEAN OUT
- SIGN
- TREE
- REBAR FOUND
- IRON PIN SET (IPS)

Tree #	Tree Type	Tree Width
1	Oak	38
2	Oak	34
3	Oak	34
4	Redbud	12
5	Oak	30
6	Oak	20
7	Oak	12
8	Hickory	15
9	Oak	12
10	Oak	12
11	Hickory	24
12	Hickory	24
13	Hickory	36
14	Poplar	18
15	Hickory	26
16	Hickory	22
17	Hickory	26
18	Hickory	20
19	Hickory	18
20	Hickory	48
21	Hickory	27
22	Hickory	28
23	Pine	28
24	Hickory	35
25	Hickory	26
26	Hickory	18
27	Pine	25
28	Hickory	18
29	Hickory	26
30	Poplar	28
31	Hickory	20
32	Hickory	22
33	Hickory	15
34	Hickory	15
35	Hickory	12
36	Hickory	28
37	Poplar	30
38	Hickory	20
39	Hickory	24
40	Pine	30
41	Hickory	40
42	Hickory	36

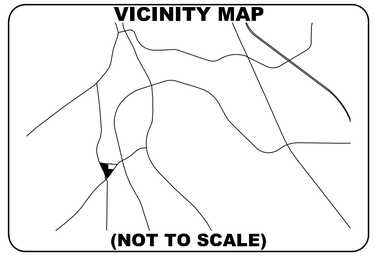
Tree #	Tree Type	Tree Width
43	Hickory	15
44	Hickory	12(X2)
45	Hickory	17
46	Hickory	17
47	Pine	19
48	Hickory	20
49	Hickory	20
50	Hickory	24
51	Oak	20
52	Hickory	22
53	Hickory	24
54	Hickory	12
55	Hickory	18
56	Hickory	14
57	Hickory	20
58	Hickory	30
59	Hickory	22
60	Hickory	15
61	Hickory	12
62	Hickory	24(X2)
63	Oak	20(X2)
64	Pine	22
65	Pine	30
66	Pine	12
67	Pine	20
68	Pine	22
69	Pine	22
70	Pine	30
71	Oak	18
72	Pine	24
73	Sweetgum	30(X2)
74	Pine	20
75	Hickory	28
76	Pine	24
77	Hickory	32
78	Oak	17
79	Poplar	26
80	Pine	28
81	Pine	26
82	Dogwood	13
83	Dogwood	12
84	Sweetgum	33
85	Poplar	28
86	Oak	21
87	Pine	26
88	Pine	18
89	Pine	15
90	Pine	24
91	Pine	20
92	Maple	16
93	Maple	12
94	Maple	35
95	Poplar	26
96	Oak	21
97	Poplar	24
98	Maple	15
99	Sweetgum	15
100	Poplar	17
101	Maple	15
102	Poplar	22
103	Sweetgum	15
104	Pine	20
105	Maple	18
106	Oak	20
107	Sweetgum	30
108	Pine	24
109	Pine	28
110	Oak	34
111	Oak	18
112	Pine	18
113	Pine	26
114	Oak	12
115	Oak	13
116	Pine	24
117	Maple	22
118	Poplar	25
119	Poplar	30
120	Pine	30
121	Pine	22
122	Sweetgum	20
123	Pine	16
124	Pine	16
125	Pine	24
126	Poplar	12
127	Poplar	26

Tree #	Tree Type	Tree Width
128	Poplar	20
129	Poplar	24
130	Poplar	32
131	Oak	12
132	Oak	17
133	Oak	22
134	Poplar	28
135	Oak	13
136	Oak	17
137	Oak	15
138	Elm	12
139	Poplar	30
140	Oak	15
141	Oak	15
142	Elm	13
143	Elm	12
144	Sweetgum	16
145	Elm	13
146	Poplar	26
147	Poplar	23
148	Oak	20
149	Oak	34
150	Pine	22
151	Oak	12
152	Pine	18
153	Poplar	24
154	Oak	15
155	Oak	12
156	Pine	24
157	Pine	26
158	Sweetgum	18
159	Pine	20
160	Pine	22
161	Sweetgum	23
162	Pine	14
163	Pine	16
164	Oak	18
165	Pine	22
166	Poplar	18
167	Oak	13
168	Oak	19
169	Sweetgum	37
170	Poplar	27
171	Pine	16
172	Pine	15
173	Pine	21
174	Pine	27
175	Sweetgum	18
176	Sweetgum	16
177	Oak	34
178	Oak	12
179	Dogwood	12
180	Magnolia	28
181	Magnolia	25
182	Pine	22
183	Pine	18
184	Pine	19
185	Pine	18
186	Pine	15
187	Pine	24
188	Oak	31
189	Maple	14
190	Sweetgum	29
191	Maple	28
192	Pine	14
193	Pine	17
194	Maple	16
195	Poplar	27
196	Oak	19
197	Oak	19
198	Pine	31
199	Pine	16
200	Pine	21
201	Oak	15
202	Pine	28
203	Pine	15
204	Pine	17
205	Pine	14
206	Pine	14
207	Poplar	18
208	Pine	13
209	Poplar	19
210	Pine	22
211	Poplar	23
212	Pine	15

Tree #	Tree Type	Tree Width
213	Poplar	16
214	Pine	15
215	Pine	20
216	Pine	15
217	Pine	20
218	Pine	19
219	Poplar	31
220	Poplar	23
221	Pine	22
222	Oak	11
223	Pine	23
224	Poplar	17
225	Oak	13
226	Oak	15
227	Oak	22
228	Oak	26
229	Oak	17
230	Oak	16
231	Oak	16
232	Oak	24
233	Oak	23
234	Oak	18
235	Oak	15
236	Oak	18
237	Oak	38
238	Oak	16
239	Oak	12
240	Poplar	22
241	Oak	16
242	Oak	24
243	Oak	24
244	Oak	16
245	Oak	20
246	Hickory	24
247	Poplar	16
248	Poplar	17



VICINITY MAP



(NOT TO SCALE)

GRID NORTH

N W E S

GEORGIA WEST ZONE - NAD 83 (2011)

60 0 60 120

SCALE IN FEET
1" = 60

SHEET NO. 1 OF 1

No.	REVISION	Date
1	INITIAL ISSUE	08/09/19

Project No.	2090.001
Field Surveyed:	01/30/19
Drawn By:	AA
Checked By:	AJM
Date of Plat:	08/09/19
Scale:	1" = 60'

PROPERTY INFORMATION

TRACT 1
OWNER: 20 HOLDINGS LLC
PARCEL ID: 17020900810
PARCEL ADDRESS: 1501 SANDTOWN RD.
AREA: 129,076 SQ.FT./2.96 AC.
SURVEY REFERENCES: DB 15484, PG 505

TRACT 2
OWNER: CHANDLER TERRY
PARCEL ID: 17020800010
PARCEL ADDRESS: 1521 SANDTOWN RD.
AREA: 53,854 SQ.FT./1.24 AC.
SURVEY REFERENCES: DB 14235, PG 5722
DB 6922, PG 337
PG 3, PG 181

TRACT 3
OWNER: EASTSIDE BAPTIST CHURCH
PARCEL ID: 17020800020
PARCEL ADDRESS: 1528 AUSTELL RD.
AREA: 126,359 SQ.FT./2.90 AC.
SURVEY REFERENCES: DB 15628, PG 2259
DB 15317, PG 4960
DB 15634, PG 5592
AS BUILT SURVEY BY SOLAR LAND SURVEYING CO., DATED 12/17/15

SURVEYOR'S NOTES

1. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF RECORD WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED.

2. THE UTILITIES SHOWN ARE FOR THE CLIENT'S CONVENIENCE ONLY – THERE MAY BE OTHER UNDERGROUND UTILITIES NOT SHOWN HEREON. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN. ALL DAMAGES MADE TO EXISTING UTILITIES BY THE OWNER OR THE OWNER'S AGENT, SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER, OR THE OWNER'S AGENT; I.E. UNDERGROUND TANKS, GAS LINES, WATER LINES, SEWER LINES, ETC.

3. 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.

4. THE INITIAL CONTROL POINTS FOR THIS SURVEY WERE LOCATED UTILIZING GPS. THE EQUIPMENT USED WAS A DUEL FREQUENCY RECIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RUNNING TRIMBLE ACCESS SOFTWARE. NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE TYPE OF SURVEY WAS NETWORK RTK UTILIZING THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY TRIMBLE VRS NOW. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .04 FT. HORIZONTAL AND .07 FT VERTICAL AT THE 95% CONFIDENCE LEVEL.

5. FIELD WORK FOR THIS PROJECT WAS COMPLETED ON 07/30/2019. THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A TRIMBLE S7 ROBOTIC TOTAL STATION, AND TRIMBLE TSC3 DATA COLLECTOR. LINEAR PRECISION OF TRAVERSE: 1/91,951; ANGULAR ERROR: 1.83" PER POINT. THE COMPASS RULE TRAVERSE ADJUSTMENT WAS APPLIED TO THIS PROJECT. LINEAR PRECISION OF THIS PLAT: 1/575,597. MATTERS OF TITLE EXCEPTED.

6. THE BEARINGS SHOWN ON THIS PLAT WERE BASED ON A GRID NORTH GEORGIA STATE PLANE COORDINATE SYSTEM – WEST ZONE NAD83 AS ESTABLISHED BY CROY–ENGINEERING LLC. DISTANCES AND AREAS SHOWN REFLECT HORIZONTAL GROUND – SURFACE MEASUREMENTS.

SURVEYOR'S CERTIFICATION

(iii) This plat is a retracement of an existing parcel of 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 REGISTERED No. 3284 LAND SURVEYOR ANDREW J. MORGAN

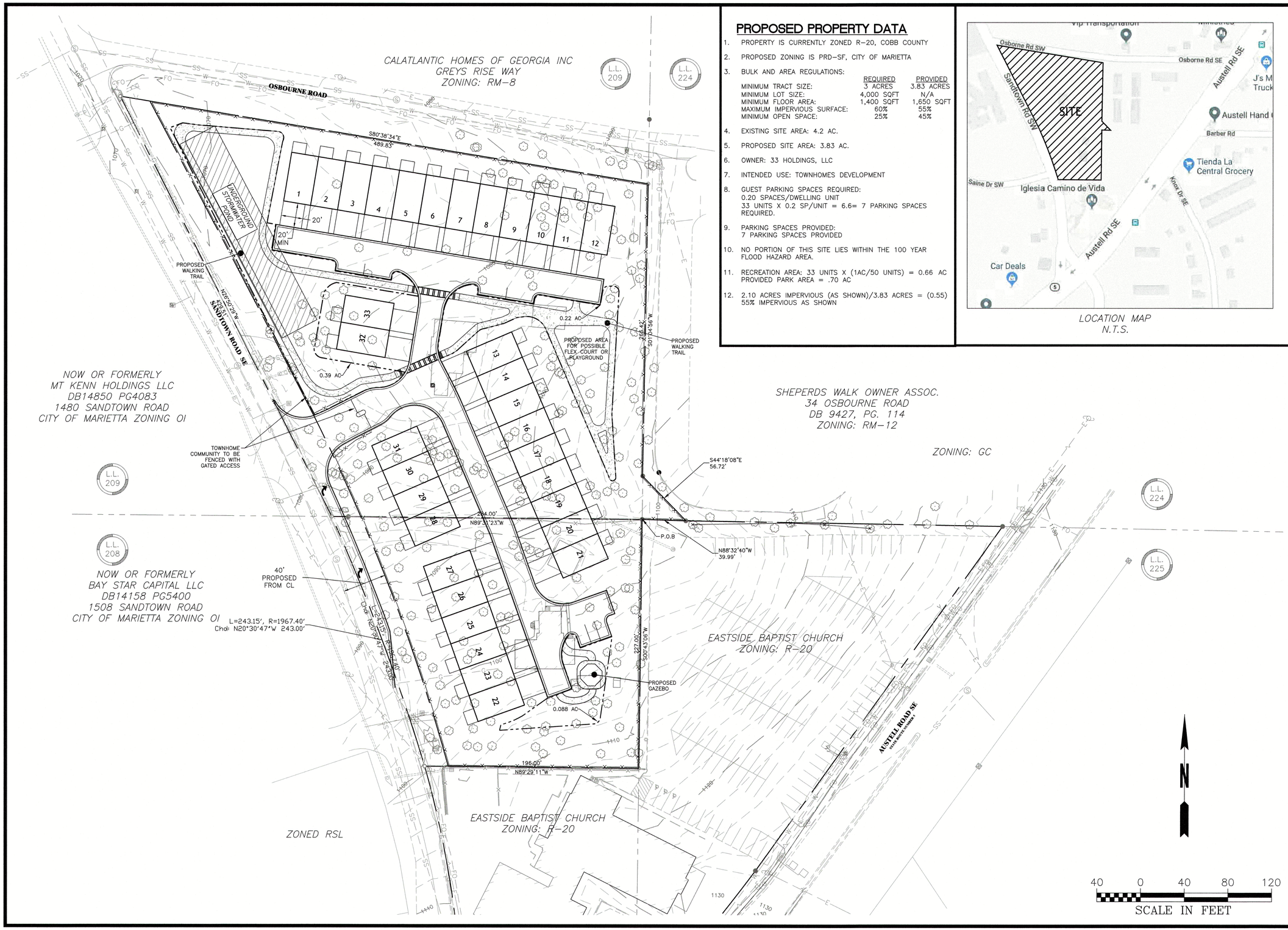
08/09/2019
DATE

ANDREW J. MORGAN PROFESSIONAL SURVEYOR
REGISTRATION NO. 3284
CERTIFICATE OF AUTHORIZATION NO. LSF000878

CROY
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

RETRACEMENT & TOPOGRAPHIC SURVEY FOR: 33 HOLDINGS

LAND LOTS 208, 209, 224 & 225 OF THE 17TH DISTRICT
COBB COUNTY, GEORGIA



PROPOSED PROPERTY DATA

1. PROPERTY IS CURRENTLY ZONED R-20, COBB COUNTY
2. PROPOSED ZONING IS PRD-SF, CITY OF MARIETTA
3. BULK AND AREA REGULATIONS:

	REQUIRED	PROVIDED
MINIMUM TRACT SIZE:	3 ACRES	3.83 ACRES
MINIMUM LOT SIZE:	4,000 SQFT	N/A
MINIMUM FLOOR AREA:	1,400 SQFT	1,650 SQFT
MAXIMUM IMPERVIOUS SURFACE:	60%	55%
MINIMUM OPEN SPACE:	25%	45%

4. EXISTING SITE AREA: 4.2 AC.
5. PROPOSED SITE AREA: 3.83 AC.
6. OWNER: 33 HOLDINGS, LLC
7. INTENDED USE: TOWNHOMES DEVELOPMENT
8. GUEST PARKING SPACES REQUIRED:
   0.20 SPACES/DWELLING UNIT
   33 UNITS X 0.2 SP/UNIT = 6.6= 7 PARKING SPACES REQUIRED.
9. PARKING SPACES PROVIDED:
   7 PARKING SPACES PROVIDED
10. NO PORTION OF THIS SITE LIES WITHIN THE 100 YEAR FLOOD HAZARD AREA.
11. RECREATION AREA: 33 UNITS X (1AC/50 UNITS) = 0.66 AC
    PROVIDED PARK AREA = .70 AC
12. 2.10 ACRES IMPERVIOUS (AS SHOWN)/3.83 ACRES = (0.55)
    55% IMPERVIOUS AS SHOWN

LOCATION MAP
N.T.S.

CROY
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF CROY ENGINEERING, LLC, NOR ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

Plot Scale: 1"=40' Drawing Rotation: 359.8° Plot Style: Design.ctb Plotted By: Kelly Knetzger on 1/20/2020, 3:26 PM

SANDTOWN TOWNHOMES

PROJECT PHASE

LAND LOT(S) 208 & 209
OF THE 17TH DISTRICT
CITY OF MARIETTA, COBB COUNTY, GEORGIA

NOT ISSUED FOR CONSTRUCTION

NO.	REVISION REFERENCE	DATE
3	REV. PER ANNEX CITY OF MARIETTA	1/20/2020
2	REV. PER PLANNING COM. COMMENTS	10/31/19
1	REV. PER CLIENT REVISIONS	9/17/19

SEAL
GEORGIA REGISTERED No. 0017644 PROFESSIONAL ENGINEER KELLY KNETZGER
1-20-2020

GSWCC CERT #14353

SHEET TITLE
ZONING SITE PLAN

DRAWN BY	CHECKED BY
ORG	KAK
SCALE	ISSUE DATE
1"=40'	11/13/2019

PROJECT NUMBER
2090.001

DRAWING NUMBER
Z1
SHEET 1 of 1

Drawing Location: P:\Marietta\2090 33 Holdings\2090.001 1501 and 1502 Sandtown Road and 1538 Austell Road Project\Engineering\Design\2090.001 Design.dwg

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

STAFF REVIEW

Variance Case #: V2020-09 Legistar #: 20200037

City Council Hearing: Wednesday, March 11th, 2020 – 7:00 p.m.

Property Owner: Carlson Construction Services, LLC
770 Pickens Industrial Drive
Marietta, GA 30062

Agent: Kevin Moore, Esq.
Moore, Ingram, Johnson & Steele, LLP
326 Roswell Street
Marietta, GA 30060

Address: 27 North Fairground Street & 546 Washington Avenue

Land Lots: 1215 & 1234 District: 16 Parcels: 0600 & 0580

Council Ward: 5A Existing Zoning: CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to eliminate the 10' planted border along Rock Street. [*§712.08 G.2.a*]
2. Variance to reduce the setback on Rock Street from 40' to 1'. [*§708.16 H.*]
3. Variance to reduce the southern side setback for the new building from 15' to 3'. [*§708.16 H*]
4. Variance to reduce the northern side setback for the new building from 15' to 3'. [*§708.16 H*]
5. Variance to increase the impervious surface from 96% to 98%. [*§708.16 H*]

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 frontage on North Fairground Street

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

Subject property looking west from North Fairground Street

Warehouse to be demolished (view from Rock Street)

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

Rock Street frontage

Staff Review:

Carlson Construction Services is requesting variances for properties located at 27 North Fairground Street and 546 Washington Avenue, which were recently acquired from Bellsouth Telecommunications LLC. This location is near the intersection of North Fairground Street and Roswell Street and is located within the Commercial Corridor Design Overlay - Tier A. The subject property and all surrounding properties are zoned CRC (Community Retail Commercial). Adjacent uses include a retail paint store, a veterinary office, a shopping center, and a legally nonconforming residence. The subject property has road frontage along Rock Street, Washington Avenue, and North Fairground Street but only has vehicular access from North Fairground Street.

Bellsouth used this location for offices and parking utility contractor vehicles according to historical aerial images. Carlson Construction Services, an electrical contracting company, has been operating out of a facility at 770 Pickens Industrial Drive, zoned Light Industrial, and presumably wishes to use the property as Bellsouth did. The submitted application indicates the removal of a one-story building and canopy near the center of the 1.371 acre site. A 65'x102' building is proposed to be constructed at the rear of the property, one (1) foot from the Rock Street right of way.

The site plan, as submitted, would require multiple variances for building setbacks, as well as the elimination of the required 10' planted border along Rock Street. The building location appears to be shown without any regard to the existing features on the site, i.e. there is a retaining wall that is between 9' and 15' from the Rock Street right of way. It is unclear whether the applicant's intention is to demolish the wall and push the building as close to Rock Street as possible. In

addition, the demolition of the wall to locate the building very close to Rock Street would also increase the amount of impervious surface on a site that is almost completely paved.

Other issues may arise due to the lack of information provided by the applicant. If construction costs incurred within a one-year period exceed 50% of the existing building's replacement value ($265,384 according to the Cobb County Tax Assessor), then the entire site must come into compliance with all zoning regulations. This may also trigger requirements from other departments, such as the Fire Department and Public Works Engineering.

As mentioned previously, this property is also located within the Commercial Corridor Design Overlay – Tier A. Exceeding this threshold would require the Overlay standards to be met, or additional variances granted. It should be noted that the applicant has already received a permit (BP19-4066), issued in January 2020, to do interior renovations to the building along North Fairground Street. The construction cost indicated on the building permit is $125,000. Thus, the applicant is already at 47% of the allowable 50% threshold.

Building elevations have not been provided. However, metal is prohibited as an exterior material on sides of the building facing a roadway. If the site is evaluated under the Commercial Corridor Design Overlay – Tier A, many other architectural features will be required.

The following are additional comments from the reviewing divisions:

Planning & Zoning Comments

- 546 Washington Avenue is currently a separate tax parcel that does not meet the minimum lot size for CRC (20,000 sq. ft.) and will need to be combined with the larger parcel to be functional.

Transportation Comments

- Request donation of right of way 25' from CL on along Washington and 20' from CL on Rock St.
- ROW not shown correctly at SE corner of parcel at Fairground.

Fire Comments

- Proposed new building will need to be protected throughout with an approved automatic sprinkler system. NFPA 13 (2019 edition) with DDCV, remote PIV and FDC.

Public Works Engineering

- Rotating the building 90 degrees would fit inside the existing setbacks. Replacing the 1 story block building with the 6500SF building will require compliance with the storm water management ordinance.

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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 #: V2020-09 **Legistar #:** 20200037 **BZA Hearing Dt:** –

City Council Hearing Dt (if applicable) #: 03/11/2020 **PZ #:** 20-25

This is a variance/appeal application for:

[ ] **Board of Zoning Appeals** [X] **City Council**

*Owner's Name Carlson Construction Services, LLC

EMAIL Address: dswales@carlsoncs.com

Mailing Address 770 Pickens Industrial Drive Zip Code: 30062 Phone Number (770) 732-0054

*Applicant/Owner's Representative – J. Kevin Moore – Moore Ingram Johnson & Steele, LLP

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 546 Washington Avenue 27 North Fairground Street Date of Acquisition: 07/26/2019

Land Lot (s) 12150 ~~12340~~ District 16 Parcel 0580 0600 Acreage 1.3995± Zoned CRC Ward 5A FLU: CAC

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

See Attached Exhibit "B"

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

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE
(Page Two of Three)

Application No.: _____
Legistar No.: _____
Hearing Date: **March 11, 2020**

Applicant/Property Owner: **Carlson Construction Services, LLC**

MOORE INGRAM JOHNSON & STEELE, LLP

BY: _____
J. Kevin Moore
Georgia Bar No. 519728

Attorneys for Applicant/Property Owner

Date Executed: January 13, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires: January 10, 2023

[Notary Seal]

CAROLYN E. COOK NOTARY PUBLIC Exp. Jan. 10, 2023 COBB COUNTY, GA.

Applicant/Property Owner Address:

Carlson Construction Services, LLC
770 Pickens Industrial Drive
Marietta, Georgia 30062
(770) 732-0054 (Office)
(770) 732-0907 (Telefax)
E-mail: dswales@carlsoncs.com

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: _____
Legistar No.: _____
Hearing Date: **March 11, 2020**

Applicant/Property Owner: Carlson Construction Services, LLC

Listing of Requested Variance(s) and Statement of Hardship:

The property which is the subject of the Application for Variance is located at 27 N. Fairground Street and 546 Washington Avenue (hereinafter collectively "Property" or "Subject Property") and is currently zoned Community Retail Commercial ("CRC"). Applicant desires to remove an existing structure and accessory to the structure and construct a new building, as shown on the Site Plan filed with the Application for Variance. Due to the size, location, and current zoning of the Subject Property, variances are required to ensure Applicant's plans for construction of the proposed building can be accomplished. Therefore, Applicant seeks the following variances:

(1) Waiver of required side setback (along northerly property line) from required 15 feet to 3.0 feet;
(2) Waiver of required side setback (along southerly property line) from required 15 feet to 3.4 feet; and
(3) Waiver of required rear setback (along easterly property line adjacent to Rock Street) from the required 35 feet to 1 foot.

If the Ordinances related to the above requested variances which govern the Subject Property are strictly adhered to, Applicant/Property Owner would be unable to reasonably or economically construct the proposed building on the Property, as zoned.

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **February 21st, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF 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, March 11th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC is requesting variances for property located in Land Lots 1215 & 1234, District 16, Parcels 0600 & 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 27 North Fairground Street and 546 Washington Avenue. Variance to eliminate the 10' planted border along Rock Street; variance to reduce the front yard building setback on Rock Street from 40' to 1'; variance to reduce the southern side yard building setback for the new building from 15' to 3'; variance to reduce the northern side yard building setback for the new building from 15' to 3'; variance to increase the maximum impervious surface area from 96% to 98%. Ward 5A.

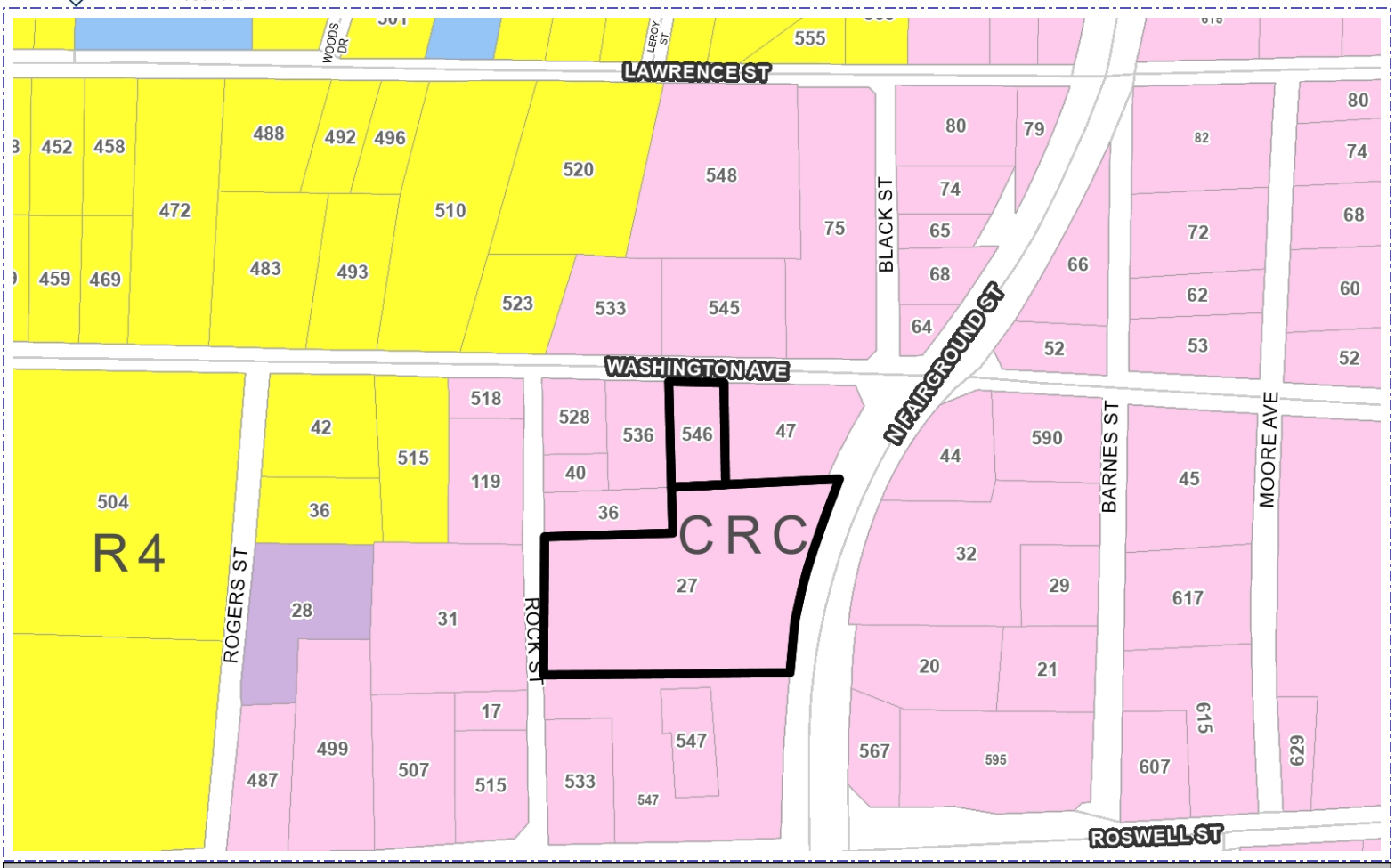
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information 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 the 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*
546 WASHINGTON AVE	16121500580	0.189	5A	CRC	CAC
27 N FAIRGROUND ST	16121500600	1.46	5A	CRC	CAC

Property Owner: Carlson Construction Services

Applicant:

City Council Hearing Date: 03/11/2020

Acquisition Date:

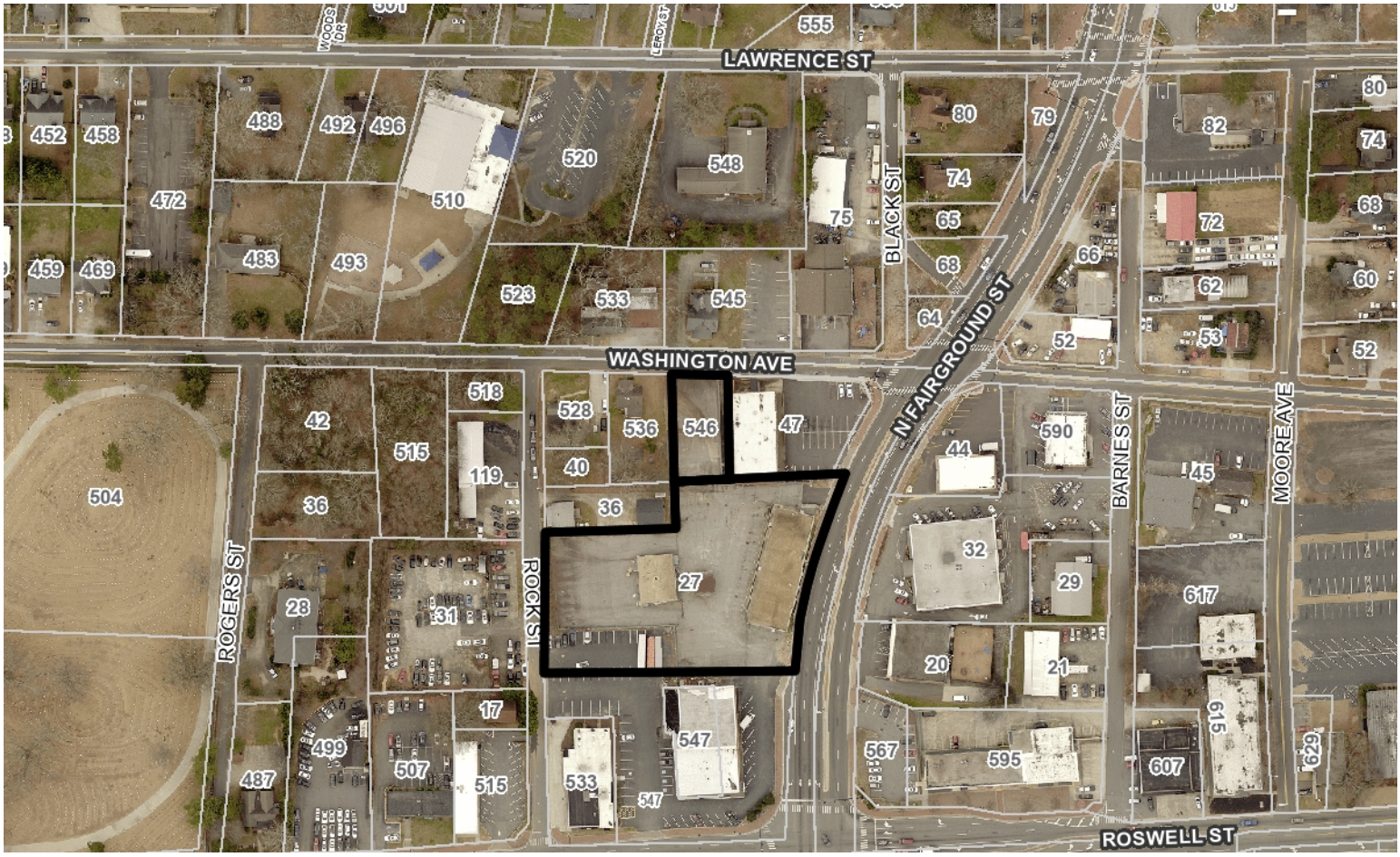
Case Number: V2020-09

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

Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
546 WASHINGTON AVE	16121500580	0.189	5A	CRC	CAC
27 N FAIRGROUND ST	16121500600	1.46	5A	CRC	CAC

Property Owner: Carlson Construction Services

Applicant:

City Council Hearing Date: 03/11/2020

Planning Commission Hearing Date:

BZA Hearing Date: Case Number: V2020-09

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

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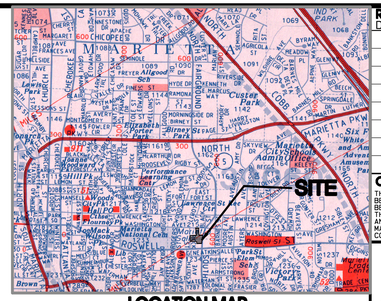
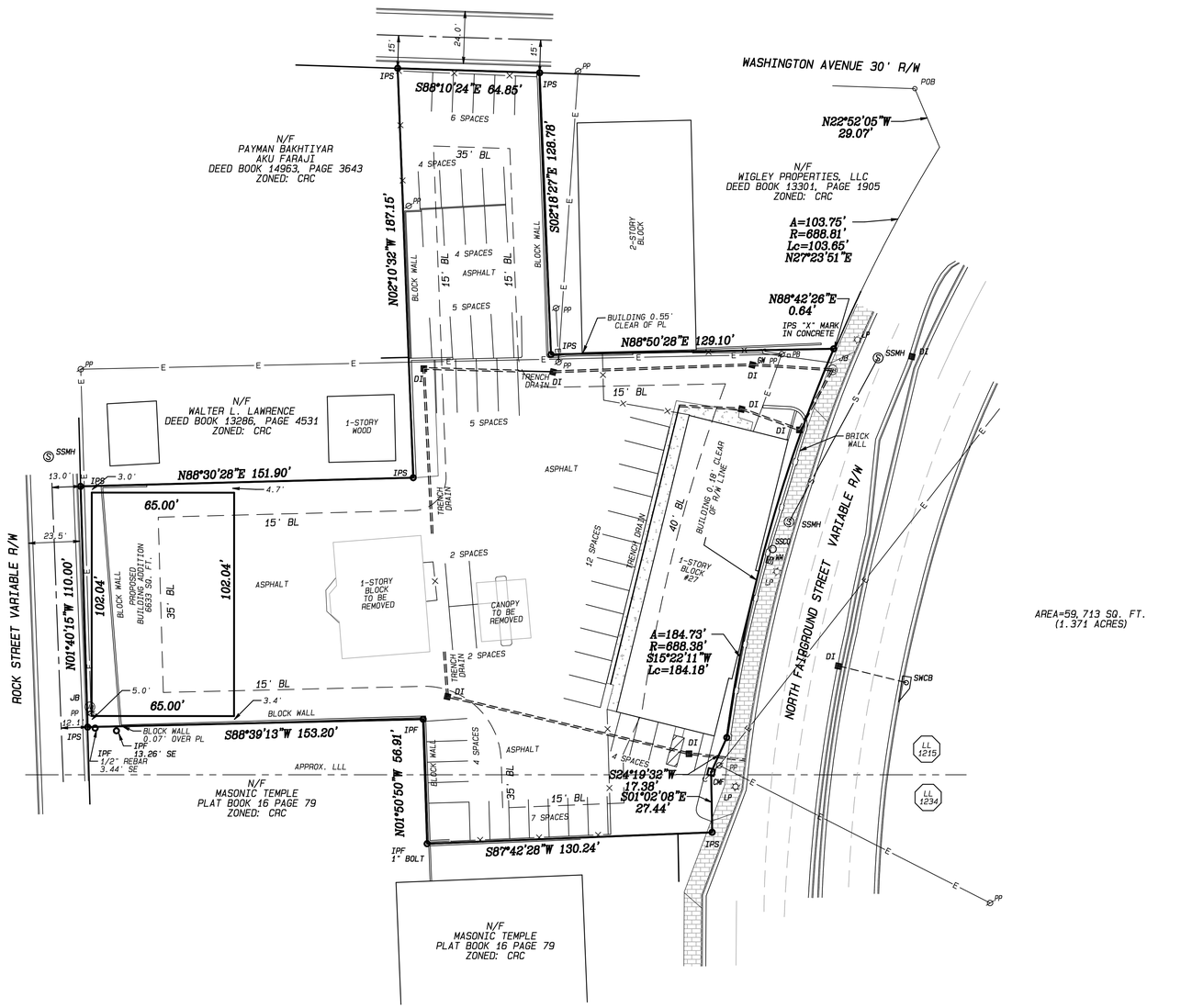
CURRENT ZONING: CRC
SETBACKS:
FRONT (ARTERIAL): 40'
FRONT (LOCAL): 35'
SIDE: 15'
REAR: 35'

ADDITIONAL IMPERVIOUS AREA PROPOSED: 867 SQ. FT.



LOCATION MAP

SCALE: 1" = 2000'
REF: ATLANTA AERO ATLAS METROPOLITAN SERIES
OCTOBER 2016-OCTOBER 2017



SURVEY NOTES:

1. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN 1 FOOT IN 537,814 FEET.
2. 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 AND WAS ADJUSTED USING THE COMPASS RULE
3. EQUIPMENT = SOKKIA IX SERIES ROBOTIC STATION
4. DATE OF SURVEY: 05-20-19
5. I HAVE, THIS DATE, EXAMINED THE OFFICIAL FIA FLOOD HAZARD MAP COMMUNITY NUMBER 130226, PANEL 010BJ, DATED 3/4/2013, AND HAVE DETERMINED THAT THIS PROPERTY IS NOT LOCATED IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
6. #4 REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

SURVEY REFERENCES:

1. DEED TO NS-MPG INC. DATED JANUARY 31, 1996 AND BEING RECORDED IN DEED BOOK 9454 PAGE 525.
2. RIGHT -OF-WAY DEED FROM BELLSOUTH TELECOMMUNICATIONS, INC. AND THE CITY OF MARIETTA, DATED FEBRUARY 28, 2002, AND BEING RECORDED IN DEED BOOK 13526, PAGE 2109.
3. PLAT OF JOE B. HARRIS ESTATED IN PLAT BOOK 6, PAGE 90.
4. PLAT OF SOU. BELL TEL. & TEL. CO. RECORDED IN PLAT BOOK 11 PAGE 127.
5. PLAT OF SOU. BELL TEL. & TEL. CO. RECORDED IN PLAT BOOK 11 PAGE 128.
6. PLAT OF MASONIC LODGE RECORDED IN PLAT BOOK 16, PAGE 79
7. SKETCH OF RIGHT OF WAY & EASEMENTS PREPARED FOR CITY OF MARIETTA, BEING PREPARED BY CROY ENGINEERING, BEING LAST REVISED 02/11/15.
8. MAINLINE PLAN OF NORTH FAIRGROUND STREET IMPROVEMENTS FOR CITY OF MARIETTA, BEING PREPARED BY CROY ENGINEERING, LAST REVISED 12/01/15.

ABBREVIATION LEGEND

A	ARC DISTANCE
B/L	BUILDING LINE
CMP	CORRUGATED METAL PIPE
D.B.	DEED BOOK
FH	FIRE HYDRANT
GW	GUY WIRE
IPF	IRON PIN FOUND
IPS	IRON PIN SET
INV	INVERT ELEVATION
Lc	CHORD LENGTH
L L	LAND LOT
L.L.L.	LAND LOT LINE
N/F	NOW OR FORMERLY
OTP	OPEN TOP PIPE
PG.	PAGE
P.O.B.	POINT OF BEGINNING
PP	POWER POLE
R	RADIUS
R/W	RIGHT-OF-WAY
S.F.	SQUARE FEET
SSMH	SANITARY SEWER MANHOLE
WM	WATER METER

SYMBOL LEGEND

- Guy Wire
- Fire Hydrant
- Drop Inlet
- Water Meter
- Water Vavle
- Power Pole
- Sanitary Sewer Manhole
- Water Line
- Sanitary Sewer Line
- Overhead Power Line
- Fence

IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

GRAPHIC SCALE 1"=30'
0 30 90 90

REVISION RECORD

DATE	PURPOSE

COPYRIGHT
THIS DRAWING IS THE PROPERTY OF THE BELOW REFERENCED FIRM AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT NAMED HEREIN, AND CANNOT BE REPRODUCED IN ANY MANNER WITHOUT THE EXPRESS WRITTEN CONSENT OF THE FIRM.

BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING/PLANNING
SUBDIVISION & COMMERCIAL SITE DESIGN
950 WEST SANDTOWN ROAD
MARIETTA, GEORGIA 30064
(678) 483-0242

GEORGIA REGISTERED No. 2498 R. BRIAN BETTERTON

DECEMBER 31, 2019

PROPOSED IMPROVEMENTS
27 NORTH FAIRGROUND STREET

LOCATED IN:
LAND LOTS 1215 & 1234
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA, CITY OF MARIETTA
PREPARED FOR:
DAVID SWALES

DRAWN BY	RBB
CHECKED BY	RBB
SCALE	1" = 30'
DATE	DECEMBER 31, 2019
FILE NUMBER:	19121.PRO
JOB NUMBER	19121
SHEET NUMBER	1 OF 1

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

STAFF REVIEW

Variance Case #: **V2020-11** **Legistar #: 20200072**

City Council Hearing: Wednesday, March 11th, 2020 – 7:00 p.m.

Property Owners: **B.A. Stoner & Dale S. Stoner**
3306 Pinetree Drive
Smyrna, GA 30080

Sue Bishop Davis
527 N. St. Mary's Ln
Marietta, GA 30064

Applicant: **RaceTrac Petroleum, Inc.**
200 Galleria Pkwy
Atlanta, GA 30339

Agent: **Adam Rozen, Esq. – Garvis, Sam's, Larkin & Huff**
376 Powder Springs Street
Suite 100
Marietta, GA 30064

Addresses: **695 Powder Springs Street & 701 Sandtown Road**

Land Lot: 0214 **District: 17** **Parcels: 00710 & 00220**

Council Ward: 1A **Existing Zoning: CRC (Community Retail Commercial)**

Special Exception / Special Use / Variance(s) Requested:

1. Variance to waive the Commercial Corridor Overlay District Tier B's site design mandatory element "*75-foot maximum front setback from the building to the property line along any public street*". [§712.09 (G.2.b.i)]
2. Variance to increase the sign face area for a monument sign on a collector road (Sandtown Road) from 50 square feet to 100 square feet. [§714.04 (F.3) Table H]
3. Variance to increase the sign face area for a monument sign on an arterial road (Powder Springs Street) from 90 square feet to 100 square feet. [§714.04 (F.3) Table H]
4. Variance to increase the sign height for a monument sign on a collector road (Sandtown Road) from 10 feet to 15 feet. [§714.04 (F.3) Table H]
5. Variance to allow the digital sign area to exceed 50% of the total sign face. [§714.04 (F.4.c)]
6. Variance to allow digital signs within 200 feet of residential property. [§714.04 (F.4.a)]

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

Statement of Fact

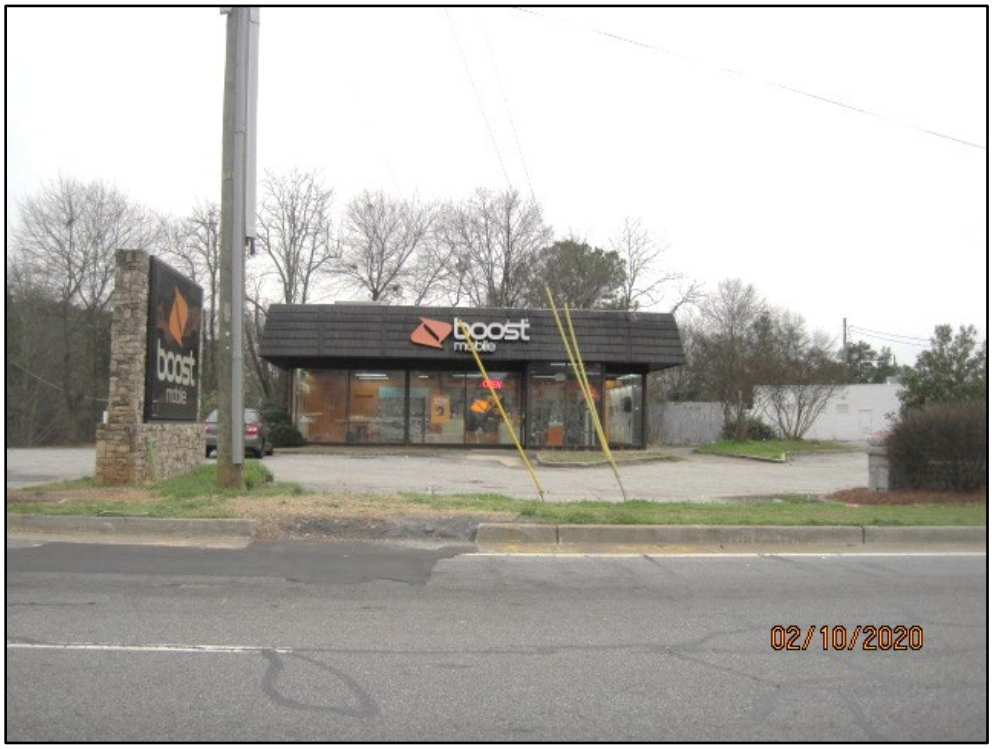
As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, 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.

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

695 Powder Springs Street



701 Sandtown Road

3-sided curb facing Powder Springs Street, Sandtown Road, & Davis Circle

Frontage along Davis Circle

Staff Review:
The applicant, RaceTrac, represented by Adam J. Rozen, is requesting variances at 695 Powder Springs Street and 701 Sandtown Road. The properties combined total approximately 2.736 acres and are zoned CRC (Community Retail Commercial). The subject properties have frontage along three road frontages: Powder Springs Street, Sandtown Road, and Davis Lane. All other surrounding properties are also zoned CRC, except the properties to the ease that are zoned R-20 within Cobb County. The applicant intends to build a RaceTrac gas station and convenience store facing Powder Springs Street.

Maximum Setback
The subject properties are within the Commercial Corridor Overlay District – Tier B, which requires new developments to meet all mandatory elements and a minimum of 50% of the total possible optional elements. Although the site is to be developed similar to other RaceTrac sites in the area and the QuikTrip across Powder Springs Street, the proposed project does not meet the maximum 75-foot building setback required by the Tier B regulations. The purpose of a maximum building setback, instead of a minimum building setback, is to locate the building closer to the road to enhance the visual character of the corridor. The subject property has frontage along three public roads and the building is shown to be more than 75-feet from Powder Springs Street and Sandtown Road. The building is approximately 150 feet from Powder Springs Street and over 200 feet from Sandtown Road. The project is expected to meet all other requirements of the Overlay

District. Therefore, the applicant is requesting to waive the following mandatory element of the overlay:

- *A 75-foot maximum front setback from the building to the property line along any public street. [§712.09 (G.2.b.i)]*

The following are projects that have received variances to waive (or increase) the maximum setback required by the Overlay District:

Case #	Project	Address	Variance
V2009-08	QuikTrip	600 South Marietta Parkway	75' to 131'
V2012-28	QuikTrip	720 Powder Springs Street	Waived
V2013-38	Zaxby's	591 South Marietta Parkway	Waived
V2013-40	QuikTrip	692 & 696 Powder Springs Street	Waived
V2018-38	McDonald's	778 Whitlock Avenue	75' to 83'
V2019-21	Lidl	670 Whitlock Avenue	75' to 125'

Signage

The applicant is proposing to build a new monument sign along the frontages of both Powder Springs Street and Sandtown Road. Although the applicant has not submitted any drawings of the signs, the site plan indicates both signs to be "*100 sq. ft. LED, price logo sign, 15' to top of sign*." The allowable height and sign face area for monument signs are determined by the road classification. Sandtown Road, a collector road, allows signs to be a maximum of 10 feet tall with 50 square feet of sign face area. A sign on Powder Springs Street, an arterial road, is limited to 15 feet in height and 90 square feet of sign face area. Thus, the applicant is requesting variances to exceed the allowable height for the sign on Sandtown Road and to exceed the sign face area for both monument signs.

The proposed signs will also contain digital LED gas prices. Digital signs have more regulations than static signs in order to minimize distractions for drivers and protect nearby residents from bright or varying lights. Digital signs are required to be located at least 200 feet from any residentially zoned property. The properties on the east side of Davis Circle are zoned R-20 in Cobb County and appear to be actively used as residences. Based on the locations of the signs on the site plans, the sign on Sandtown Road will be approximately 225 feet from residential property on Davis Circle. The sign on Powder Springs Street will be closer, at approximately 195 feet away, but could potentially be shifted to eliminate the need for the variance.

There is also a size limit for digital signs in that they may not be more than 50% of the total sign face area. For instance, if the applicant is proposing a 100 square foot sign face, then the digital component may not exceed 50 square feet. At this time, RaceTrac has not provided specific details other than to state that the digital area of the signs may exceed 50% of the sign face.

The QuikTrip across the street has received numerous sign variances in addition to having the maximum setback waived. The main freestanding QT sign was granted a variance to increase the allowable height from 15' to 16'4" in April 2014 (V2014-15). Other variances were also granted under V2013-40 to allow the existing billboard and freestanding sign for the Attic Self Storage (now Prime Storage) remain in place after the redevelopment of the site.

In addition to the variances necessary for the new development, it should be noted the Public Works Department is requesting a deceleration lane at the Powder Springs Street entrance due to the traffic volumes along Powder Springs Street and proximity to the signalized intersection. Adding a deceleration lane may require additional right of way donation and the relocation of street frontage improvements. However, GDOT requirements for improvements at Powder Springs Street may supersede the City requirements.

Additional comments from other departments are listed below. However, many of these issues can be addressed during the site development plan review process:

Transportation Comments

- 2-foot grass strip is not shown between the proposed sidewalk and Sandtown Road and Davis Lane; 2-foot grass strip is required and will require some right of way donation to at least 2 feet behind the sidewalk.
- Proposed temporary slope easement at Powder Springs Street at previously acquired eastern parcel (T-Mobile site) to be donated to the City.
- Request donation of ROW and easements for Powder Springs Street project at the remaining parcel.
- Remove non-ADA compliant curb widening for truck trailer tracking at radii. Replace with ADA compliant sidewalk or add ADA compliant sidewalk behind all textured concrete areas if the curb widening is needed. This applies to the entirety of all radii, not just at the location of sidewalk crossing (this comment is due to past complaints and pedestrian usage at other locations). The area appears to be a non-compliant sidewalk, even though it is not technically constructed to be a sidewalk.
- Install 10' trail with 4' grass strip along Powder Springs Street; this will avoid substantial construction coordination issues and impact to the newly opened RT. It is all together likely that RT will be completed before the Powder Springs Street construction project begins.

Fire Comments:

- NFPA 13 (2019 edition) automatic fire sprinkler system required. Site review by State Fire Marshal's Office Haz-Mat review division for underground tanks, prior to submittal to city.

Public Works Engineering Comments

- Show curb closing un-used curb cut on Sandtown Road.
- Sidewalk required along all road frontages.
- Show stream buffers and/or encroachments, which may require buffer variance request

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 #: V2020-11 **Legistar #:** 20200072 **BZA Hearing Dt:** —

City Council Hearing Dt (if applicable) #: 3-11-20 **PZ #:** 20-35

This is a variance/appeal application for:

☐ **Board of Zoning Appeals** ☒ **City Council**

Owner's Name B.A. Stoner & Dale S. Stoner (695 Powder Springs Rd.) and Sue Bishop Davis (701 Sandtown Rd.)

EMAIL Address: arozen@samslarkinhuff.com

Mailing Address 376 Powder Springs St; Ste. 100, Marietta Zip Code: 30064 Phone Number (770) 422-7016

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: RaceTrac Petroleum, Inc.

EMAIL Address: dbrown@racetrac.com & arozen@samslarkinhuff.com

Mailing Address 200 Galleria Parkway, Atl GA Zip Code: 30339 Phone Number 770-431-7600

Address of subject property: 695 Powder Springs Rd. & 701 Sandtown Rd. Date of Acquisition: 3/2/2007 & 8/29/2008

Land Lot (s) 0214 District 17th Parcel 71 & 22 Acreage 2.234 Zoned CRC Ward 1A FLU: CAC

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

To increase the maximum building setback from 75 feet to 141 feet (City of Marietta Zoning Ord. 712.09); and,

to increase the maximum allowable sign-face from 90 square feet (based on advertising area) to 100 square 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

Signature

Adam J. Rozen, Attorney for Applicant

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.

Adam J. Rozen, Attorney for Applicant

Print Name

Adam J. Rozen, Attorney for 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

1/21/2020

Date

Adam J. Rozen, Attorney for Applicant

Print Name

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

Please Print

Address

Date

Signed, sealed and delivered in the presence of:

LORI JORDAN NOTARY PUBLIC PAULDING COUNTY GEORGIA My Commission Expires: 11-13-2023

My Commission Expires: 11-13-2023

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 Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Signature of Owner

Signature of Applicant

Print Name

Brian Thornton
Print Name

RaceTrac Petrolem, Inc.

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.

Brian Thornton
Print Name

Signature of Applicant

APPLICANT CERTIFICATION

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- 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

January 1, 2020
Date

Brian Thornton
Please Print

RaceTrac Petroleum, Inc.

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

Please Print

Address

Date

Signed, sealed and delivered in the presence of:

My Commission Expires: 8/2/2021

NOTARY PUBLIC
CHERYL VERNIKI PHILLIPS
GWINNETT COUNTY, GA
MY COMMISSION EXPIRES AUGUST 2, 2021

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

Revised: 11/4/2019

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.

Sue Bishop Davis
Signature of Owner

Signature of Applicant

Sue Bishop Davis
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.

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.
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Signature of Applicant

Date

Please Print

OWNER CERTIFICATION

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- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Sue Bishop Davis
Signature of Owner

Sue Bishop Davis
Please Print

527 N. St. Marys Lane, Marietta GA 30064
Address

Jan. 1, 2020
Date

Signed, sealed and delivered in the presence of:

M Frazier

M FRAZIER
MY COMMISSION EXPIRES
JUNE 17 2022
COBB COUNTY, GA
NOTARY PUBLIC

My Commission Expires: June 17, 2022

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 Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Dale S. Stoner
Signature of Owner

Signature of Applicant

Dale S. Stoner
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.

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

Date

Please Print

OWNER CERTIFICATION

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- 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.

Dale S. Stoner
Signature of Owner

Dale S. Stoner
Please Print

3306 Pinetree Drive, Smyrna GA 30080
Address

Date

Signed, sealed and delivered in the presence of:

Cheryl V. Phillips

My Commission Expires: 8/2/2021

CHERYL VERNIKI PHILLIPS
NOTARY PUBLIC
GWINNETT COUNTY, GA
MY COMMISSION EXPIRES AUGUST 2, 2021

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 Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Signature of Owner | Signature of Applicant

B.A. Stoner
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.

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 | Date

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 | B.A. Stoner
Please Print

3306 Pinetree Drive, Smyrna GA 30080
Address

Date

Signed, sealed and delivered in the presence of:

My Commission Expires: 8/2/2021

CHERYL VERNIKI PHILLIPS
NOTARY PUBLIC
GWINNETT COUNTY, GA
MY COMMISSION EXPIRES August 2, 2021

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

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
ADAM J. ROZEN

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

January 21, 2020

LETTER OF INTENT

VIA HAND-DELIVERY

Ms. Shelby Little, AICP
City of Marietta
Department of Development Services
205 Lawrence Street
Marietta, GA 30060

Re: Variance Application of RaceTrac Petroleum regarding a 2.7± Acre Tract located in Land Lot 214, 17th District; parcels 71 & 22, City of Marietta, Cobb County, Georgia.

Dear Shelby:

This firm has been engaged by and represents RaceTrac Petroleum concerning the above-captioned Variance Application. The property at issue consists of two parcels located at the intersection of Powder Springs Road and Sandtown Road for a combined 2.736-acre tract of land. This portion of Powder Springs Street is a commercial area and is zoned for various commercial uses while the subject property is zoned CRC with the proposed use being a permitted use under the CRC zoning district. Near this RaceTrac store is a package store, various restaurants and other commercial and industrially zoned/used properties. This sub-area of the City is experiencing growth and improvement which has resulted in additional residential and retail uses in the immediate area for which this RaceTrac will serve.

Due to safety and customer experience reasons and the general practical need to locate the fuel service canopy between the road and the main building, RaceTrac requests that the maximum front setback be increased from 75 feet to 141 feet (City of Marietta Zoning Ordinance 712.09 "Commercial Corridor Designs Overlay District – Tier B"). With this request, RaceTrac nevertheless meets the spirit and intent of the ordinance in its architecture and site design which provides the function and aesthetics as desired by the Overlay. In doing so, the hardship which results from the inability to develop this uniquely shaped tract (narrowing towards the rear of the site) is avoided and allows the store to fit within the shape and contours and stream bank buffer of the site. These circumstances are not a self-imposed hardship but one which is, in fact, due and owing to the size, shape and topography of the subject property and thus constitutes a true hardship.

As it relates to the sign request, RaceTrac has built dozens of new stores in the past year and they use a standard sign package for all of their stores. This store will be appropriately positioned at the intersection of Powder Springs and Sandtown Roads, providing a fuel and food outlet for this side of Powder Springs Road; and additionally, will reduce the need for left-turns and "u" turn movements, promoting safer traffic patterns. To most effectively achieve these goals, RaceTrac is also requesting a variance to increase the allowable sign-face from ninety (90) square feet (based on advertising area) to one hundred (100) square feet.

For all the reasons stated herein above and with all of the information and documentation which is before you, we respectfully request that the Variance Application be approved. Of course, during the pendency of the Application, I will be providing you and your staff with any necessary additional information, documentation and stipulations in order to facilitate the approval of this Application. In the interim, please do not hesitate to contact me should you have any questions whatsoever regarding these matters.

Sincerely,

SAMS, LARKIN & HUFF, LLP

Adam J. Rozen
arozen@samslarkinhuff.com
Parks F. Huff
phuff@samslarkinhuff.com

AJR/lkj

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **February 21st, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF 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, March 11th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

V2020-11 [VARIANCE] RACETRAC PETROLEUM, INC is requesting variances for property located in Land Lot 214, District 17, Parcels 0710 & 0220, 2nd Section of Cobb County, Marietta, Georgia and being known as 695 Powder Springs Street and 701 Sandtown Road. Variance to waive the 75-foot maximum front yard setback from any public street; variance to increase the sign face area for a monument sign on a collector road from 50 sq. ft. to 100 sq. ft.; variance to increase the sign face area for a monument sign on an arterial road from 90 sq. ft. to 100 sq. ft.; variance to increase the sign height for a monument sign on a collector road from 10 feet to 15 feet; variance to allow the digital sign area to exceed 50% of the total sign face; variance to allow digital signs within 200 feet of residential property. Ward 1A.

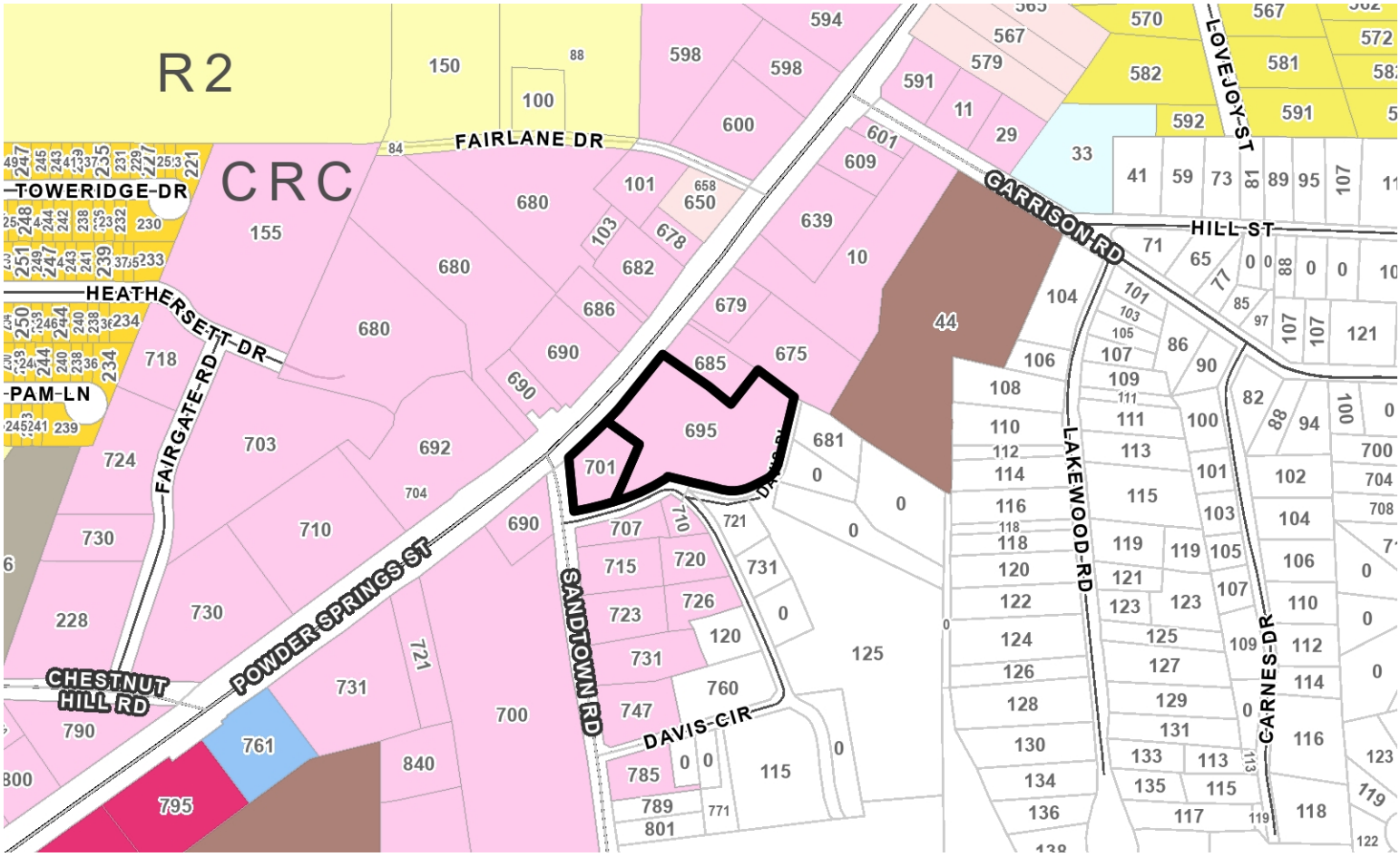
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information 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 the 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
701 SANDTOWN RD	17021400220	0.516	1A	CRC	CAC
695 POWDER SPRINGS ST	17021400710	2.173	1A	CRC	CAC

Property Owner: Various on file

Applicant: RaceTrac Petroleum

City Council Hearing Date: 03/11/2020

Acquisition Date:

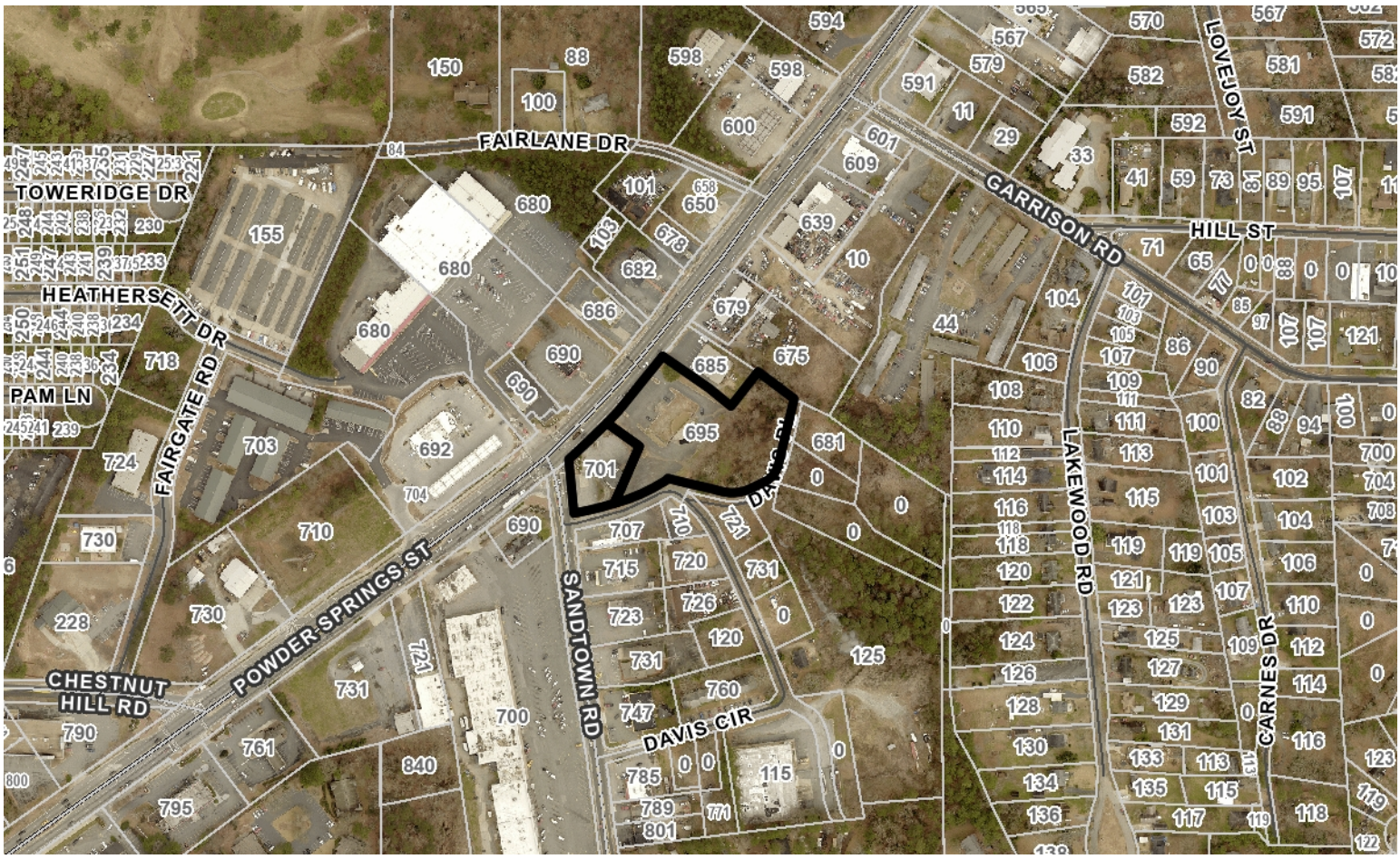
Case Number: V2020-11

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

Aerial Map



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701 SANDTOWN RD	17021400220	0.516	1A	CRC	CAC
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Property Owner: Various on file

Applicant: RaceTrac Petroleum

City Council Hearing Date: 03/11/2020

Planning Commission Hearing Date:

BZA Hearing Date: Case Number: V2020-11

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

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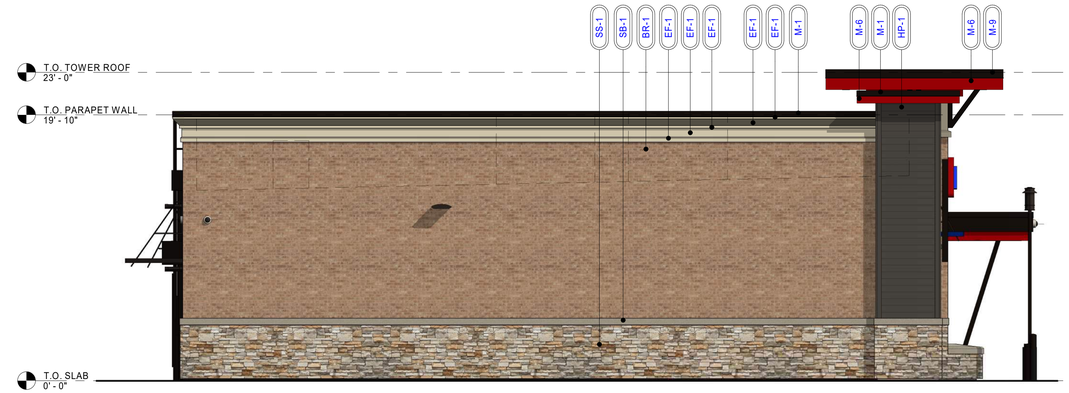
4 RIGHT ELEVATION
3/16" = 1'-0"

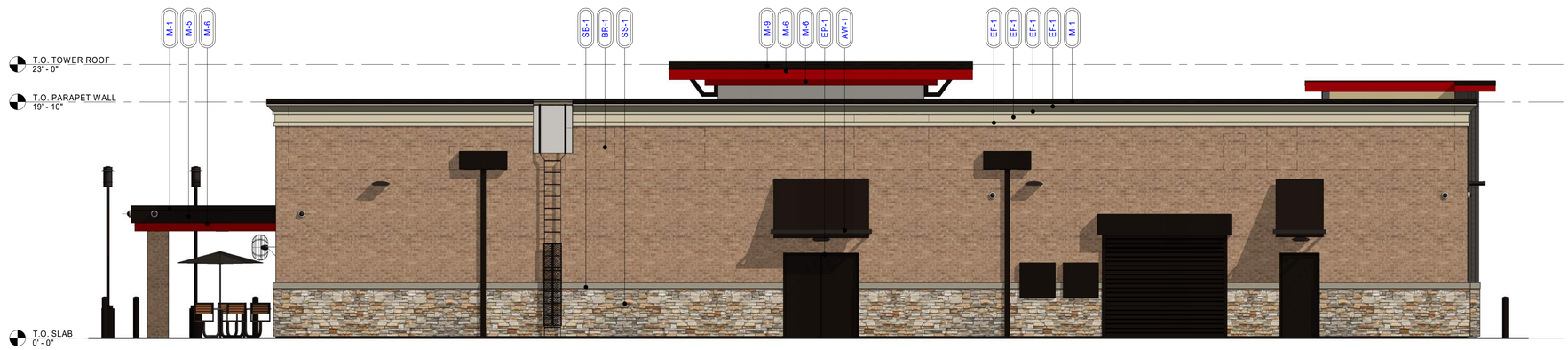
RIGHT ELEVATION (ENTRY)		1,200 TOTAL SF
MATERIAL	SQ. FOOT.	% OF ELEVATION
STONE	198	16%
BRICK	697	58%
EIFS	112	9%
GLAZING	62	6%
METAL	131	11%
WOOD	0	0%



3 LEFT ELEVATION
3/16" = 1'-0"

LEFT ELEVATION (NON-ENTRY)		1,203 TOTAL SF
MATERIAL	SQ. FOOT.	% OF ELEVATION
STONE	272	23%
BRICK	693	57%
EIFS	99	8%
GLAZING	0	0%
METAL	64	5%
WOOD	75	7%

ELEVATION	SIGNAGE	DIMENSIONS	AREA
FRONT	RT PARALLELOGRAM	13'-5/8" X 3'-0"	40 SF
	BANNER	7'-8" X 5'-6"	42 SF



2 REAR ELEVATION
3/16" = 1'-0"

REAR ELEVATION		2,111 TOTAL SF
MATERIAL	SQ. FOOT.	% OF ELEVATION
STONE	374	17%
BRICK	1,204	57%
EIFS	182	9%
GLAZING	0	0%
METAL	336	16%
WOOD	15	1%

1 FRONT ELEVATION
3/16" = 1'-0"

FRONT ELEVATION		2,163 TOTAL SF
MATERIAL	SQ. FOOT.	% OF ELEVATION
STONE	421	19%
BRICK	849	40%
EIFS	181	8%
GLAZING	331	15%
METAL	170	8%
WOOD	211	10%

EXTERIOR MATERIAL SCHEDULE

AWNING			
AW-1	-	ALUMINUM AWNING	SELECTED BY RACETRAC
BRICK			
BR-1	BORAL	LAREDO BRICK	MORTAR COLOR "LIGHT BUFF"
CAST STONE			
CS-1	CONTINENTAL CAST STONE OR APPROVED OTHER	MATCH BORAL TUSCAN LINTEL CHAMPAGNE	COLOR 1102 NATURAL STONE; MORTAR COLOR "LIGHT BUFF". SEAL WITH (SL-5) SEALANT.
CEMENT BOARD			
HP-1	JAMES HARDIE	ARTISAN V-GROOVE SIDING	PAINT SHERWIN WILLIAMS SEALSKIN #7675. BLIND FASTEN AND STAGGER PLANKS PER MANUFACTURER'S RECOMMENDATION
EIFS			
EF-1	STO	STO THERM CI	"FINE FINISH" APPLICATION; COLOR TO MATCH SW #6141 "SOFTER TAN"
GLAZING			
GL-1		1" NON-IMPACT RATED INSULATED GLAZING	CLIMATE ZONES 2 OR 3. IGU AT STOREFRONT 0.28 U-FACTOR, SHGC PF>0.25=0.27 (1/4" PPG SOLARBAN 70-XL LOW-E #2 +1/2" AIR +1/4" CLEAR) OR APPROVED ALTERNATE
GL-2		1" NON-IMPACT RATED ACID ETCHED INSULATED GLAZING	CLIMATE ZONES 2 OR 3. IGU AT STOREFRONT 0.28 U-FACTOR, SHGC PF>0.25=0.27 (1/4" PPG SOLARBAN 70-XL LOW-E #2 +1/2" AIR +1/4" CLEAR SATIN ETCH #3) OR APPROVED ALTERNATE
METAL			
M-1		PREFINISHED 4" 2-PIECE COMPRESSION METAL COVER	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-2		COLOR DARK BRONZE.	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-3	VISTAWALL (OR APPROVED ALTERNATE)	FG-3000 STOREFRONT SYSTEM (OR APPROVED ALTERNATE)	PREFINISHED DARK BRONZE ANODIZED ALUMINUM AA-MI2C22A44
M-5	ALCOA	REYNOBOND PE	COLORWELD 500 "CLASSIC BRONZE"
M-6	ALCOA	REYNOBOND PE	DURAGLOSS 3000 "PROGRAM RED"
M-7	VERSATEX	WP4 TONGUE AND GROOVE	PAINT SOFTER TAN
M-9		PREFINISHED 8" 2-PIECE COMPRESSION METAL COVER	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
PAINT			
EP-1	SHERWIN WILLIAMS	EXTERIOR PAINT TO SW #7020 "BLACK FOX"	
ROOFING			
DURO	DUROLAST	50 MIL MEMBRANE ROOFING SYSTEM	WHITE; MECHANICALLY FASTENED
STACKED STONE			
SS-1	BORAL	ASPEN COUNTRY LEDGESTONE	WET STACK APPLICATION. MORTAR COLOR "LIGHT BUFF"
STONE BAND			
SB-1	BORAL	TUSCAN LINTEL CHAMPAGNE	MORTAR COLOR "LIGHT BUFF"
TREX			
TX-1	SELECT COMPOSITE	1/2" THICKNESS	WOODLAND BROWN
WINDOW FILM			
WF-1		WINDOW FILM; 3M PRESTIGE 70 SOLAR FILM	SEE A600 FOR WINDOW FILM LOCATIONS
WF-2		WINDOW FILM; OPAQUE	SEE A600 FOR WINDOW FILM LOCATIONS

RaceTrac
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DESIGN PROFESSIONALS

ISSUE/REVISION RECORD

DATE	DESCRIPTION
02/12/20	SPB NO. 0105

RaceTrac
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SOUTHEAST
SUITE 900
ATLANTA, GEORGIA 30339
(770) 431-7600

PROJECT NAME
ANYTOWN,CITY

CITY
STATE 00000
ADDRESS

RACETRAC STORE NUMBER
#0000

PROTOTYPE SERIES 5.5K 2.0
2020 RH MO 0105

PLAN MODIFICATION NOTICE
SPB NO. 0105 DATE 02/12/20

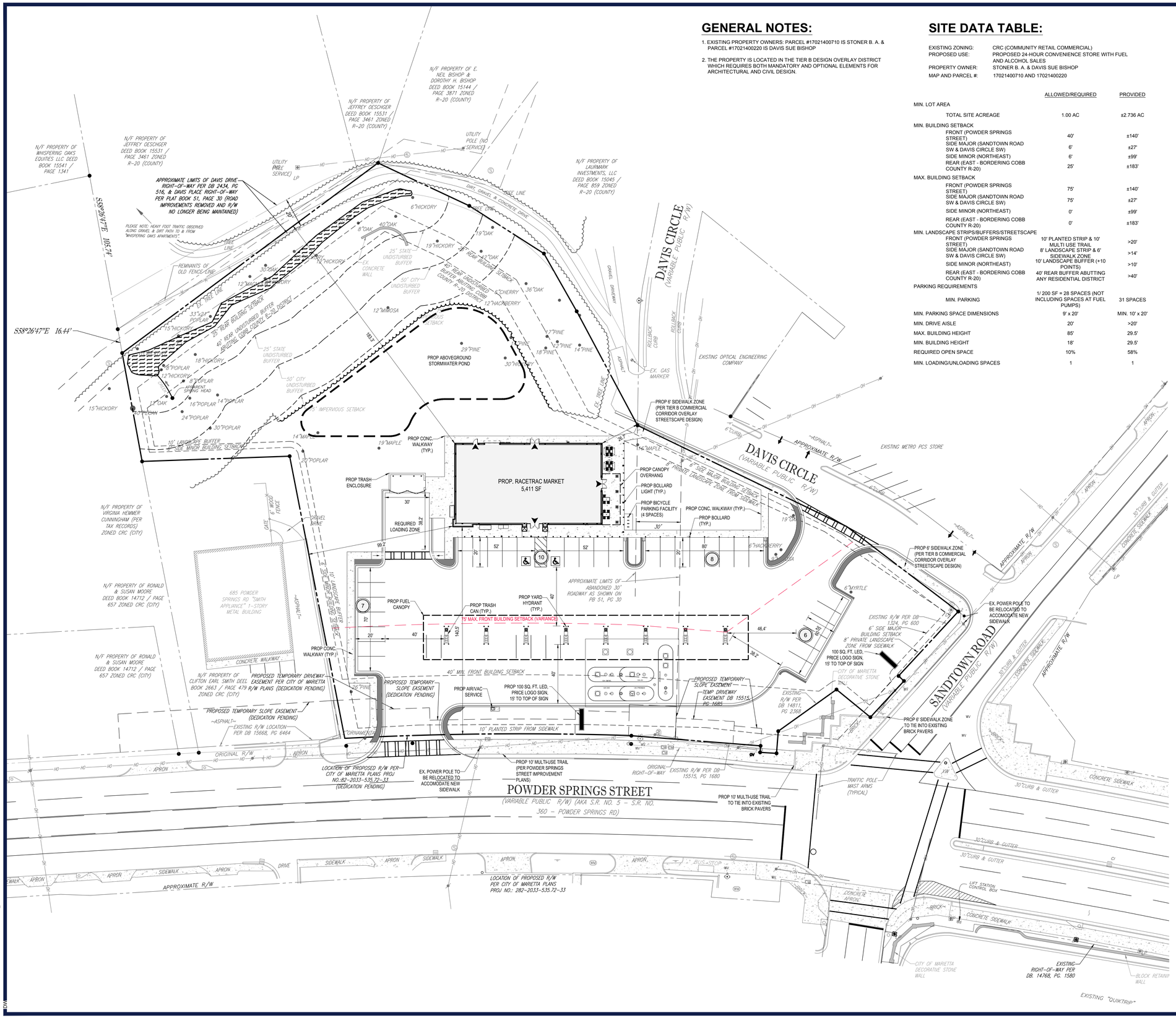
STANDARD PLAN BULLETINS (SPB) MODIFY THE PROTOTYPE SERIES SET NOTED ABOVE. THE LISTED SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET AT ORIGINAL RELEASE. THE ISSUE/ REVISION RECORD COLUMN ABOVE LISTS ANY REVISIONS OR SPB INCORPORATED IN THIS SET AFTER THE ORIGINAL RELEASE. CONTACT RACETRAC ENGINEERING AND CONSTRUCTION FOR ANY SUBSEQUENT BULLETINS NOT INCORPORATED HEREIN.

PROFESSIONAL SEAL

PROJECT NUMBER
XXXXXXX.XX

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
300



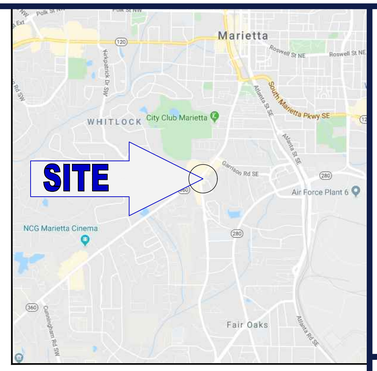
GENERAL NOTES:

1. EXISTING PROPERTY OWNERS: PARCEL #17021400710 IS STONER B. A. & PARCEL #17021400220 IS DAVIS SUE BISHOP
2. THE PROPERTY IS LOCATED IN THE TIER B DESIGN OVERLAY DISTRICT WHICH REQUIRES BOTH MANDATORY AND OPTIONAL ELEMENTS FOR ARCHITECTURAL AND CIVIL DESIGN.

SITE DATA TABLE:

EXISTING ZONING:	CRC (COMMUNITY RETAIL COMMERCIAL)
PROPOSED USE:	PROPOSED 24-HOUR CONVENIENCE STORE WITH FUEL AND ALCOHOL SALES
PROPERTY OWNER:	STONER B. A. & DAVIS SUE BISHOP
MAP AND PARCEL #:	17021400710 AND 17021400220

	ALLOWED/REQUIRED	PROVIDED
MIN. LOT AREA		
TOTAL SITE ACREAGE	1.00 AC	±2.736 AC
MIN. BUILDING SETBACK		
FRONT (POWDER SPRINGS STREET)	40'	±140'
SIDE MAJOR (SANDTOWN ROAD SW & DAVIS CIRCLE SW)	6'	±27'
SIDE MINOR (NORTHEAST)	6'	±99'
REAR (EAST - BORDERING COBB COUNTY R-20)	25'	±183'
MAX. BUILDING SETBACK		
FRONT (POWDER SPRINGS STREET)	75'	±140'
SIDE MAJOR (SANDTOWN ROAD SW & DAVIS CIRCLE SW)	75'	±27'
SIDE MINOR (NORTHEAST)	0'	±99'
REAR (EAST - BORDERING COBB COUNTY R-20)	0'	±183'
MIN. LANDSCAPE STRIPS/BUFFERS/STREETSCAPE		
FRONT (POWDER SPRINGS STREET)	10' PLANTED STRIP & 10' MULTI USE TRAIL	>20'
SIDE MAJOR (SANDTOWN ROAD SW & DAVIS CIRCLE SW)	8' LANDSCAPE STRIP & 6' SIDEWALK ZONE	>14'
SIDE MINOR (NORTHEAST)	10' LANDSCAPE BUFFER (+10 POINTS)	>10'
REAR (EAST - BORDERING COBB COUNTY R-20)	40' REAR BUFFER ABUTTING ANY RESIDENTIAL DISTRICT	>40'
PARKING REQUIREMENTS		
MIN. PARKING	1/ 200 SF = 28 SPACES (NOT INCLUDING SPACES AT FUEL PUMPS)	31 SPACES
MIN. PARKING SPACE DIMENSIONS	9' x 20'	MIN. 10' x 20'
MIN. DRIVE AISLE	20'	>20'
MAX. BUILDING HEIGHT	85'	29.5'
MIN. BUILDING HEIGHT	18'	29.5'
REQUIRED OPEN SPACE	10%	58%
MIN. LOADING/UNLOADING SPACES	1	1



LOCATION MAP

SITE DESCRIPTION:

701 SANDTOWN ROAD - SURVEY TRACT 1 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 214 OF THE 17TH DISTRICT, 2ND SECTION, COBB COUNTY, CITY OF MARIETTA, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL SET AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF SANDTOWN ROAD (VARIABLE PUBLIC RIGHT-OF-WAY) AND THE SOUTHERLY RIGHT-OF-WAY OF POWDER SPRINGS STREET (AKA POWDER SPRINGS ROAD, STATE HIGHWAY NO. 5 & 360)(VARIABLE PUBLIC RIGHT-OF-WAY) THENCE CONTINUING WITH SAID SOUTHERLY RIGHT-OF-WAY OF POWDER SPRINGS STREET NORTH 81 DEGREES 16 MINUTES 01 SECONDS EAST, A DISTANCE OF 29.64 FEET TO A NAIL SET; THENCE NORTH 06 DEGREES 23 MINUTES 57 SECONDS EAST, A DISTANCE OF 48.51 FEET TO A NAIL SET; THENCE NORTH 43 DEGREES 32 MINUTES 28 SECONDS WEST, A DISTANCE OF 15.06 FEET TO A 5/8-INCH REBAR SET; THENCE NORTH 45 DEGREES 16 MINUTES 45 SECONDS EAST, A DISTANCE OF 11.12 FEET TO A 5/8-INCH REBAR SET; THENCE SOUTH 44 DEGREES 08 MINUTES 56 SECONDS EAST, A DISTANCE OF 4.43 FEET TO A NAIL SET; THENCE NORTH 46 DEGREES 27 MINUTES 45 SECONDS EAST, A DISTANCE OF 87.78 FEET TO A 5/8-INCH REBAR SET; THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 46 DEGREES 28 MINUTES 07 SECONDS EAST, A DISTANCE OF 94.42 FEET TO A 1/2-INCH REBAR FOUND; THENCE SOUTH 23 DEGREES 41 MINUTES 20 SECONDS WEST, A DISTANCE OF 150.90 FEET TO A 1/2-INCH REBAR FOUND ON THE NORTHERLY RIGHT-OF-WAY OF DAVIS CIRCLE (VARIABLE PUBLIC RIGHT-OF-WAY); THENCE CONTINUING WITH SAID NORTHERLY RIGHT-OF-WAY SOUTH 79 DEGREES 16 MINUTES 30 SECONDS WEST, A DISTANCE OF 95.00 FEET TO A 5/8-INCH REBAR SET AT THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY OF DAVIS CIRCLE WITH THE EASTERLY RIGHT-OF-WAY OF SAID SANDTOWN ROAD; THENCE CONTINUING WITH SAID EASTERLY RIGHT-OF-WAY NORTH 05 DEGREES 12 MINUTES 40 SECONDS WEST, A DISTANCE OF 59.52 FEET TO A NAIL SET; THENCE SOUTH 84 DEGREES 46 MINUTES 01 SECONDS WEST, A DISTANCE OF 5.00 FEET TO A 5/8-INCH REBAR SET; THENCE NORTH 05 DEGREES 13 MINUTES 59 SECONDS WEST, A DISTANCE OF 33.48 FEET TO A NAILS SET, WHICH IS THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 0.502 ACRES.

695 POWDER SPRINGS STREET - SURVEY TRACT 2 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 214 OF THE 17TH DISTRICT, 2ND SECTION, COBB COUNTY, CITY OF MARIETTA, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NAIL SET AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF SANDTOWN ROAD (VARIABLE PUBLIC RIGHT-OF-WAY) AND THE SOUTHERLY RIGHT-OF-WAY OF POWDER SPRINGS STREET (AKA POWDER SPRINGS ROAD, STATE HIGHWAY NO. 5 & 360)(VARIABLE PUBLIC RIGHT-OF-WAY) THENCE CONTINUING WITH SAID SOUTHERLY RIGHT-OF-WAY OF POWDER SPRINGS STREET NORTH 81 DEGREES 16 MINUTES 01 SECONDS EAST, A DISTANCE OF 29.64 FEET TO A NAIL SET; THENCE NORTH 06 DEGREES 23 MINUTES 57 SECONDS EAST, A DISTANCE OF 48.51 FEET TO A NAIL SET; THENCE NORTH 43 DEGREES 32 MINUTES 28 SECONDS WEST, A DISTANCE OF 15.06 FEET TO A 5/8-INCH REBAR SET; THENCE NORTH 45 DEGREES 16 MINUTES 45 SECONDS EAST, A DISTANCE OF 11.12 FEET TO A 5/8-INCH REBAR SET; THENCE SOUTH 44 DEGREES 08 MINUTES 56 SECONDS EAST, A DISTANCE OF 4.43 FEET TO A NAIL SET; THENCE NORTH 46 DEGREES 27 MINUTES 45 SECONDS EAST, A DISTANCE OF 87.78 FEET TO A 5/8-INCH REBAR SET, AND THE POINT OF BEGINNING; THENCE CONTINUING WITH SAID SOUTHERLY RIGHT-OF-WAY OF POWDER SPRINGS STREET NORTH 46 DEGREES 28 MINUTES 07 SECONDS WEST, A DISTANCE OF 5.58 FEET TO A 5/8-INCH REBAR SET; THENCE NORTH 42 DEGREES 09 MINUTES 57 SECONDS EAST, A DISTANCE OF 148.13 FEET TO A NAIL SET; THENCE NORTH 39 DEGREES 40 MINUTES 59 SECONDS EAST, A DISTANCE OF 44.89 FEET TO A 5/8-INCH REBAR SET; THENCE SOUTH 59 DEGREES 04 MINUTES 44 SECONDS EAST, A DISTANCE OF 200.00 FEET TO A 5/8-INCH REBAR SET; THENCE NORTH 39 DEGREES 55 MINUTES 49 SECONDS EAST, A DISTANCE OF 100.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE SOUTH 58 DEGREES 26 MINUTES 47 SECONDS EAST, A DISTANCE OF 74.68 FEET TO A 5/8-INCH REBAR SET; THENCE SOUTH 05 DEGREES 21 MINUTES 01 SECONDS WEST, A DISTANCE OF 215.90 FEET TO A 1/2-INCH REBAR FOUND; THENCE SOUTH 67 DEGREES 07 MINUTES 29 SECONDS WEST, A DISTANCE OF 68.33 FEET TO A 5/8-INCH REBAR SET; THENCE SOUTH 74 DEGREES 35 MINUTES 29 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A 5/8-INCH REBAR SET; THENCE NORTH 77 DEGREES 35 MINUTES 31 SECONDS WEST, A DISTANCE OF 45.00 FEET TO A 5/8-INCH REBAR SET; THENCE NORTH 76 DEGREES 05 MINUTES 18 SECONDS WEST, A DISTANCE OF 87.58 FEET TO A 5/8-INCH REBAR SET ON THE NORTHERLY RIGHT-OF-WAY OF DAVIS CIRCLE (VARIABLE PUBLIC RIGHT-OF-WAY); THENCE CONTINUING WITH SAID NORTHERLY RIGHT-OF-WAY SOUTH 67 DEGREES 47 MINUTES 42 SECONDS WEST, A DISTANCE OF 157.41 FEET TO A 1/2-INCH REBAR FOUND; THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 23 DEGREES 41 MINUTES 20 SECONDS EAST, A DISTANCE OF 150.90 FEET TO A 1/2-INCH REBAR FOUND; THENCE NORTH 46 DEGREES 28 MINUTES 07 SECONDS WEST, A DISTANCE OF 94.42 FEET TO A 5/8-INCH REBAR SET, WHICH IS THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 2.234 ACRES.

VARIANCES:

1. A VARIANCE TO INCREASE THE MAX. BUILDING SETBACK TO 141' IN LIEU OF THE 75' MAX. BUILDING SETBACK ALONG ANY PUBLIC STREET FROM CITY OF MARIETTA ZONING ORDINANCE SECTION 712.09 (COMMERCIAL CORRIDOR DESIGN OVERLAY DISTRICT - TIER B)

30 15 7.5 0 30
1"= 30'

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

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© BOHLER

REVISIONS

REV	DATE	COMMENT	DRAWN BY / CHECKED BY

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FOR CONCEPT PURPOSES ONLY

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	GA191105
DRAWN BY:	DW
CHECKED BY:	GL
DATE:	01/14/2020
CAD I.D.:	VSP-0

PROJECT:

VARIANCE SITE PLAN

FOR

RaceTrac

LOCATION OF SITE

695 POWDER SPRINGS STREET
MARIETTA, GA 30064
COBB COUNTY

BOHLER
211 PERIMETER CENTER PKWY NE, SUITE 425
ATLANTA, GEORGIA 30346
Phone: (678) 695-6800
GA@BohlerEng.com

GEORGIA REGISTERED No. PE044016 PROFESSIONAL ENGINEER GIDEON LEE

SHEET TITLE:

VARIANCE SITE PLAN

SHEET NUMBER:

1 of 1

ORG. DATE - 01/14/2020

FILE REFERENCE NO: 20200061
ORDINANCE NO: 8141

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Land Lot 1160, District 16, Parcel 1280 of the 2nd Section, Cobb County, Georgia, and being known as **171 Cole Street.**

WHEREAS, application has been filed by **T.D. PROPERTY RENTALS 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 1160 of the 16th District, 2nd Section, Cobb County, City of Marietta, Georgia further described as follows:

Beginning at a point on the west side of Cole Street 100 feet north of its intersection with the north side of Lemon Street; thence running west, parallel with the north side of Lemon Street, 142 feet to a point and corner; thence running north, parallel with the west side of Cole Street, 95 feet, more or less, to the center line of branch; running thence easterly and northeasterly, along the center line of branch, 165 feet, more or less to the west side of Cole Street; thence running south, along the west side of Cole Street, 114 feet, more or less, to the point of beginning.

Said tract or parcel of land contains 0.27± acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential – 4 units/acre).

Section 3: The following variance is incorporated as a condition of zoning:

1. Variance to reduce the southern side yard setback from 10 feet to 7 feet. [§708.04 (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: March 11, 2020

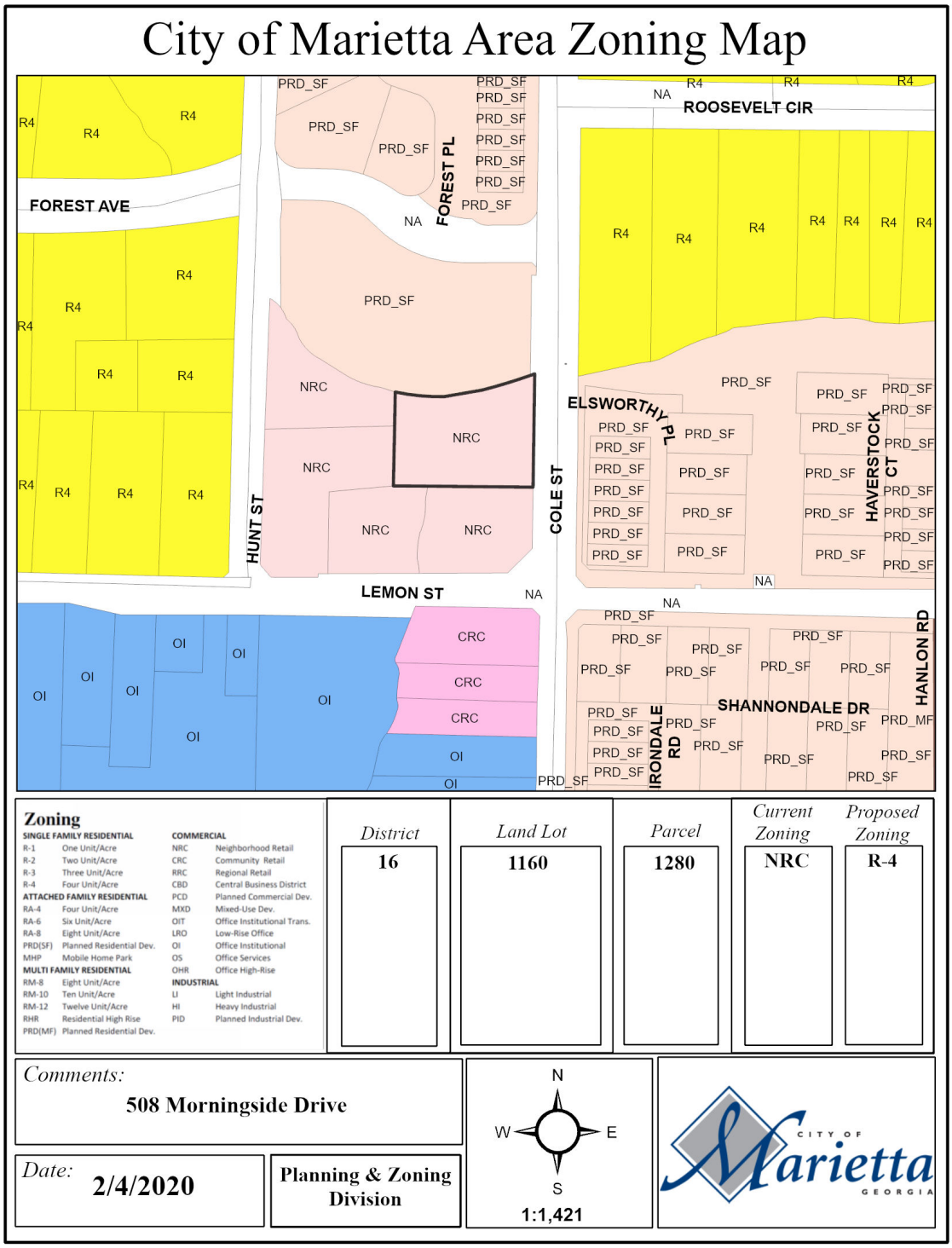
APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy

Stephanie Guy, City Clerk

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

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