1. Agenda

   Documents:

   051320RM.PDF

2. Summary

   Documents:

   051320RM.PDF

3. Z2020-09 (A2020-01) Cobb Pkwy 1468 N, 1540 N,Hamilton Grove Blvd 1497

   Documents:

   Z2020-09 (A2020-01) COBB PKWY 1468 N, 1540 N,HAMILTON GROVE BLVD 1497.PDF
   Z2020-09 (A2020-01) COBB PKWY 1468 N, 1540 N, HAMILTON GROVE BLVD 1497-STIP LTR 5.1.20.PDF

4. Z2020-10 (A2020-02) Sandtown Rd 1501, 1521 (CConly 5.13)

   Documents:

   Z2020-10 (A2020-02) SANDTOWN RD 1501, 1521 (CCONLY 5.13).PDF
   Z2020-10 ORD SANDTOWN RD 1501, 1521 (20200077)-STIP LETTER 3.10.20-CCONLY 5.13.PDF

4.I. Z2020-10 (A2020-02) Sandtown Rd 1501, 1521-Site Plan-Revision DTD 5.12.20

   Documents:

   Z2020-10 (A2020-02) SANDTOWN RD 1501, 1521-SITE PLAN-CCONLY 5.13-REVISION DTD 5.12.20.PDF

5. Z2020-12 Stewart Ave 90

   Documents:

   Z2020-12 STEWART AVE 90.PDF

6. Z2020-14 Fairline Dr 84,88,100,150

   Documents:

   Z2020-14 FAIRLINE DR 84,88,100,150.PDF
   Z2020-14 FAIRLINE DR PARCELS-STIP LTR 4.23.20.PDF

7. Z2020-15 Powder Springs St 881,887

   Documents:

   Z2020-15 POWDER SPRINGS ST 881,887.PDF
   Z2020-15 POWDER SPRINGS ST 881,887-STIP LTR-5.1.20.PDF

7.I. Z2020-15 Powder Springs St 881,887-Site Plan-Revised-Rec'd 5.13.20

Documents:

Z2020-15 POWDER SPRINGS ST 881,887-SITE PLAN-REVISED-RECEIVED 5.13.20.PDF

8. Z2020-16 St. Joseph Catholic School

Documents:

Z2020-16 ST. JOSEPH CATHOLIC SCHOOL.PDF

9. Z2020-17 Church St 268

Documents:

Z2020-17 CHURCH ST 268.PDF

10. Z2020-18 N Marietta Pkwy Parcels

Documents:

Z2020-18 N MARIETTA PKWY PARCELS.PDF

11. V2020-09 Washington Ave 546, N Fairground St 27

Documents:

V2020-09 WASHINGTON AVE 546, N FAIRGROUND ST 27-CC5.13.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, May 13, 2020 | **7:00 PM** | **Council Chamber**

CALL TO ORDER:

INVOCATION:

Council Member Andy Morris, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

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:

* **20200357** **Regular Meeting - April 6, 2020**

Review and approval of the April 6, 2020 regular meeting minutes.

* **20200359** **Special Meeting - April 28, 2020**

Review and approval of the April 28, 2020 special meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

* **20200332** **Board of Zoning Appeals Appointment (Ward 6)**

Reappointment of Bobby Van Buren to the Board of Zoning Appeals (Ward 6), for a three-year term expiring May 13, 2023.
Bobby Van Buren has served six years on the Board of Zoning Appeals.

* **20200334** **Marietta Historic Board of Review Reappointment (Ward 3)**

Reappointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two-year term, expiring May 13, 2022.
Rebecca Nash Paden has served four years on the Marietta Historic Board of Review.

* **20200335** **Historic Board of Review Appointment at Large**

Reappointment of Johnny Walker to the Marietta Historic Board of Review for the City Council At Large Appointment for a two-year term, expiring May 13, 2022.

20200333 **Board of Zoning Appeals Appointment (Ward 5)**

Consideration of an appointment to the Board of Zoning Appeals (Ward 5), for a three-year term, expiring May 13, 2023.

ORDINANCES:

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.

The Planning Commission on March 3, 2020 recommended approval as stipulated.

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 10, 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.

The Planning Commission on March 3, 2020 recommended approval.

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.

The Planning Commission on March 3, 2020 recommended approval.

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)

20200073 Z2020-09 [REZONING] TRATON, LLC

Z2020-09 [REZONING] TRATON, LLC is requesting the rezoning of 6.7 acres located in located in Land Lots 863 & 866, District 16, Parcels 0030, 0040, & 1090 of the 2nd Section, Cobb County, Georgia, and being known as 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard from MXD (Mixed Use Development - City) and GC (General Commercial - County) to MXD (Mixed Use Development) in the City. Ward 4B.

The Planning Commission recommends approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulations from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning, the following stipulations would be incorporated as conditions of zoning:

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

Public Hearing (all parties are sworn in)

20200074 A2020-01 [ANNEXATION] TRATON, LLC

A2020-01 [ANNEXATION] TRATON, LLC is requesting the annexation of property located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North consisting of approximately 3.42 acres. Ward 4B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Public Hearing (all parties are sworn in)

20200075 CA2020-01 [CODE AMENDMENT]

CA2020-01 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Public Hearing (all parties are sworn in)

20200156 **Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN**

Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN are requesting the rezoning of 0.4 acres located in Land Lot 1147, District 16, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density. Ward 4A.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval including variances 1-6 and noting that variance 2 was corrected to be 25' to 24' rather than 25' to 0'. The motion carried 6-0-0. Mr. Davis was inaudible.

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

1. Variance to reduce the side setback for an existing structure from 10' to 0' for Tract 1 [§708.04 (H)]
2. Variance to reduce the front setback for an existing structure from 25' to 24' for Tract 1 [§710.14] & [§708.04 (H)]
3. Variance to reduce the lot width for a property zoned R-4 from 75' to 59' for Tract 1 [§708.04 (H)]
4. Variance to reduce the lot width for a property zoned R-4 from 75' to 51' for Tract 2 [§708.04 (H)]
5. Variance to increase the density from 4 units/acre to 4.78 units/acre for the construction of two homes on 0.418 acres. [§708.04 (H)]
6. Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip. [§732.07 (C)]

Public Hearing (all parties are sworn in)

20200169 Z2020-14 [REZONING] WILLIAM C. HAGEMANN

Z2020-14 [REZONING] WILLIAM C. HAGEMANN is requesting the rezoning of 5.25 acres located in Land Lots 214 & 215, District 17, Parcels 1180, 1120, 1140, and 1150 of the 2nd Section, Cobb County, Georgia, and being known as 84, 88, 100 & 150 Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

The Planning Commission recommends approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Hunter to recommend approval including the letter of stipulations from Mr. Rozen dated 4/23/20. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

Letter of stipulations and variances from Adam J. Rozen, PC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 23, 2020.

Public Hearing (all parties are sworn in)

20200170 Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE)

Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE) are requesting the rezoning of 6.42 acres located in Land Lots 140 & 141, District 17, Parcels 0030 & 0730 of the 2nd Section, Cobb County, Georgia, and being known as 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval including the letter of stipulation from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

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

Public Hearing (all parties are sworn in)

20200290 **Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL**

Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL is requesting the rezoning of 8.9 acres located in Land Lot 1086, District 16, Parcels 0010, 0450, 0460, 0370, 0220, 0210, 0230, & 0240 of the 2nd Section, Cobb County, Georgia, and being known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 4B.

The Planning Commission recommends approval as Stipulated.

Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted with the stipulation that the proposed retaining wall and black chain link fence is limited to around the recreation area and not allowed near adjacent residential properties. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning with the special land use permit, the following stipulations and variances would be incorporated as conditions of zoning:
Stipulations:

1. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

2. The new 12' chain link fence and 10' retaining walls only be allowed in the new recreation area and not adjacent or near any adjacent residential property.

Variances:

1. Variance to reduce the required 75-foot setback for the restroom/storage building to no less than 49 feet from a property not owned by the Church. [§708.04 (E)]

2. Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet. [§712.08 (G.2.a]

3. Variance to increase the impervious surface from 50% to 60%. [§708.04 (H)]

4. Variance to allow parking in the front yard. [§716.08 (C.8)]

5. Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet. [§716.02 (B)]

6. Variance to reduce the minimum turning radii from 25 feet to 10 feet. [§730.01 (I.3.b)]

7. Variance to allow a black vinyl chain link fence as an approved material seen from the road. [§710.04 (B)]

8. Variance to increase the allowable fence height from 6 feet to 12 feet, as shown on plans. [§710.04 (D)]

The following variances and stipulations should be carried over from Z2009-01 Special Land Use Permit to keep the property in compliance:

1. Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.

2. Variance to allow a fence exceeding 4 feet in height and chin link in composition along St. Joseph Way, Nancy Street, and Lacy Street.

3. Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.

4. Variance to reduce required parking for a place of assembly and an elementary school from 252 to 242 spaces.

5. Variance to allow more than 12 parking spaces in a row without a planter island.

6. Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.

ublic Hearing (all parties are sworn in)

20200295 Z2020-17 [REZONING] MICHAEL LANGSTON

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

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.
If Council approves the rezoning, the following stipulation and variances would be incorporated as conditions of zoning:

Stipulation:
The exterior of the property be brought into compliance within three (3) months.

Variances:

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

Public Hearing (all parties are sworn in)

20200296 **Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC**

Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC is requesting the rezoning of approximately 2.5 acres located in Land Lots 1141 & 1142, District 16, Parcels 0230, 0900, 0100, 0030, 0040, 0680, 0100, & 0790, 2nd Section, Marietta, Cobb County, Georgia, and being known as 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 5B.

The Planning Commission recommends approval.

If Council approves the rezoning, the following stipulation would be incorporated as a condition of zoning:

City support of two curb cuts, which may include the penetration of a concrete wall, to serve the property with final approval to be presented to the Georgia Department of Transportation.

Public Hearing (all parties are sworn in)

20200234 **CA2020-03 [CODE AMENDMENT] PROPOSED AMENDMENT TO DIVISION 706, NONCONFORMING USES**

CA2020-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 706, Nonconforming Uses.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Ms. McCrae, 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

* **20200349** **CDBG Citizen Participation Plan Amendment**

Motion approving the amendments to the CDBG Citizen Participation Plan to address new CDBG COVID-19 funds.

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

* **20200368** **Modification of Lease Agreement**

Motion approving the fourth modification of the lease agreement with the Marietta Leasehold L.P. / Remington Hotel Management.

Council member Goldstein opposed.

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

* **20200160** **Residential Infill Development Overlay District**

Motion to authorize advertisement for proposed amendments to Section 712.11.

20200353 **Revised Detailed Plan - 218 & 234 Roswell Street**

Motion to approve the request by Tanalta Real Estate to modify the plan for the two office buildings at the corner of Meeting Street and Roswell Street. Modifications include enclosing four of the parking spaces at 218 Roswell Street and adding a 4th floor to the building at 234 Roswell Street. The 4th floor of the building at 234 Roswell Street will be for two residential condos only.

Public Hearing Required

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

5. Personnel/Insurance: Cheryl Richardson, Chairperson

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

***** **20200346** **Colston Road Traffic Calming**

Motion authorizing Public Works to conduct a speed study on Colston Road and report the results of this study back to Council for final consideration of reducing the posted speed limit to 25 MPH.

***** **20200369** **Coryell Street and Alexander Circle Street Parking**

Motion authorizing a no parking zone to be installed along the following streets: Coryell Street from Roswell Street to Chester Street (both sides of street); Lakewood Drive from Roswell Street to Chester Street (both sides of street); and along the west side of Alexander Circle from Frasier Street to Phillips Drive.

***** **20200341** **Title VI Program Documents**

Motion approving the Title VI Nondiscrimination Agreement and Assurances between the City of Marietta and the Georgia Department of Transportation for compliance with 23 CFR Part 200, Title VI of the Civil Rights Act of 1964, along with approval of the City of Marietta Title VI Policy and DBE Policy statements. Additionally, this motion appoints the Director of Human Resources and Risk Management as the City of Marietta Title VI Coordinator.

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.

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*]

Public Hearing (All parties are sworn in)

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.

Public Hearing Required

* **20200385** **Outdoor Cafes-Proposed Changes (COVID-19)**

Motion to approve the ordinance for the proposed rate of $1 per square foot for outdoor cafes, through August 31, 2020.
Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. (This waiver requires the unanimous consent of the City Council).

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

* **20200416** **Marietta Square Parking**

Motion to authorize staff to reserve one additional temporary 15-minute parking space in the downtown area for merchant/restaurant pick up or dine out.

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

* **20200415** **AT&T**

Motion to authorize the Marietta City Attorney to take appropriate action to require AT&T to install its utilities along Powder Springs Street underground in compliance with Marietta's Underground Utility Ordinance. The City Attorney is further authorized to take any action deemed necessary or appropriate in this matter.

* **20200304** **BLW Actions of May 11, 2020**

Review and approval of the May 11, 2020 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT:

City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary

CITY COUNCIL

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

Wednesday, May 13, 2020 | **7:00 PM** | **Council Chamber**

* **20200357** **Regular Meeting - April 6, 2020**

Review and approval of the April 6, 2020 regular meeting minutes.

Approved and Finalized

* **20200359** **Special Meeting - April 28, 2020**

Review and approval of the April 28, 2020 special meeting minutes.

Approved and Finalized

* **20200332** **Board of Zoning Appeals Appointment (Ward 6)**

Reappointment of Bobby Van Buren to the Board of Zoning Appeals (Ward 6), for a three-year term expiring May 13, 2023.
Bobby Van Buren has served six years on the Board of Zoning Appeals.

Approved and Finalized

* **20200334** **Marietta Historic Board of Review Reappointment (Ward 3)**

Reappointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two-year term, expiring May 13, 2022.
Rebecca Nash Paden has served four years on the Marietta Historic Board of Review.

Approved and Finalized

* **20200335** **Historic Board of Review Appointment at Large**

Reappointment of Johnny Walker to the Marietta Historic Board of Review for the City Council At Large Appointment for a two-year term, expiring May 13, 2022.

Approved and Finalized

* **20200333** **Board of Zoning Appeals Appointment (Ward 5)**

Consideration of an appointment to the Board of Zoning Appeals (Ward 5), for a three-year term, expiring May 13, 2023.

Approved and Finalized

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.

The Planning Commission on March 3, 2020 recommended approval as stipulated.

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:
1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated March 10, 2020.
2. 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)

Approved and Finalized

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.

The Planning Commission on March 3, 2020 recommended approval.

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)

Approved and Finalized

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.

The Planning Commission on March 3, 2020 recommended approval.

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)

Approved and Finalized

20200073 **Z2020-09 [REZONING] TRATON, LLC**

Z2020-09 [REZONING] TRATON, LLC is requesting the rezoning of 6.7 acres located in located in Land Lots 863 & 866, District 16, Parcels 0030, 0040, & 1090 of the 2nd Section, Cobb County, Georgia, and being known as 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard from MXD (Mixed Use Development - City) and GC (General Commercial - County) to MXD (Mixed Use Development) in the City. Ward 4B.

The Planning Commission recommends approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulations from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning, the following stipulations would be incorporated as conditions of zoning:

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

Public Hearing (all parties are sworn in)

Approved and Finalized

20200074 **A2020-01 [ANNEXATION] TRATON, LLC**

A2020-01 [ANNEXATION] TRATON, LLC is requesting the annexation of property located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North consisting of approximately 3.42 acres. Ward 4B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Public Hearing (all parties are sworn in)

Approved and Finalized

20200075 **CA2020-01 [CODE AMENDMENT]**

CA2020-01 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Public Hearing (all parties are sworn in)

Approved and Finalized

20200156 **Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN**

Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN are requesting the rezoning of 0.4 acres located in Land Lot 1147, District 16, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density. Ward 4A.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval including variances 1-6 and noting that variance 2 was corrected to be 25' to 24' rather than 25' to 0'. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning, the following variances would be incorporated as conditions of zoning:
1. Variance to reduce the side setback for an existing structure from 10' to 0' for Tract 1 [§708.04 (H)]
2. Variance to reduce the front setback for an existing structure from 25' to 24' for Tract 1 [§710.14] & [§708.04 (H)]
3. Variance to reduce the lot width for a property zoned R-4 from 75' to 59' for Tract 1 [§708.04 (H)]
4. Variance to reduce the lot width for a property zoned R-4 from 75' to 51' for Tract 2 [§708.04 (H)]
5. Variance to increase the density from 4 units/acre to 4.78 units/acre for the construction of two homes on 0.418 acres. [§708.04 (H)]
6. Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip. [§732.07 (C)]

Public Hearing (all parties are sworn in)

Approved and Finalized

20200169 **Z2020-14 [REZONING] WILLIAM C. HAGEMANN**

Z2020-14 [REZONING] WILLIAM C. HAGEMANN is requesting the rezoning of 5.25 acres located in Land Lots 214 & 215, District 17, Parcels 1180, 1120, 1140, and 1150 of the 2nd Section, Cobb County, Georgia, and being known as 84, 88, 100 & 150 Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

The Planning Commission recommends approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Hunter to recommend approval including the letter of stipulations from Mr. Rozen dated 4/23/20. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

· Letter of stipulations and variances from Adam J. Rozen, PC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 23, 2020.

Public Hearing (all parties are sworn in)

Approved and Finalized

20200170 **Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE)**

Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE) are requesting the rezoning of 6.42 acres located in Land Lots 140 & 141, District 17, Parcels 0030 & 0730 of the 2nd Section, Cobb County, Georgia, and being known as 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval including the letter of stipulation from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

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

Public Hearing (all parties are sworn in)

Motion to approve the rezoning request for property located at 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family).

The following stipulations are incorporated as conditions of zoning:
Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 1, 2020, except to strike item #10.a. so the development will contain an active recreation feature.

Approved as Amended

20200290 **Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL**

Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL is requesting the rezoning of 8.9 acres located in Land Lot 1086, District 16, Parcels 0010, 0450, 0460, 0370, 0220, 0210, 0230, & 0240 of the 2nd Section, Cobb County, Georgia, and being known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 4B.
The Planning Commission recommends approval as Stipulated.
Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted with the stipulation that the proposed retaining wall and black chain link fence is limited to around the recreation area and not allowed near adjacent residential properties. The motion carried 6-0-0. Mr. Davis was inaudible.
If Council approves the rezoning with the special land use permit, the following stipulations and variances would be incorporated as conditions of zoning:
Stipulations:
1. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
2. The new 12’ chain link fence and 10’ retaining walls only be allowed in the new recreation area and not adjacent or near any adjacent residential property.
Variances:
1. Variance to reduce the required 75-foot setback for the restroom/storage building to no less than 49 feet from a property not owned by the Church. [§708.04 (E)]
2. Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet. [§712.08 (G.2.a]
3. Variance to increase the impervious surface from 50% to 60%. [§708.04 (H)]
4. Variance to allow parking in the front yard. [§716.08 (C.8)]
5. Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet. [§716.02 (B)]
6. Variance to reduce the minimum turning radii from 25 feet to 10 feet. [§730.01 (I.3.b)]
7. Variance to allow a black vinyl chain link fence as an approved material seen from the road. [§710.04 (B)]
8. Variance to increase the allowable fence height from 6 feet to 12 feet, as shown on plans. [§710.04 (D)]
The following variances and stipulations should be carried over from Z2009-01 Special Land Use Permit to keep the property in compliance:
· Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.

· Variance to allow a fence exceeding 4 feet in height and chin link in composition along St. Joseph Way, Nancy Street, and Lacy Street.
· Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.
· Variance to reduce required parking for a place of assembly and an elementary school from 252 to 242 spaces.
· Variance to allow more than 12 parking spaces in a row without a planter island.
· Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.
Public Hearing (all parties are sworn in)

Approved and Finalized

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

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

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.
If Council approves the rezoning, the following stipulation and variances would be incorporated as conditions of zoning:

Stipulation:
1. The exterior of the property be brought into compliance within three (3) months.

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

Public Hearing (all parties are sworn in)

Tabled

20200296 **Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC**

Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC is requesting the rezoning of approximately 2.5 acres located in Land Lots 1141 & 1142, District 16, Parcels 0230, 0900, 0100, 0030, 0040, 0680, 0100, & 0790, 2nd Section, Marietta, Cobb County, Georgia, and being known as 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 5B.

Motion to approve the rezoning request for property located at 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 5B.

The following stipulations are incorporated as conditions of zoning:
1. City support of two curb cuts, which may include the penetration of a concrete wall, to serve the property with final approval to be presented to the Georgia Department of Transportation.
2. A new site plan be submitted for review by City Council prior to development of the parcel(s).

Approved as Amended

20200234 **CA2020-03 [CODE AMENDMENT] PROPOSED AMENDMENT TO DIVISION 706, NONCONFORMING USES**

CA2020-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 706, Nonconforming Uses.

The Planning Commission recommends Approval.

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

Public Hearing (all parties are sworn in)

Approved and Finalized

* **20200349** **CDBG Citizen Participation Plan Amendment**

Motion approving the amendments to the CDBG Citizen Participation Plan to address new CDBG COVID-19 funds.

Approved and Finalized

* **20200368** **Modification of Lease Agreement**

Motion approving the fourth modification of the lease agreement with the Marietta Leasehold L.P. / Remington Hotel Management.

Approved as Amended

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

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

Approved and Finalized

20200353 **Revised Detailed Plan - 218 & 234 Roswell Street**

Motion to approve the request by Tanalta Real Estate to modify the plan for the two office buildings at the corner of Meeting Street and Roswell Street. Modifications include enclosing four of the parking spaces at 218 Roswell Street and adding a 4th floor to the building at 234 Roswell Street. The 4th floor of the building at 234 Roswell Street will be for two residential condos only.

Public Hearing Required

Approved and Finalized

* **20200346** **Colston Road Traffic Calming**

Motion authorizing Public Works to conduct a speed study on Colston Road and report the results of this study back to Council for final consideration of reducing the posted speed limit to 25 MPH.

Approved and Finalized

* **20200369** **Coryell Street and Alexander Circle Street Parking**

Motion authorizing a no parking zone to be installed along the following streets: Coryell Street from Roswell Street to Chester Street (both sides of street); Lakewood Drive from Roswell Street to Chester Street (both sides of street); and along the west side of Alexander Circle from Frasier Street to Phillips Drive.

Approved and Finalized

* **20200341** **Title VI Program Documents**

Motion approving the Title VI Nondiscrimination Agreement and Assurances between the City of Marietta and the Georgia Department of Transportation for compliance with 23 CFR Part 200, Title VI of the Civil Rights Act of 1964, along with approval of the City of Marietta Title VI Policy and DBE Policy statements. Additionally, this motion appoints the Director of Human Resources and Risk Management as the City of Marietta Title VI Coordinator.

Approved and Finalized

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.
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]

Public Hearing (All parties are sworn in)

Motion to approve the variance request for property at 27 North Fairground Street and 546 Washington Avenue. Ward 5A.
1. Variance to reduce the setback on Rock Street from 40' to 10'. [§708.16 H.]
2. Variance to reduce the southern side setback for the new building from 15' to 5'. [§708.16 H]
3. Variance to reduce the northern side setback for the new building from 15' to 5'. [§708.16 H]
4. Variance to increase the impervious surface from 96% to 98%. [§708.16 H]

Approved as Amended

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.

Public Hearing Required

Approved and Finalized

* **20200385** **Outdoor Cafes-Proposed Changes (COVID-19)**

Motion to approve the ordinance for the proposed rate of $1 per square foot for outdoor cafes, through August 31, 2020.
Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. (This waiver requires the unanimous consent of the City Council).

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

Approved and Finalized

* **20200416** **Marietta Square Parking**

Motion to authorize staff to reserve one additional temporary 15-minute parking space in the downtown area for merchant/restaurant pick up or dine out.

Approved and Finalized

* **20200415** AT&T

Motion to authorize the Marietta City Attorney to take appropriate action to require AT&T to install its utilities along Powder Springs Street underground in compliance with Marietta's Underground Utility Ordinance. The City Attorney is further authorized to take any action deemed necessary or appropriate in this matter.

Approved and Finalized

* **20200304** **BLW Actions of May 11, 2020**

Review and approval of the May 11, 2020 actions and minutes of Marietta Board of Lights and Water.

Approved and Finalized

* **20200413** **Waddell Street Utilities**

Consideration of a motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber along Waddell Street from the building at 45 Atlanta Street to 57 Waddell Street. This motion does not grant a perpetual variance. The applicant must relocate underground at their expense if other utilities at the location are moved underground.

Approved and Finalized

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-09 **LEGISTAR: 20200073**

LANDOWNERS: **Traton Corp. of Cobb, Inc.; Traton Investments, LLC; The Institutional Property Group, a Joint Venture**
720 Kennesaw Avenue
Marietta, GA 30060

APPLICANT: **Same as owner**

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

PROPERTY ADDRESS: **Cobb Parkway North 1468 & 1540; 1497 Hamilton Grove Boulevard**

PARCEL DESCRIPTION: **16086600030 & 16086600040; 16086301090**

AREA: **~6.7 acres** **COUNCIL WARD: 4B**

EXISTING ZONING: **MXD (Mixed Use - City) &**
GC (General Commercial - County)

REQUEST: **MXD (Mixed-Use)**

FUTURE LAND USE: **CAC (Community Activity Center) &**
MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting to annex one parcel (1468 Cobb Pkwy. N) from the County and combine with two parcels (1540 Cobb Pkwy N & 1497 Hamilton Grove Blvd) within City limits to develop a 46-unit townhome community.

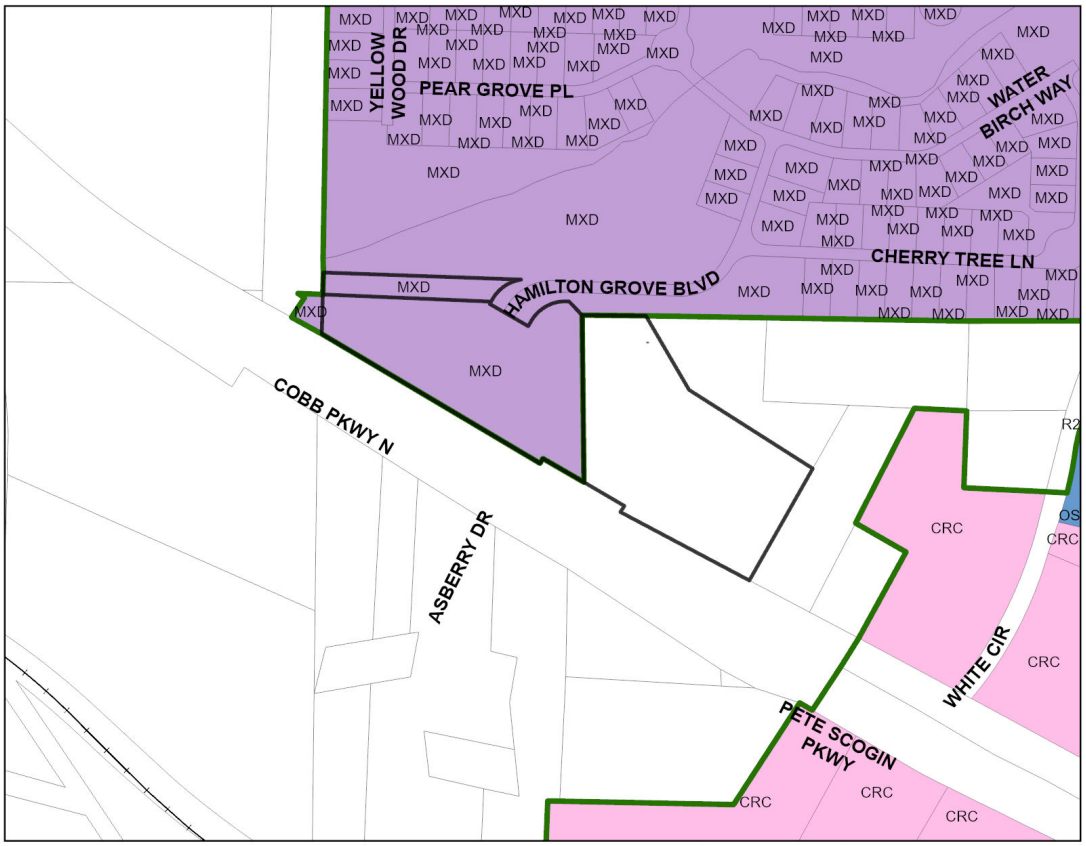
PLANNING COMMISSION HEARING: Tuesday, May 5, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, May 13, 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*
16	866	0030	GC	MXD
16	866	0040	MXD	MXD
16	866	1090	MXD	MXD

Comments: **1498 & 1540 Cobb Pkwy N**
1497 Hamilton Grove Blvd

Date: **2/4/2020**

Planning & Zoning Division

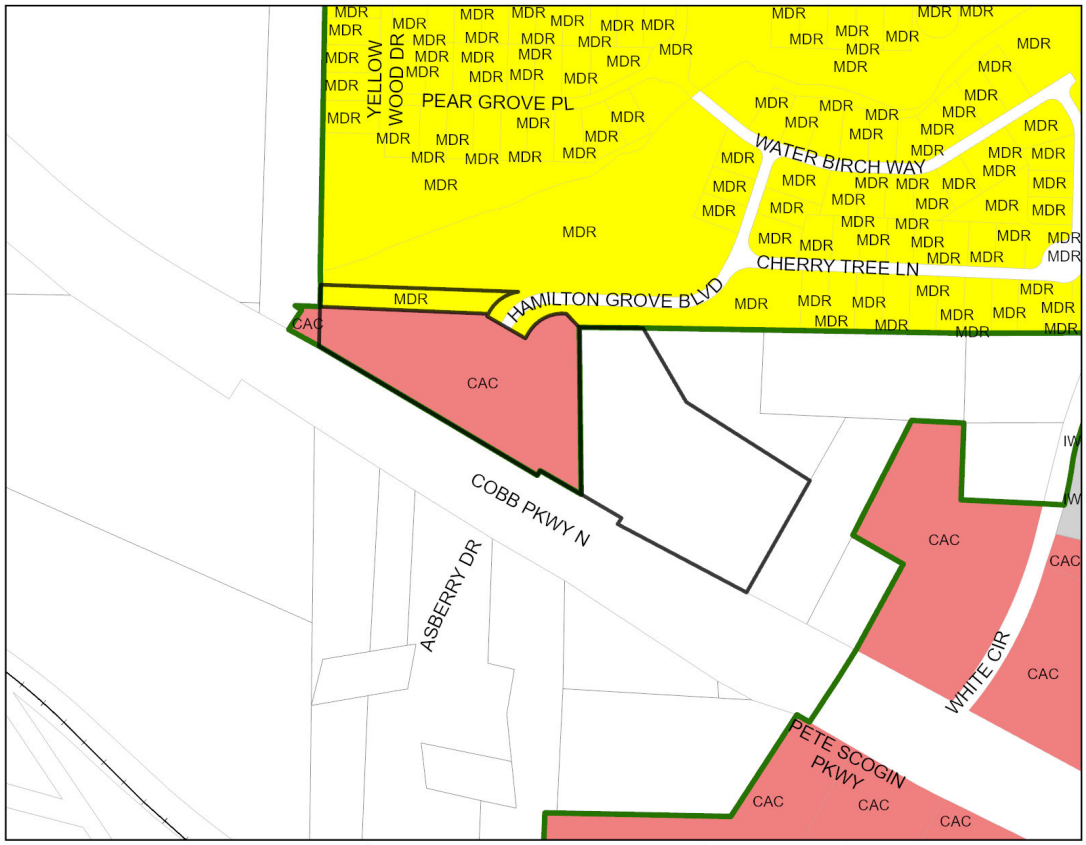
N W E S

1:3,471

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	866	0030	CAC	n/a
16	866	0040	CAC	n/a
16	866	1090	MDR	MDR (City)

Comments: **1498 & 1540 Cobb Pkwy N**
1497 Hamilton Grove Blvd

Date: **2/4/2020**

Planning & Zoning Division

N W E S

1:3,471

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

PICTURES OF PROPERTY

Subject properties along Cobb Parkway North

Existing entry onto Hamilton Grove Blvd. from Cobb Pkwy North

Location of proposed gates

Exiting Hamilton Grove facing toward Cobb Pkwy North

STAFF ANALYSIS

Location Compatibility

The applicant, Traton, LLC, is requesting to annex and rezone three (3) parcels of property in order to develop a forty-six (46) unit townhouse community. The development would include two properties within the City, 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard, and one property within the County, 1468 Cobb Parkway North. The combined acreage of the project is approximately 6.7 acres. The property to be annexed is 3.42 acres in size and is zoned GC (General Commercial) within the County. The properties within the City limits are zoned MXD (Mixed-Use) and lie west of the County's property. Hamilton Grove Subdivision is located immediately to the north. Prior to its development, the Hamilton Grove Subdivision property was annexed and rezoned by Traton Homes in 2002 (Z2002-31).

Use Potential and Impacts

A portion of the subject property was annexed and rezoned in 2002 as part of a thirty-six (36) acre development (Z2002-31) having commercial uses along Cobb Parkway North with a residential neighborhood to the north. The residential portion of the development was completed as the Hamilton Grove Subdivision, but the commercial land is still undeveloped. The applicant wishes to develop the property along Cobb Parkway North as residential only. The planned development would share the same access point from Cobb Parkway North as Hamilton Grove.

This proposed development would include forty-six (46) attached townhouse units on 6.7 acres, yielding a density of 6.9 units per acre. However, the Zoning Ordinance does not allow the inclusion of areas classified as wetlands, floodplains, and standing bodies of water in density calculations. Although the applicant has not provided the amount of the site covered by floodplain, staff has indicated that it is approximately 30%, or two (2) acres. This would result in a density closer to ten (10) units per acre.

The rezoning for Hamilton Grove authorized a density upwards of eight (8) units per acre (200 units on 25.07 acres), although it was ultimately developed at only 4.2 units per acre (106 units on 25.07 acres). A higher density residential community along the Cobb Parkway North road frontage would create a reasonable buffer for the Hamilton Grove residents and would potentially be more compatible than a commercial use.

When residential uses are proposed on MXD zoned property, there are certain development standards regarding parking and recreation. The parking requirements for townhouses include a 2-car garage with a 20-foot long driveway and 0.2 guest parking spaces per unit. The submitted plans appear to comply with the parking standards except the guest parking area. Ten (10) parking spaces are required for forty-six (46) units. However, the plans only include nine (9) guest parking spaces.

Another required feature is recreation space, which requires 1 acre for every 50 units. As such, the planned development should include a total of 0.92 acres recreation space with at least one active and one passive feature. An example of an active feature would be a playground, pool, or tennis court; and a passive feature would be a walking trail, pavilion, or picnic area. There are no features shown on the submitted plans. Unless changes are made regarding the parking and recreation requirements, the following variances would be necessary to develop the neighborhood as shown on the submitted plans:

- Variance to reduce the required number of guest spaces from 10 to 9. [§708.20 (B.6)]
- Variance to waive the requirement to provide active and passive recreation features. [§708.20 (B.9)]

Although elevations have not yet been provided, the applicant has indicated their intent to incorporate the proper material on the exterior facades.

The Future Land Use (FLU) designation of the subject properties within the City are CAC (Community Activity Center) and MDR (Medium Density Residential), although most of the site is classified as CAC. CAC is intended to provide the retail and service needs of several neighborhoods and communities. While the requested zoning district, MXD, is listed as a compatible zoning under CAC, this development is entirely residential and is not truly mixed use in that it does not provide residential and non-residential uses. However, CAC does describe opportunities for limited residential opportunities if along major corridors and in "*a mixed use traditional neighborhood development or 'new urbanism' community*." In conclusion, the City's Comprehensive Plan does not appear to support this rezoning request.

Environmental Impacts

This site is heavily wooded and contains floodplain, streams, and wetlands. There is a stream with state and local buffers, and wetland areas on the property. The wetlands are shown on the property in the County east of the creek and beyond the buffers. The guest parking area and up to eight (8) townhouses would impact the wetland and stream buffer area. Buffer variances from Georgia Environmental Protection Division and a U.S. Army Corp of Engineers 404 Permit will likely be required. This is an indicator that the intensity (density) of the project may not be suitable for the site.

STAFF ANALYSIS CONTINUED

Economic Functionality

The subject properties are mostly undeveloped except for a demolished house. These properties are zoned commercially and are undeveloped, while other commercial properties in the area are developed and operating. The rezoning in 2002 to MXD further complicated the potential use of these properties. Because access to the property would either be from a private residential road or state highway, the property may be better suited to medium density residential.

Infrastructure

The planned development would be utilizing the existing, private road, Hamilton Grove Boulevard, to access a new private road. A private access easement would be necessary and is noted on the submitted plans. Although the new road would be private, it should be designed and constructed according to Section 730 of the zoning ordinance. City ordinance also states 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. To allow the road design proposed on the plans, the following variance would be necessary:

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

Gates are proposed at the entrance from Cobb Parkway North onto Hamilton Grove Blvd and would require coordination with the residents of Hamilton Grove. Gates must be a minimum of 50 feet from public right-of-way and a minimum width of 30 feet. Further, access for emergency services and an indemnity agreement would be required. It should be noted that the other access point to Hamilton Grove Blvd, off White Circle, is not currently gated.

The plan shows sidewalks internal to the development and along a portion of Cobb Parkway North. The sidewalk would need to be extended along the entire frontage of Cobb Parkway North.

The water and sewer will be provided by Cobb County. The planned development is nearly an extension of the existing development and shall not detrimentally affect other public infrastructure in the area.

The serving elementary school would be Sawyer Road Elementary.

Overhead Electrical/Utilities

There is an existing overhead utility line present along Cobb Parkway North, but it should not conflict with the proposed buildings.

History of Property

The subject properties within the City were annexed and rezoned (Z2002-31) with stipulations in 2002 with the existing developed residential community, Hamilton Grove. The minimum floor area for Hamilton Grove is set at 1,600 square feet. Also, there is a stipulation that all homes provide a minimum of two bedrooms with no more than 25% of the development having only two-bedrooms.

The subject properties were expected to be developed commercially and are currently limited to the following permitted uses:

- Banks and Financial Institutions
- Barber and Beauty Shops
- Convenience Stores
- Clinics and Health Centers
- Dry Cleaning Establishments
- Copy Centers
- Cultural Facilities
- Daycare Centers and Nursery Schools
- Eating and Drinking Establishments
- Non-automotive Repair Service Centers
- Pharmacies and Drug Stores
- Printing Services
- Professional and General Business Offices
- Retail Trade
- Shopping Centers, etc.

Other Issues

The Fire Department would require a 35 ft. turning radius for access roads. All buildings must be protected throughout with an approved automatic fire sprinkler system as required by Marietta City Code 2-6-140.

MXD is a site-specific zoning, which will require City Council approval of a detailed plan. Detailed plans, which include a site plan, tree plan, and building elevations, must be submitted to Council through 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

Traton, LLC, is requesting to annex and rezone three (3) properties in order to develop 46 townhomes on 6.7 acres addressed as 1540 Cobb Parkway North (City), 1497 Hamilton Grove Boulevard (City), and 1468 Cobb Parkway North (County). The property to be annexed is 3.42 acres in size and zoned GC within Cobb County. The properties within the City limits are zoned MXD and lie west of the County's property. Hamilton Grove Subdivision is located immediately to the north and is also zoned MXD, despite being entirely residential.

The portion of the subject property in the City was annexed and rezoned in 2002 as part of a 36-acre development (Z2002-31) with commercial uses shown along Cobb Parkway North and Hamilton Grove Subdivision to the north. The subject properties were intended to be commercial but have remained undeveloped. Traton's proposed plan includes the construction of 46 townhouse units on 6.7 acres, two (2) acres of which are covered in floodplain; resulting in a density of nearly 10 units per acre. The rezoning for Hamilton Grove authorized a density upwards of 8 units per acre, although it was ultimately developed at 4.2 units per acre.

The proposed development would share the same access point on Cobb Parkway North as Hamilton Grove and, if gated, would require coordination with the residents of Hamilton Grove. A higher density residential community along the Cobb Parkway North frontage would create a reasonable buffer for the Hamilton Grove residents and would potentially be more compatible than a commercial use. However, the site is heavily wooded and contains floodplain, a stream, and wetlands and will likely require approvals and permits from Georgia EPD and the U.S. Army Corp of Engineers. This is an indicator that the intensity (density) of the project is not suitable to for such an environmentally sensitive site. Based on the submitted plan, the following variances would be necessary:

1. Variance to reduce the required number of guest spaces from 10 to 9. *[§708.20 (B.6)]*
2. Variance to waive the requirement of providing active and passive recreation features. *[§708.20 (B.9)]*
3. Variance to allow hammerhead configuration in lieu of the required cul-de-sac. *[§730.01 (E)]*

The FLU designation of the subject properties within the City are CAC and MDR, although most of the site is classified as CAC. While MXD is listed as a compatible zoning under CAC, this development is entirely residential and is not truly mixed use because it does not provide both residential and non-residential uses. CAC is intended to provide the retail and service needs of several neighborhoods and communities. As a result, the City's Comprehensive Plan does not appear to support this rezoning request.

Prepared by: Jasi Shut

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:	Yes
What percentage of the property is in the flood plain?	30%
What is the drainage basin for the property?	Noonday 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?	Yes
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

- Full site development plans required (sidewalks and storm water management will require more detail)
- USACOE 404 Permit required for wetlands mitigation
- GA EPD buffer variance required

TRANSPORTATION

What is the road affected by the proposed change?	N. Cobb Pkwy. And Hamilton Grove Blvd.
What is the classification of the road?	N. Cobb Pkwy.: Arterial Hamilton Grove Blvd.: Local
What is the traffic count for the road?	N. Cobb Pkwy.: 42,927 (GDOT 3/2019) Hamilton Grove Blvd.: N/A
Estimated # of trips generated by the proposed development?	Daily 440 AM 35 PM 36
Estimated # of pass-by cars entering proposed development?	0
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	N/A

Additional Comments:

- Verify sufficient room for a passenger vehicle (PV) to turn around without backing up at gated entrance.
- GDOT permit required
- Sidewalk required along entire parcel frontage of Cobb Parkway, not just adjacent to the decel lane.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	850 Sawyer Rd (56)
Distance of the nearest station?	4.1 miles
Most likely station for 1st response?	56
Service burdens at the nearest city fire station (under, at, or above capacity)?	n/a

Comments:

- Are gates existing or proposed? Require 50' set back from ROW, and minimum 30' width.
- 35' turning radius for fire department access roads.
- 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:	**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:	**23**
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 #: Z2020-09 **Legistar #:** 20200073 **PZ #:**

Planning Commission Hearing: 03/03/2020 **City Council Hearing:** 03/11/2020

Owner's Name Traton Corp. of Cobb, Inc.; Traton Investments, LLC; The Institutional Property Group, a Joint Venture A 2020-01 CA 2020-01

EMAIL Address: clif@tratonhomes.com

Mailing Address 720 Kennesaw Avenue Zip Code: 30060 Telephone Number (770) 427-9064

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant/Owners' Representative: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

Applicant: Traton, LLC

EMAIL Address: clif@tratonhomes.com

Mailing Address 720 Kennesaw Avenue, Marietta, GA Zip Code: 30060

Telephone Number (770) 427-9064 Email Address: clif@tratonhomes.com

Address of property to be rezoned: 1468 N. Cobb Parkway (Parcel 0030 - Cobb)
1540 Cobb Parkway N. (Parcel 0040 - City)
1497 Hamilton Grove Blouevard (Parcel 1090 - City)

Land Lot (s) 08660 / 08630 District 16 Parcel 0030 / 0040; 1090 Acreage 6.7± Ward 4B Future Land Use: CAC / MDR

Present Zoning Classification: MXD (City) / GC (Cobb) Proposed Zoning Classification: MXD

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.

ATTACHMENT TO APPLICATION FOR REZONING

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

Applicant: **Traton, LLC**
Property Owners: **Traton Corp. of Cobb, Inc.;**
Traton Investments, LLC,
a Georgia limited liability company; and
The Institutional Property Group, a Joint Venture
comprised of Poston Properties, Inc. and
C. W. Matthews Contracting Co., Inc.

DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT

The property which is the subject of the Application for Rezoning by Applicant, Traton, LLC (hereinafter "Applicant") is an assemblage of three parcels totaling 6.7 acres, more or less, located in Land Lots 863 and 866, 16th 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 General Commercial ("GC") (Cobb County) and Mixed-Use Development ("MXD") (City of Marietta) zoning classifications to the MXD zoning classification. Applicant is seeking rezoning for a townhome community.

The assembled parcels are located on the northeasterly side of North Cobb Parkway, on the westerly and easterly sides of Hamilton Grove Boulevard. Applicant proposes the construction of a maximum of forty-six (46) townhome units. All 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 Hamilton Grove Boulevard, 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 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 new project within the City of Marietta. The project will be a quality development and provide a highly sought-after product within the City, in close proximity to Downtown Marietta and with interstate connectivity.

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: **Traton, LLC**
Property Owners: **Traton Corp. of Cobb, Inc.;**
Traton Investments, LLC,
a Georgia limited liability company, and
The Institutional Property Group, a Joint Venture
comprised of Poston Properties, Inc. and
C. W. Matthews Contracting Co., Inc.

TRATON CORP. OF COBB, INC.

BY: _____
Christopher John Poston
Title: _____

Date Executed: January 21, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires:

[Notary Seal]

TERRI GADBOIS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 31, 2023
COBB COUNTY, GEORGIA

Property Owner Address:

Traton Corp. of Cobb, Inc.
c/o Traton, LLC
720 Kennesaw Avenue
Marietta, Georgia 30060
(770) 427-9064
E-mail: chris@tratonhomes.com
clif@tratonhomes.com

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: **Traton, LLC**
Property Owners: **Traton Corp. of Cobb, Inc.;**
Traton Investments, LLC,
a Georgia limited liability company, and
The Institutional Property Group, a Joint Venture
comprised of Poston Properties, Inc. and
C. W. Matthews Contracting Co., Inc.

TRATON INVESTMENTS, LLC,
a Georgia limited liability company

BY: TRATON OF GEORGIA, LLC,
a Georgia limited liability company,
its Sole Member

BY: _____
Christopher John Poston
Member

Date Executed: January 21, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires:

[Notary Seal]

TERRI GADBOIS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 31, 2023
COBB COUNTY, GEORGIA

Property Owner Address:

Traton Investments, LLC
720 Kennesaw Avenue
Marietta, Georgia 30060
(770) 427-9064
E-mail: chris@tratonhomes.com
clif@tratonhomes.com

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: **Traton, LLC**
Property Owners: **Traton Corp. of Cobb, Inc.;**
Traton Investments, LLC,
a Georgia limited liability company, and
The Institutional Property Group, a Joint Venture
comprised of Poston Properties, Inc. and
C. W. Matthews Contracting Co., Inc.

THE INSTITUTIONAL PROPERTY GROUP,
a Joint Venture comprised of Poston Properties, Inc.
and C.W. Matthews Contracting Co., Inc.

BY: POSTON PROPERTIES, INC.

BY: _____
TITLE: _____

Date Executed: January 21, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires:

[Notary Seal]

TERRI GADBOIS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 31, 2023
COBB COUNTY, GEORGIA

Property Owner Address:

The Institutional Property Group, a joint venture
c/o Traton, LLC
720 Kennesaw Avenue
Marietta, Georgia 30060
(770) 427-9064
E-mail: chris@tratonhomes.com
clif@tratonhomes.com

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

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

Applicant: **Traton, LLC**
Property Owners: **Traton Corp. of Georgia, Inc.;**
Traton Investments, LLC,
a Georgia limited liability company, and
The Institutional Property Group, a Joint Venture
comprised of Poston Properties, Inc. and
C. W. Matthews Contracting Co., Inc.

TRATON, LLC
a Georgia limited liability company

BY: TRATON HOLDINGS, LLC,
a Georgia limited liability company,
its Sole Member

BY: _____
Christopher John Poston
Authorized Signatory

Date Executed: January 21, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires:

[Notary Seal]

TERRI GADBOIS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 31, 2023
COBB COUNTY, GEORGIA

Applicant Address:

Traton, LLC
720 Kennesaw Avenue
Marietta, Georgia 30060
(770) 427-9064
E-mail: chris@tratonhomes.com
clif@tratonhomes.com

ATTACHMENT TO APPLICATION FOR REZONING
(Page One of One)

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

Applicant: **Traton, LLC**
Property Owners: **Traton Corp. of Cobb, Inc.;**
Traton Investments, LLC,
a Georgia limited liability company; and
The Institutional Property Group, a Joint Venture
comprised of Poston Properties, Inc. and
C. W. Matthews Contracting Co., Inc.

Representative for Applicant and Property Owners:

MOORE INGRAM JOHNSON & STEELE, LLP

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

Attorneys for Applicant and Property Owners

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

Marietta GEORGIA

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#: A2020-01 Legistar#: 20200074 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

Z 2020-09
CA 2020-01

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): Traton Investments, LLC

Address of property to be Annexed: 1468 N. Cobb Parkway

Land Lot 08660 District: 16 Parcel: 0030 Number of Acres: 3.42±

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

See Attached Exhibit "A" (770) 427-9064

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

Property owner's EMAIL: chris@tratonhomes.com; clif@tratonhomes.com

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

720 Kennesaw Avenue, Marietta, GA 30060

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

If the current land use of the property is residential, how many people are living on the property:
Not Applicable.

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

Property Owner: **Traton Investments, LLC,**
a Georgia limited liability company, and

TRATON INVESTMENTS, LLC,
a Georgia limited liability company

BY: TRATON OF GEORGIA, LLC,
a Georgia limited liability company,
its Sole Member

BY: _____
Christopher John Poston
Member

Date Executed: January 17, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires:

[Notary Seal]

TERRI GADBOIS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 31, 2023
COBB COUNTY, GEORGIA

Property Owner Address:

Traton Investments, LLC
720 Kennesaw Avenue
Marietta, Georgia 30060
(770) 427-9064
E-mail: chris@tratonhomes.com
clif@tratonhomes.com

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, May 5st, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, May 13th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-09 [REZONING] TRATON, LLC is requesting the rezoning of 6.7 acres located in located in Land Lots 863 & 866, District 16, Parcels 0030, 0040, & 1090 of the 2nd Section, Cobb County, Georgia, and being known as 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard from MXD (Mixed Use Development – City) and GC (General Commercial – County) to MXD (Mixed Use Development) in the City. Ward 4B.

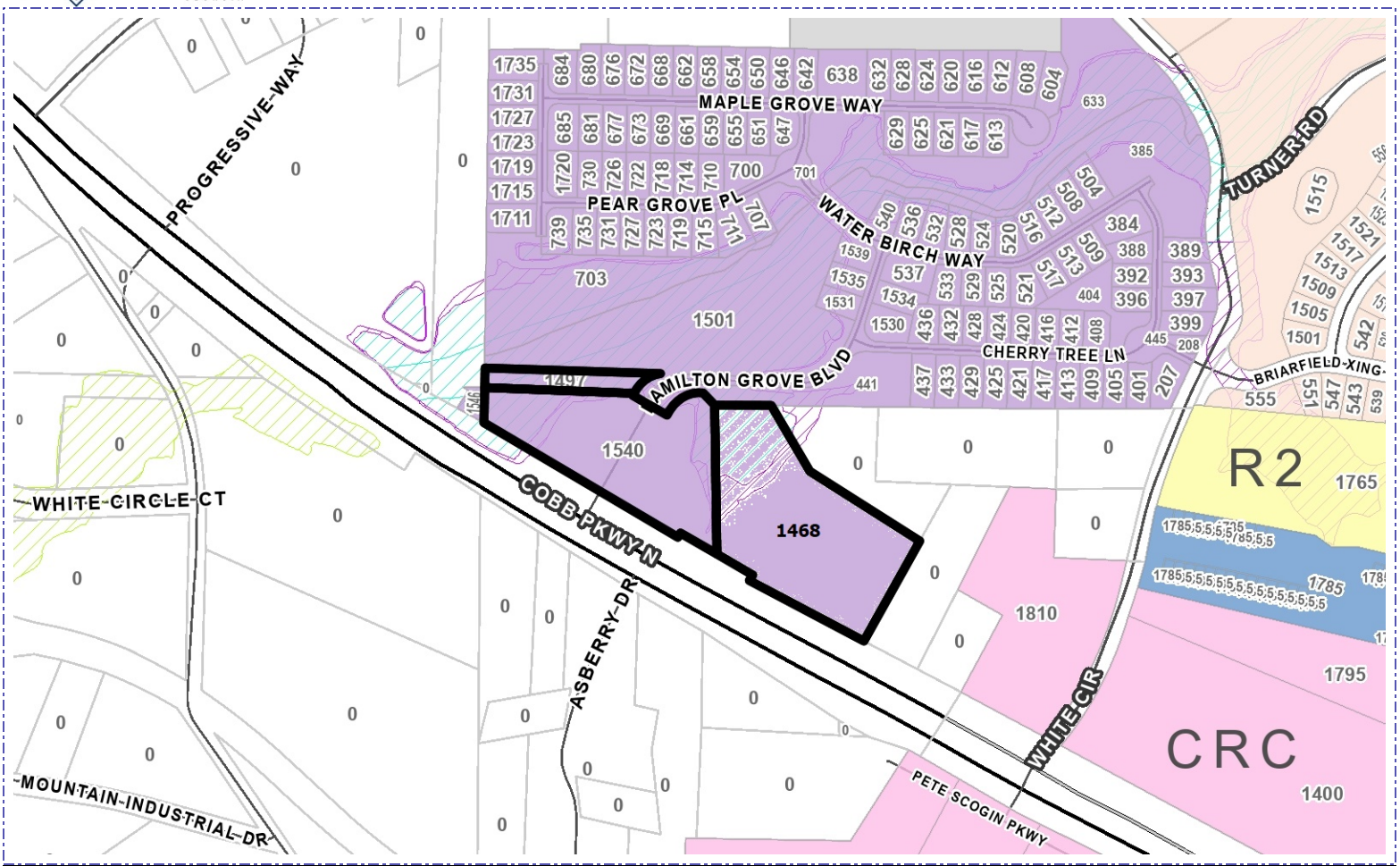
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information 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
1540 COBB PKWY N	16086600040	2.941	4B	MXD	CAC
1497 HAMILTON GROVE BLVD	16086301090	0.421	4B	MXD	MDR
1468 COBB PKWY N	16086600030	3.551	4B	MXD	

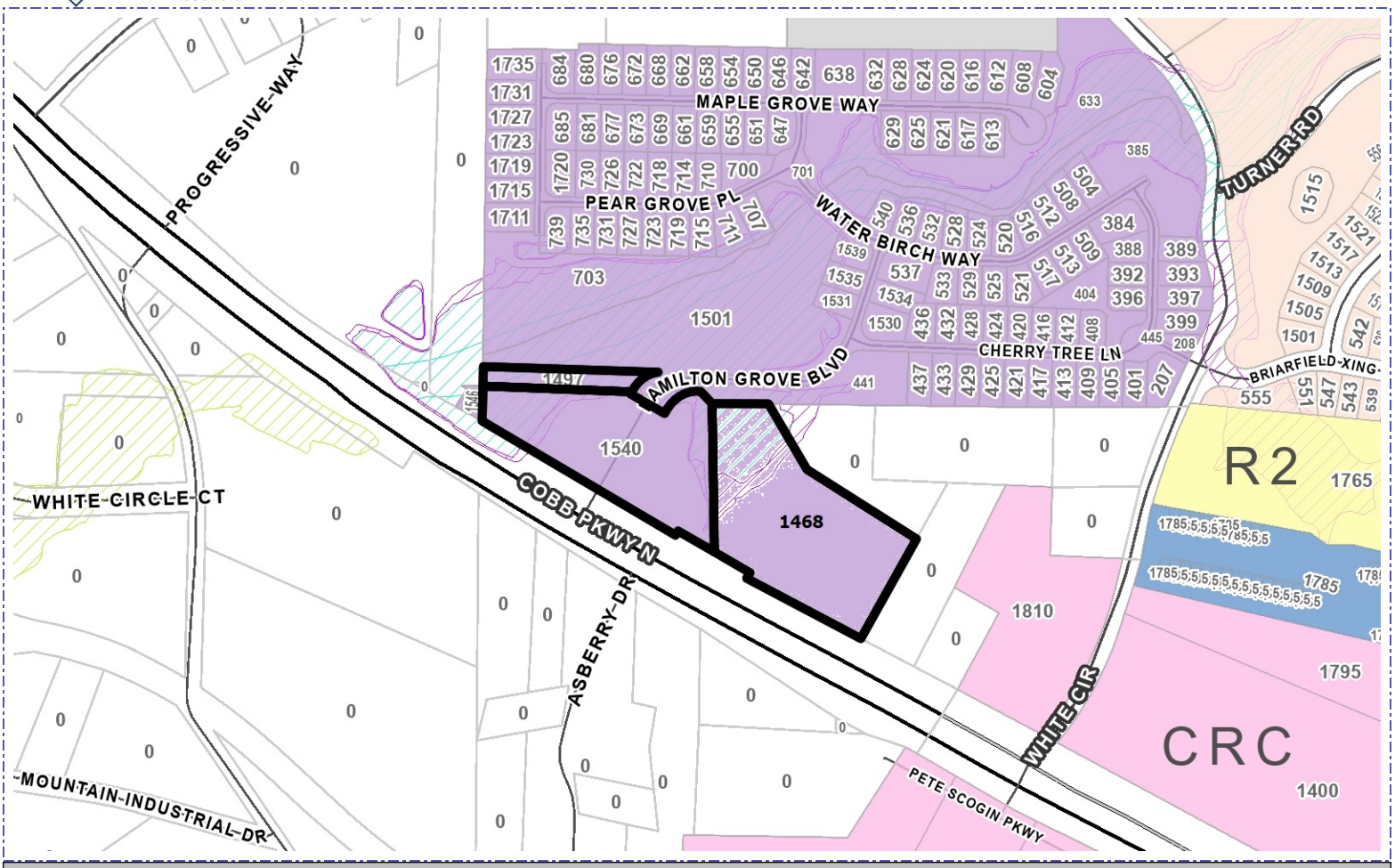
Property Owner:	Various on file
Applicant:	Traton, LLC
Proposed Zoning:	GC (Cobb) to MXD (City)
Agent:	J. Kevin Moore, Esq.
Proposed Use:	
Planning Commission Date:	05/05/2020
City Council Hearing Date:	05/13/2020 Case Number: Z2020-09

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

Annexation



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1540 COBB PKWY N	16086600040	2.941	4B	MXD	CAC
1497 HAMILTON GROVE BLVD	16086301090	0.421	4B	MXD	MDR
1468 COBB PKWY N	16086600030	3.551	4B	MXD	

Property Owner:	Various on file		
Applicant:	Traton, LLC		
Proposed Zoning:	GC (Cobb) to MXD (City)		
Proposed Use:			
Acquisition Date:		Fair Market Value:	
City Council Hearing Date:	05/13/2020	Case Number:	A2020-01
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
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
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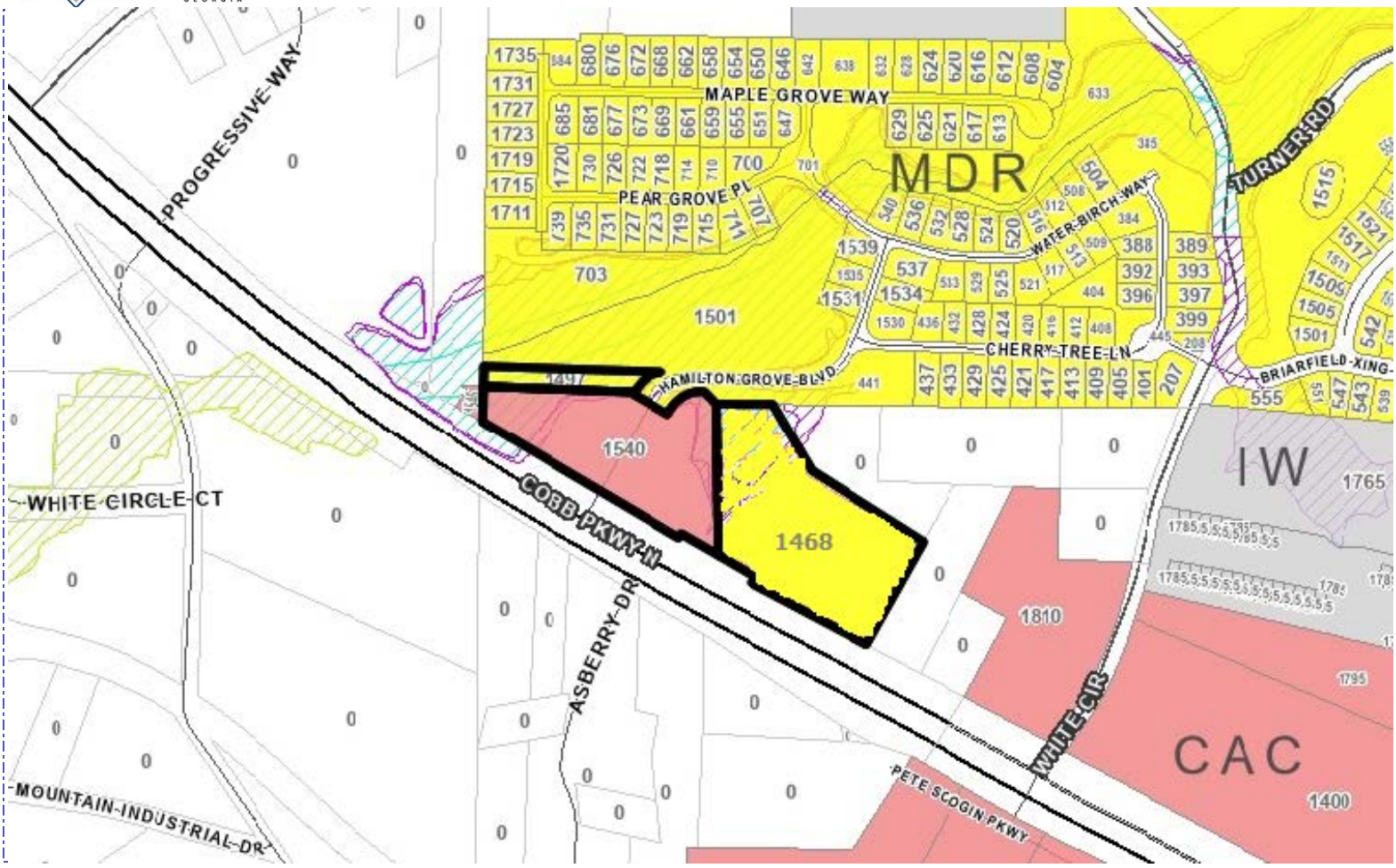
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- 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
1540 COBB PKWY N	16086600040	2.941	4B	MXD	CAC
1497 HAMILTON GROVE BLVD	16086301090	0.421	4B	MXD	MDR
1468 COBB PKWY N	16086600030	3.551	4B	MXD	MDR

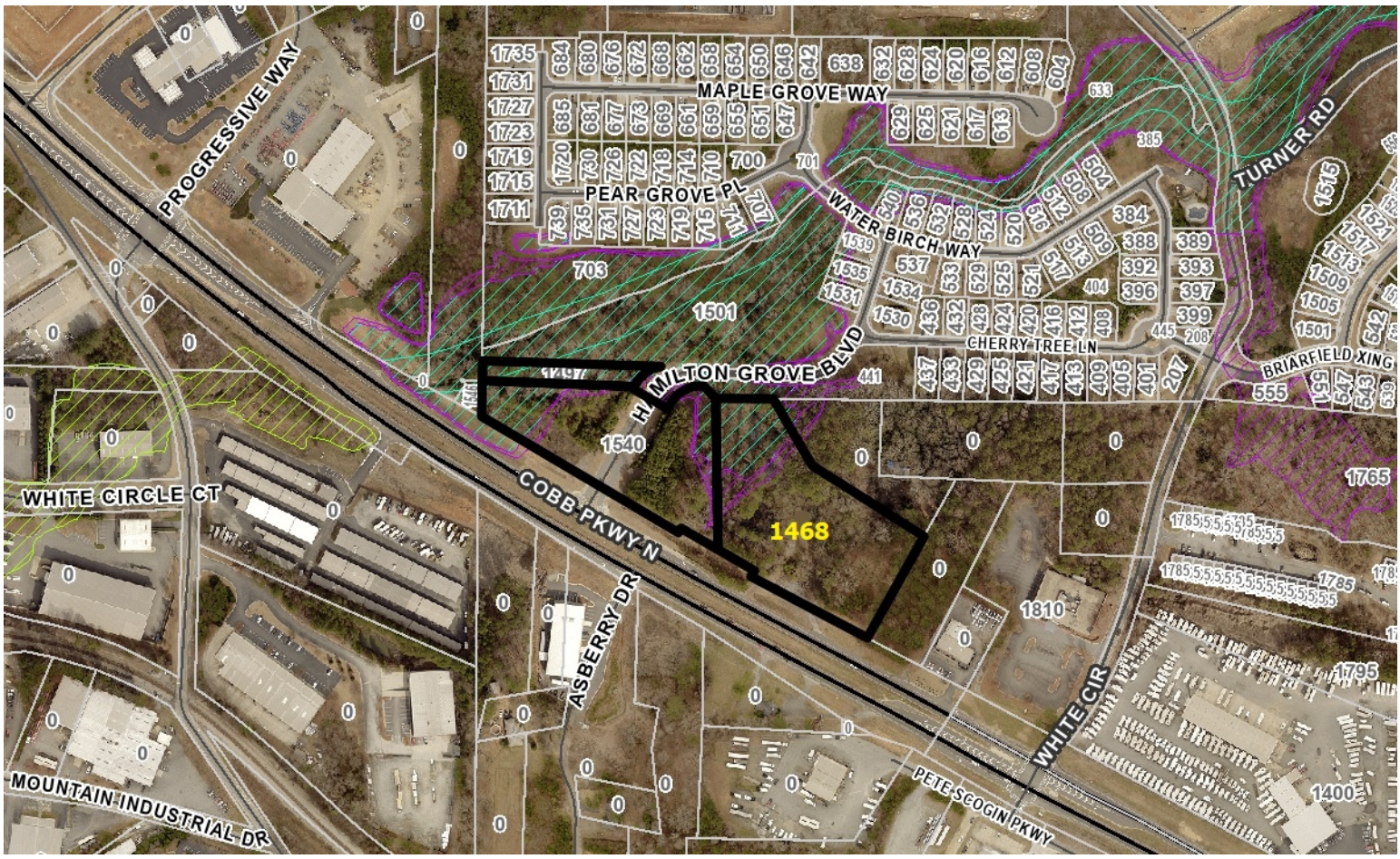
Planning Commission Hearing Date:	05/05/2020
City Council Hearing Date:	05/13/2020
Future Land Use:	CAC & MDR
Case Number:	Z2020-09
Comments:	

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
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1497 HAMILTON GROVE BLVD	16086301090	0.421	4B	MXD	MDR
1468 COBB PKWY N	16086600030	3.551	4B	MXD	

Property Owner: Various on file

Applicant: Traton, LLC

City Council Hearing Date: 05/13/2020

Planning Commission Hearing Date: 05/05/2020

BZA Hearing Date: Case Number: Z2020-09

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning

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WATTS & BROWNING ENGINEERS, INC. HAS EXAMINED THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) AND IT IS OUR OPINION THAT THE REFERENCED PROPERTY IS LOCATED IN ZONE (S) "X-UNSHADED"&"AE" AS PER: COBB COUNTY FIRM PANEL 13067C0030F, DATED 08/18/92.

ZONE AE: BASE FLOOD ELEVATIONS DETEREMINED.
ZONE X (UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD THE FLOOD LINE SHOWN HEREON WAS GRAPHICALLY PLOTTED FROM THE ABOVE REFERENCED FLOOD MAP IS APPROXIMATE.

PROJECT BENCHMARK:
RM71: ELEVATION=1073.24 NGVD

CHISELED"X"ON TOP OF CONCRETE HEADWALL IN UPSTREAM RIGHT HAND CORNER OF BOX CULVERT AT LAURA LAKE TRIBUTARY UNDER COBB PARKWAY (U.S.41) (NOONDAY CREEK TRIBUTARY #4)

BASIS OF BEARING (GRID NORTH) SHOWN HEREONWERE ESTABLISHED FROM COBB COUNTY G.I.S. MONUMENTS #200208-1 & #200208-2. ALL DIMENSIONS SHOWN HEREON ARE AT GROUND LEVEL.

NOTE: THE REFERENCED MUNICIPALITY SUPPLIED THE ZONING INFORMATION STATED ON THIS PLAT. ANY GRAPHIC DEPICTION OF SETBACK LINES AND OTHER MATTES OF ZONING ARE THE SURVEYOR'S INTERPRETATION OF THE ZONING INFORMATION FURNISHED. THE SURVEYOR OFFERS NO CERTIFICATION AS TO THE ZONING OF THE SUBJECT PROPERTY OR COMPLIANCE WITH THE ZONING REGULATIONS FOR THE STRUCTURES OR BUSINESSES ON THE SUBJECT PROPERTY.

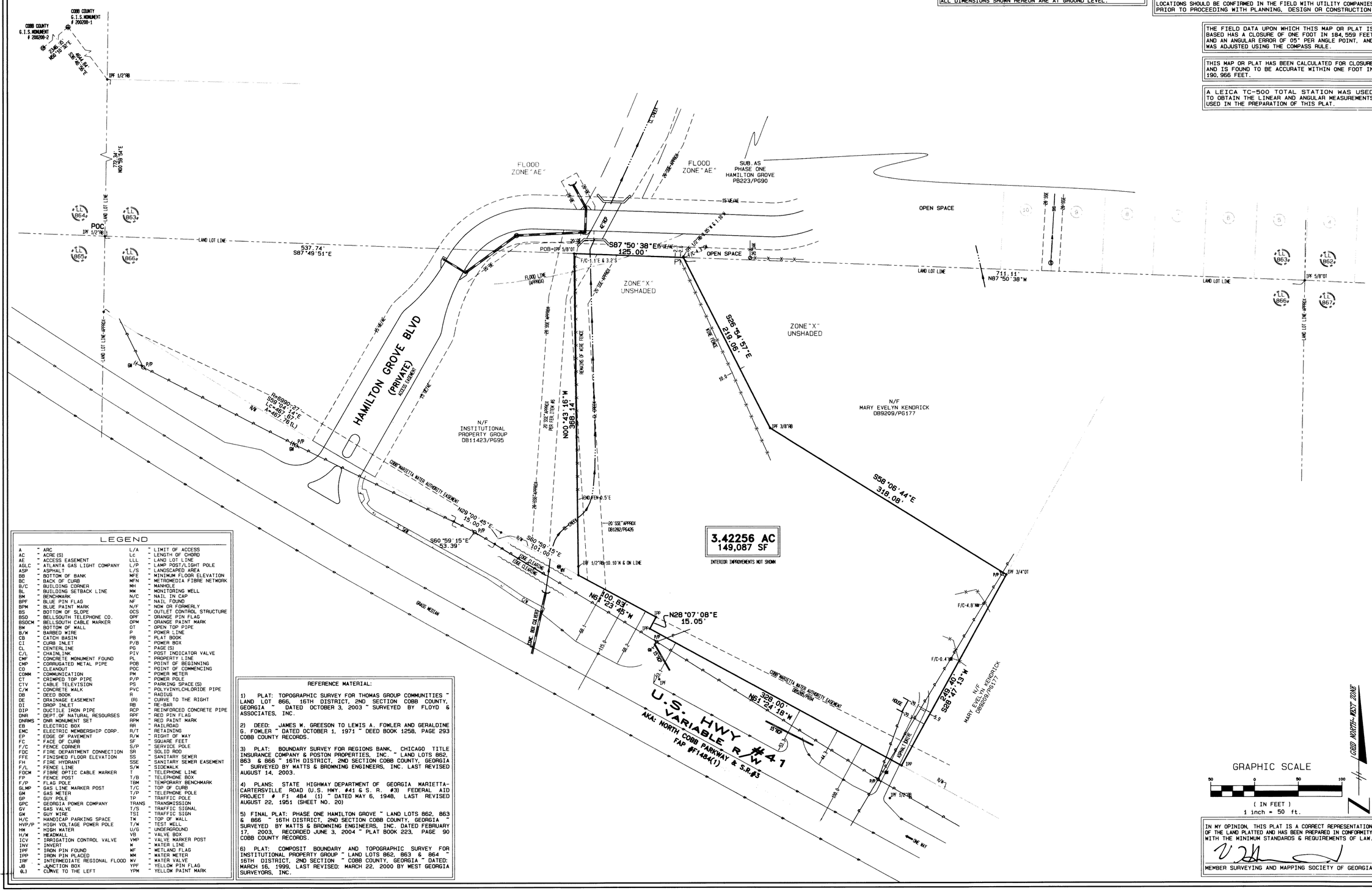
NOTE: THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED ENTITIES WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR NAMING SAID ENTITIES.

NOTE: ABOVE GROUND UTILITY LOCATIONS WERE OBTAINED FROM FIELD OBSERVATIONS. WATTS & BROWNING HAS NOT RESEARCHED UNDERGROUND UTILITY LOCATIONS. INFORMATION SHOWN HEREON REGARDING THE EXISTENCE , SIZE, TYPE AND LOCATION OF UNDERGROUND UTILITIES IS BASED ON MARKINGS IN THE FIELD AND INFORMATION FURNISHED TO BY OTHERS AND WATTS & BROWNING ENGINEERS IS UNABLE TO CERTIFY TO THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. INDICATED LOCATIONS SHOULD BE CONFIRMED IN THE FIELD WITH UTILITY COMPANIES PRIOR TO PROCEEDING WITH PLANNING, DESIGN OR CONSTRUCTION.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 184,559 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 190,966 FEET.

A LEICA TC-500 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.



LEGEND

A	" ARC	L/A	" LIMIT OF ACCESS
AC	" ACRE (S)	Lc	" LENGTH OF CHORD
AE	" ACCESS EASEMENT	LLL	" LAND LOT LINE
AGLC	" ATLANTA GAS LIGHT COMPANY	L/P	" LAMP POST/LIGHT POLE
ASP	" ASPHALT	L/S	" LANDSCAPED AREA
BB	" BOTTOM OF BANK	MFE	" MINIMUM FLOOR ELEVATION
BC	" BACK OF CURB	MFN	" METROMEDIA FIBRE NETWORK
B/C	" BUILDING CORNER	MH	" MANHOLE
BL	" BUILDING SETBACK LINE	MW	" MONITORING WELL
BM	" BENCHMARK	N/C	" NAIL IN CAP
BPF	" BLUE PIN FLAG	NF	" NAIL FOUND
BPM	" BLUE PAINT MARK	N/F	" NOW OR FORMERLY
BS	" BOTTOM OF SLOPE	OCS	" OUTLET CONTROL STRUCTURE
BSO	" BELLSOUTH TELEPHONE CO.	OPF	" ORANGE PIN FLAG
BSOCM	" BELLSOUTH CABLE MARKER	OPM	" ORANGE PAINT MARK
BW	" BOTTOM OF WALL	OT	" OPEN TOP PIPE
B/W	" BARBED WIRE	P	" POWER LINE
CB	" CATCH BASIN	PB	" PLAT BOOK
CI	" CURB INLET	P/B	" POWER BOX
CL	" CENTERLINE	PG	" PAGE (S)
C/L	" CHAINLINK	PIV	" POST INDICATOR VALVE
CMF	" CONCRETE MONUMENT FOUND	PL	" PROPERTY LINE
CMP	" CORRUGATED METAL PIPE	POB	" POINT OF BEGINNING
CO	" CLEANOUT	POC	" POINT OF COMMENCING
COMM	" COMMUNICATION	PM	" POWER METER
CT	" CRIMPED TOP PIPE	P/P	" POWER POLE
CTV	" CABLE TELEVISION	PS	" PARKING SPACE (S)
C/W	" CONCRETE WALK	PVC	" POLYVINYLCHLORIDE PIPE
DB	" DEED BOOK	R	" RADIUS
DE	" DRAINAGE EASEMENT	(R)	" CURVE TO THE RIGHT
DI	" DROP INLET	RB	" RE-BAR
DIP	" DUCTILE IRON PIPE	RCP	" REINFORCED CONCRETE PIPE
DNR	" DEPT. OF NATURAL RESOURSES	RPF	" RED PIN FLAG
DNRMS	" DNR MONUMENT SET	RPM	" RED PAINT MARK
EB	" ELECTRIC BOX	RR	" RAILROAD
EMC	" ELECTRIC MEMBERSHIP CORP.	R/T	" RETAINING
EP	" EDGE OF PAVEMENT	R/W	" RIGHT OF WAY
FC	" FACE OF CURB	SF	" SQUARE FEET
F/C	" FENCE CORNER	S/P	" SERVICE POLE
FDC	" FIRE DEPARTMENT CONNECTION	SR	" SOLID ROD
FFE	" FINISHED FLOOR ELEVATION	SS	" SANITARY SEWER
FH	" FIRE HYDRANT	SSE	" SANITARY SEWER EASEMENT
F/L	" FENCE LINE	S/W	" SIDEWALK
FOCM	" FIBRE OPTIC CABLE MARKER	T	" TELEPHONE LINE
FP	" FENCE POST	T/B	" TELEPHONE BOX
F/P	" FLAG POLE	TBM	" TEMPORARY BENCHMARK
GLMP	" GAS LINE MARKER POST	T/C	" TOP OF CURB
GM	" GAS METER	T/P	" TELEPHONE POLE
GP	" GUY POLE	TP	" TRAFFIC POLE
GPC	" GEORGIA POWER COMPANY	TRANS	" TRANSMISSION
GV	" GAS VALVE	T/S	" TRAFFIC SIGNAL
GW	" GUY WIRE	TSI	" TRAFFIC SIGN
H/C	" HANDICAP PARKING SPACE	TW	" TOP OF WALL
HVP/P	" HIGH VOLTAGE POWER POLE	T/W	" TEST WELL
HW	" HIGH WATER	U/G	" UNDERGROUND
H/W	" HEADWALL	VB	" VALVE BOX
ICV	" IRRIGATION CONTROL VALVE	VMP	" VALVE MARKER POST
INV	" INVERT	W	" WATER LINE
IPF	" IRON PIN FOUND	WF	" WETLAND FLAG
IPP	" IRON PIN PLACED	WM	" WATER METER
IRF	" INTERMEDIATE REGIONAL FLOOD	WV	" WATER VALVE
JB	" JUNCTION BOX	YPF	" YELLOW PIN FLAG
(L)	" CURVE TO THE LEFT	YPM	" YELLOW PAINT MARK

REFERENCE MATERIAL:

1) PLAT: TOPOGRAPHIC SURVEY FOR THOMAS GROUP COMMUNITIES ~ LAND LOT 866, 16TH DISTRICT, 2ND SECTION COBB COUNTY, GEORGIA ~ DATED OCTOBER 3, 2003 ~ SURVEYED BY FLOYD & ASSOCIATES, INC.

2) DEED: JAMES W. GREESON TO LEWIS A. FOWLER AND GERALDINE G. FOWLER ~ DATED OCTOBER 1, 1971 ~ DEED BOOK 1258, PAGE 293 COBB COUNTY RECORDS.

3) PLAT: BOUNDARY SURVEY FOR REGIONS BANK, CHICAGO TITLE INSURANCE COMPANY & POSTON PROPERTIES, INC. ~ LAND LOTS 862, 863 & 866 ~ 16TH DISTRICT, 2ND SECTION COBB COUNTY, GEORGIA ~ SURVEYED BY WATTS & BROWNING ENGINEERS, INC. LAST REVISED AUGUST 14, 2003.

4) PLANS: STATE HIGHWAY DEPARTMENT OF GEORGIA MARIETTA-CARTERSVILLE ROAD (U.S. HWY. #41 & S. R. #3) FEDERAL AID PROJECT # F1 484 (1) ~ DATED MAY 6, 1948, LAST REVISED AUGUST 22, 1951 (SHEET NO. 20)

5) FINAL PLAT: PHASE ONE HAMILTON GROVE ~ LAND LOTS 862, 863 & 866 ~ 16TH DISTRICT, 2ND SECTION COBB COUNTY, GEORGIA ~ SURVEYED BY WATTS & BROWNING ENGINEERS, INC. DATED FEBRUARY 17, 2003, RECORDED JUNE 3, 2004 ~ PLAT BOOK 223, PAGE 90 COBB COUNTY RECORDS.

6) PLAT: COMPOSIT BOUNDARY AND TOPOGRAPHIC SURVEY FOR INSTITUTIONAL PROPERTY GROUP ~ LAND LOTS 862, 863 & 864 ~ 16TH DISTRICT, 2ND SECTION ~ COBB COUNTY, GEORGIA ~ DATED: MARCH 16, 1999, LAST REVISED: MARCH 22, 2000 BY WEST GEORGIA SURVEYORS, INC.

GRAPHIC SCALE

50 0 50 100

(IN FEET)
1 inch = 50 ft.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS & REQUIREMENTS OF LAW.

MEMBER SURVEYING AND MAPPING SOCIETY OF GEORGIA

BOUNDARY SURVEY FOR

POSTON PROPERTIES, INC

OF PROPERTY LOCATED IN

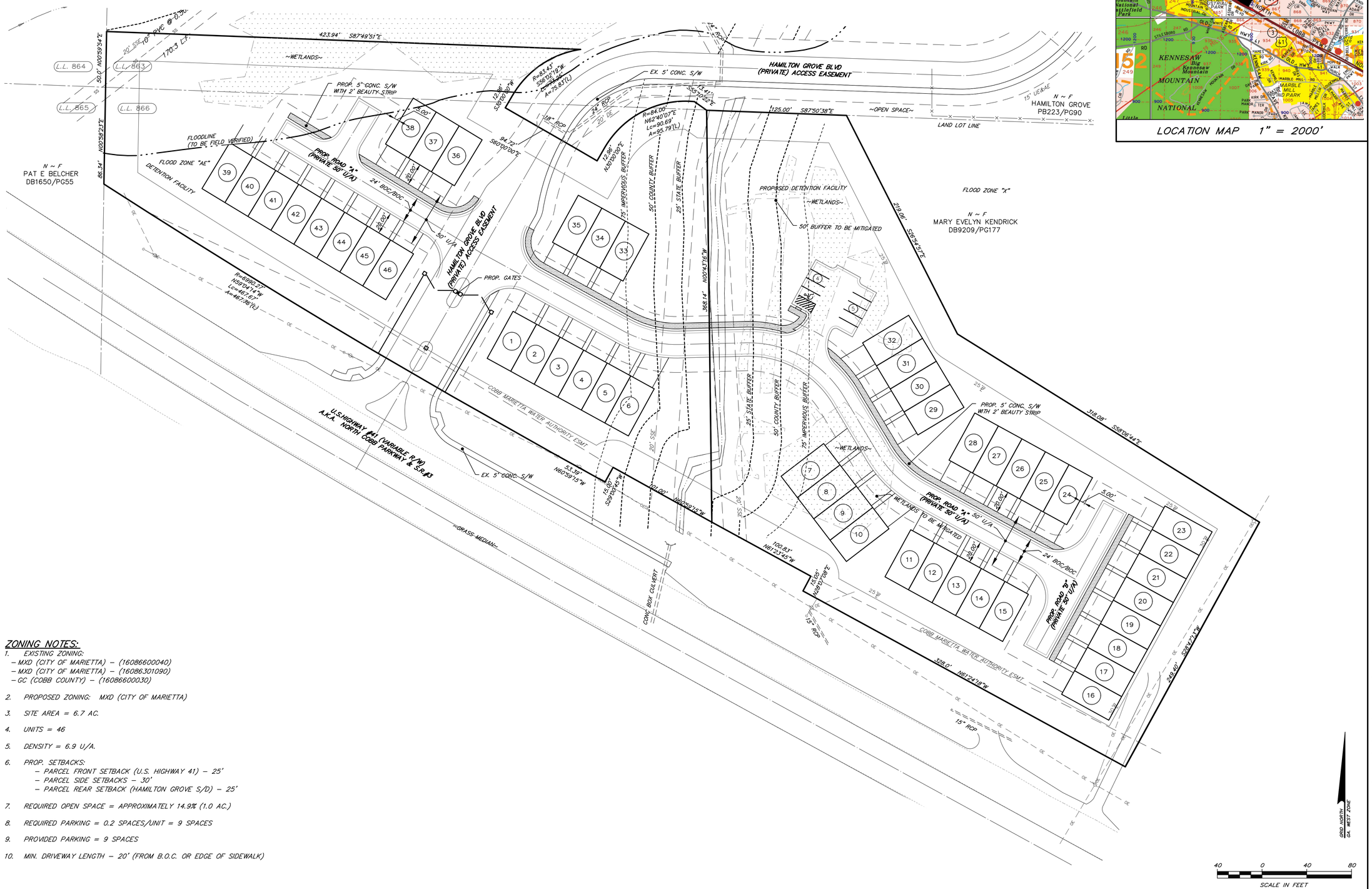
LAND LOT 866
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

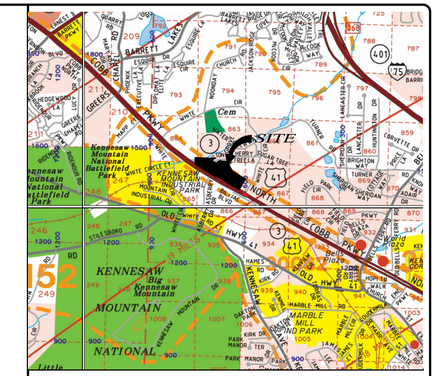
GEORGIA REGISTERED LAND SURVEYOR 1101 R. T. HAMMOND

REVISIONS			
NO.	DATE	BY	DESCRIPTION

WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
5582 PEACHTREE ROAD
ATLANTA, GEORGIA 30341-4953
PHONE: (770) 451-7453
FAX: (770) 455-3955
WWW.WBENGR.COM

SCALE:	1" = 50'
DATE SURVEYED:	10/26/04
DATE UPDATED:	N/A
SURVEYED BY:	HEILMAN
DATE DRAFTED:	11/02/04
UPDATE DRAFTED:	N/A
DRAWN BY:	AMCM
CHECKED BY:	MH
FIELD BOOK #:	2172
JOB NUMBER:	040807
FOLDER NUMBER:	040807
COGO FILE:	573-TRATON41
DISC FILE:	262-040807
COUNTY/LL/D/S:	COBB/866/16/2
PLAT FILE:	B
SHEET:	1 OF 1





LOCATION MAP 1" = 2000'

ZONING NOTES:

1. EXISTING ZONING:
   - MXD (CITY OF MARIETTA) – (16086600040)
   - MXD (CITY OF MARIETTA) – (16086301090)
   - GC (COBB COUNTY) – (16086600030)
2. PROPOSED ZONING: MXD (CITY OF MARIETTA)
3. SITE AREA = 6.7 AC.
4. UNITS = 46
5. DENSITY = 6.9 U/A.
6. PROP. SETBACKS:
   - PARCEL FRONT SETBACK (U.S. HIGHWAY 41) – 25'
   - PARCEL SIDE SETBACKS – 30'
   - PARCEL REAR SETBACK (HAMILTON GROVE S/D) – 25'
7. REQUIRED OPEN SPACE = APPROXIMATELY 14.9% (1.0 AC.)
8. REQUIRED PARKING = 0.2 SPACES/UNIT = 9 SPACES
9. PROVIDED PARKING = 9 SPACES
10. MIN. DRIVEWAY LENGTH – 20' (FROM B.O.C. OR EDGE OF SIDEWALK)

NOT ISSUED FOR CONSTRUCTION

Gaskins
ENGINEERING PLANNING/CONSULTING
SURVEYING CONSTRUCTION MGMT
1266 Powder Springs Road
Marietta, Georgia 30064
Phone: (770) 424-7168
Fax: (770) 424-7593
WWW.GSCSURVEY.COM

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THE DUGOUT

46 TOWNHOUSES

LAND LOTS 863, & 866, 16TH DISTRICT, 2ND SECTION,
CITY OF MARIETTA, COBB COUNTY, GEORGIA
ZONED MXD, GC

REVISIONS

REV.	DATE	REVISION REFERENCE:

SHEET TITLE
ZONING PLAN

SEAL
GEORGIA PROFESSIONAL ENGINEER 19136 DAVID L. STUART
GASWCC LVL II CERT # 70003

PROJECT I.D.	FIELD BOOK
T113	--
DRAWN BY	CHECKED BY
PEB	RAH
SCALE	ISSUE DATE
1" = 40'	01/21/19

SHEET NUMBER
01

Drawing name: P:\T113 (Trotter)_DUE DILIGENCE\Dugout Property\Dugout Property Condition (2).dwg Plotted on: Jan 21, 2020 - 12:35pm
Plotted By:rhall

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

May 1, 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.: Z2020-09 (Legistar No. 20200073)
	Applicant:	Traton, LLC
	Property Owners:	Traton Corp. of Cobb, Inc.; Traton Investments, LLC; and The Institutional Property Group, a Joint Venture
	Property:	6.7 acres, more or less, located on the northeasterly side of Cobb Parkway North, at the terminus of Hamilton Grove Boulevard, being more particularly known as 1468 and 1540 Cobb Parkway North, and 1497 Hamilton Grove Boulevard, Land Lot 866, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia

Dear Shelby:

The undersigned and this firm represent Traton, LLC, the Applicant (hereinafter referred to as "Applicant"), and the Property Owners listed in the Application for Rezoning (hereinafter collectively referred to as "Owners" or "Property Owners"), in their request for annexation and rezoning of approximately 6.7 acres of property located on the northeasterly side of Cobb Parkway North, at the terminus of Hamilton Grove Boulevard, being more particularly known as 1468 and 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard, Land Lot 866, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and various City Staff; ongoing meetings and discussions with Hamilton Grove Homeowner Association Board representatives; as well as area residents and representatives of nearby

neighborhoods; reviewing the City's Rezoning Application Analysis; and reviewing the use of the Subject Property and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning categories of Mixed Use ("MXD") (City of Marietta) and General Commercial ("GC") (Cobb County) to the proposed zoning category of Mixed Use ("MXD"), with reference to the revised Zoning Plan prepared for Applicant by Gaskins Surveying Company, Inc., dated and last revised April 30, 2020, and submitted contemporaneously with this stipulation letter. A reduced copy of the revised Zoning Plan is attached for ease of reference as Exhibit "A" and incorporated herein by reference.

(2) The Subject Property consists of 6.79 acres, more or less, of total site area and shall be developed for a residential community, in the townhome style, containing a maximum of forty-five (45) residences, as shown on the referenced, revised Rezoning Plan.

(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 proposed townhomes shall have a minimum of 1,800 square feet of heated and cooled area.

(5) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community.

(6) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, landscaped areas, general landscaped areas, mail kiosk, private streets, fencing, open space amenities, and the like contained within the community.

(7) No more than five (5) percent of the residences shall be leased at any one time, which limitation shall be included within the covenants and enforced by the mandatory homeowners association, consistent with City Ordinances.

(8) 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 and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by the City of Marietta or any utility provider.

(9) There shall be no construction vehicles or construction access through Hamilton Grove Subdivision. All construction access shall be limited to Cobb Parkway and the Property's frontage on Hamilton Grove Boulevard.

(10) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of the proposed community and construction of residences.

(11) Applicant requests the following variances, which shall be deemed approved by the City of Marietta upon approval of the requested rezoning, as referenced and submitted, together with the stipulations set forth herein:

(a) Variance to waive the requirement for a cul-de-sac on streets designed with a dead-end and allow for a "hammerhead" configuration; and

(b) Variance to reduce the required minimum lot size to the size of the building footprint for townhomes.

We believe the requested zoning, together with the revised Zoning 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 and complementary to the Hamilton Grove Subdivision and other 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.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

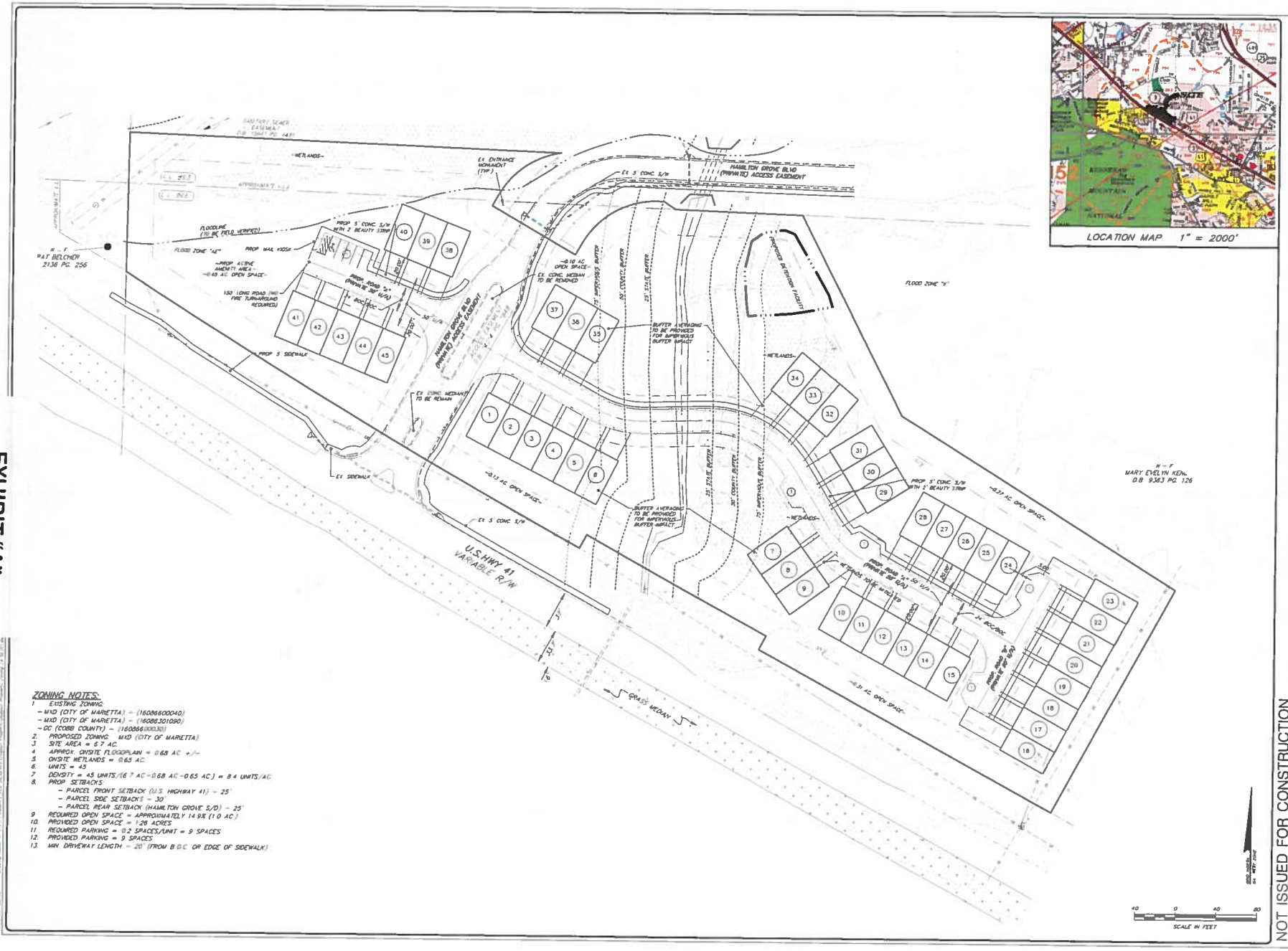
J. Kevin Moore

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

Hamilton Grove Subdivision
(With Copies of Attachments)

Traton, LLC
(With Copies of Attachments)

EXHIBIT "A"



ZONING NOTES:

1. EXISTING ZONING:
   - MXD (CITY OF MARIETTA) - (16006600040)
   - MXD (CITY OF MARIETTA) - (16006301090)
   - OC (COBB COUNTY) - (16006600030)
2. PROPOSED ZONING: MXD (CITY OF MARIETTA)
3. SITE AREA = 6.7 AC.
4. APPROX. ONSITE FLOODPLAIN = 0.68 AC +/-
5. ONSITE WETLANDS = 0.65 AC.
6. UNITS = 45
7. DENSITY = 45 UNITS/(6.7 AC-0.68 AC-0.65 AC) = 8.4 UNITS/AC
8. PROP. SETBACKS:
   - PARCEL FRONT SETBACK (U.S. HIGHWAY 41) - 25'
   - PARCEL SIDE SETBACKS - 30'
   - PARCEL REAR SETBACK (HAMILTON GROVE S/D) - 25'
9. REQUIRED OPEN SPACE = APPROXIMATELY 14.9% (1.0 AC.)
10. PROVIDED OPEN SPACE = 1.26 ACRES
11. REQUIRED PARKING = 0.2 SPACES/UNIT = 9 SPACES
12. PROVIDED PARKING = 9 SPACES
13. MIN. DRIVEWAY LENGTH = 20' (FROM B.O.C. OR EDGE OF SIDEWALK)

NOT ISSUED FOR CONSTRUCTION

Gaskins
ENGINEERING SURVEYING
PLANNING/CONSULTING CONSTRUCTION MGMT
1266 Powder Springs Road
Marietta, Georgia 30064
Phone: (770) 424-7168
Fax: (770) 424-7193
WWW.GASKINSWY.COM

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THE DUGOUT

TOWNHOME DEVELOPMENT
LAND LOTS 863, & 866, 16TH DISTRICT, 2ND SECTION,
CITY OF MARIETTA, COBB COUNTY, GEORGIA
ZONED MXD, GC

REVISIONS

REV.	DATE	REVISION REFERENCE

SHEET TITLE
ZONING PLAN

SEAL

PROJECT I.D.	FIELD BOOK
T113	--
DRAWN BY	CHECKED BY
PEB	MMB
SCALE	ISSUE DATE
1" = 40'	4/30/20

SHEET NUMBER
01

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.

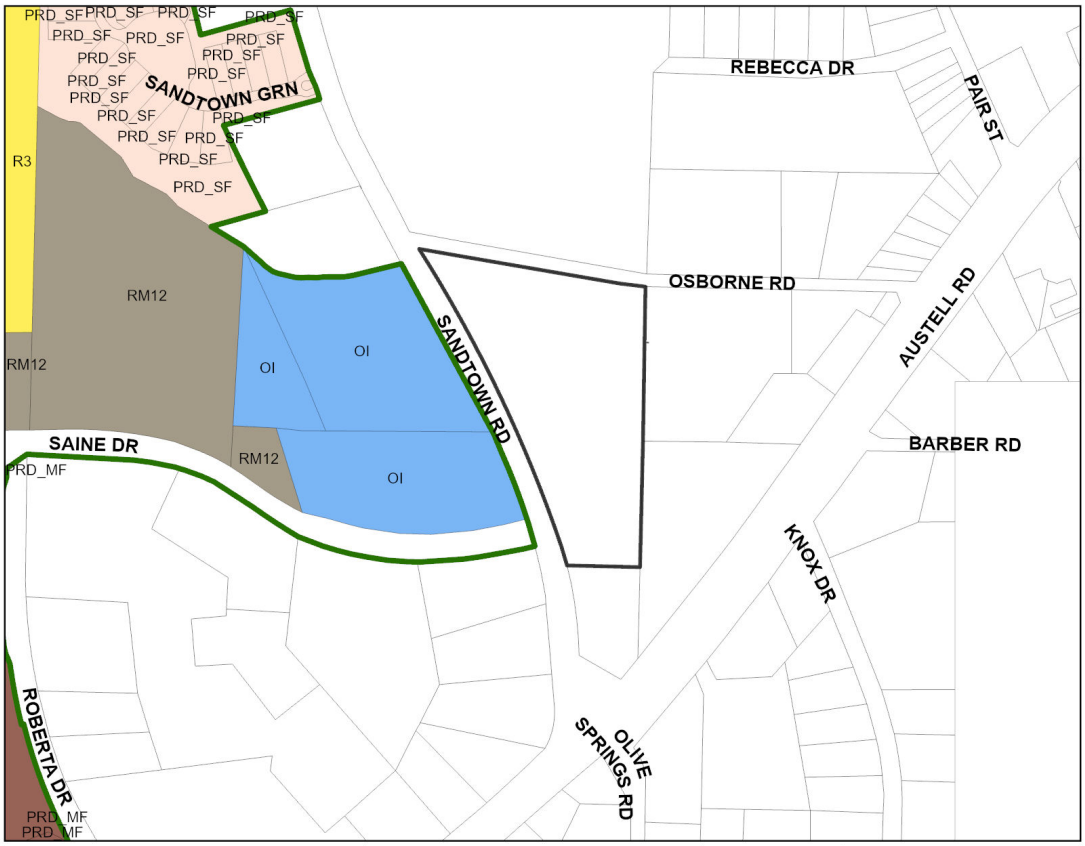
PLANNING COMMISSION HEARING: Held Tuesday, March 3, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: **Wednesday, May 13, 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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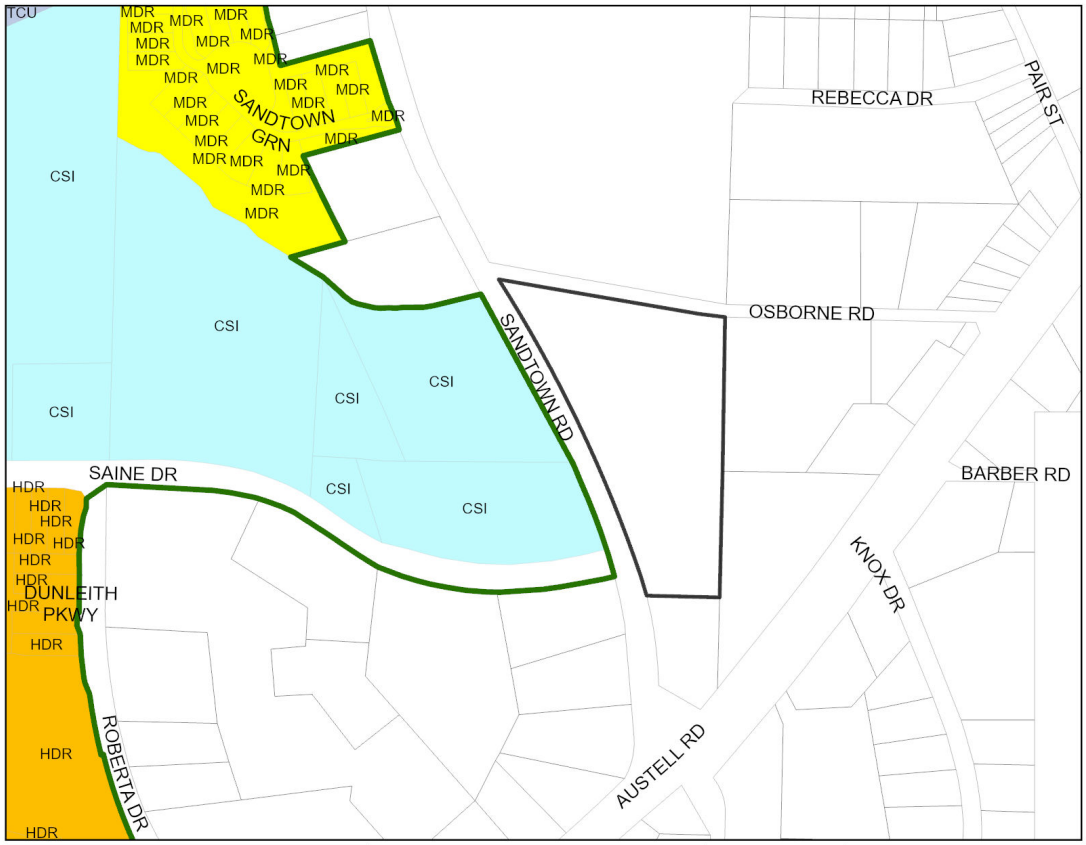
CITY OF Marietta GEORGIA

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. Bindler

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
406 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 10, 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, reviewing the City's Rezoning Application Analysis, and presentation to and hearing before the Planning and Zoning Commission, we have been authorized by the Applicant to submit this revised 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. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated March 2, 2020, and filed March 3, 2020. The proposed, revised 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 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) Applicant agrees there shall be no "short-term" (defined as less than a one-year lease) rental of homes within the proposed development.

(10) 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.

(11) 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.

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

(13) Applicant agrees to comply with City of Marietta requirements for noise attenuation home construction in order to mitigate impacts from aircraft noise with residential use.

(14) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities, utilities, and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings.

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

(16) 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.

(17) 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; but subject to City of Marietta Fire Department approval; and

(b) Installation of sidewalk, curb, and gutter along the Property's frontage on Sandtown Road; with no such installation along Osborne Road.

We believe the requested zoning, together with the Zoning Site Plan and the revised 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,

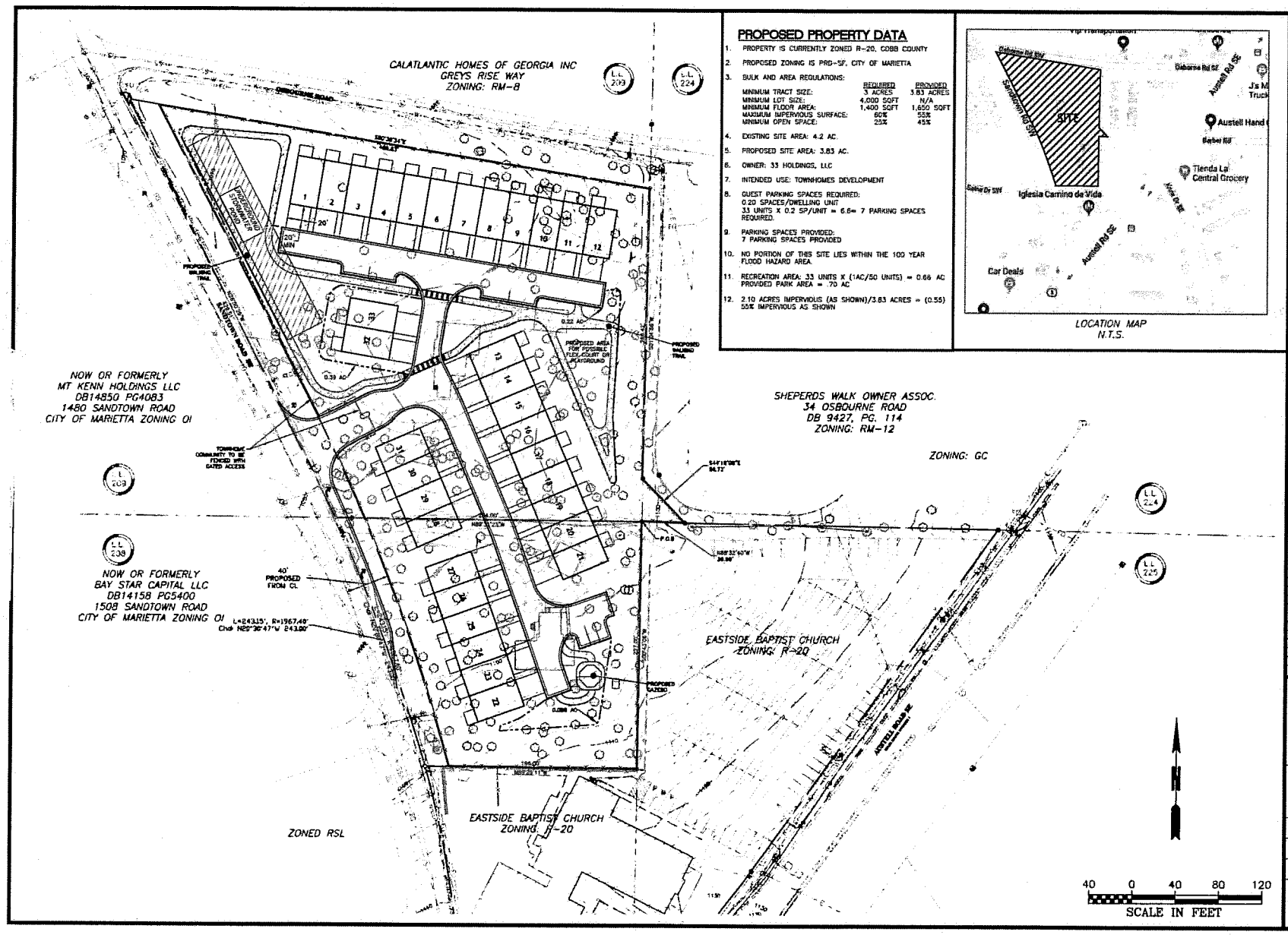
MOORE INGRAM JOHNSON & STEELE, LLP

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, GEORGIA 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 AHBN CITY OF MARIETTA	12/06/2019
2	REV. PER PLANNING DEPT. COMMENTS	10/21/19
1	REV. PER CLIENT REVISIONS	9/13/19

SEAL
GEORGIA REGISTERED PROFESSIONAL ENGINEER KELLY KNETTLE 1-24-20

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.

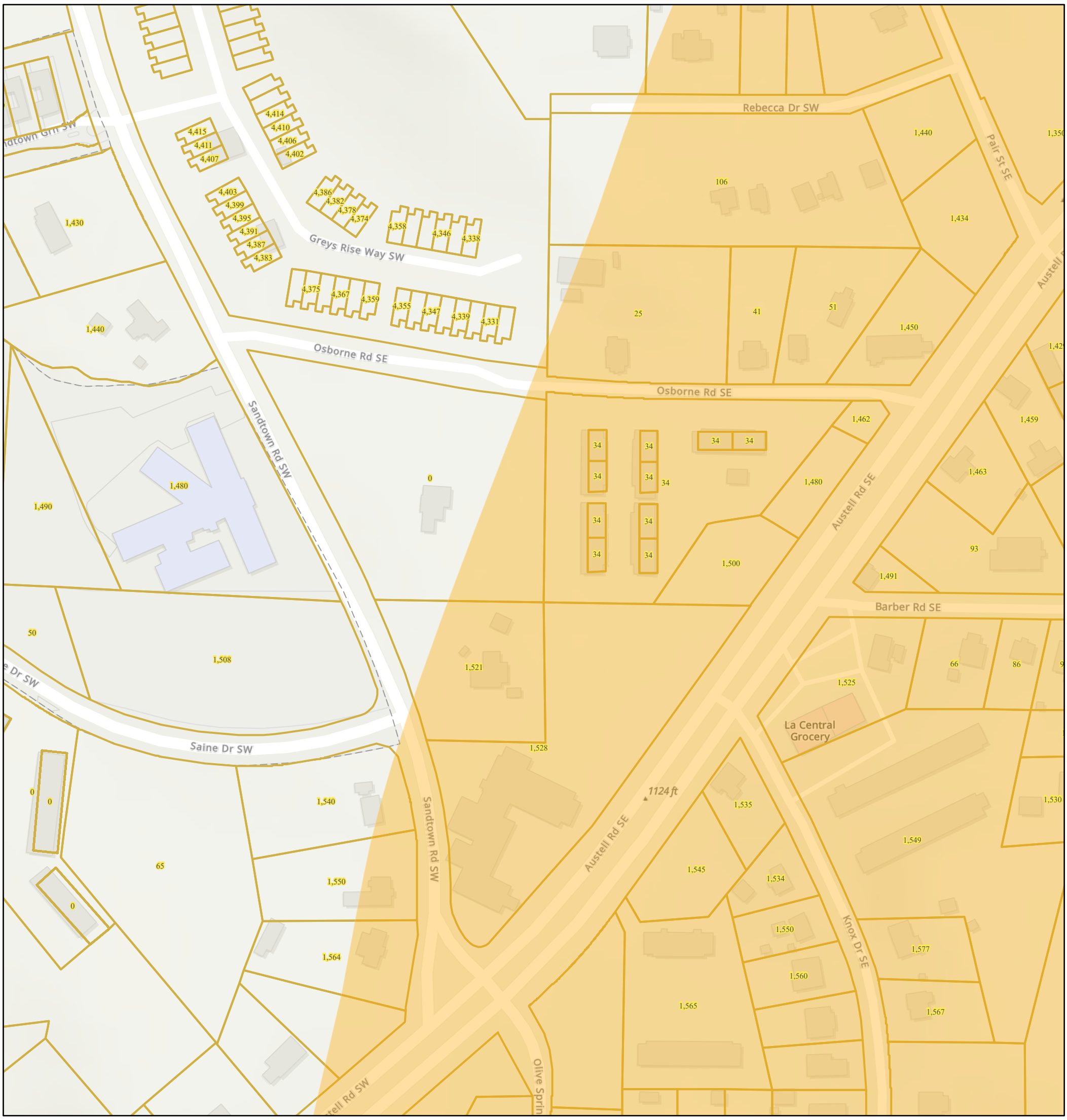
A portion of both the properties at 1501 and 1521 Sandtown Road are within the Cobb County Military Hazard Overlay District (Parcels 17020900810 and 17020800010). Both parcels are partially impacted by the 65-70 dB noise contour, which indicates likely impacts from military airport noise. Military Air 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: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, CODE AMENDMENTS, & 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, May 13th, 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.

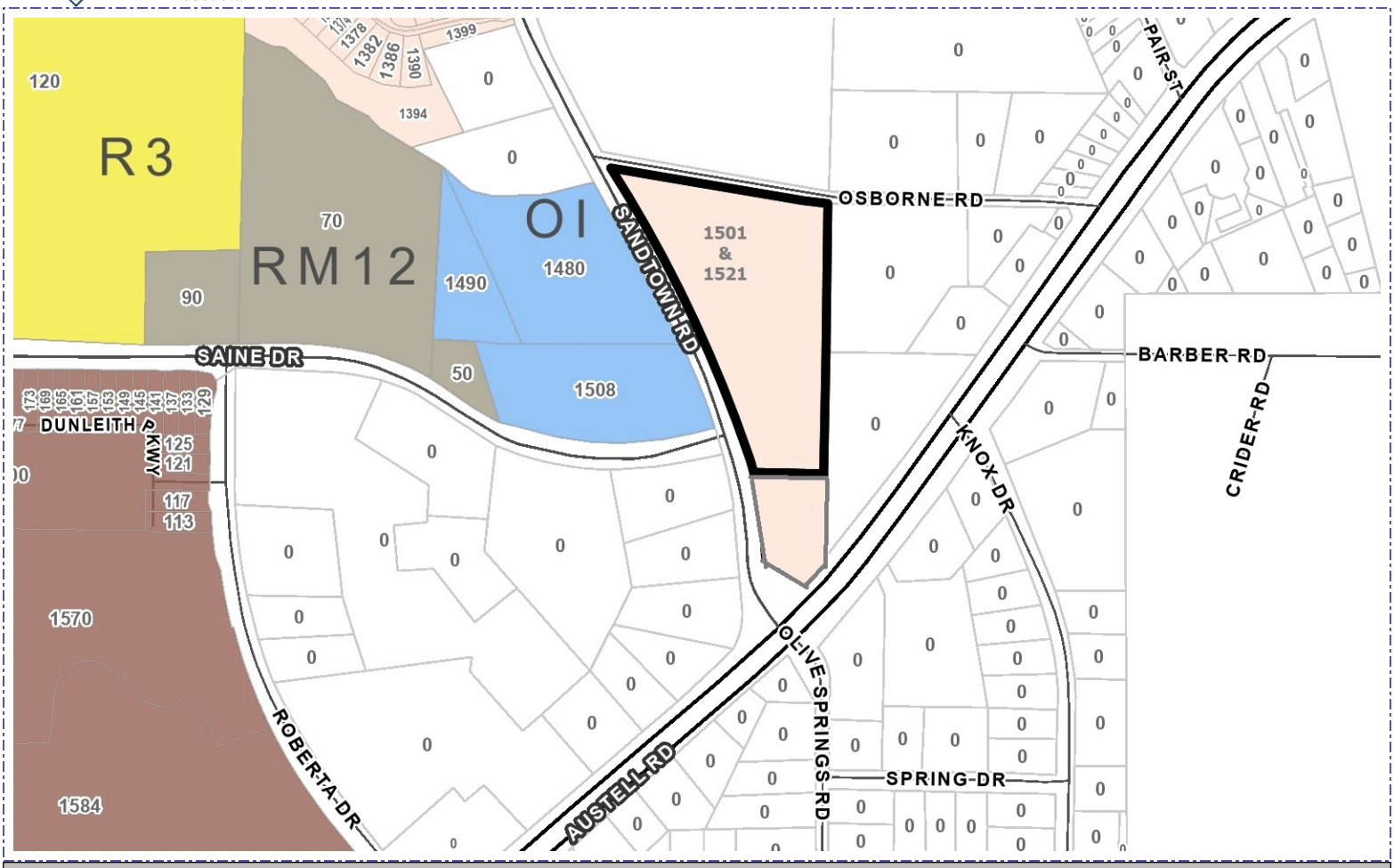
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

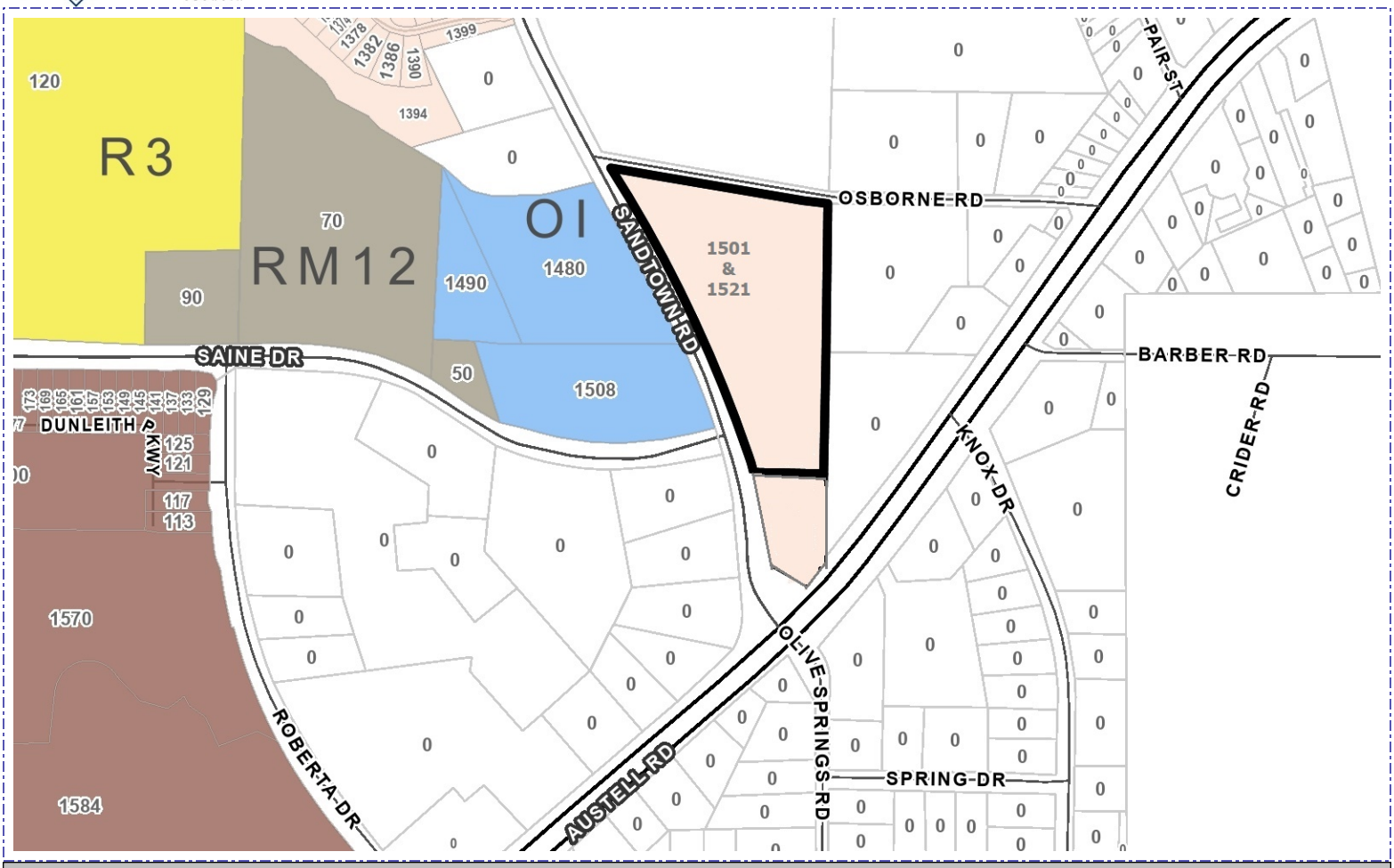
City Council Hearing Date: 05/13/2020 Case Number: Z2020-10

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: 05/13/2020 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
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- PID - Planned Industrial Development
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- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
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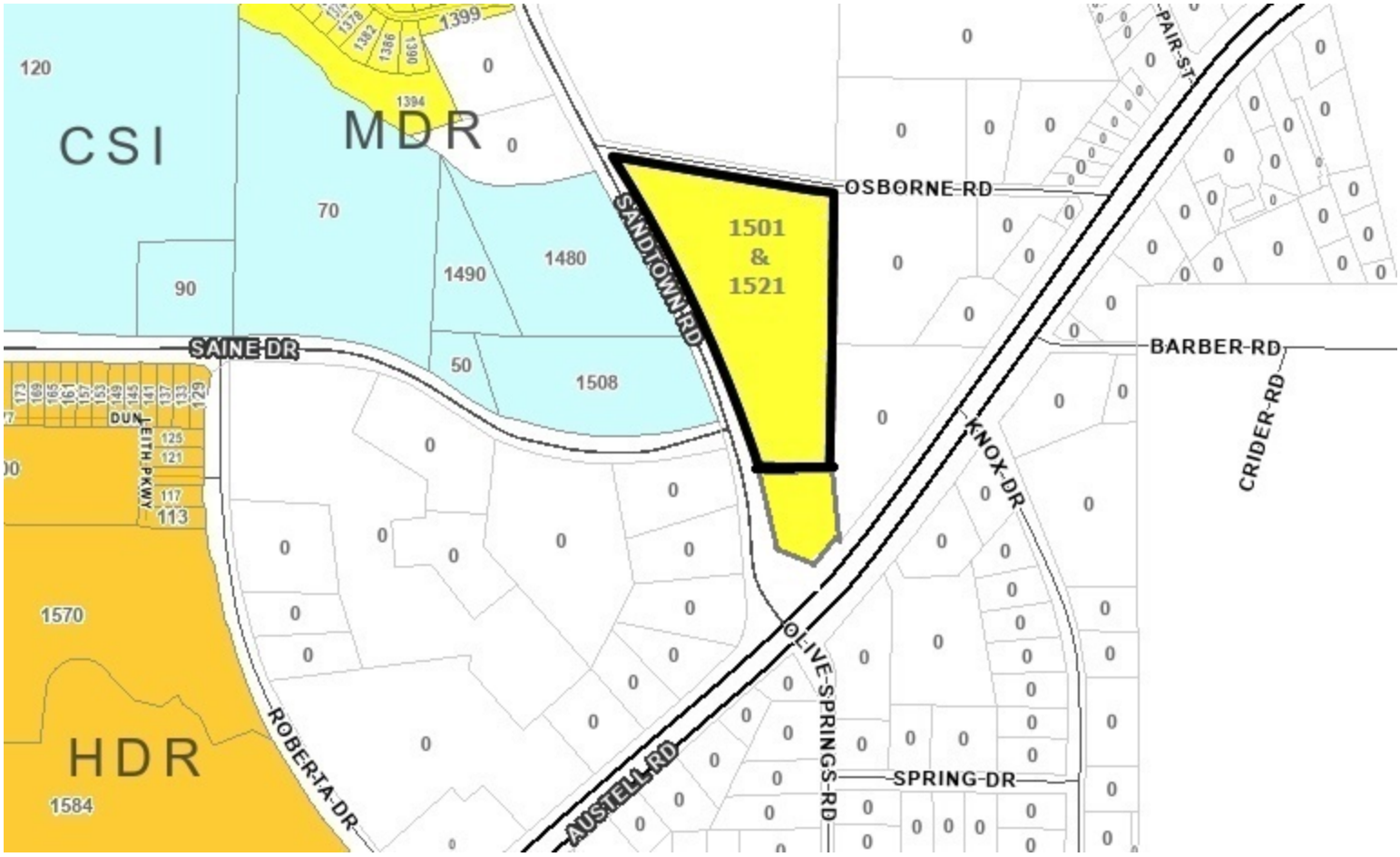
Future Land Use



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:

City Council Hearing Date: 05/13/2020

Future Land Use: MDR

Case Number: Z2020-10

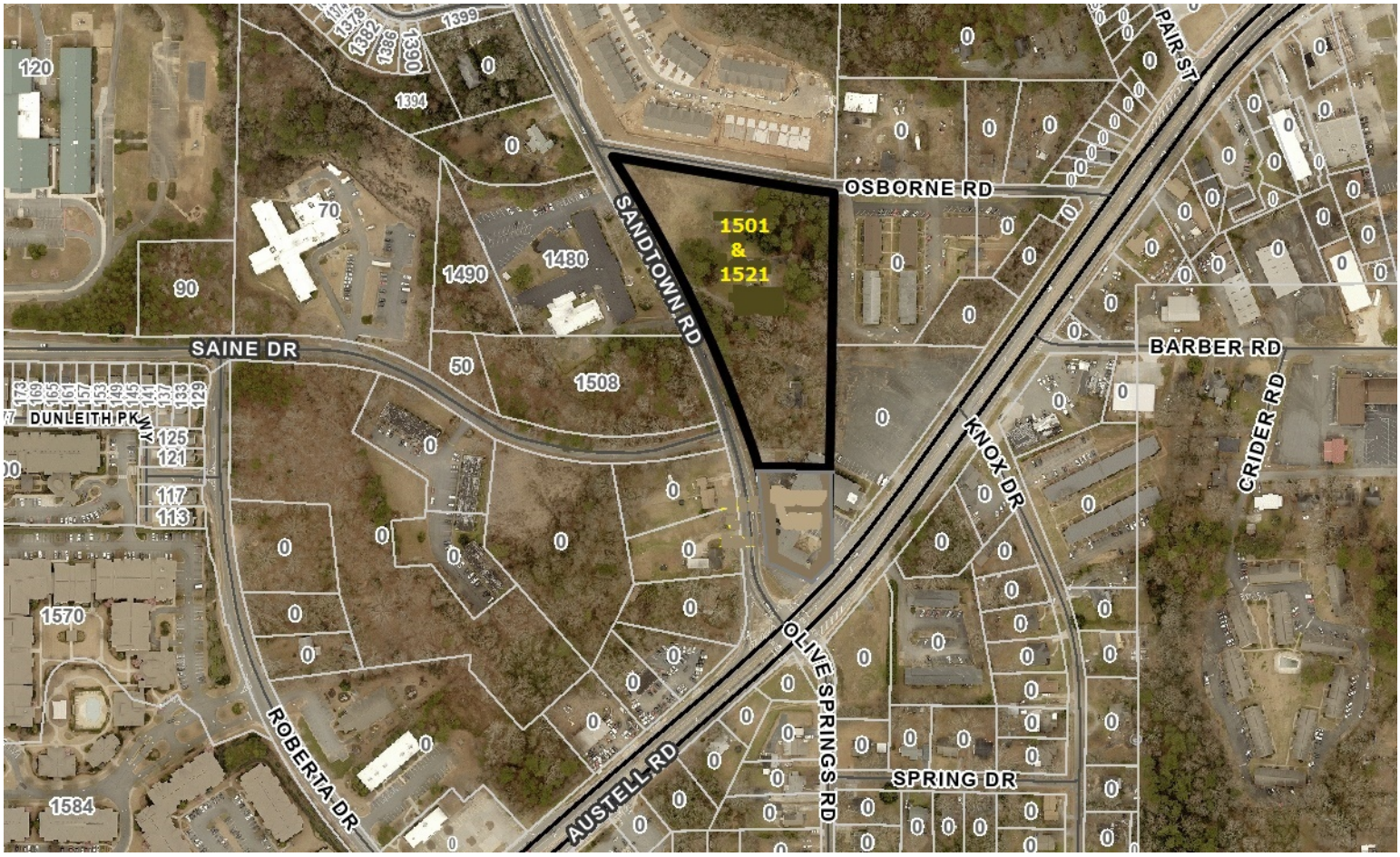
Comments:

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: 05/13/2020

Planning Commission Hearing Date:

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

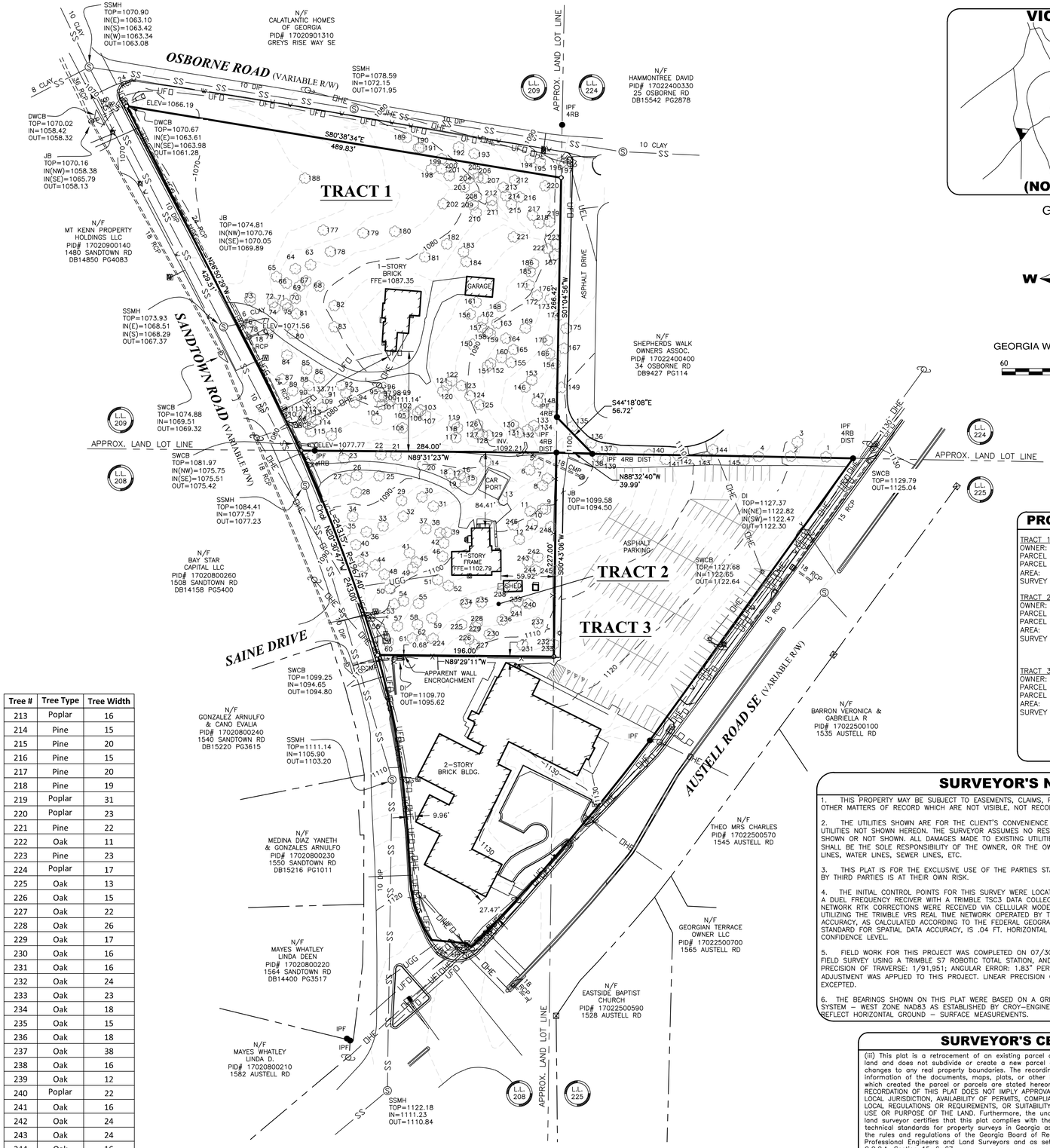
- BOUNDARY
- ADJ. BOUNDARY
- BUILDING
- WALL
- WOODS LINE
- FENCE
- SAN. SEWER LINE
- LAND LOT LINE
- STORM SEWER LINE
- JUNCTION BOX
- SINGLE WING C.B.
- DOUBLE WING C.B.
- DROP INLET
- SAN. SEWER MANHOLE
- FIRE HYDRANT
- WATER METER
- IRRIG. CONTROL VALVE
- WATER VALVE
- FIRE DEPT. CONNECTION
- SPRINKLER 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

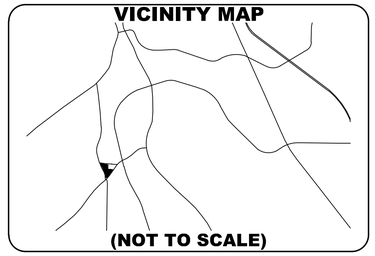
Tree #	Tree Type	Tree Width
43	Hickory	15
44	Hickory	12(X2)
45	Hickory	17
46	Hickory	17
47	Pine	19
48	Hickory	20
49	Hickory	20
50	Hickory	24
51	Oak	20
52	Hickory	22
53	Hickory	24
54	Hickory	12
55	Hickory	18
56	Hickory	14
57	Hickory	20
58	Hickory	30
59	Hickory	22
60	Hickory	15
61	Hickory	12
62	Hickory	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

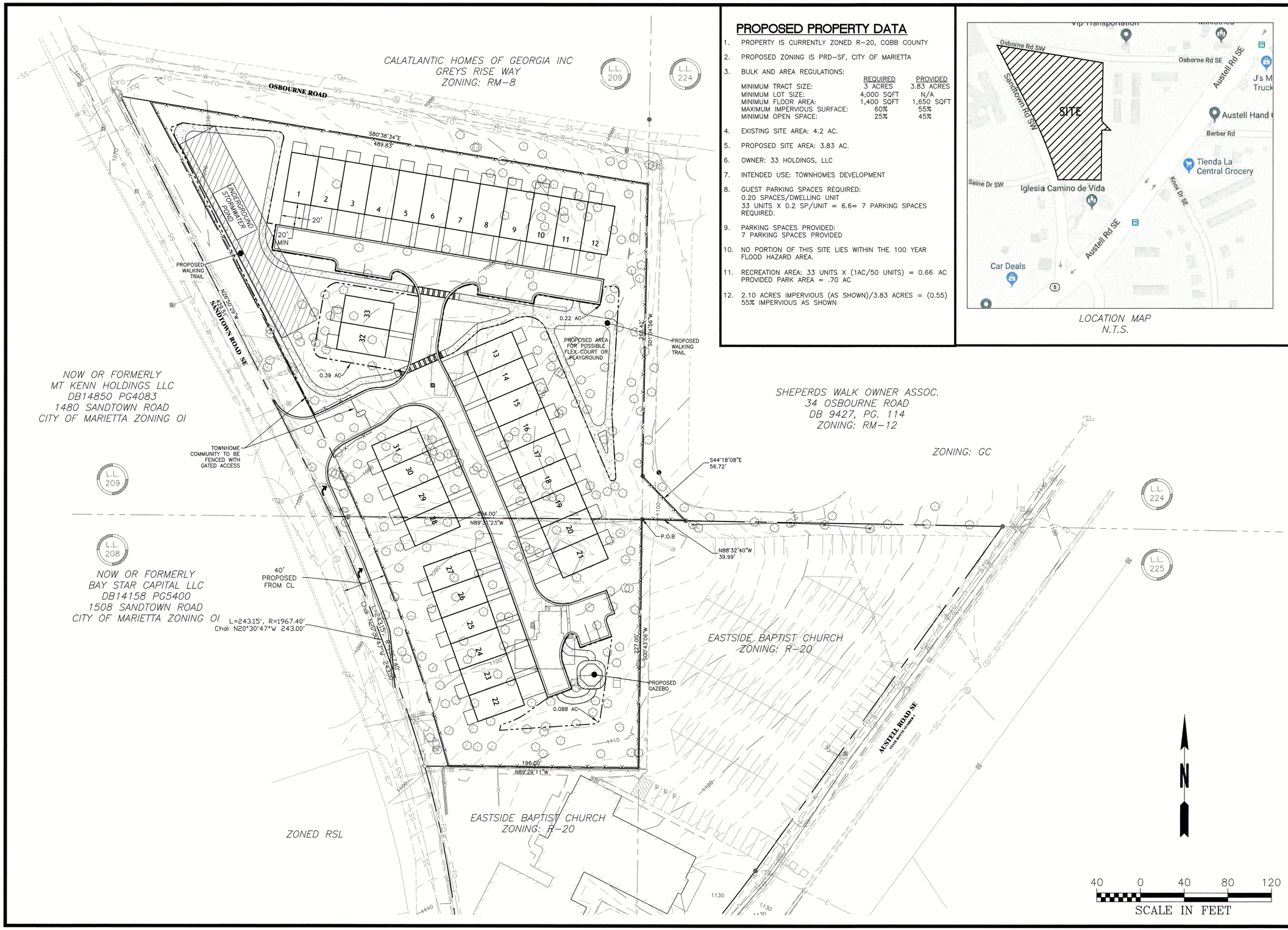
08/09/2019
DATE

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
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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

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
406 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 10, 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, reviewing the City's Rezoning Application Analysis, and presentation to and hearing before the Planning and Zoning Commission, we have been authorized by the Applicant to submit this revised 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. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated March 2, 2020, and filed March 3, 2020. The proposed, revised 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 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) Applicant agrees there shall be no "short-term" (defined as less than a one-year lease) rental of homes within the proposed development.

(10) 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.

(11) 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.

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

(13) Applicant agrees to comply with City of Marietta requirements for noise attenuation home construction in order to mitigate impacts from aircraft noise with residential use.

(14) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities, utilities, and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings.

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

(16) 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.

(17) 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; but subject to City of Marietta Fire Department approval; and

(b) Installation of sidewalk, curb, and gutter along the Property's frontage on Sandtown Road; with no such installation along Osborne Road.

We believe the requested zoning, together with the Zoning Site Plan and the revised 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,

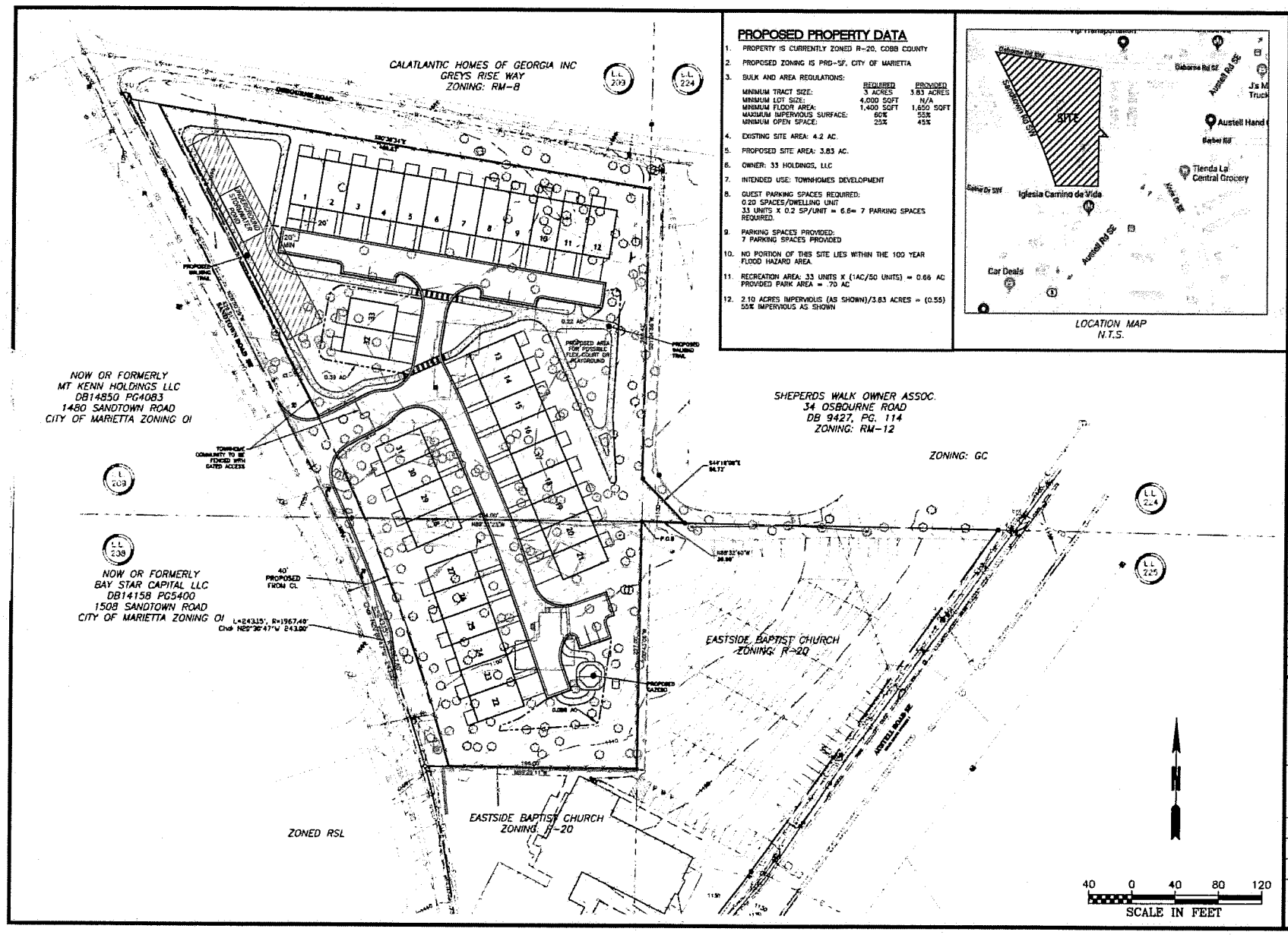
MOORE INGRAM JOHNSON & STEELE, LLP

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"



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    55% IMPERVIOUS AS SHOWN

LOCATION MAP
N.T.S.

CROY
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GEORGIA 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 AHBN CITY OF MARIETTA	12/06/2019
2	REV. PER PLANNING DEPT. COMMENTS	10/21/19
1	REV. PER CLIENT REVISIONS	9/13/19

SEAL
GEORGIA REGISTERED PROFESSIONAL ENGINEER KELLY KNETTLE 1-24-20

GSWCC CERT #14353

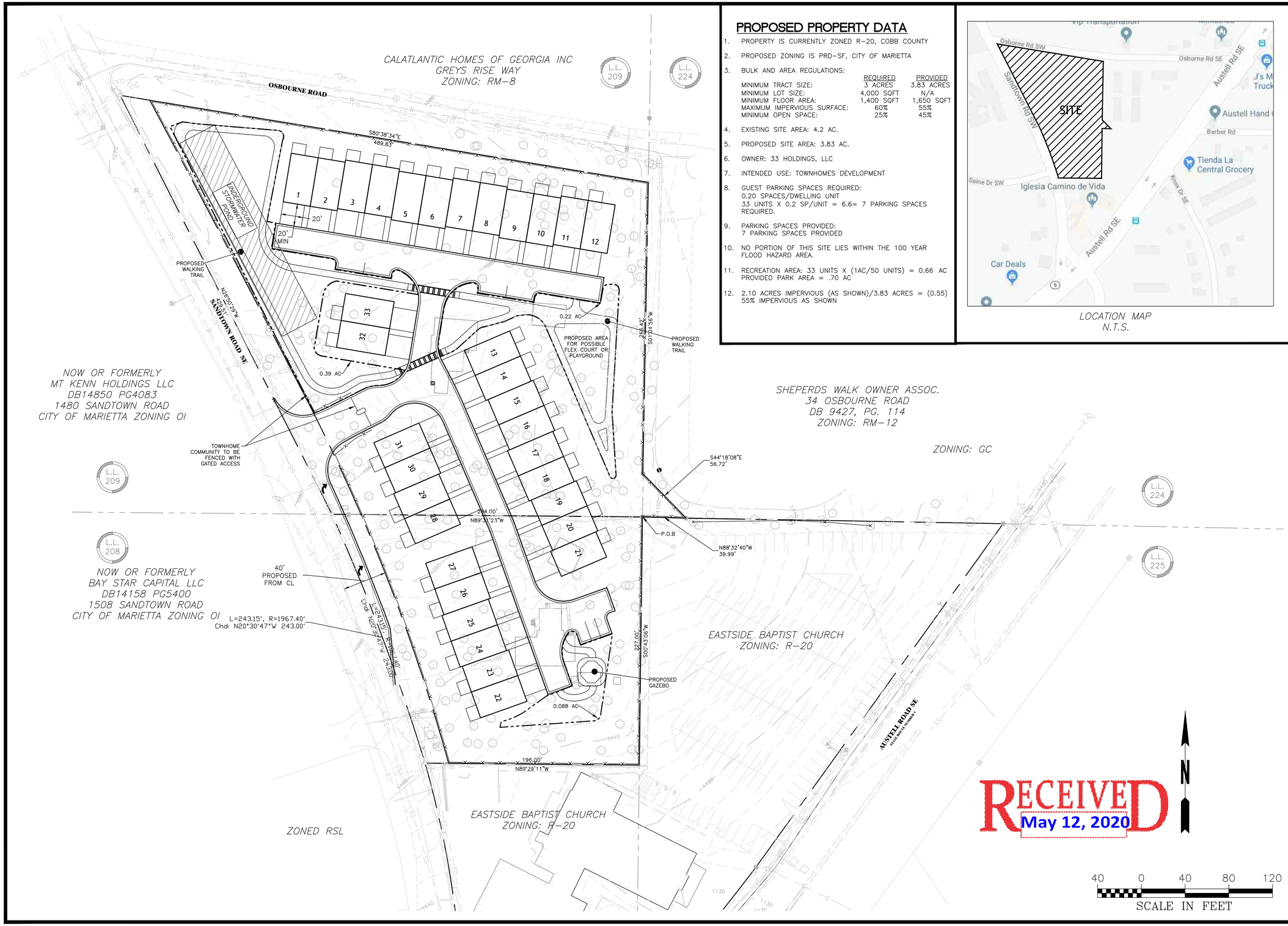
SHEET TITLE
ZONING SITE PLAN

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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LOCATION MAP
N.T.S.

RECEIVED
May 12, 2020

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

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Plot Scale: 1"=40', Drawing Rotation: 359.8°, Plot Style: Design.ctb, Plotted By: Kelly Knetzger on 5/12/2020, 3:24 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
4	REV. PER CITY COUNCIL COMMENTS	5/12/2020
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 PROFESSIONAL ENGINEER KELLY KNETZGER No. 0[illegible]
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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-12 **LEGISTAR: 20200156**

LANDOWNERS: **Richard and Mary Ashely Jantzen**
90 Stewart Avenue NW
Marietta, Ga 30064

APPLICANT: **Same as above**

AGENT: **N/A**

PROPERTY ADDRESS: **90 Stewart Avenue**
Marietta, Ga 30064

PARCEL DESCRIPTION: 16114700080

AREA: ~ 0.418 **COUNCIL WARD: 4A**

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

REQUEST: R-4 (Single Family Residential – 4.78 units/acre)

FUTURE LAND USE: MDR (Medium Density Residential)
REASON FOR REQUEST: The applicant is requesting a rezoning with an increase in density in order to subdivide the subject property and build a new single-family residence.

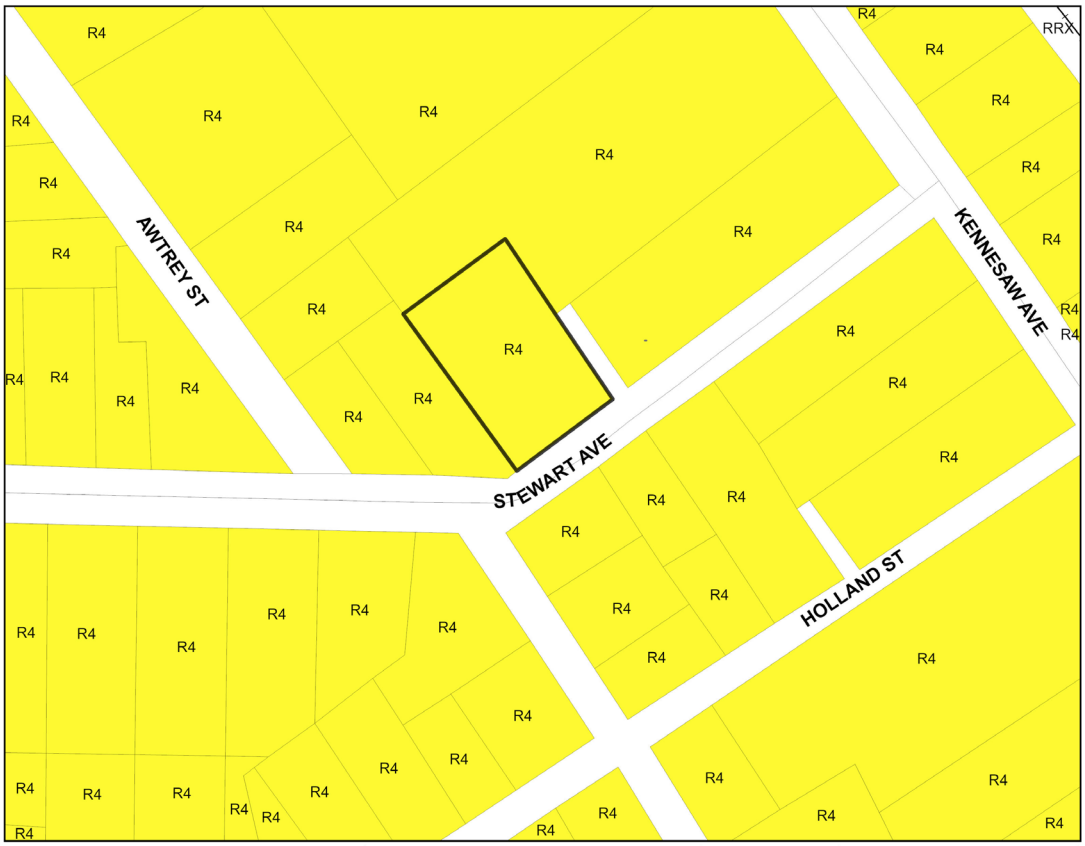
PLANNING COMMISSION HEARING: Tuesday, May 5, 2020 – 6:00 pm CITY

COUNCIL HEARING: **Wednesday, May 13, 2020 – 7:00 pm**

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
16	1147	0080	R-4	R-4 w/ inc density

Comments: **90 Stewart Avenue**

Date: **2/26/2020**

Planning & Zoning Division

N W E S

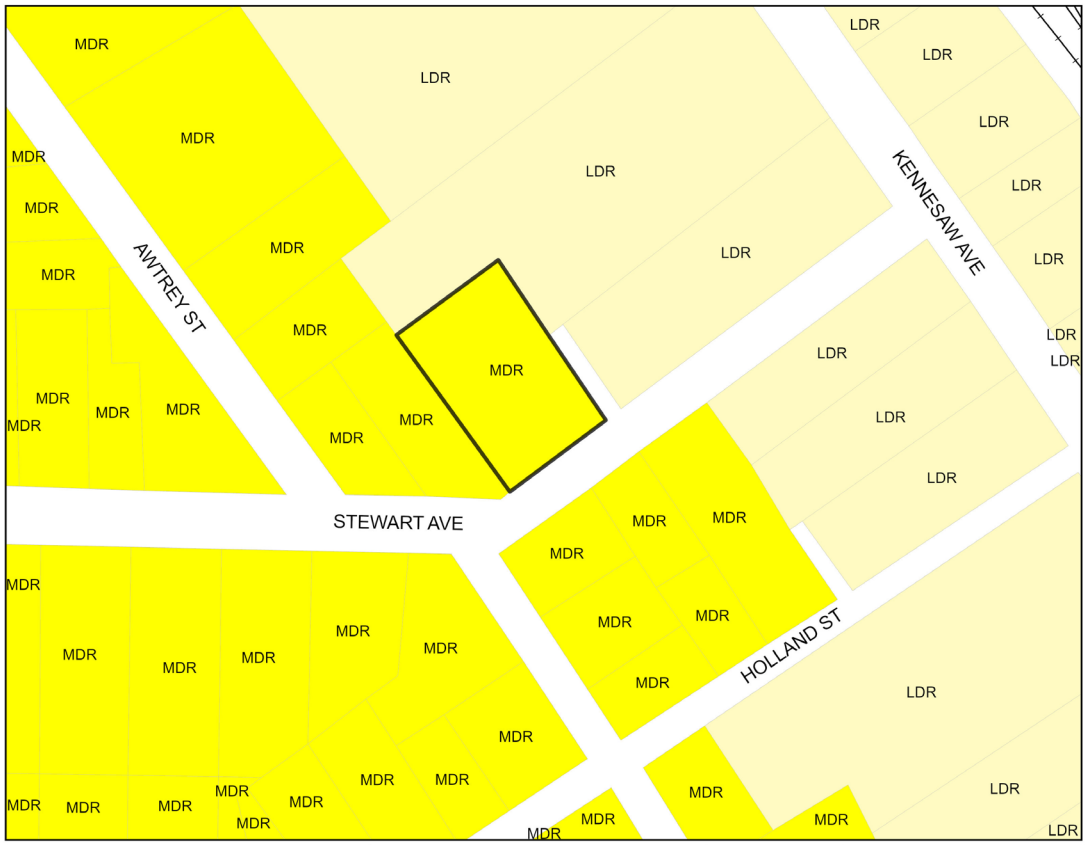
1:1,422

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
16	1147	0080	MDR	n/a

Comments:
90 Stewart Avenue

Date: **2/26/2020**

Planning & Zoning Division

N
W E
S
1:1,422

CITY OF Marietta GEORGIA

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

PICTURES OF PROPERTY

Proposed lot at 90 Stewart Avenue (tract 2)

Subject property at 90 Stewart Avenue (tract 2) with driveway at tract 1

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

STAFF ANALYSIS

Location Compatibility

The owners, Richard and Mary Ashely Jantzen, are requesting the rezoning of 90 Stewart Avenue from R-4 (Single Family Residential – 4 units/acre) to R-4 with an increase in density to 4.78 units per acre. Currently, there is one single-family home on the 0.418-acre lot along Stewart Avenue. The owners would like to subdivide the property into two lots and develop an additional single-family residence on the new adjacent parcel west of the subject property. The neighboring properties to the north, south, east, and west are all zoned residentially (R-4). Once subdivided, the new parcels would be 0.18 and 0.21 acres in area.

Use Potential and Impacts

The surrounding area is one of Marietta's older single-family residential neighborhoods, many of which have smaller lots, so the addition of a new single-family home along Stewart Avenue would not be out of place. However, most of the existing lots were partitioned prior to zoning regulations, and relatively few new lots have been created recently that do not meet current requirements.

The applicants have proposed a site plan showing the subdivision of the existing lot into two lots – Tract 1 would be 9,363 square feet and Tract 2 would be 8,012 square feet – with both fronting Stewart Avenue. R-4 zoning limits density to no more than four (4) units per acre; so at least one-half (1/2) acre of land would be necessary to have two lots. As such, the following variance would be necessary to subdivide the property into two lots:

- Variance to increase the density from 4 units/acre to 4.78 units/acre for two lots on 0.418 acres. *[§708.04 (H)]*

According to the proposed site plan, both lots could meet most development standards, except for two issues. First, the existing house is currently nonconforming in regards to building setbacks, and would require variances. Second, neither lot meets the required lot width of 75 feet. As such, the following variances would be necessary:

- Variance to reduce the side setback along the northeast property line for an existing structure from 10' to 0' for Tract 1. *[§708.04 (H)]*
- Variance to reduce the front setback for an existing structure from 25' to 24' for Tract 1. *[§708.04 (H)]*
- Variance to reduce the lot width from 75' to 59' for Tract 1. *[§708.04 (H)]*
- Variance to reduce the lot width from 75' to 51' for Tract 2. *[§708.04 (H)]*

The City's Comprehensive Plan has designated the future land use for this property and the surrounding area as Medium Density Residential (MDR), which is to provide for residential areas with densities ranging from five (5) to eight (8) dwelling units per acre. It encourages single-family detached housing, clustered housing, and/or townhomes. Because the proposed density fits within this range, the proposed rezoning would be supported by the City's Comprehensive Plan.

Environmental Impacts

There are no foreseeable environmental impacts that will arise with the further development of this property. This property is not directly impacted by wetlands, floodplains, or streams.

Economic Functionality

Currently, the property has one, 1,811 square foot single-family home on site. As it is surrounded by other single-family residences, this property is functional as zoned.

Infrastructure

The addition of one (1) new single-family home should not pose an adverse impact to available water, sewer, education or other public infrastructure in the area. This location has access to both water and sanitary sewer infrastructure. It should be noted that Stewart Avenue already has sidewalks fronting the properties. The city's sidewalk standard requires a 5-foot-wide sidewalk with a 2-foot grass strip. Although the existing sidewalk does not meet the minimum standards it is connected amongst its adjacent neighbors; therefore, the following variance shall be noted:

- Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip. *[§732.07 (C)]*

This development would potentially one (1) child to the servicing elementary school: Westside Elementary, which is currently above capacity.

Overhead Electrical/Utilities

All nearby power poles are on the opposite side of Stewart Avenue and would not impact the proposed new lot.

History of Property

There is no history of any variances, special land use permits or rezonings for the property at 90 Stewart Avenue.

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

ANALYSIS & CONCLUSION

The owners, Richard and Mary Ashely Jantzen, are requesting the rezoning of 90 Stewart Avenue from R-4 to R-4 with an increase in density to 4.78 units per acre. Currently, there is one single-family home on the 0.418-acre lot along Stewart Avenue. The owners would like to subdivide the property into two lots and develop an additional single-family residence on the new adjacent parcel west of the subject property. The neighboring properties to the north, south, east, and west are all zoned residentially (R-4). Once subdivided, the new parcels would be 0.18 and 0.21 acres in area.

The surrounding area is one of Marietta's older single-family residential neighborhoods, many of which have smaller lots, so the addition of a new single-family home along Stewart Avenue would not be out of place. The applicants have proposed a site plan showing the subdivision of the existing lot into two lots – Tract 1 would be 9,363 square feet and Tract 2 would be 8,012 square feet – with both fronting Stewart Avenue. R-4 zoning limits density to no more than four (4) units per acre; so at least one-half (1/2) acre of land would be necessary to have two lots. In addition, the proposed site plan would require variances for lot width and building setbacks for the existing structure. Should this rezoning request be approved, the following variances are necessary:

1. Variance to reduce the side setback for an existing structure from 10' to 0' for Tract 1 *[§708.04 (H)]*
2. Variance to reduce the front setback for an existing structure from 25' to 0' for Tract 1 *[§710.14] & [§708.04 (H)]*
3. Variance to reduce the lot width for a property zoned R-4 from 75' to 59' for Tract 1 *[§708.04 (H)]*
4. Variance to reduce the lot width for a property zoned R-4 from 75' to 51' for Tract 2 *[§708.04 (H)]*
5. Variance to increase the density from 4 units/acre to 4.78 units/acre for the construction of two homes on 0.418 acres. *[§708.04 (H)]*
6. Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip. *[§732.07 (C)]*

The City's Comprehensive Plan has designated the future land use for this property and the surrounding area as Medium Density Residential (MDR), which is to provide for residential areas with densities ranging from five (5) to eight (8) dwelling units per acre. Because the proposed density fits within this range, the proposed rezoning would be supported by the City's Comprehensive Plan.

Prepared by: J. Dardell

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 Stewart Ave
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	Approximately 50'
Size of the sewer line?	6" in Stewart
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?	Ward 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

Additional Comments:

- Full site development plans required
- Require recorded access easement for shared driveway
- Stewart Ave to be repaved to Marietta DOT standards is sanitary sewer is extended

TRANSPORTATION

What is the road affected by the proposed change?	Stewart Ave
What is the classification of the road?	Local
What is the traffic count for the road?	1400
Estimated # of trips generated by the proposed development?	Daily NA
Estimated # of pass-by cars entering proposed development?	NA
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	Yes
If yes, what are they?	Traffic Calming TBD

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

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	51 112 Haynes St.
Distance of the nearest station?	0.8 Miles
Most likely station for 1st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:
-Proposed new single-family dwelling would almost certainly be subject to fire sprinkler ordinance, depends on distances from the property lines and any adjacent structures. Marietta City Code 2-6-140.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes ___x_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

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:	**560**
Current enrollment of Middle School:	**1,388**
Current enrollment of High School:	**2,419**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**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 #: Z2020-12 **Legistar #:** 20200156 **PZ #:** 20-61
Planning Commission Hearing: 4-1-20 **City Council Hearing:** 4-6-20

Owner's Name Richard W. Jantzen, III / Mary Ashley Jantzen
EMAIL Address: rwjantzen@gmail.com / maryashley@gmail.com
Mailing Address 90 Stewart Ave NW Zip Code: 30064 Telephone Number 843-327-4543 / 770-363-5937

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property to be rezoned: 90 Stewart Ave NW Marietta, GA 30064
Land Lot (s) 1147 District 16 Parcel 0080 Acreage .41 Ward 4A Future Land Use: MDR
Present Zoning Classification: R4 Proposed Zoning Classification: R4 w/ increase in density

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

Richard W. Jantzen, III May Ashley Jantzen
Print Name

Richard W. Jantzen, III May Ashley Jantzen
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

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

Richard W. Jantzen, III May Ashley Jantzen
Please Print

90 Stewart Ave. NW Marietta, GA 30064
Address

2/11/2020
Date

Signed, sealed and delivered in the presence of:

Vivian G. Housey **My Commission Expires:** 02/05/2023

VIVIAN G HOUSEY
Notary Public - State of Georgia
Henry County
My Commission Expires Feb 5, 2023

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

We, Mary Ashley and Richard Jantzen, are seeking approval to increase the density of our current "R4" lot located at 90 Stewart Ave NW Marietta, GA 30064. Existing acreage, supported by a survey completed by Gaskins Engineering, is 0.40 acres. Post an approved increase in density, we would like to to split the existing lot into two separate tracts. The "Tract 1" lot will contain the existing residence (0.21 acres) and the "Tract 2" lot will be an empty lot (0.18 acres). Post a successful approval process, we anticipate selling "Tract 2" to a reputable local builder who has expressed interest in building new construction that will be cohesive with the numerous recent newly built and/or remodeled homes on similar size lots located on Stewart Ave., Awtrey St., and the surrounding area.

Best,

Mary Ashley & Richard Jantzen

90 Stewart Ave NW
Marietta, GA 30064
770-363-5937 / 843-327-4543
maryashley@gmail.com / rwjantzen@gmail.com

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, May 5th, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, May 13th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN are requesting the rezoning of 0.4 acres located in Land Lot 1147, District 16, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 90 Stewart Avenue from R-4 (Single Family Residential – 4 units/acre) to R-4 (Single Family Residential – 4 units/acre) with an increase in density. Ward 4A.

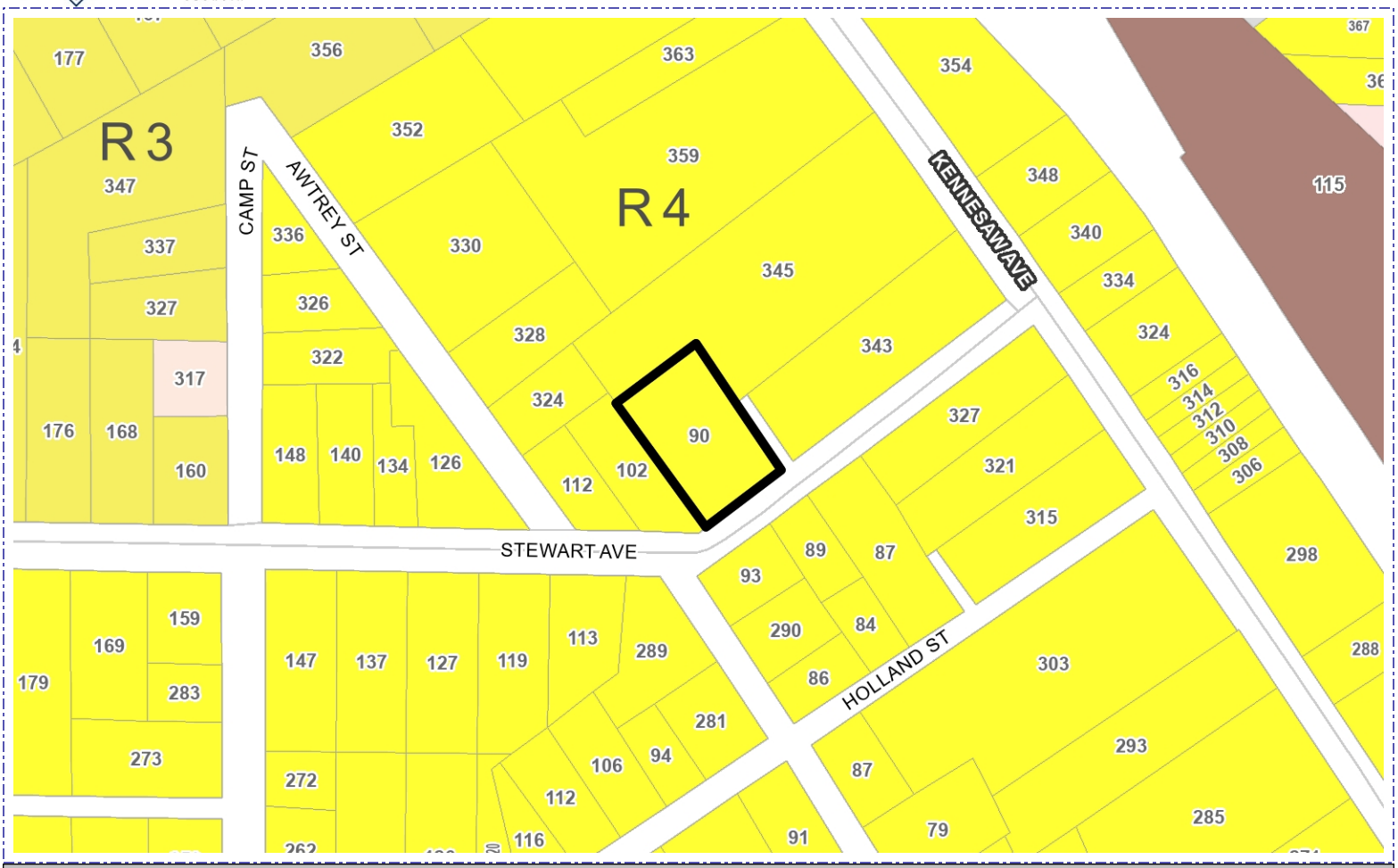
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative 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
90 STEWART AVE	16114700080	0.418	4A	R4	MDR

Property Owner: Richard W. Jantzen, III & Mary Ashley Jantzen

Applicant:

Proposed Zoning: R4 to R4 w/increase in density

Agent:

Proposed Use:

Planning Commission Date: 05/05/2020

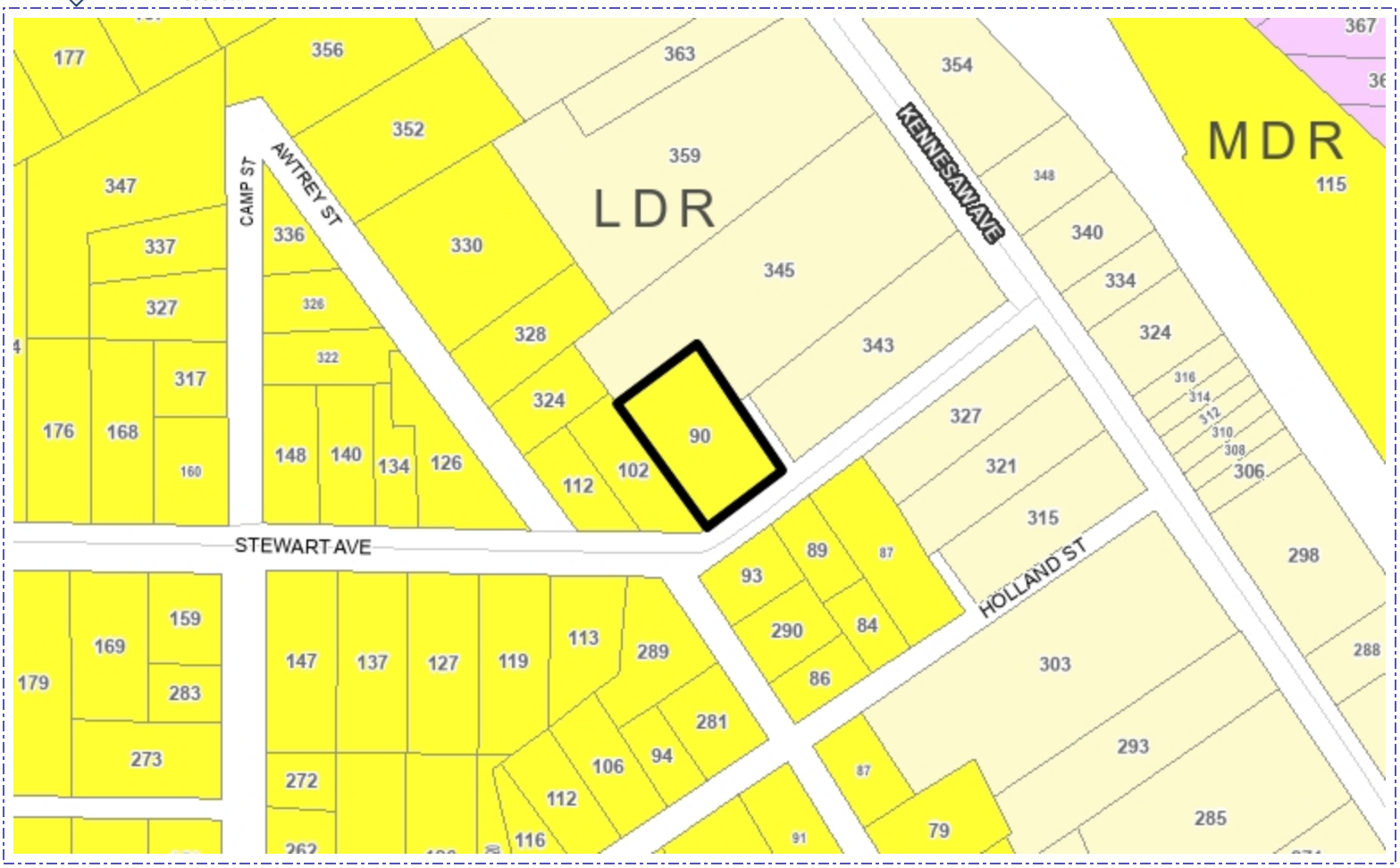
City Council Hearing Date: 05/13/2020 Case Number: Z2020-12

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
90 STEWART AVE	16114700080	0.418	4A	R4	MDR

Planning Commission Hearing Date:	05/05/2020
City Council Hearing Date:	05/13/2020
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
90 STEWART AVE	16114700080	0.418	4A	R4	MDR

Property Owner: Richard W. Jantzen, III & Mary Ashley Jantzen

Applicant:

City Council Hearing Date: 05/05/2020

Planning Commission Hearing Date: 05/13/2020

BZA Hearing Date: Case Number: Z2020-12

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

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

FOR RECORDING INFORMATION
CLERK OF COURT

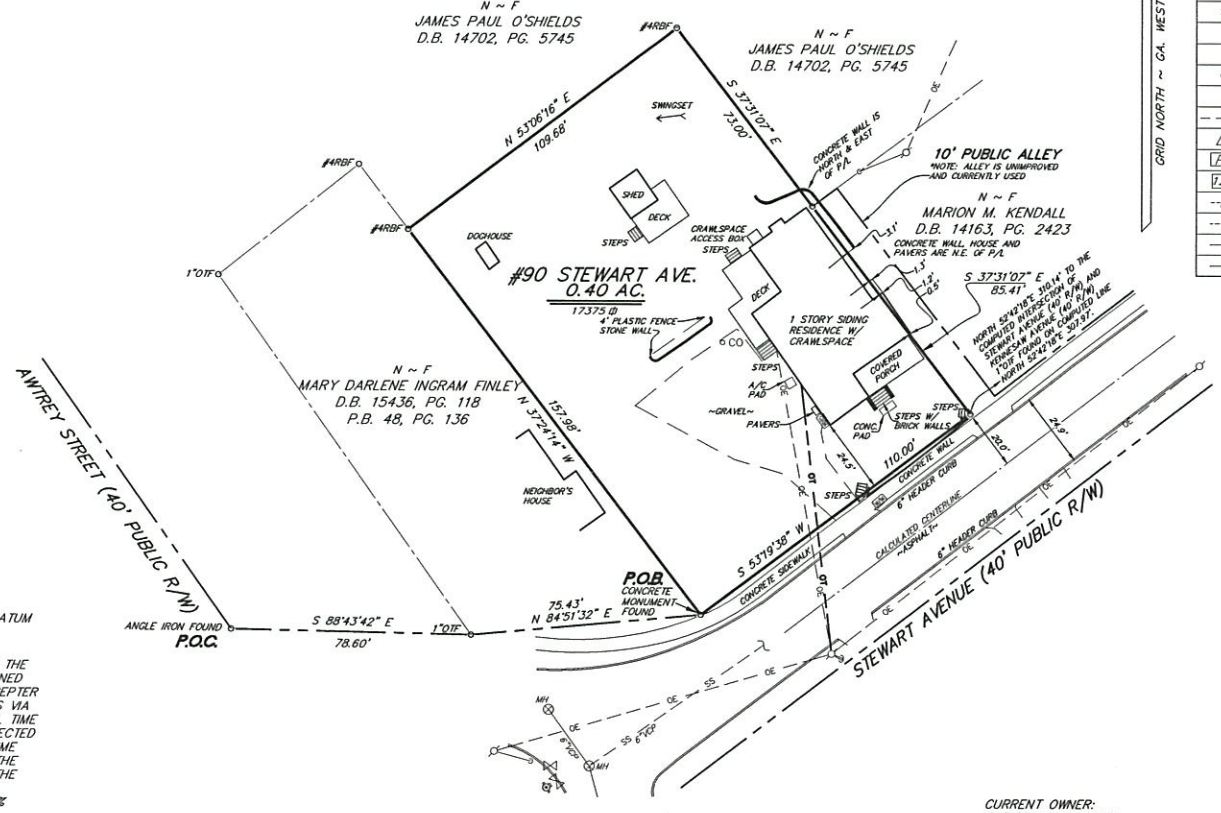
GEORGIA REGISTERED LAND SURVEYOR DEAN C. OLSON

Dean C. Olson 3-29-18
DATE

Existing

LEGEND

- P.P.– POWER POLE
- L.P.– LIGHT POLE
- F.H.– FIRE HYDRANT
- M.H.– SANITARY SEWER MANHOLE
- W.M.– WATER METER
- G.M.– GAS METER
- RBS– REINFORCING BAR SET
- RBF– REINFORCING BAR FOUND
- CTF– CRIMP TOP PIPE FOUND
- OTF– OPEN TOP PIPE FOUND
- R/W MON.– RIGHT-OF-WAY MONUMENT
- TYPE OF FENCE
- J.B.– JUNCTION BOX
- D.I.– DROP INLET / YARD INLET
- C.B.– CATCH BASIN
- R.C.P.– REINFORCED CONCRETE PIPE
- C.M.P.– CORRUGATED METAL PIPE
- F.F.E.– FINISHED FLOOR ELEVATION
- WATER VALVE
- C.O. SEWER CLEAN OUT
- TELEPHONE MANHOLE
- OVERHEAD POWER LINES
- HW.–HEADWALL
- POWERBOX
- 1234 STREET ADDRESS
- WATER LINE
- UNDERGROUND TELEPHONE LINE
- GAS LINE
- UNDERGROUND ELECTRICAL LINE



GPS NOTES:

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

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

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130226 , MAP NUMBER # 13067 C 0108 J DATED MARCH 4, 2013 .

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER ; LINEAR PRECISION OF TRAVERSE : 1/161,670 ; ANGULAR ERROR: 13" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/267,767 . MATTERS OF TITLE ARE EXCEPTED.

CURRENT OWNER:
CHRISTY CHRISTESEN
D.B. 15189, PG. 2589

30 0 30 60
SCALE IN FEET

REVISIONS

Gaskins
ENGINEERING•SURVEYING•PLANNING/CONSULTING•CONSTRUCTION MGMT

Marietta Office
1266 Powder Springs Rd
Marietta, GA 30064
Phone: (770) 424-7168

LSF# 789
www.gascsurvey.com

Canton Office
147 Reinhardt College Pkwy
Ste. 8 Canton, GA 30114
Phone: (770) 479-9698

FIELD DATE: 2-22-18	DRAWN BY: MAN
OFFICE DATE: 2-28-18	CHECKED BY: DCO
SCALE: 1"=30'	FILE: S:/BND/COBB/16/...

BOUNDARY RETRACEMENT SURVEY FOR:

CHRISTY CHRISTESEN
#90 STEWART AVENUE

LOCATED IN L.L. 1147
16th DISTRICT, 2nd SECTION
CITY OF MARIETTA
COBB COUNTY, GA.

PROPOSED

AS REQUIRED BY SUBSECTION (d) of O.G.C.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

PRELIMINARY

GEORGIA REGISTERED 2806 LAND SURVEYOR DEAN C. OLSON

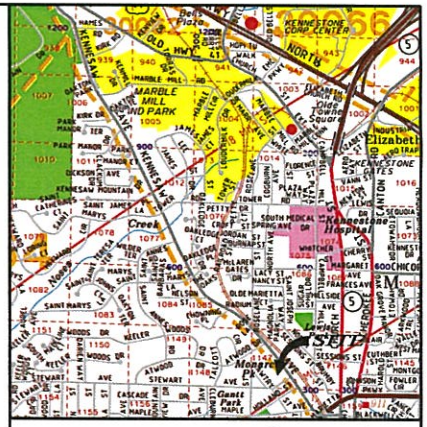
FOR REVIEW 3-29-18
DATE

FOR RECORDING INFORMATION
CLERK OF COURT

EXCEPTION NOTES

1. THE PURPOSE OF THIS PLAT IS TO SPLIT #90 STEWART AVENUE INTO 2 SEPARATE TRACTS.
2. EXISTING PARCEL INFORMATION: 90 STEWART AVENUE
   MARIETTA, GA 30064
   TAX ID #16-11470-0080
3. EXISTING ZONING: R-4
   SETBACKS:
   FRONT (LOCAL) - 25 FT
   SIDE (MINOR) - 10 FT
   SIDE (MAJOR) - 25 FT
   REAR - 30 FT
   MIN. LOT SIZE: 7,500 SQFT
   MIN. LOT WIDTH: 75 FT

"THE APPROVAL OF THIS PLAT SHALL NOT CONSTITUTE A RELEASE OF ANY RIGHT, TITLE OR INTEREST CURRENTLY OR PREVIOUSLY HELD BY THE CITY OF MARIETTA, INCLUDING ANY EASEMENT, RIGHT-OF-WAY OR OTHER INTEREST IN THE REAL PROPERTY. THE CITY HEREBY RETAINS ANY AND ALL CURRENT OR PREVIOUS INTEREST IN SAID PROPERTY."


SITE
NORTH
Kennestone Comp Center
Marble Mill Park
Kennestone Hospital
Elizabeth
Monroe Park
Gantt Park
Maple
Stewart
Cherokee
Lemon
Kennesaw Mountain
Cobb Parkway
Canton
Powder Springs
Roswell
Atlanta
Marietta
Kennesaw
Acworth
Smyrna
Vinings
Austell
Mableton
Powder Springs
Austell
Lithia Springs
Douglasville
Hiram
Dallas
Acworth
Kennesaw
Marietta

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-14 LEGISTAR: #20200169

LANDOWNERS: **William C. Hagemann**
120 South Park Square #206
Marietta, GA 30060

APPLICANT: **Same as above**

AGENT: **Adam J. Rozen, Esq.**
Rozen & Rozen
Adam J. Rozen, P.C.
248 Roswell Street
Marietta, GA 30060

PROPERTY ADDRESS: **84, 88, 100, & 150 Fairlane Drive**

PARCEL DESCRIPTION: **17th District, Land Lots 214 & 215, Parcels 1180, 1120, 1140, and 1150**

AREA: ±5.3 acres **COUNCIL WARD: 3A**

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

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

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

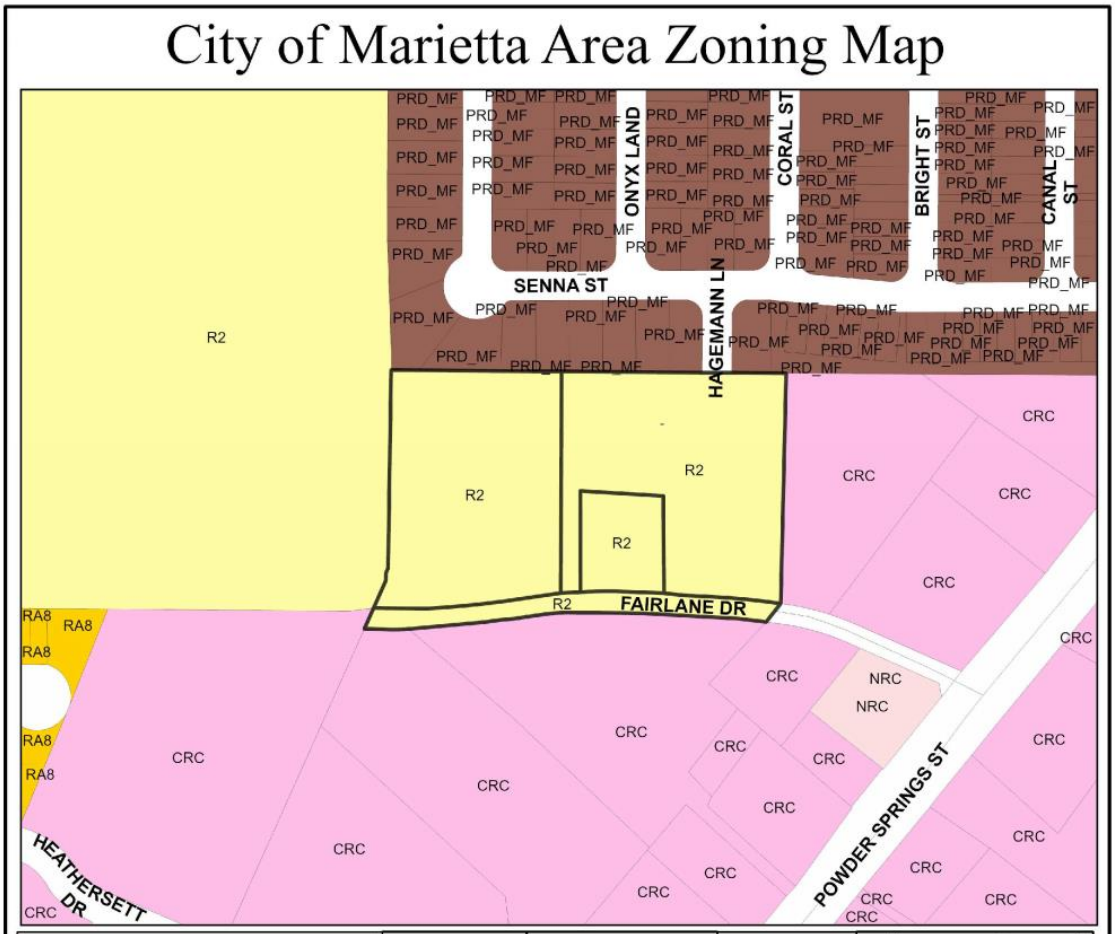
REASON FOR REQUEST: **Proposed construction of 36 detached homes**

PLANNING COMMISSION HEARING: Tuesday, May 5th, 2020 – 6:00 pm

CITY COUNCIL HEARING: Wednesday, May 13th, 2020 – 7:00 pm

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

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	215	1180	R-2	PRD-SF
17	215	1120	R-2	
17	215	1140	R-2	
17	215	1150	R-2	
17	214	0780	CRC	

Comments:
84, 88, 100, 150 Fairlane Dr;
a portion of 680 Powder Springs St

Date: **2/26/2020**

Planning & Zoning Division

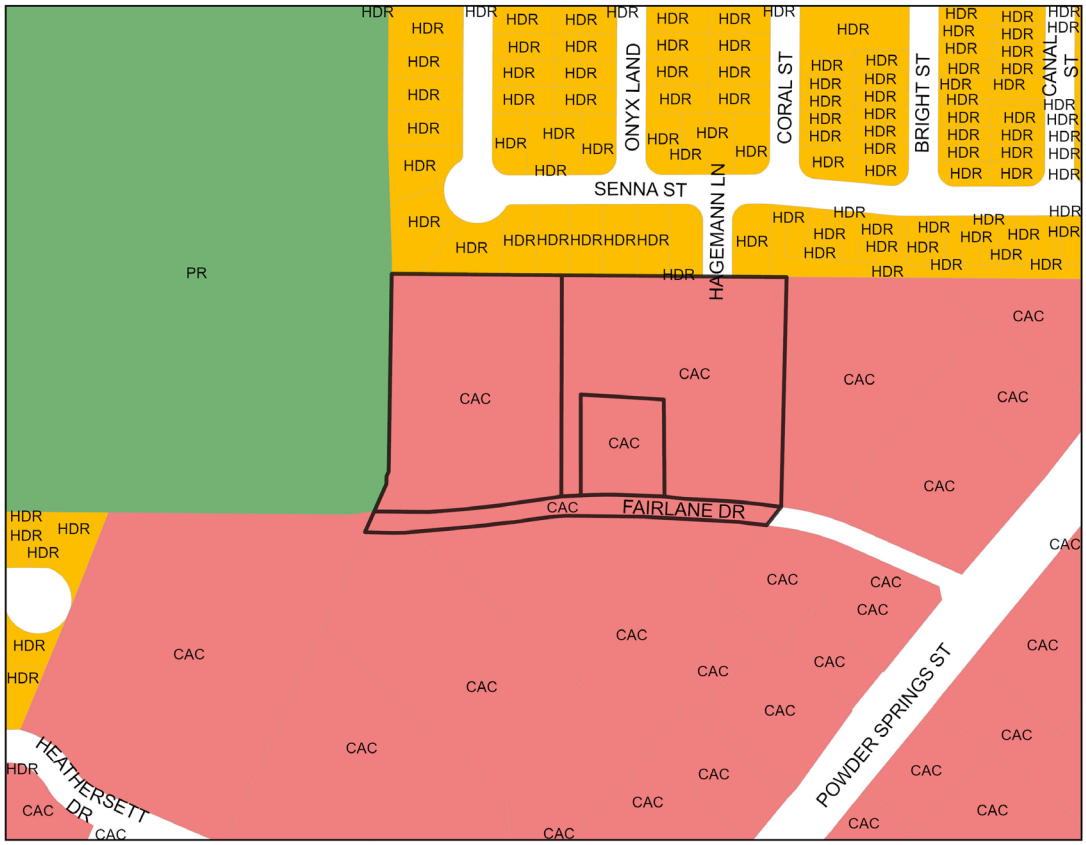
N W E S
1:2,436

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	215	1180	CAC	n/a
17	215	1120		
17	215	1140		
17	215	1150		
17	214	0780		

Comments:
84, 88, 100, 150 Fairlane Dr;
a portion of 680 Powder Springs St

Date: **2/26/2020**

Planning & Zoning Division

N W E S
1:2,436

CITY OF Marietta GEORGIA

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

PICTURES OF PROPERTY

Fairlane Drive

88 Fairlane Drive

100 Fairlane Drive

150 Fairlane Drive

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

STAFF ANALYSIS

Location Compatibility

William C. Hagemann is requesting the rezoning of approximately 5.3 acres located on Fairlane Drive to construct thirty-six (36) detached homes. The project site consists of 84, 88, 100, & 150 Fairlane Drive and is currently zoned R-2 (Single Family Residential). The City golf course is located directly to the west and a shopping center, zoned CRC and fronting Powder Springs Street, is located to the south across Fairlane Drive. Auto repair facilities, also zoned CRC, are located immediately to the west. Promenade at the Square, a single-family community with attached and detached units, is located immediately to the north and is currently under construction. The project site currently contains three (3) single-family residential homes.

Use Potential and Impacts

The proposed development would consist of thirty-six (36) detached houses along a new public roadway connecting with Fairlane Drive and Hagemann Drive, both of which are public streets. The density of the proposed development would be 6.8 units/acre, which would be more dense than most single family detached residential subdivisions, but would be consistent with other developments that have recently been completed or are under construction nearby, as shown below.

Development	Homes	Acreage	Density
Hedges Park	78	9.05	8.62
Marietta Township	40	13.24	3.02
Marvelle	99	17.253	5.74
Marietta Walk	84	10.6	7.92
Promenade at the Square	138	16.94	8.15

This property is located near the Powder Springs Street Corridor and not far from the Marietta Square. Higher density residential uses are typically encouraged near the central business district, so residents are closer to employment centers, community activities, events, retail, and restaurants. Aside from the golf course, the surrounding properties are comparable in their intensity of use and should not be adversely impacted by a development of this size.

Construction under PRD-SF zoning has minimum standards for tract size, lot size, open space, lot width, and floor area. While fee simple townhomes are subject to additional requirements for active and passive recreation, guest parking spaces, and a 5% rental restriction; those requirements do not apply to developments containing only detached homes. The 0.3 acres allocated for the "neighborhood park" is not adequate for the size of the development, which is required to have 25% open space, or 1.33 acres. Based on the submitted information, the following variances would be necessary:

- Variance to reduce the minimum lot size from 4,000 to 3,500 sq. ft. [*§708.09 (H)*]
- Variance to reduce the required open space from 25% to 5.7% [*§708.09 (H)*]

According to the City's Comprehensive Plan, the future land use of these parcels is CAC (Community Activity Center), which is intended for developments serving the retail and service needs of several neighborhoods and communities and should be located along arterial or collector roadways. It is likely that these properties were assigned a future land use of CAC with the assumption that they would be included in a larger, commercial or mixed-use development fronting Powder Springs Street. Although this rezoning request is not supported by the City Comprehensive Plan, the proposed use of the property is consistent with other nearby properties.

Environmental Impacts

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

Economic Functionality

Records indicate the subject property has always been used residentially. The Cobb County Tax Assessor's Office states that the three homes were constructed in 1955, 1963, and 1984. The properties are underutilized compared to the surrounding land uses and two of the homes have been renter occupied. Commercial zoning would not likely be viable because of the limited visibility and access from Powder Springs Street. Although functional as zoned, the property could accommodate more dense residential uses.

Infrastructure

The site will have two vehicular access points – one from Fairlane Drive and one from Hagemann Drive, through the Promenade at the Square development – both of which are public streets. Fairlane Drive currently has full, but unsignalized, access to Powder Springs Street. However, a median on Powder Springs Street will be installed as part of the streetscape improvements and will restrict future access to/from Fairlane Drive. A traffic study will also be required.

The new roads are shown to have a 44-foot wide right of way and do not meet the minimum required fifty (50) foot width. However, the roads are designed to match those approved for Promenade at the Square, which was granted a variance as part of the detailed plan (#20160864) to reduce the right of way from 50 feet to 44 feet; the roadways are still twenty four feet wide from back of curb. As a result, the following variance would be necessary:

- Variance to reduce the right of way width from fifty (50) feet to forty-four (44) feet. [*§730.01 TABLE I]*

The plan contains a note that all driveways will be a "minimum 20 feet from back of sidewalk or 20 feet [from] back of curb where there is no sidewalk." A five (5) foot sidewalk is shown on one side of each street.

The cul-de-sac shown at the southwestern corner of the site does not meet the minimum right of way width of one hundred (100) feet and contains guest parking spaces but may meet the minimum travelway of eighty (80) feet. The travelway should exclude any curb and gutter. The centerline radius at the entrance from Fairlane Drive (Lots 8 and 9) does not appear to meet the one hundred foot minimum and may require reconfiguration or a variance. More information can be provided at the detailed plan stage. The Marietta Fire Department may have additional requirements for the cul-de-sac and turning radii.

This development can be expected to add approximately fifteen (15) children into the City School System. The servicing elementary school, Hickory Hills, is under capacity and could withstand the influx of students. The middle school and high school are both over capacity.

Otherwise, there should be no issue with providing water, sewer, and electricity to the development.

Overhead Electrical/Utilities

There are currently overhead utility lines on the north side of Fairlane Drive. Should this rezoning be approved, all utilities to the new development will be required to be underground.

History of Property

There is no history of an variances, Special Land Use Permits, or rezonings granted for these properties.

Historical Impacts

There is no known historic significance associated with these properties.

Other Issues

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

Marietta GEORGIA

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

ANALYSIS & CONCLUSION

The applicant is requesting the rezoning of 5.3 acres located on Fairlane Drive to construct thirty-six (36) detached homes. The project site consists of 84, 88, 100, & 150 Fairlane Drive and is currently zoned R-2. Surrounding properties include the City golf course, a shopping center, auto repair facilities, and Promenade at the Square, a single family attached and detached community. The project site currently contains three (3) single family residential homes.

The proposed development would consist of thirty-six (36) detached houses along a new public roadway connecting with Fairlane Drive and Hagemann Drive, both of which are public streets. The density of the proposed development would be 6.8 units/acre, which would be more dense than most single family detached residential subdivisions but would be consistent with other developments that have recently been completed or are under construction nearby. Aside from the golf course, the surrounding properties are comparable in their intensity of use and should not be adversely impacted by a development of this size.

Based on the submitted plan, staff has identified the need for the following variances should the rezoning be approved:

1. Variance to reduce the minimum lot size from 4,000 to 3,500 sq. ft. [*§708.09 (H)*]
2. Variance to reduce the required open space from 25% to 5.7% [*§708.09 (H)*]
3. Variance to reduce the right of way width from fifty (50) feet to forty-four (44) feet. [*§730.01 TABLE I.]*

According to the City's Comprehensive Plan, the future land use of these parcels is CAC (Community Activity Center), which is intended for developments serving the retail and service needs of several neighborhoods and communities and should be located along arterial or collector roadways. It is likely that these properties were assigned a future land use of CAC with the assumption that they would be included in a larger, commercial or mixed-use development fronting Powder Springs Street. Although this rezoning request is not supported by the City Comprehensive Plan, the proposed use of the property is consistent with other nearby properties.

Prepared by: Shelby Little

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?	2" in Fairlane Dr
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	Approximately 300'
Size of the sewer line?	8" at the intersection of Powder Springs and Fairlane
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Olley Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	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
- A median is proposed for Powder Springs, which will make the Powder Springs entrance right in right out only
- A traffic study is required

TRANSPORTATION

What is the road affected by the proposed change?	Fairlane Dr & Powder Springs St
What is the classification of the road?	Local & Arterial
What is the traffic count for the road?	41000
Estimated # of trips generated by the proposed development?	Daily **unknown** AM PM
Estimated # of pass-by cars entering proposed development?	unknown
Do sidewalks exist in the area?	On Powder Springs St
Transportation improvements in the area?	Yes
If yes, what are they?	Powder Springs St Streetscape

Additional Comments:

- Need a traffic study in the area

- Will be constructing median on Powder Springs that will prevent left turning traffic from Fairlane Dr
- If cars are allowed to navigate through adjacent neighborhood to Gramling St an analysis of line of sight must be performed based on the increased volume of through traffic.

EMERGENCY SERVICES

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

Comments:
-Fire Apparatus Access Roads shall provide a 35-foot turning radius relative to the curb. [IFC 503.2.4, Marietta City Code 710.06]
-Units will be subject to fire sprinkler ordinance. Marietta City Code 2-6-140.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Hickory Hills Elementary**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**425**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**353**
Current enrollment of Middle School:	**1,388**
Current enrollment of High School:	**2,419**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**15**
New schools pending to serve this area:	**0**
Comments:	

Marietta GEORGIA

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

APPLICATION FOR REZONING

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

For Office Use Only:

Application #: Z2020-14 **Legistar #:** 20200169 **PZ #:** 20-66

Planning Commission Hearing: 4-1-20 **City Council Hearing:** 4-6-20

Owner's Name William C. Hagemann

EMAIL Address: See Representative

Mailing Address 120 South Park Sq. #206 Zip Code: 30060 Telephone Number (770) 655-0064

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: See Adam J. Rozen, Attorney for Applicant

EMAIL Address: _____

Mailing Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property to be rezoned: 84, 88, 100 & 150 Fairlane Dr.; ~~680 Powder Springs St.~~

Land Lot (s) 214 & 215 District 17th Parcel see Exhibit A Acreage 5.25 Ward 3A Future Land Use: CAC

Present Zoning Classification: R-2 Proposed Zoning Classification: PRD-SF

REQUIRED INFORMATION

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

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

CAMPAIGN CONTRIBUTIONS

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

William C. Hagemann
Signature of Owner

William C. Hagemann
Signature of Applicant

William C. Hagemann
Print Name

William C. Hagemann
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.

William C. Hagemann
Print Name

William C. Hagemann
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.

William C. Hagemann
Signature

William C. Hagemann
Please Print

120 South Park Sq. Suite 206, Marietta, GA 30060
Address

02/13/2020
Date

Signed, sealed and delivered in the presence of:

Debbie L. Scealf

My Commission Expires:

DEBBIE L. SCEALF
NOTARY PUBLIC
COBB COUNTY, GEORGIA
My Commission Expires 04-17-2020

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

Exhibit A

Address & Parcel Numbers

84 Fairlane Drive	17021501180	**ROW parcel**
88 Fairlane Drive	17021501120	**Eastern house**
100 Fairlane Drive	17021501140	**middle house**
150 Fairlane Drive	17021501150	**Western house**
680 Powder Springs, Ste.300	17021400780	**Shopping center**

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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

February 18, 2020

VIA HAND-DELIVERY

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

Re: Application for Rezoning of William C. Hagemann a 5.25± Acre Tract from R-2 to PRD-SF located in Land Lot 214 & 215 of the 17th District, 2nd Section, (84, 88, 100 & 150 Fairlane Drive & 680 Powder Springs Street; Suite 300) City of Marietta, Cobb County, Georgia.

Dear Shelby:

I represent William C. Hagemann ("Applicant") concerning the above-captioned Application for Rezoning. The Application is being filed concurrently with this letter which will constitute the Applicant's Summary of Intent and also will serve as a written description of the proposed development. The Application will be heard and considered by the City of Marietta Planning Commission on April 1, 2020. Thereafter, the application will be heard and considered for final action by the Mayor and City Council on April 6, 2020.

The property at issue ("subject property") consists of an approximate 5.25± acre assemblage of land which is located on the northerly side of Fairlane Drive just removed from the northwesterly side of Powder Springs Street. The subject property is contiguous to the Promenade at the Square development on W. Gramling Street ("Promenade") and in close proximity to Downtown Marietta and the Commercial Business District. The Promenade is currently finishing its build-out phase and contemplated the Applicant's proposal with a planned and existing connection to the proposed development.

The subject property has contiguity to an area denominated for High Density Residential ("HDR") and is located within an area on the City's Future Land Use Map ("FLUM") which is denominated for Community Activity Center (CAC"). However, it's positioning adjacent to HDR and MXD makes the subject property an excellent transition west as Downtown Marietta and its nearby redevelopment projects continue to pressure this corridor of Powder Springs Street into revitalization.

The Applicant proposes the rezoning of the subject property from R-2 to PRD-SF for the purposes of a quality-built, single-family, attached residential subdivision consisting of a total number of sixty-three (63) townhomes with an overall density less than the Promenade. The square footage of the homes will range in size from 1,800 square feet and greater, shall have, at a minimum, an attached two-car garage and sufficient width and length of driveways in order accommodate the parking of two (2) additional vehicles. The required parking ratio will be provided in addition to active and passive recreation features. Not only are these features consistent with its connecting development but are compliant with the PRD-SF zoning district regulations.

Architectural renderings/elevations depicting the architectural style and composition of the proposed Townhomes will be filed under separate cover after the Applicant's meetings and discussion with the City's Professional Staff and the community. The composition of the Townhomes shall include materials consisting of brick, stacked stone, Hardiplank shake and Hardiplank siding or a combination thereof in substantial conformity to said renderings/elevations. Also, under separate cover and prior to staff's formulation of its Zoning Analysis and Staff Recommendations, the Applicant will submit a letter of agreeable stipulations/conditions which will more fully explain the proposed development and a description of the timeframe and other issues regarding the proposed development.

In all respects, the Applicant's proposal is appropriate from a land use planning perspective; it is projected to be consistent with Staff's recommendation and analysis; and, will set a positive precedence for future development and redevelopment along Powder Springs Street. The Applicant's proposal will also continue to provide the desired residential rooftops to satisfy consumer demand and supply a commercial base for the redevelopment of existing commercial space at and near the intersections of Powder Springs Street with Garrison and Sandtown Roads.

Please do not hesitate to contact me should you or your staff require further information or documentation prior to the formulation of your Analysis and/or prior to the application being heard and considered by the Planning Commission and Mayor and City Council in April 6, 2020.

Sincerely,

SAMS, LARKIN & HUFF, LLP

Adam J. Rozen
arozen@samslarkinhuff.com

AJR/lkj

cc: Mr. Rusty Roth, Development Services Director (via email)
Mr. Pete Bilson, RLA, Bilson & Associates (via email)
Mr. William C. Hagemann (via email)

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, May 5st, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, May 13th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-14 [REZONING] WILLIAM C. HAGEMANN is requesting the rezoning of 5.25 acres located in Land Lots 214 & 215, District 17, Parcels 1180, 1120, 1140, 1150, and a portion of 0780 of the 2nd Section, Cobb County, Georgia, and being known as 84, 88, 100 & 150 Fairlane Drive and a portion of 680 Powder Springs Street from R-2 (Single Family Residential – 2 units/acre) and CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development – Single Family). Ward 3A.

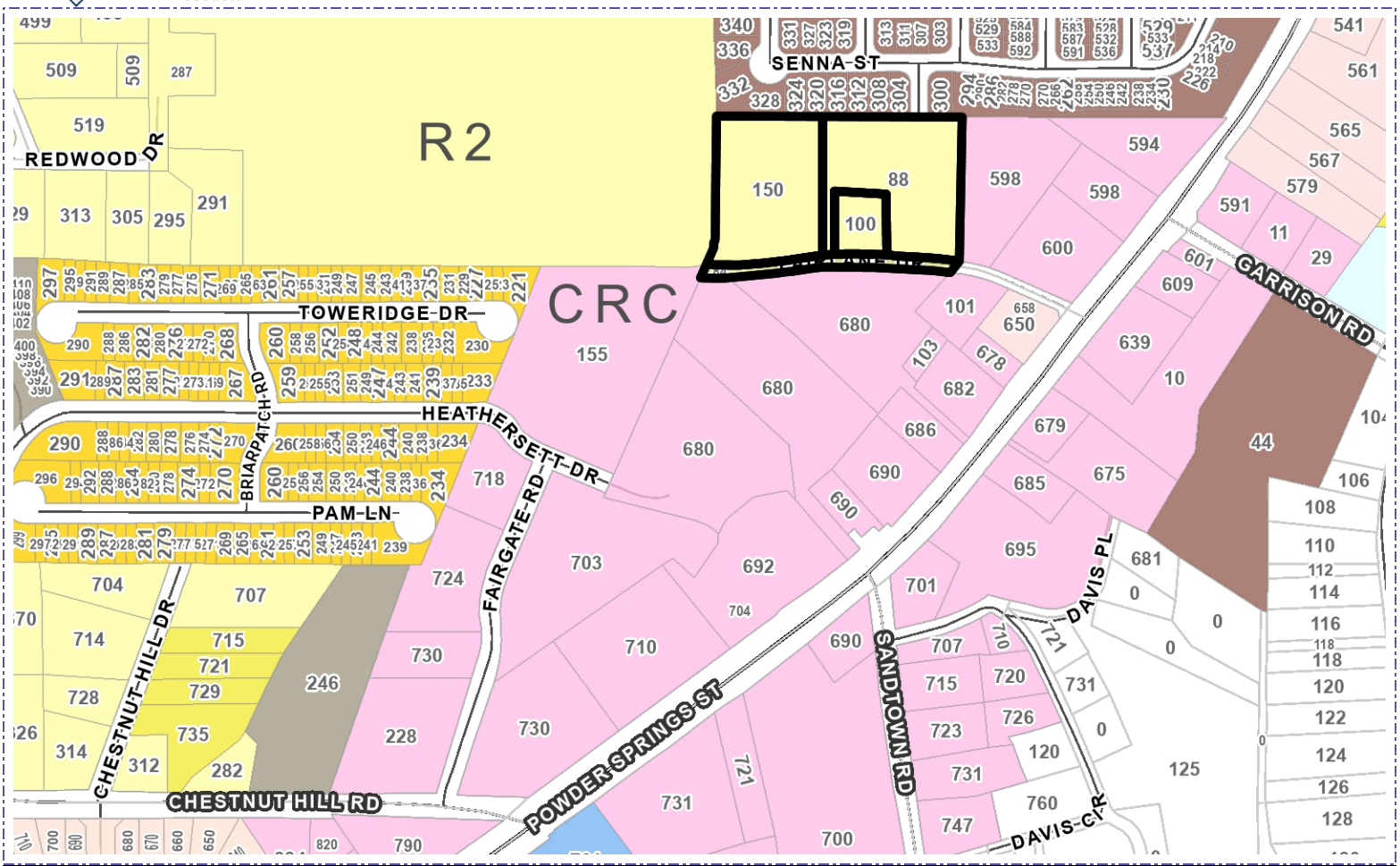
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative 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
100 FAIRLANE DR	17021501140	0.423	3A	R2	CAC
84 FAIRLANE DR	17021501180	0.416	3A	R2	CAC
88 FAIRLANE DR	17021501120	2.13	3A	R2	CAC
150 FAIRLANE DR	17021501150	2.069	3A	R2	CAC
680 POWDER SPRINGS ST, PORTION OF	17021400780				

Property Owner: William C. Hagemann

Applicant:

Proposed Zoning: R2 to PRD-SF

Agent: Adam Rozen, Esq.

Proposed Use:

Planning Commission Date: 05/05/2020

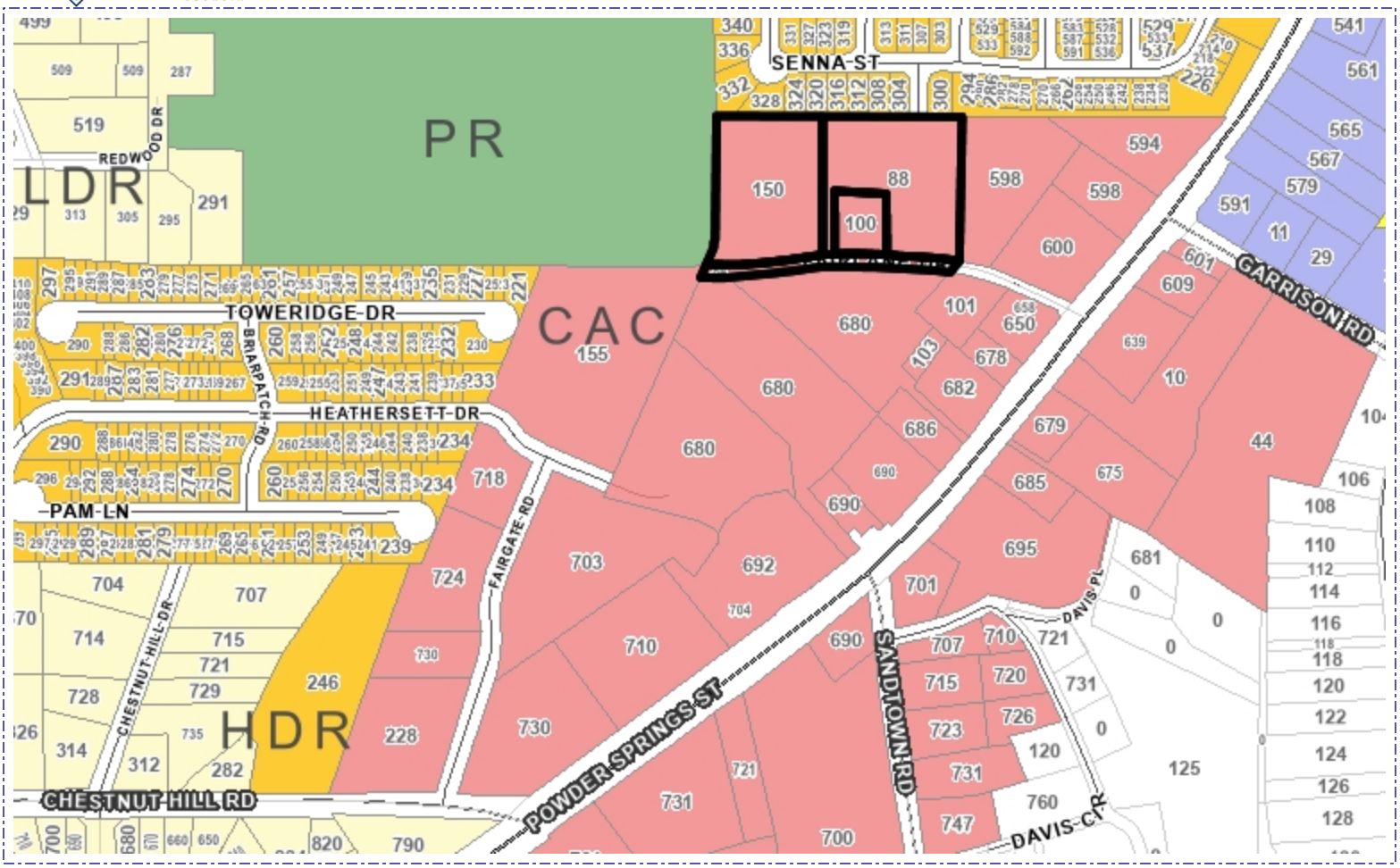
City Council Hearing Date: 05/13/2020 Case Number: Z2020-14

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



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680 POWDER SPRINGS ST, PORTION OF	17021400780				

Planning Commission Hearing Date: 05/05/2020

City Council Hearing Date: 05/13/2020

Future Land Use: CAC

Case Number: *Z2020-14*

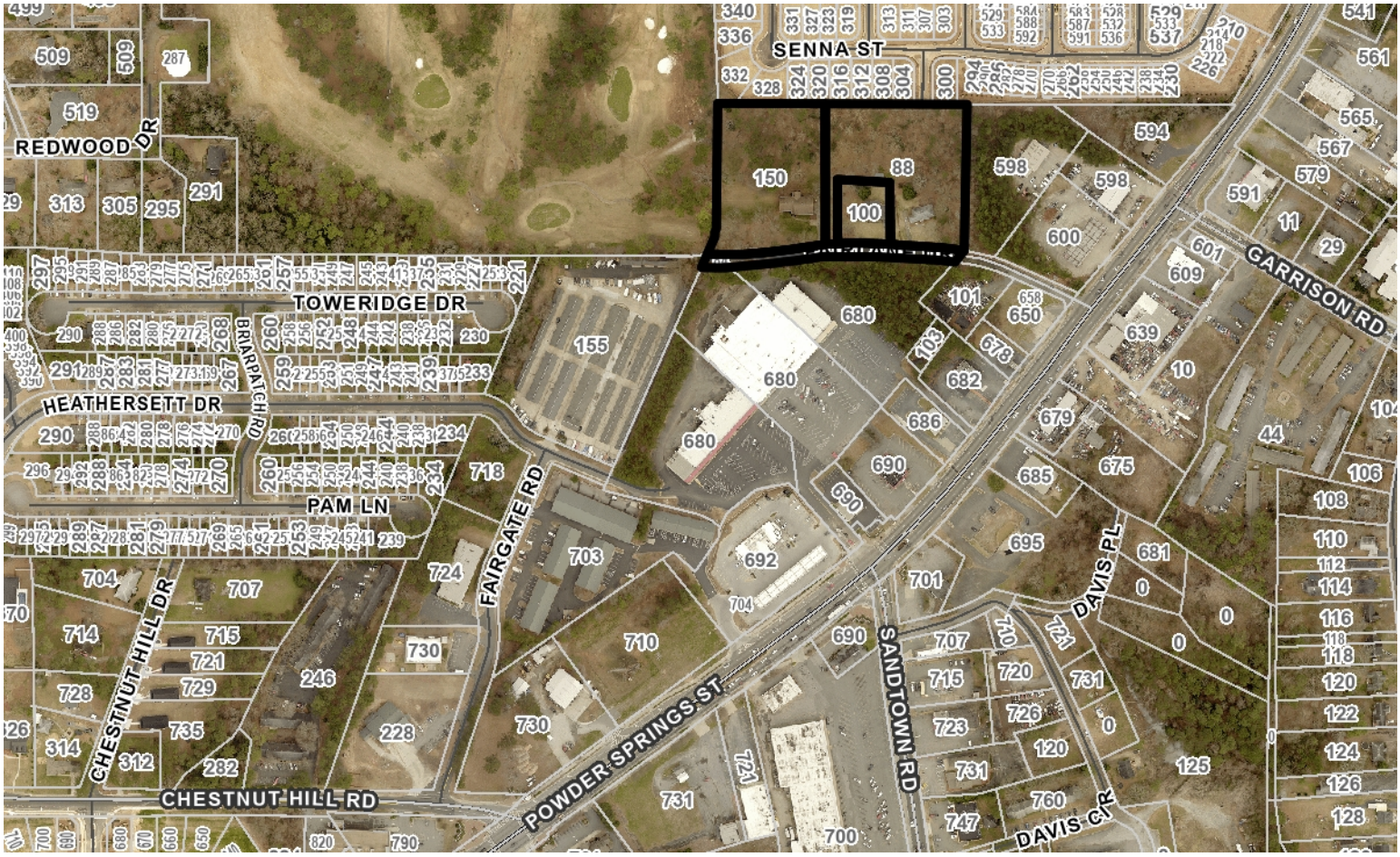
Comments:

City of Marietta Planning & Zoning

Future Land Use Symbols

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

Aerial Map



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680 POWDER SPRINGS ST, PORTION OF	17021400780				

Property Owner: William C. Hagemann

Applicant:

City Council Hearing Date: 05/05/2020

Planning Commission Hearing Date: 05/13/2020

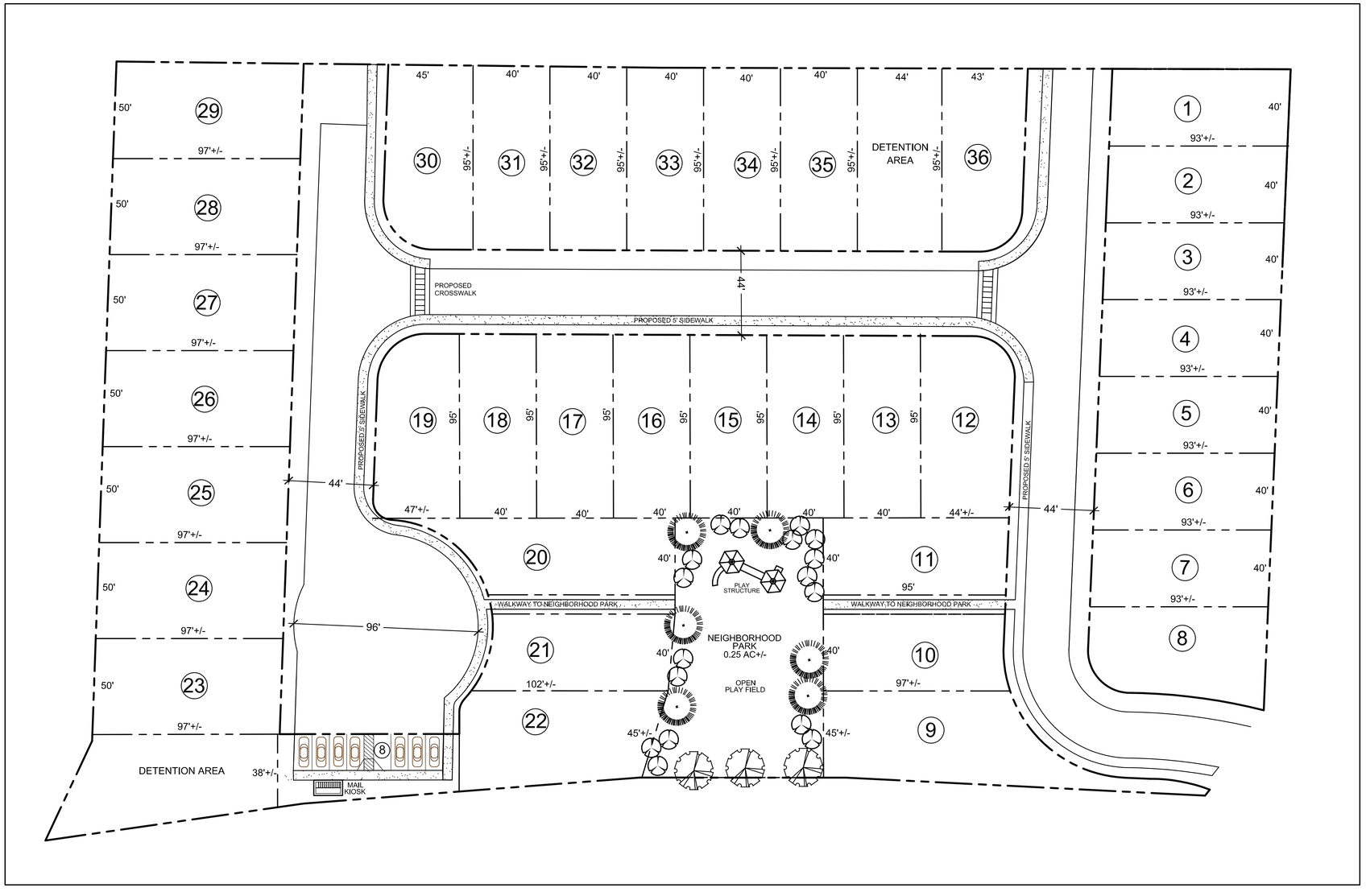
BZA Hearing Date: Case Number: Z2020-14

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning

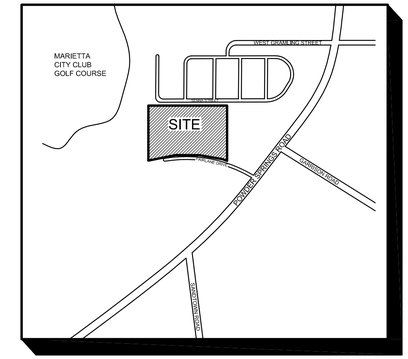


PRLEMINARY SITE PLAN

SCALE: 1" = 30'

30 0 30 60

GRAPHIC SCALE



VICINITY MAP

N.T.S

GENERAL SITE PLAN SUMMARY
SITE AREA: 5.3 ACRES +/- (INLCUDES DEDICATED R/W)
CURRENT ZONING: R-2, PROPOSED ZONING: PRD (SF)
TOTAL NUMBER OF LOTS SHOWN: 36
MINIMUM FLOOR SQ. FT.: 2,000 SF
MAXIMUM HEIGHT: 30 FEET
MINIMUM LOT SIZE: 3,500 SF
SETBACKS: FRONT - 5'
SIDE - 5'
REAR - 25 (EXTERNAL LOTS)
15' (INTERNAL LOTS)

ALL PROPOSED PUBLIC STREETS TO HAVE A 44 FOOT RIGHT OF WAY WITH 4 FOOT WIDE SIDEWALK ADJACENT TO THE BACK OF CURB ON ONE SIDE OF THE ROAD.

ALL DRIVEWAYS TO BE MINIMUM 20 FEET FROM BACK OF SIDEWALK OR 20 FEET BACK OF CURB WHERE THERE IS NO SIDEWALK.

PARKING PROVIDED: 4 SPACES PER DETACHED SINGLE FAMILY UNIT

2 SPACES PER GARAGE
2 SPACES PER DRIVEWAY
36 UNITS X 4 = 144 SPACES REQUIRED
152 SPACES RPOVIDED
(8 ADDITIONAL SPACES PROVIDED FOR MAIL KIOSK AND GUEST PARKING)

SITE INFORMATION

SITE ADDRESS: 84 FAIRLANE DRIVE
88 FAIRLANE DRIVE
100 FAIRLANE DRIVE
150 FAIRLANE DRIVE
MARIETTA, GEORGIA 30064
PIN: 17021501180
PIN: 17021501120
PIN: 17021501140
PIN: 17021501150

OWNER/DEVELOPER: WILLIAM C. HAGEMANN
120 SOUTH PARK SQUARE
MARIETTA, GEORGIA 30060
770-655-0064

SITE AREA: 5.3 ACRES +/-

EXISTING ZONING: R-2
PROPOSED ZONING: PRD (SF)

TOTAL NO. OF LOTS: 36

REVISIONS	BY

Bilson & Associates
LANDSCAPE ARCHITECTS & LAND PLANNERS
P.O. BOX 3442
MARIETTA, GA 30061
www.bilsonassociates.com
PHONE 770-449-0006

GEORGIA REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT No. 172 PARKER J. BILSON

PRELIMINARY SITE PLAN
PROPOSED DEVELOPMENT
CITY OF MARIETTA, GEORGIA
LAND LOT 214 & 215, 17TH DISTRICT, COBB COUNTY, GEORGIA
PREPARED FOR
WILLIAM C. HAGEMANN

DRAWN	
CHECKED	
DATE	04-30-2020
SCALE	1" = 30'
JOB No.	2020-105
SHEET	MP-01

OF 1 SHEETS

Received
4/27/2020

ADAM J. ROZEN, P.C.
248 Roswell Street, SE
Marietta, Georgia 30060

(770) 427-7004 (T)
(770) 426-9584 (F)

ADAM J. ROZEN ajrozen@rozenandrozen.com

April 23, 2020

VIA HAND-DELIVERY

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

Re: Application for Rezoning of William C. Hagemann a 5.25± Acre Tract from R-2 to PRD-SF located in Land Lot 214 & 215 of the 17th District, 2nd Section, (84, 88, 100 & 150 Fairlane Drive & 680 Powder Springs Street; Suite 300) City of Marietta, Cobb County, Georgia; Z2020-14

Dear Shelby:

As you know, I represent William C. Hagemann ("Applicant") concerning the above-captioned Application for Rezoning. The Application was originally set to be heard for final action in April of this year but the Applicant was granted its request to table the Application until May 2020 in order to gain additional time to work with Staff and submit a revised site plan. Subsequently, the City's State of Emergency Order effectively stayed all pending entitlement actions until further notification. Nonetheless, the Application is currently set to be heard and considered by the City of Marietta Planning Commission on May 5, 2020. Thereafter, the application will be heard and considered for final action by the Mayor and City Council on May 13, 2020.

The property at issue ("subject property") consists of an approximate 5.25± acre assemblage of land which is located on the northerly side of Fairlane Drive just removed from the northwesterly side of Powder Springs Street. The subject property is contiguous to the Promenade at the Square development on W. Gramling Street ("Promenade") and in close proximity to Downtown Marietta and the Commercial Business District. The Promenade is currently finishing its build-out phase and contemplated the Applicant's proposal with a planned connection to the proposed development which is already graded, curbed and paved.

The subject property has contiguity to an area denominated for High Density Residential ("HDR") and is located within an area on the City's Future Land Use Map ("FLUM") which is denominated for Community Activity Center (CAC"). However, it's positioning adjacent to HDR and MXD makes the subject property an excellent transition west as Downtown Marietta and its nearby redevelopment projects continue to pressure this corridor of Powder Springs Street into revitalization.

The Applicant proposes the rezoning of the subject property from R-2 to PRD-SF. The Applicant's original Application proposed a sixty-three (63) unit townhome community. However, after revisiting the proposal, the Applicant now proposes a quality-built community of thirty-six (36) single family detached homes. Generally, the detached homes will be of the same quality, design and appearance of the neighboring detached homes in the Promenade at the Square and similar to those architectural elevations attached to this letter and incorporated below. Specifically, the square footage of the homes will range in size from 2,000 to 3,000 square feet and greater, shall have, at a minimum, an attached two-car garage and sufficient width and length of driveways in order accommodate the parking of two (2) additional vehicles. The required parking ratio will be provided in addition to active and passive recreation features. The homes are expected to be priced in the $400,000 range and as high as the upper $400,000's for the four (4) bedroom homes. These features consistent with its connecting development but are compliant with the PRD-SF zoning district regulations.

This letter will serve as the Applicant's expression of agreement with the following stipulations which shall, upon the requested Rezoning Application being approved, become conditions and a part of the grant of the Application and binding upon the Subject Property thereafter. The referenced stipulations are as follows, to wit:

1. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place with respect to the Subject Property.

2. The development of the Subject Property shall be consistent with the revised site plan dated April 23, 2020 ("Revised Site Plan"), prepared by Bilson and Associates and filed contemporaneously herewith.

3. The residential community shall consist of a total number of thirty-six (36) single family detached homes on 5.25 acres for a total of 6.8 units per acre.[1]

4. The square footage of the homes shall range from a minimum of approximately 2,000 sq. ft. up to 3,000 sq. ft. and beyond. All of the homes will have three (3) bedrooms.

[1] Adjacent and connecting to the subject property is the Promenade at the Square which is zoned PRD-SF at a density of 8.15 units per acre. Across Powder Springs Street is Hedges Park at 8.62 units per acre. Between the subject property and the Marietta Square is Marietta Walk at 7.92 units per acre.

5. The architectural style and composition of the homes to be constructed shall be compliant with the City of Marietta's four (4) sided architecture requirements and will be traditional, including a mixture of materials consisting of brick, stacked stone, and hardiplank on all four sides. Representations of the elevations depicting the architectural style and composition of the homes are enclosed herewith. Additionally, the exterior of the homes will feature the following:

    a. Architecturally controlled color schemes and designs with traditional exteriors.

    b. Detailed millwork porches, covered entries and custom designed shutters.

    c. Two-car garages with decorative carriage-style doors.

6. The Applicant agrees to the creation of a Mandatory Homeowners Association and the submission of Covenants, Conditions and Regulations ("Covenants") which will include inter alia, strict architectural controls.

7. There shall be a recital contained within the Covenants of the subdivision ensuring that the two-car garages are used for vehicular storage purposes only. Additionally, the driveways will be a minimum of twenty feet (20') in length, as measured from the back of the sidewalk (or curb in the event of streets with no sidewalk) to the face of each building in order to accommodate the parking of two (2) additional vehicles.

8. A Third-Party Management Company shall be hired to manage the day-to-day operations of the mandatory Homeowners Association. The Third-Party Management Company shall also be responsible for the management of all Association monies as well as ensuring that the Association is properly insured.

9. The granting of the following contemporaneous variances as identified in the Staff Analysis of April 14, 2020, to wit:

    a. Variance to reduce the minimum lot size from 4,000 sf to 3,500 sq. ft.;
    b. Variance to reduce the required open space from 25% to 5.7%; and
    c. Variance to reduce the right of way width from fifty feet (50') to forty-four feet (44') consistent with the Promenade.

10. The submission of a Landscape Plan during the Plan Review process, subject to staff review and approval, including the following:

a. Said Landscape Plan shall be prepared, stamped and signed by a Georgia registered landscape architect or a degreed horticulturist for common areas and the entrance to the community on Fairlane Drive and through the Promenade.

b. Entry signage shall be ground-based, monument-style, landscaped and irrigated.

c. Sodded front, side and rear yards of the homes and common areas.

d. All utilities for the residential communities shall be located underground.

e. Signage interior to the residential development shall be themed to the architectural style and composition of the homes and overall development.

f. The installation of decorative streetlights throughout the residential community that shall be themed to the architectural style as described above.

g. Detention/water quality areas shall be fenced and landscaped for purposes of visual screening subject to staff review and approval.

11. The residential community shall contain a neighborhood park approximately .3 acres or greater ("Park") with an active and passive component and as identified in the Revised Site Plan. The Park shall be maintained by the Mandatory Homeowners Association and accessible for its residents.

12. Compliance with recommendations from the City Public Works Department and the City's Engineering Division with respect to traffic/transportation issues, including the following:

    a. Public streets shall be constructed to match the Promenade with a forty-four foot (44') right of way and minimum of twenty four feet (24') of paving from back of curb[2] and otherwise constructed to the requirements of the Public Works Director.

    b. The site shall contain the two existing vehicular access points from Fairlane Drive and W. Gramling.

[2] The paved driving area will remain consistent with a fifty foot (50') right of way and accommodate utilities but reduces the overall width to allow for greater yard area.

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c. The installation of a five-foot (5') sidewalk at a minimum of one side of each street and providing walking connectivity to the Promenade.

d. The installation of a mail kiosk and additional parking area as depicted on the Revised Site Plan.

13. Compliance with recommendations from the City's Public Works Department and its Engineering Division with respect to detention, hydrology and downstream considerations, including following staff's recommendations concerning the ultimate location and configuration of on-site detention and water quality.

14. Minor modifications may be approved by the Director of Development Services and/or his designee.

The current revised proposal for thirty-six (36) detached homes at a density of 6.8 units per acre is at least 1.25 units per acre less than recent neighboring and nearby residential developments which are experiencing successful sales and build-out rates.

In all respects, the Applicant's proposal is appropriate from a land use planning perspective; it continues the positive precedence for future development and redevelopment along Powder Springs Street. The Applicant's proposal will also continue to provide the desired residential rooftops to satisfy consumer demand and supply a commercial base for the ongoing and future redevelopment of existing commercial space at and near the intersections of Powder Springs Street with Garrison and Sandtown Roads.

Please do not hesitate to contact me should you or your staff require further information or documentation prior to the formulation of your Analysis and/or prior to the application being heard and considered by the Planning Commission and Mayor and City Council in May, 2020.

Sincerely,

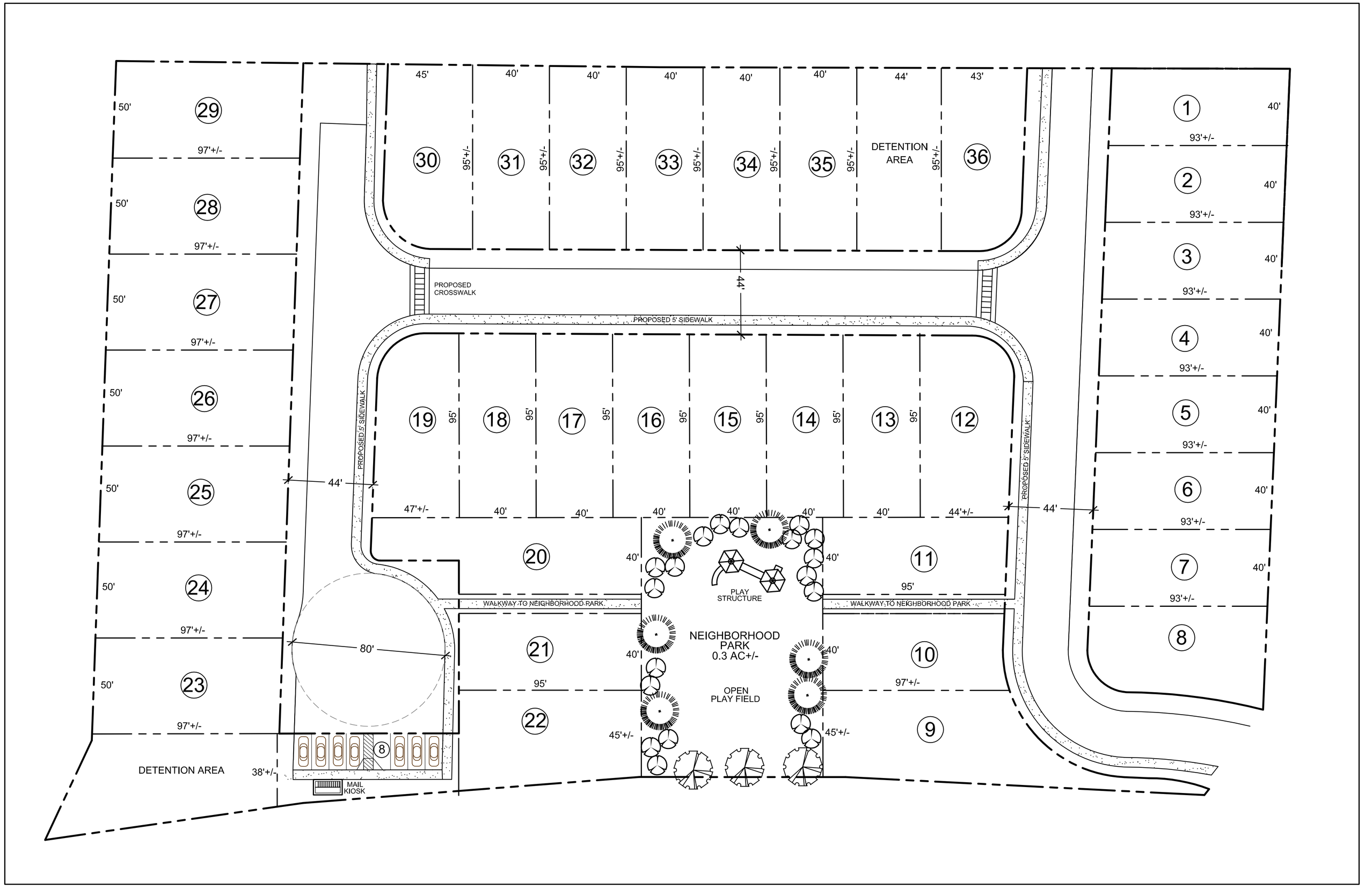
ADAM J. ROZEN, P.C.

Adam J. Rozen
ajrozen@rozenandrozen.com

Enclosures
cc: Continued onto following page

---

cc: Steve "Thunder" Tumlin, Esq., City of Marietta Mayor
City of Marietta Mayor and Council
Ms. Stephanie Guy, City Clerk
Chairman R.W. (Bob) Kinney
Commissioner Jay Davis, Ward 1
City of Marietta Planning Commissioners
Mr. Rusty Roth, AICP Development Services Director
Ms. Jasmine Thornton, Planning and Zoning Administrator II
Commander Jason Garner, Fire Department
Douglas R. Haynie, Esq., City of Marietta Attorney
Ms. Ines Embler, Planning and Zoning Coordinator
Mr. Pete Bilson, RLA, Bilson & Associates (via email)
Mr. William C. Hagemann (via email)

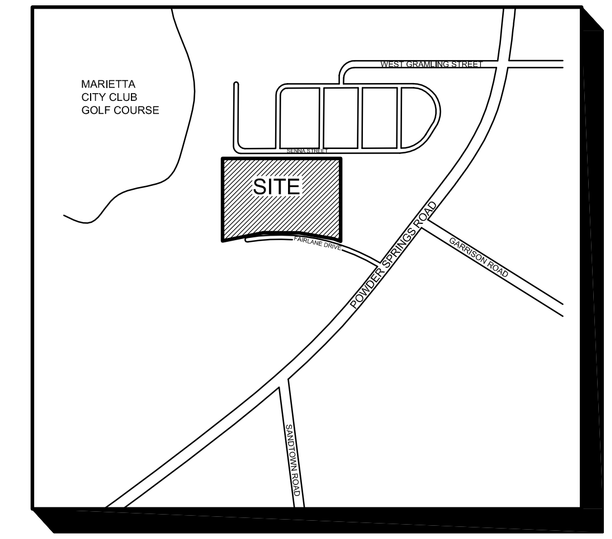


PRLEMINARY SITE PLAN

SCALE: 1" = 30'

30 0 30 60

GRAPHIC SCALE



VICINITY MAP

N.T.S

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PROPOSED ZONING: PRD (SF)

TOTAL NO. OF LOTS: 36

REVISIONS	BY

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PHONE 770-419-0006
www.bilsonassociates.com

GEORGIA REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT NO. 172 PAUL J. BILSON

PRELIMINARY SITE PLAN
PROPOSED DEVELOPMENT
CITY OF MARIETTA, GEORGIA
LAND LOT 214 & 215, 17TH DISTRICT, COBB COUNTY, GEORGIA
PREPARED FOR
WILLIAM C. HAGEMANN

DRAWN	
CHECKED	
DATE	04-23-2020
SCALE	1" = 30'
JOB No.	2020-105
SHEET	MP-01

OF 1 SHEETS

SHOWN IN OPTIONAL ELEVATION B

4 BEDROOM
3.5 BATHROOM
2,550 SQ FT

Ashley

PROMENADE AT THE SQUARE | FLOORPLAN

Prices, plans, elevations, square footage, specifications, materials, and included features are subject to change at any time without notice or obligation. Drawings, renderings, images, square footage, plans, elevations, features, colors and sizes are approximate and may vary from the actual homes built. Drawings are artist interpretation © 2020 Tamra Wade Team of RE/MAX TRU.. All rights reserved.
Revised 3-9-20

RE/MAX TRU | TAMRA WADE TEAM

Sales Center: 770•502•6230 | HeatherlandHomes.com

Ashley

PROMENADE AT THE SQUARE | FLOORPLAN

Elevation A

Elevation B

Elevation C

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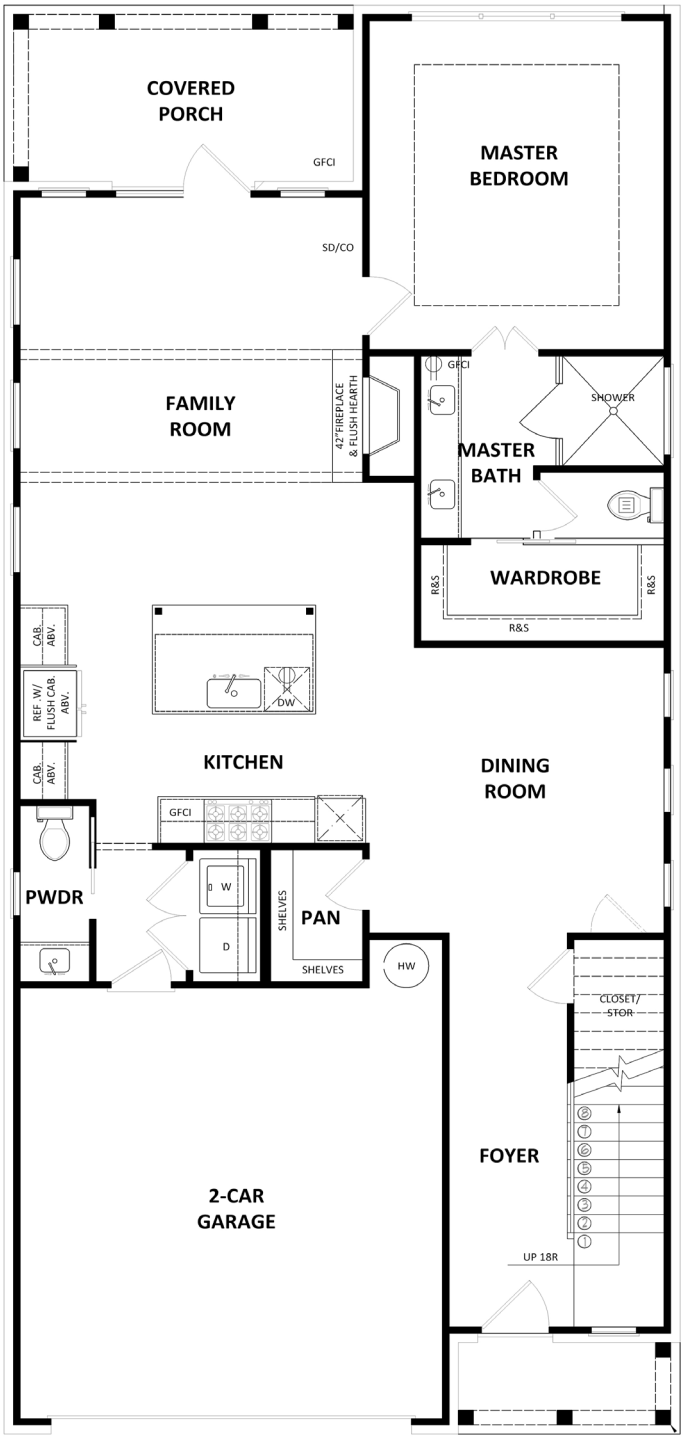
Revised 3-9-20

Ashley

PROMENADE AT THE SQUARE | FLOORPLAN



First Floor

Second Floor

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Revised 3-9-20

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SHOWN IN OPTIONAL ELEVATION C

4 BEDROOM
3.5 BATHROOM
3,029 SQ FT

Cameron

PROMENADE AT THE SQUARE | FLOORPLAN

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Revised 3-9-20

RE/MAX TRU | TAMRA WADE TEAM

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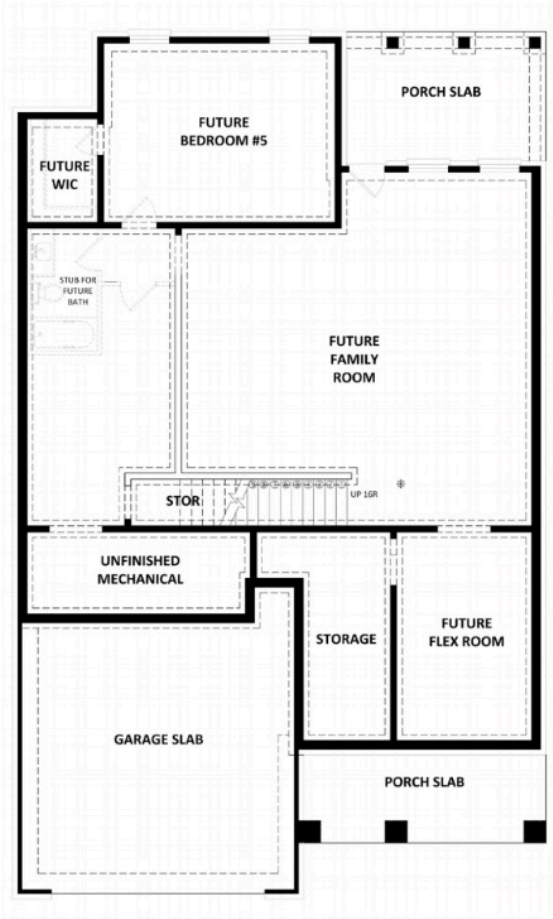
Cameron

PROMENADE AT THE SQUARE | FLOORPLAN

Elevation A

Elevation B

Elevation C



Opt. Basement Floor

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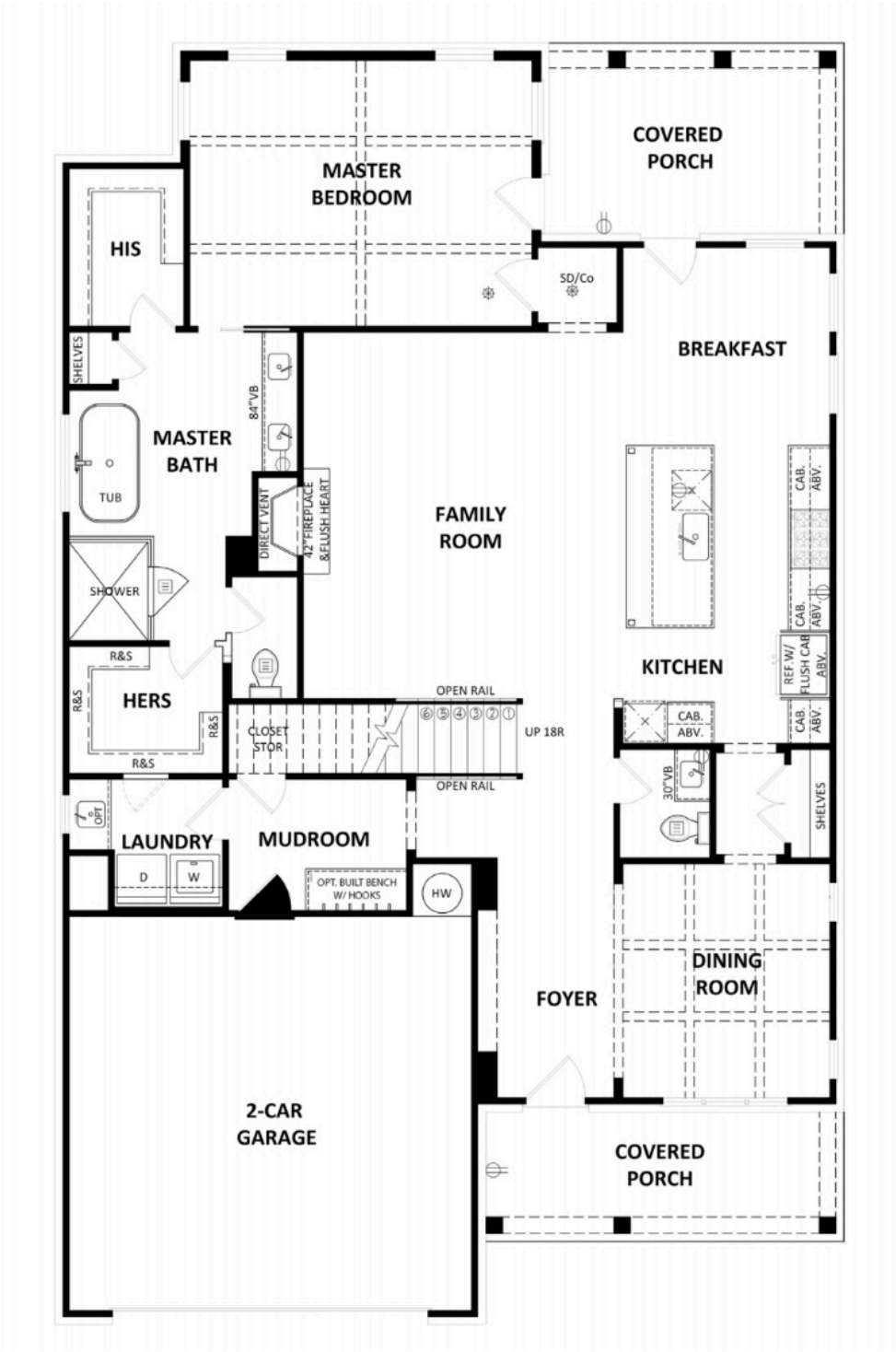
Revised 3-9-20

Cameron

PROMENADE AT THE SQUARE | FLOORPLAN



First Floor

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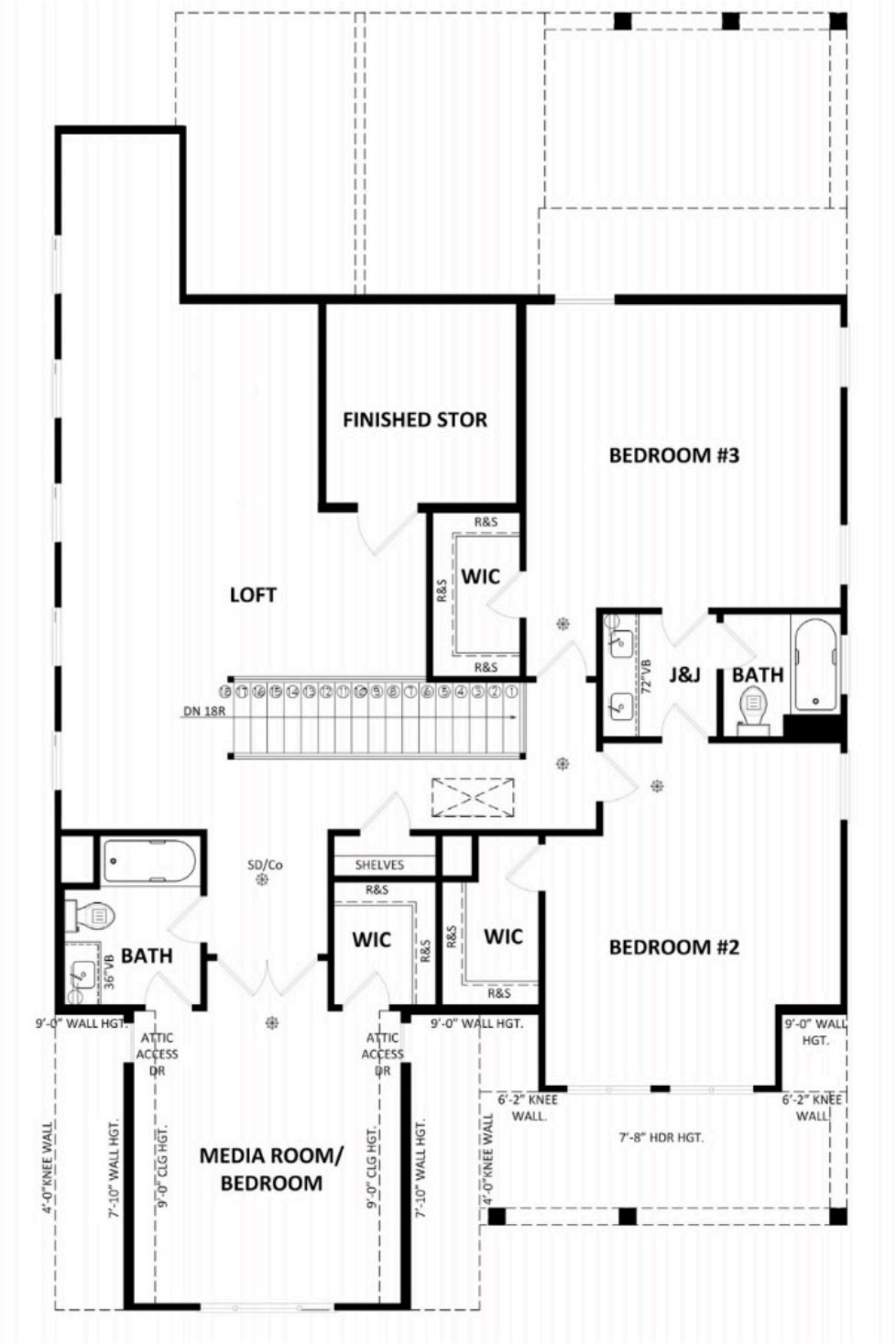
Revised 3-9-20

RE/MAX TRU | TAMRA WADE TEAM

Sales Center: 770•502•6230 | HeatherlandHomes.com

Cameron

PROMENADE AT THE SQUARE | FLOORPLAN



Second Floor

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Revised 3-9-20

Sales Center: 770•502•6230 | HeatherlandHomes.com

SHOWN IN OPTIONAL ELEVATION B

4 BEDROOM
4.5 BATHROOM
3,034 SQ FT

Melissa

PROMENADE AT THE SQUARE | FLOORPLAN

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Revised 3-9-20

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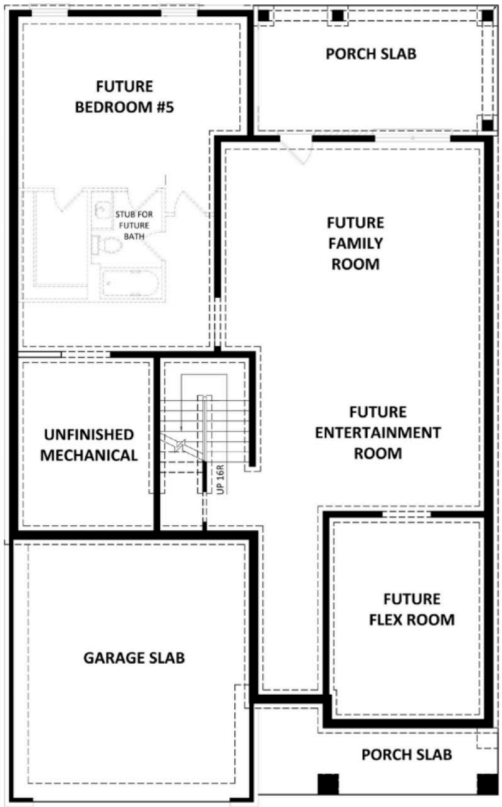
Melissa

PROMENADE AT THE SQUARE | FLOORPLAN

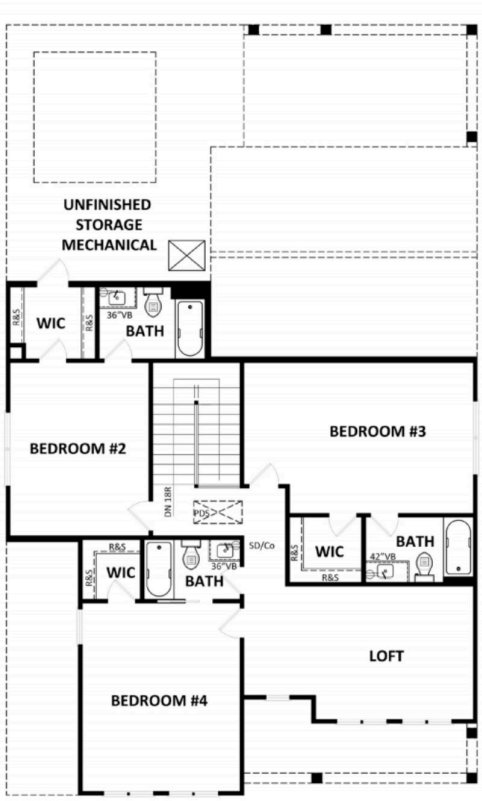
Elevation A

Elevation B

Elevation C



Opt. Basement Floor Plan



Second Floor Plan "C"

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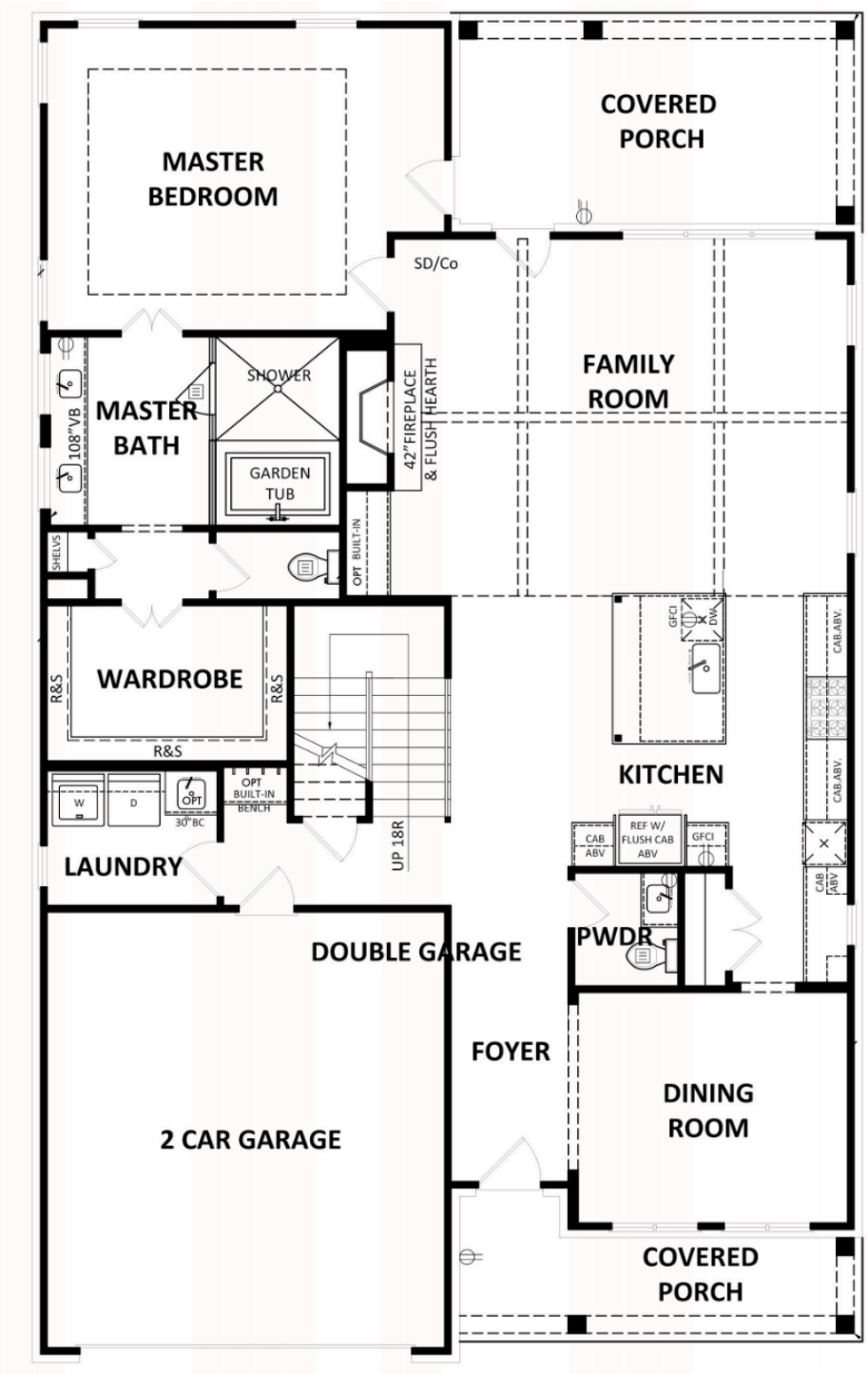
Melissa

PROMENADE AT THE SQUARE | FLOORPLAN



First Floor

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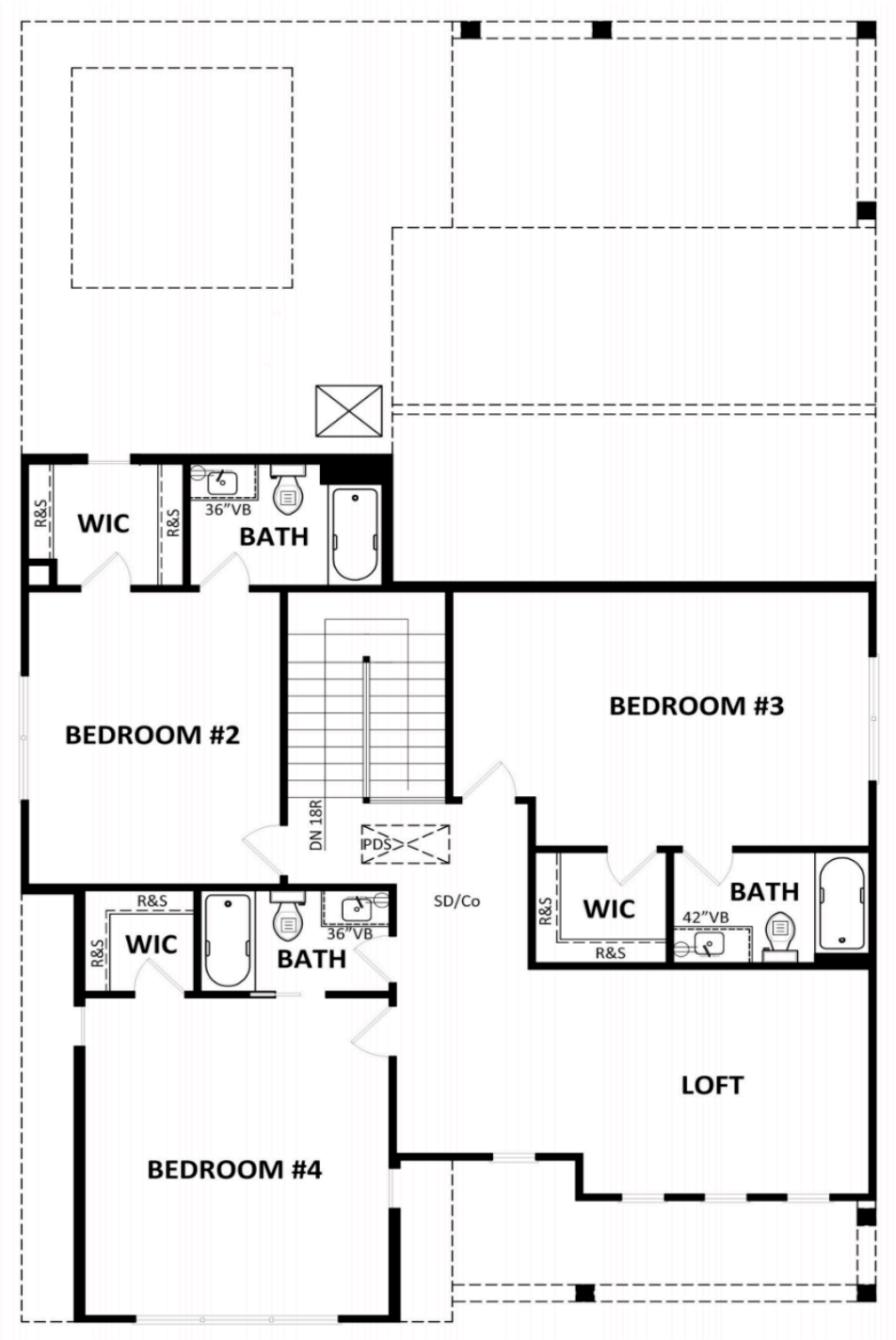
Melissa

PROMENADE AT THE SQUARE | FLOORPLAN



Second Floor

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SHOWN IN OPTIONAL ELEVATION B

4 BEDROOM
3.5 BATHROOM
3,060 SQ FT

Sadie

PROMENADE AT THE SQUARE | FLOORPLAN

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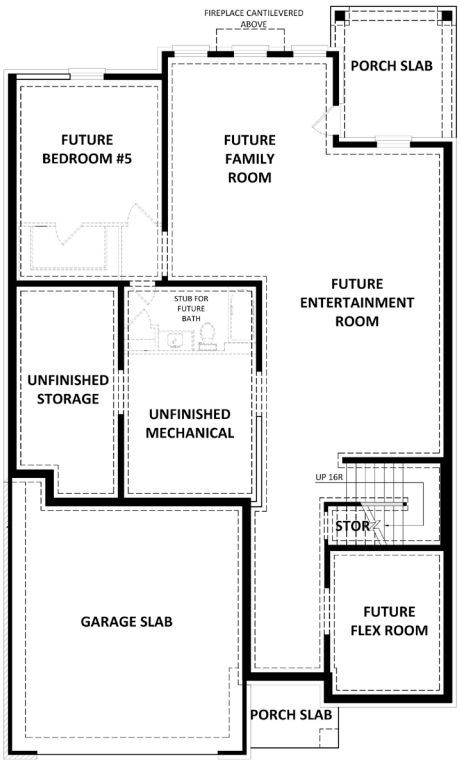
Sadie

PROMENADE AT THE SQUARE | FLOORPLAN

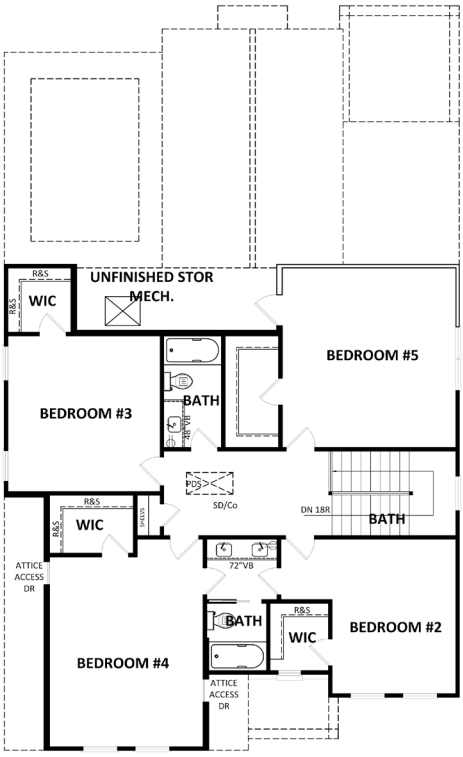
Elevation A

Elevation B

Elevation C



Opt. Basement Floor Plan



Second Floor Plan
W/ Opt. Bedroom #5

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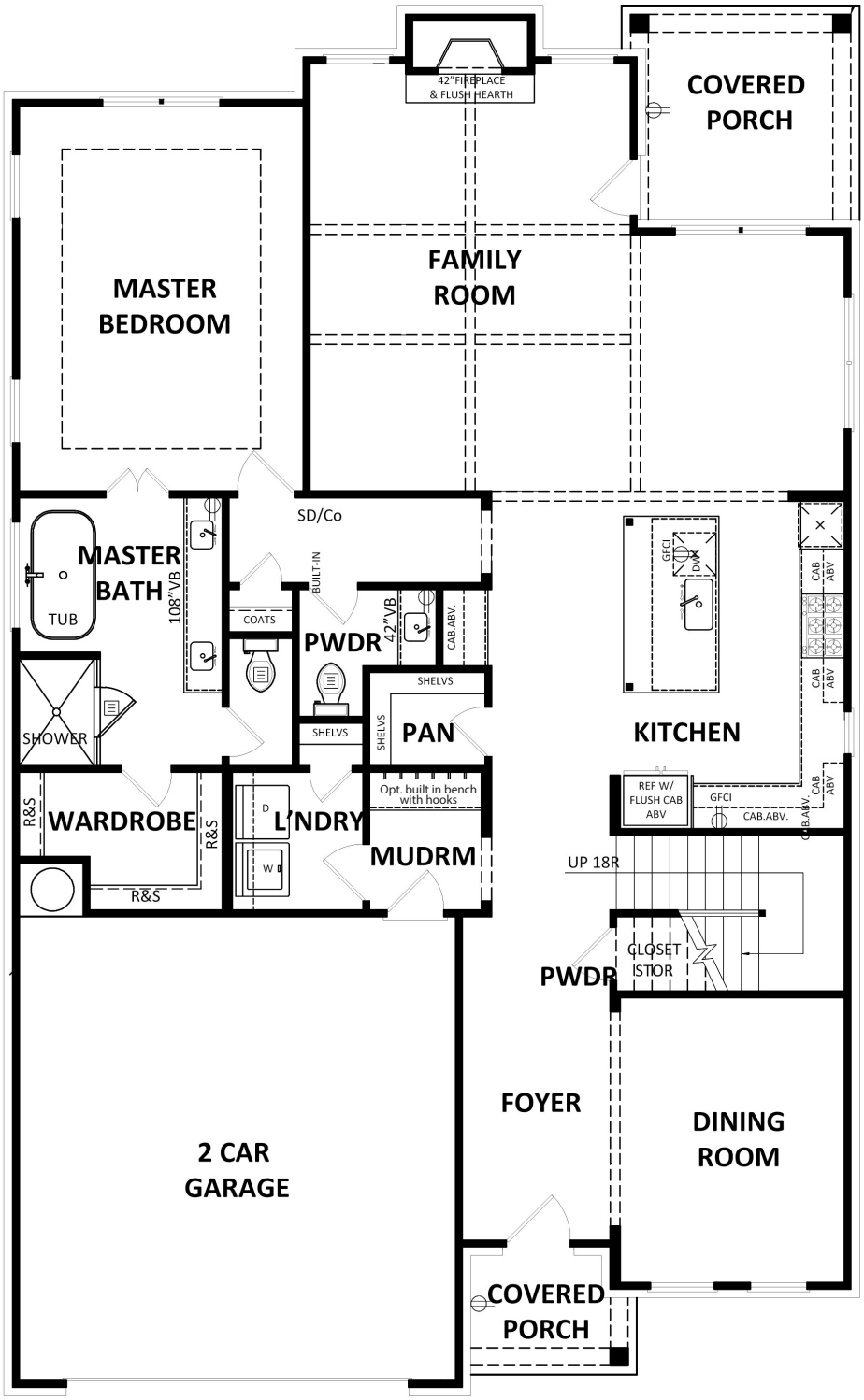
Sadie

PROMENADE AT THE SQUARE | FLOORPLAN



First Floor

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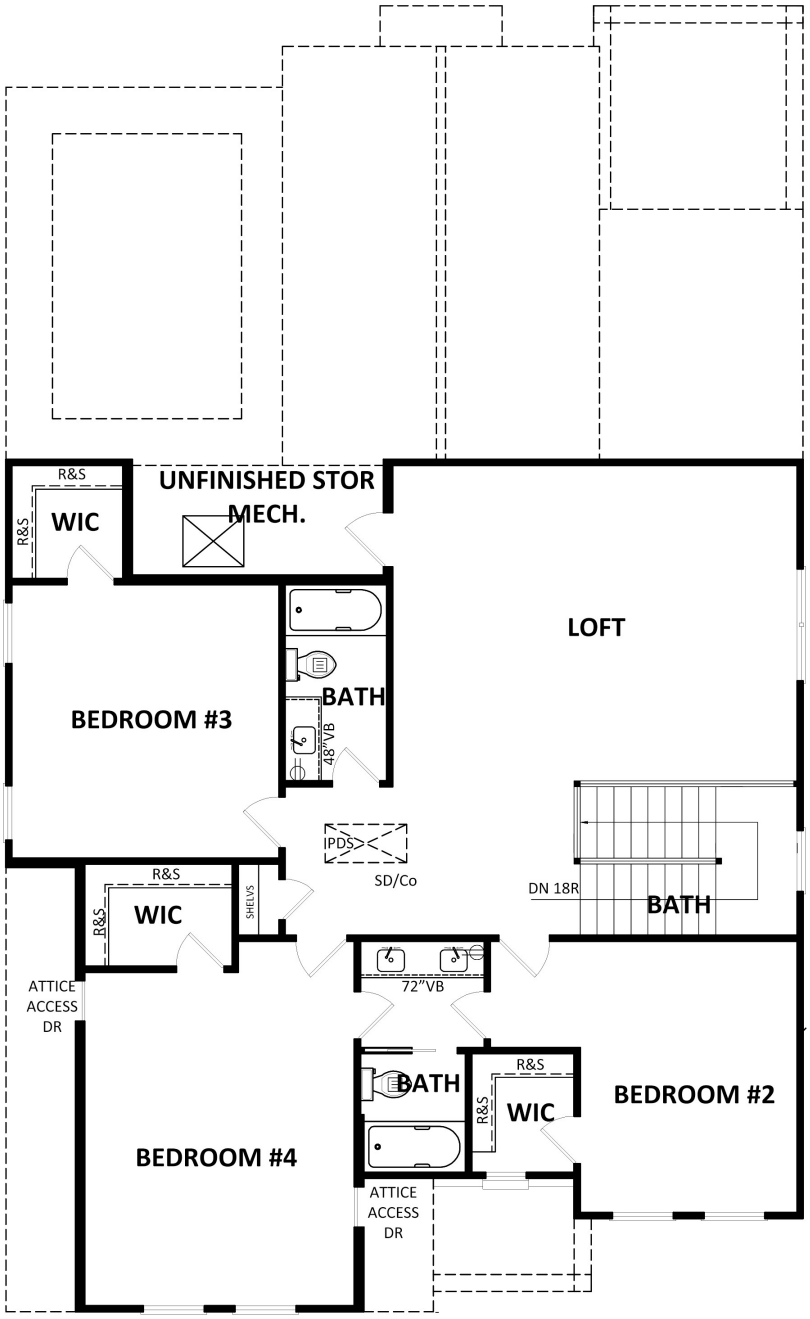
Sadie

PROMENADE AT THE SQUARE | FLOORPLAN



Second Floor

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SHOWN IN OPTIONAL ELEVATION B

4 BEDROOM
3.5 BATHROOM
2,676 SQ FT

Whitney

PROMENADE AT THE SQUARE | FLOORPLAN

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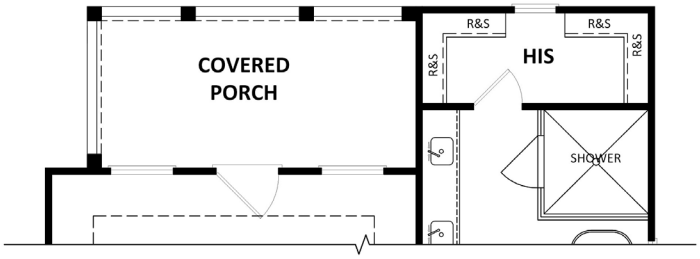
Whitney

PROMENADE AT THE SQUARE | FLOORPLAN

Elevation A

Elevation B

Elevation C



Second Floor Plan W/ Opt.
Master Covered Porch

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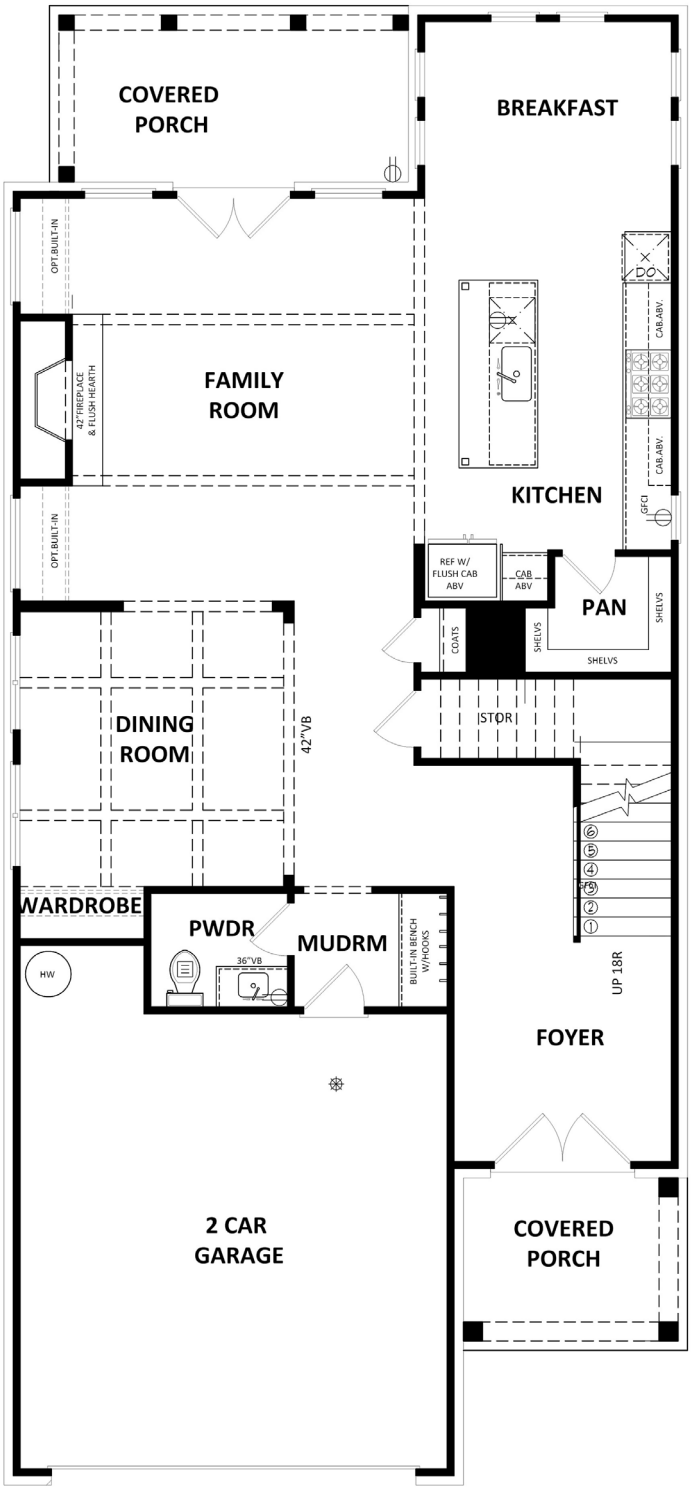
Whitney

PROMENADE AT THE SQUARE | FLOORPLAN



First Floor

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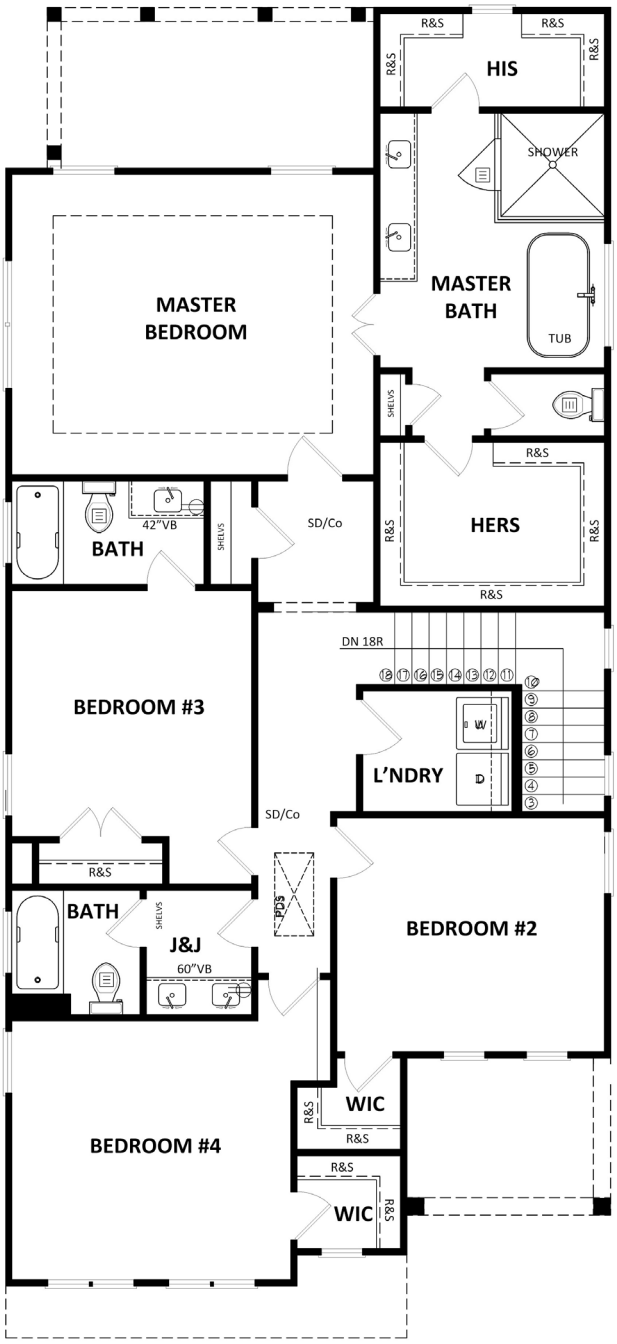
Whitney

PROMENADE AT THE SQUARE | FLOORPLAN



Second Floor

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-15 **LEGISTAR: 20200170**

LANDOWNERS: **Dennis and Martha Moore**
887 Powder Springs Street
Marietta, Ga 30064

APPLICANT: **InLine Communities, LLC.**
48 Atlanta Street
Marietta, Ga 30060

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

PROPERTY ADDRESS: **881 & 887 Powder Springs Street**
Marietta, Ga 30064

PARCEL DESCRIPTION: 17 01400 0030 & 17 01400 0730

AREA: ~ 6.416 Acres **COUNCIL WARD: 2B**

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

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

FUTURE LAND USE: **LDR (Low Density Residential)**

REASON FOR REQUEST: The applicant is requesting the rezoning of the subject properties from R-2 to PRD-SF to develop a new residential community of fifty-one (51) townhouses.

PLANNING COMMISSION HEARING: Tuesday, May 5, 2020 – 6:00 pm

CITY COUNCIL HEARING: **Wednesday, May 13, 2020 – 7:00 pm**

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

PICTURES

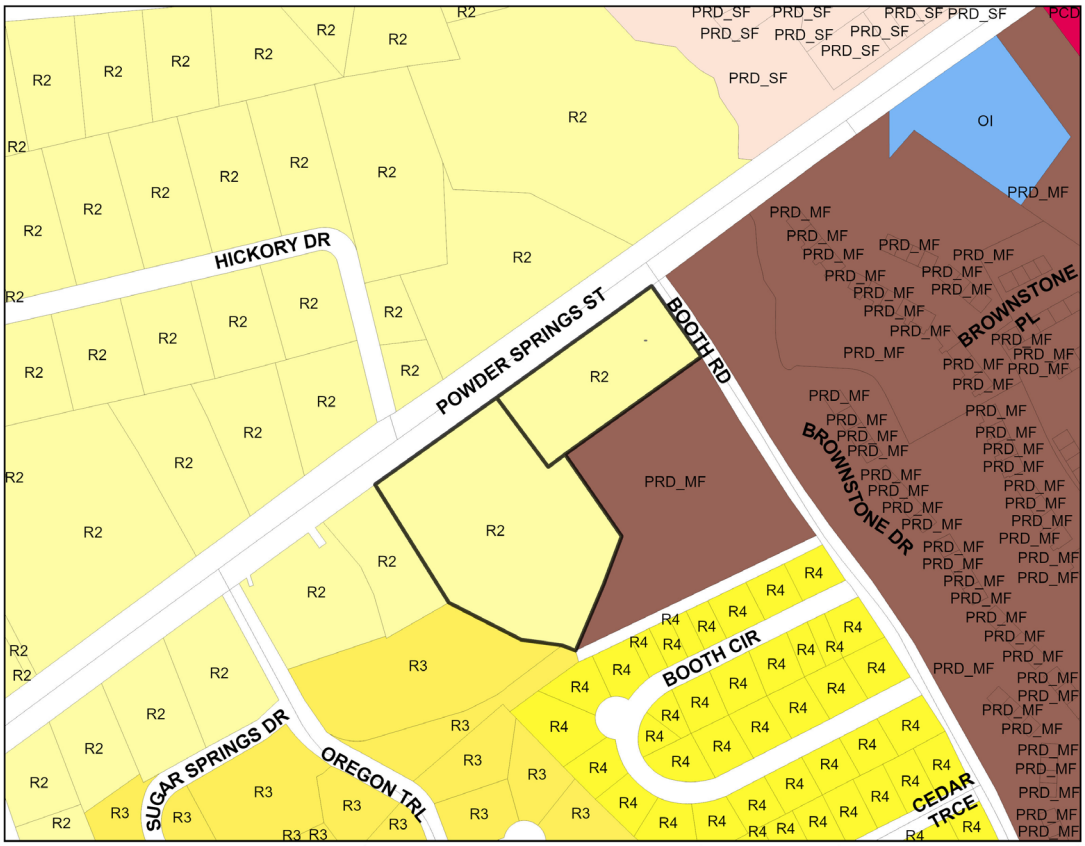
Subject properties (881 & 887 Powder Springs St)

Corner of 881 Powder Springs Street & Booth Rd

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	140	0030	R-2	PRD-SF
17	140	0730	R-2	

Comments:

881 & 887 Powder Springs Street

Date: **2/26/2020**

Planning & Zoning Division

N W E S

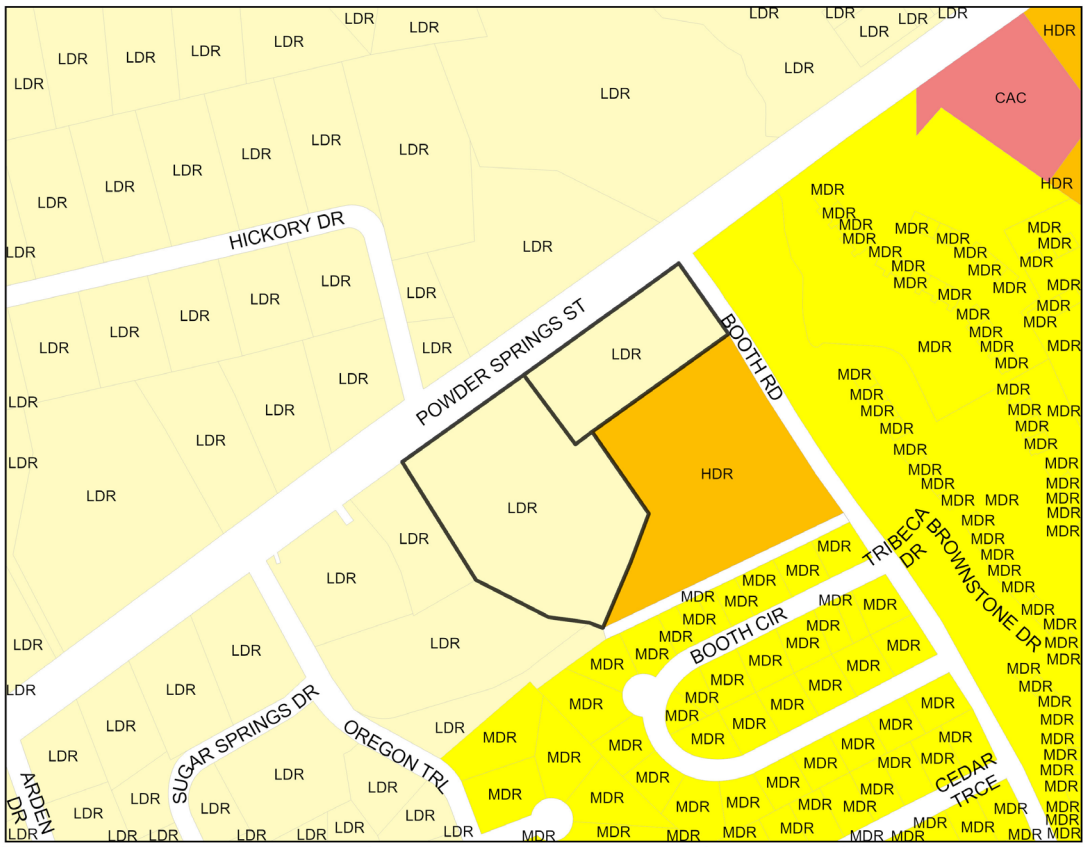
1:3,807

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 17	140 140	0030 0730	LDR	n/a

Comments:
881 & 887 Powder Springs Street

Date: **2/26/2020**

Planning & Zoning Division

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CITY OF Marietta GEORGIA

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

STAFF ANALYSIS

Location Compatibility

InLine Communities, LLC, represented by J. Kevin Moore, is requesting the rezoning of approximately 6.416 acres along Powder Springs Street from R-2 (Single Family Residential – 2 units/acre) to PRD-SF (Planned Residential Development - Single Family) to build fifty-one (51) townhomes. The subject property consists of two (2) parcels located at the corner of Powder Springs Street and Booth Road. The larger parcel, 887 Powder Springs Street, contains one single-family residence while the parcel at the corner of Powder Springs Street and Booth Road is heavily wooded and unimproved.

Property immediately to the south, the Pinehurst Apartments, is zoned PRD-MF (Planed Residential District – Multi- Family), as is Brownstone Square across Booth Road to the east. Properties to the north and west are a mixture of R-2 (Single Family Residential - 2 units/acres) and R-3 (Single Family Residential - 3 units/acres).

Use Potential and Impacts

The applicant is proposing to develop a fifty-one (51) unit townhome community. This section of Powder Springs Street is primarily residential in nature with densities ranging from low (one or two dwellings per acre) to high; Pinehurst Apartments contains approximately 17.5 units per acre. The proposed density of the development is 7.94 units/acre, which would fall within the wide range of densities in this area and should not adversely impact any surrounding residential properties. The following is list of recently approved townhome communities in the City:

Development	Townhouse Units	Acreage	Density
Parkside East	59	5.24	11.25
Tramore Square	72	8.03	9.0
The Registry	12	1.02	11.8
Grammercy Park	32	3.29	9.72
Wylie Road Townhomes	150	12.13	12.37
Promenade at the Square	138	16.94	8.15

Developments in PRD-SF zoning must meet minimum standards for tract size, lot size, lot width, and floor area. Fee simple townhomes are subject to additional requirements, such as having a homeowner's association, a 5% rental limit, active and passive recreation components, guest parking spaces, driveways at least twenty (20) feet in depth, and compliance with the "Four-Sided Architecture" requirement.

The submitted plan shows the necessary amount of open space required for a 6.4 acre residential development. However, the areas marked for open space and the "community green" would be considered passive recreation. No active recreation area, which generally include a gazebo, walking path, or picnic area, is shown on the plans. A variance for minimum lot size will also be necessary if the lot lines follow the unit footprint. As a result, the following variances would be necessary:

- Variance to waive the active recreation requirement. [*§708.09 (B.2.i)*]
- Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit for fee simple townhomes. [*§708.09 (H)*]

Each townhouse would have a two-car garage with a 20-ft. driveway. The plan also provides fourteen (14) guest parking spaces along the new private streets to meet the overall parking requirement.

Although there were no elevations submitted, the applicant has stated the homes will be Traditional or Craftsmen in nature and will include brick, stone, stacked stone, cedar shake, board and batten, and combinations thereof.

The future land use designation of these properties is LDR (Low Density Residential), which is intended for low density, detached housing with densities up to four (4) dwelling units per acre. While stable low-density residential districts should be protected from encroachment of higher density or high intensity uses, proposals with higher densities are described as being appropriate transitions between existing communities and higher density developments. With a density of 7.94 dwelling units per acre, this proposal is not consistent with the City's Comprehensive Plan, unless considered a higher density, transitional buffer between the Powder Springs Street corridor and the residential communities to the south.

Environmental Impacts

The property is heavily wooded and would be significantly cleared during the development process. If approved, the site will be expected to comply with the Tree Protection and Landscaping Ordinance. Otherwise, there is no indication of any wetlands, streams, floodplain, or endangered species on the site.

Economic Functionality

Currently, there is one single-family home located on 887 Powder Springs Street. This area of the city is desirable for residential use because of its easy access to the Marietta Square and state highways and interstates. The current R-2 zoning would allow approximately thirteen (13) single family homes on 6.416 acres.

Infrastructure

The new development would be accessed off of Booth Road and only requires one point of entry/exit being that only fifty-one (51) townhome units are proposed. However, access to the new road is very close to the intersection of Booth Road and Powder Springs Street. The Transportation Division will also require a traffic study of the area.

Sidewalks would be required along the new private streets as well as along the Booth Road frontage.

The serving elementary school would be Dunleith Elementary, which appears to have capacity to absorb new students.

The site has adequate access to water, electricity, and sewer services.

History of Property

The subject property has no history of variances, rezonings, and/or special land use permits.

Other Issues

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.

This property is located within the Commercial Corridor Design Overlay District – Tier B, although single family residences are exempt.

Because the site is located within the Air Installation Compatible Use Zone – Accident Potential Zone II, the developer will be required to notify Dobbins ARB prior to development. The APZ-II indicates the area that has the least but measurable risk of accidents within the runway path from Dobbins ARB.

Marietta
GEORGIA

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

ANALYSIS & CONCLUSION

InLine Communities, LLC, represented by J. Kevin Moore, is requesting the rezoning of approximately 6.416 acres along Powder Springs Street from R-2 to PRD-SF to build fifty-one (51) townhouses. The subject property consists of two parcels located at the corner of Powder Springs Street and Booth Road that currently contains one home. Surrounding properties are all used residentially and are zoned PRD-MF, R-2, and R-3.

The proposed development would consist of fifty-one (51) townhouses along a new, private roadway accessed from Booth Road. Only one point of entry/exit is required because the development contains only fifty-one (51) townhome units. The proposed density of the development is 7.94 units/acre, which would fall within the wide range of densities in this area and should not adversely impact any surrounding residential properties. The current R-2 zoning would allow approximately thirteen (13) single family homes on 6.416 acres.

Developments in PRD-SF zoning must meet minimum standards for tract size, lot size, lot width, and floor area. Fee simple townhomes are subject to additional requirements, such as having a homeowner's association, a 5% rental limit, active and passive recreation components, guest parking spaces, driveways at least twenty (20) feet in depth, and compliance with the "Four-Sided Architecture" requirement. Based on the submitted plan, the following variances would be necessary:

1. Variance to waive the active recreation requirement. [*§708.09 (B.2.i)*]
2. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit for fee simple townhomes. [*§708.09 (H)*]

Sidewalks would be required along the new private streets as well as along the Booth Road frontage. A traffic study will also be required.

The future land use designation of these properties is LDR, which is intended for low density, detached housing with densities up to four (4) dwelling units per acre. With a density of 7.94 dwelling units per acre, this proposal is not consistent with the City's Comprehensive Plan unless considered a transitional buffer between the Powder Springs Street corridor and the residential communities to the south.

Prepared by: _____

Approved by: Rusty Roth

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?	12" and 8" in Powder Springs St and an 8" in Booth Rd
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

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

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

Additional Comments:

- Full site development plans required
- Entrance as proposed on Booth Rd is too close to Powder Springs St. A possible solution would be to align with Hickory Drive and signalize that intersection
- A traffic study is required

TRANSPORTATION

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

Additional Comments:

- Need a traffic study in the area

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

Comments:
-IF more than proposed units the development will require a 2nd access point.
-Fire sprinklers will be required in all units.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Dunleith Elementary**
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:	**544**
Current enrollment of Middle School:	**1,388**
Current enrollment of High School:	**2,419**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**25**
New schools pending to serve this area:	**0**
Comments:	

Marietta GEORGIA

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

APPLICATION FOR REZONING

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

For Office Use Only:

Application #: Z2020-15 Legistar #: 20200170 PZ #: 20-67

Planning Commission Hearing: 04/01/2020 City Council Hearing: 04/06/2020

Owner's Name Dennis L. Moore and Martha W. Moore

EMAIL Address: dennislmoore@yahoo.com

Mailing Address 887 Powder Springs Street Zip Code: 30064 Telephone Number (770) 428-8743

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant Representative: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

Applicant: InLine Communities, LLC

EMAIL Address: bryan@inlinecommunities.com

Mailing Address 48 Atlanta Street, Marietta, GA Zip Code: 30060

Telephone Number (404) 895-0913 Email Address: bryan@inlinecommunities.com

Address of property to be rezoned: 881, 887 Powder Springs Street

Land Lot (s) 01400 District 17 Parcel 0030 0730 Acreage 6.416± Ward 2B Future Land Use: LDR

Present Zoning Classification: R2 Proposed Zoning Classification: PRD-SF

REQUIRED INFORMATION

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

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

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

Application No.: _____
Legistar No.: _____
Hearing Dates: **April 1, 2020**
April 6, 2020

Applicant: **InLine Communities, LLC**
Property Owners: **Dennis L. Moore and Martha W. Moore**

Dennis L. Moore

Dennis L. Moore

Martha W. Moore

Martha W. Moore

Date Executed: February 17, 2020

Address: 887 Powder Springs Road
Marietta, Georgia 30064

Telephone: (770) 428-8743
E-mail: dennislmoore@yahoo.com

Signed, sealed, and delivered in the presence of:

Carolyn E. Cook

Notary Public
My Commission Expires: January 10, 2023

[Notary Seal]

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

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR REZONING
(Page Two of Two)

Application No.: _____
Legistar No.: _____
Hearing Dates: **April 1, 2020**
April 6, 2020

Applicant: **InLine Communities, LLC**
Property Owners: **Dennis L. Moore and Martha W. Moore**

INLINE COMMUNITIES, LLC

BY: _____
Bryan C. Musolf
Manager

Date Executed: February 17, 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

Address:

InLine Communities, LLC
48 Atlanta Street
Marietta, Georgia 30060
(404) 895-0913
E-mail: bryan@inlinecommunities.com

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: **April 1, 2020**
April 6, 2020

Applicant: **InLine Communities, LLC**
Property Owners: **Dennis L. Moore and Martha W. Moore**

Representative for Applicant and Property Owners:

MOORE INGRAM JOHNSON & STEELE, LLP

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

Attorneys for Applicant and Property Owners

Date Executed: February 18, 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

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: **April 1, 2020**
April 6, 2020

Applicant: **InLine Communities, LLC**
Property Owners: **Dennis L. Moore and Martha W. Moore**

DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT

The property which is the subject of the Application for Rezoning by Applicant, InLine Communities, LLC (hereinafter "Applicant") is an assemblage of two parcels totaling 6.416 acres, more or less, located in Land Lot 140, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being known as 881 and 887 Powder Springs Street, 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 R2 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 fifty-one (51) 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, and shall comply with the "four-sided architecture" requirements of the City of Marietta Ordinance. All residences shall have two car garages. Access to the proposed development will be from Booth Road, as shown on the Rezoning 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 Rezoning Site Plan, if necessary;
(2) Landscape Plan for buffer areas and proposed Community Green and Open Space areas;
(3) Elevations and finishes; and
(4) Details for Community Green and Open Space.

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 the surrounding area as a whole.

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, May 5th, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, May 13th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE) are requesting the rezoning of 6.42 acres located in Land Lots 140 & 141, District 17, Parcels 0030 & 0730 of the 2nd Section, Cobb County, Georgia, and being known as 881 & 887 Powder Springs Street from R-2 (Single Family Residential – 2 units/acre) to PRD-SF (Planned Residential Development – Single Family). Ward 2B.

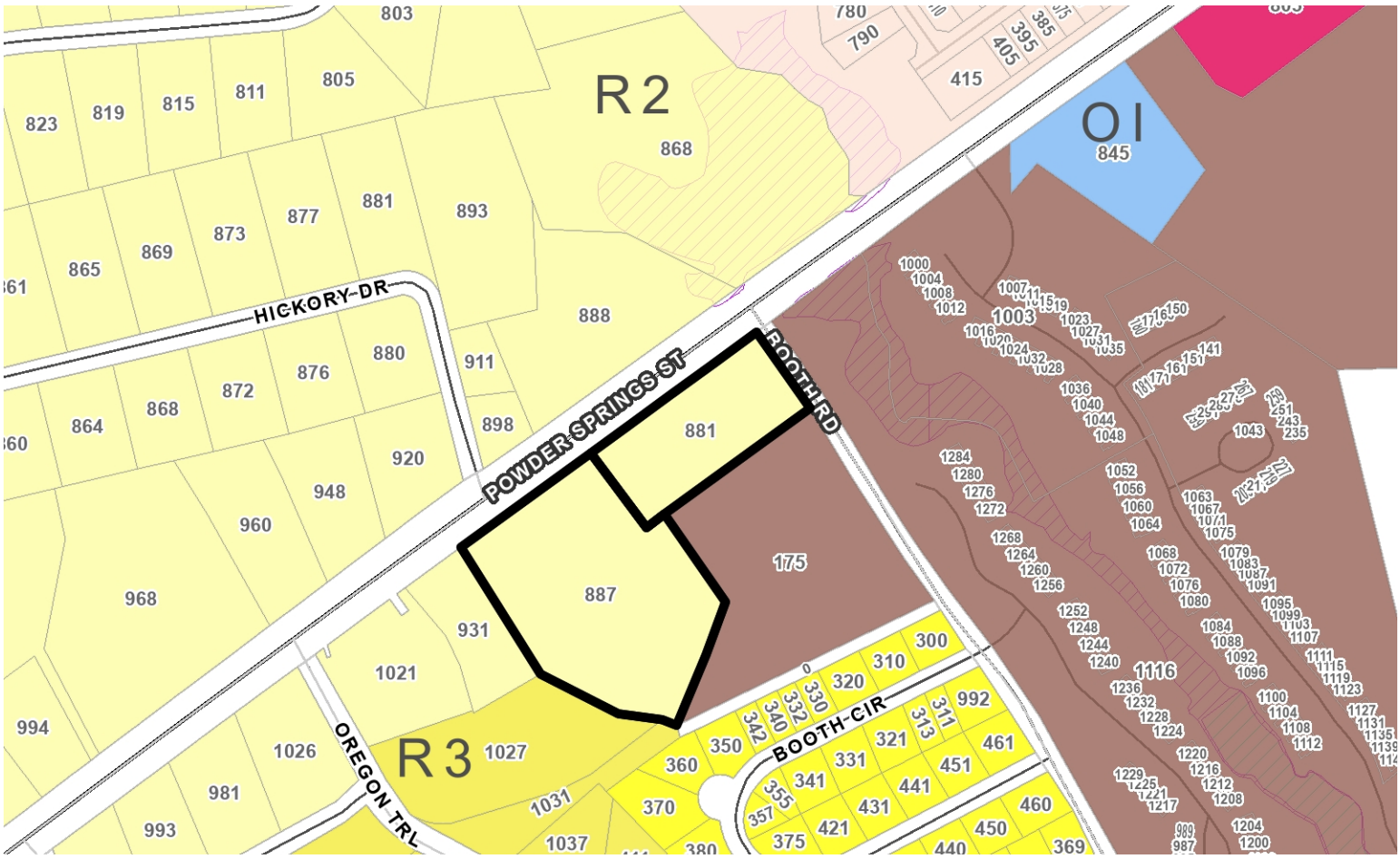
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information 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
887 POWDER SPRINGS ST	17014000730	4.504	2B	R2	LDR
881 POWDER SPRINGS ST	17014000030	2.062	2B	R2	LDR

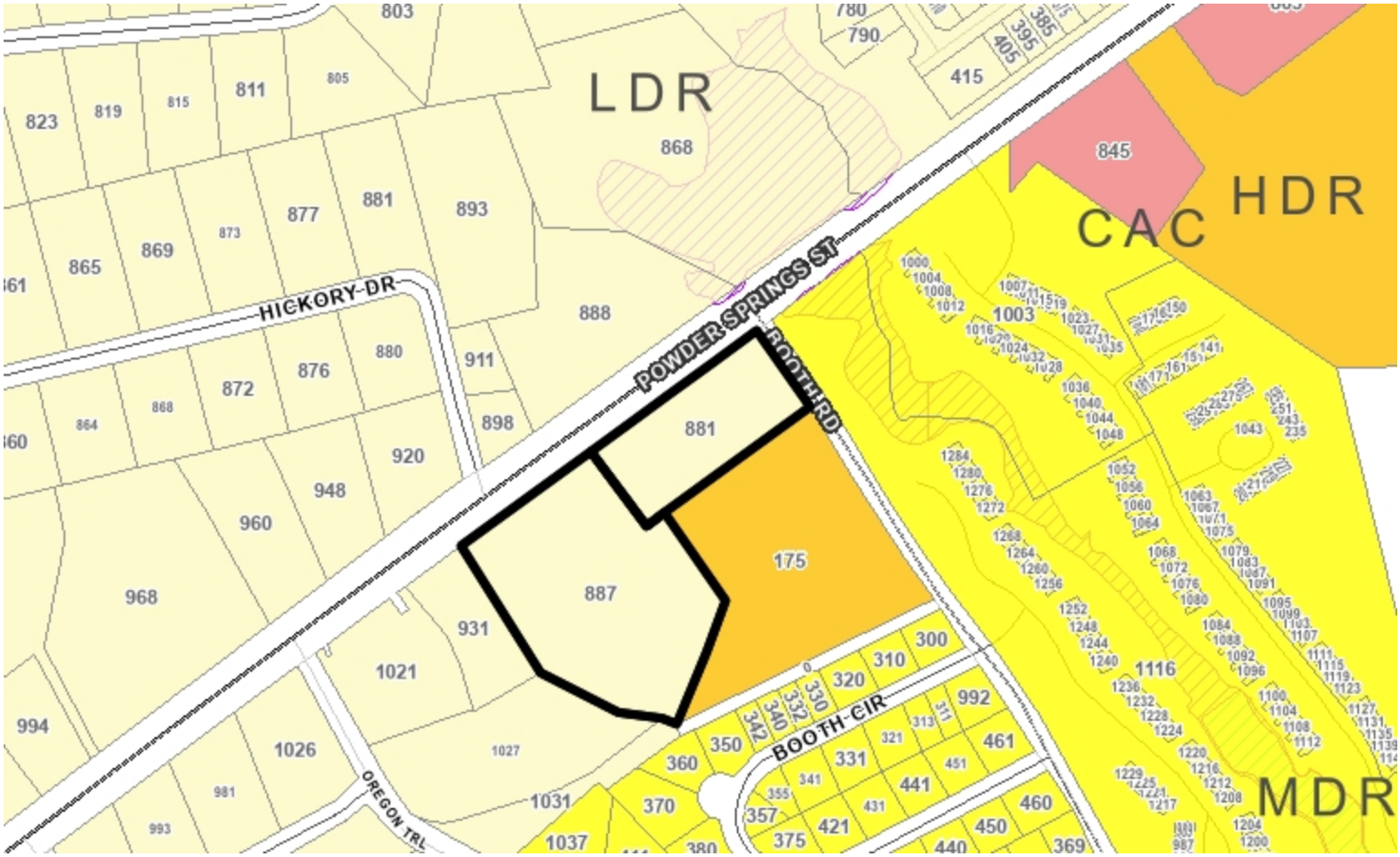
Property Owner:	Dennis L. & Martha W. Moore
Applicant:	InLine Communities
Proposed Zoning:	R2 to PRD-SF
Agent:	J. Kevin Moore, Esq.
Proposed Use:	
Planning Commission Date:	05/05/2020
City Council Hearing Date:	05/13/2020 Case Number: Z2020-15

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
887 POWDER SPRINGS ST	17014000730	4.504	2B	R2	LDR
881 POWDER SPRINGS ST	17014000030	2.062	2B	R2	LDR

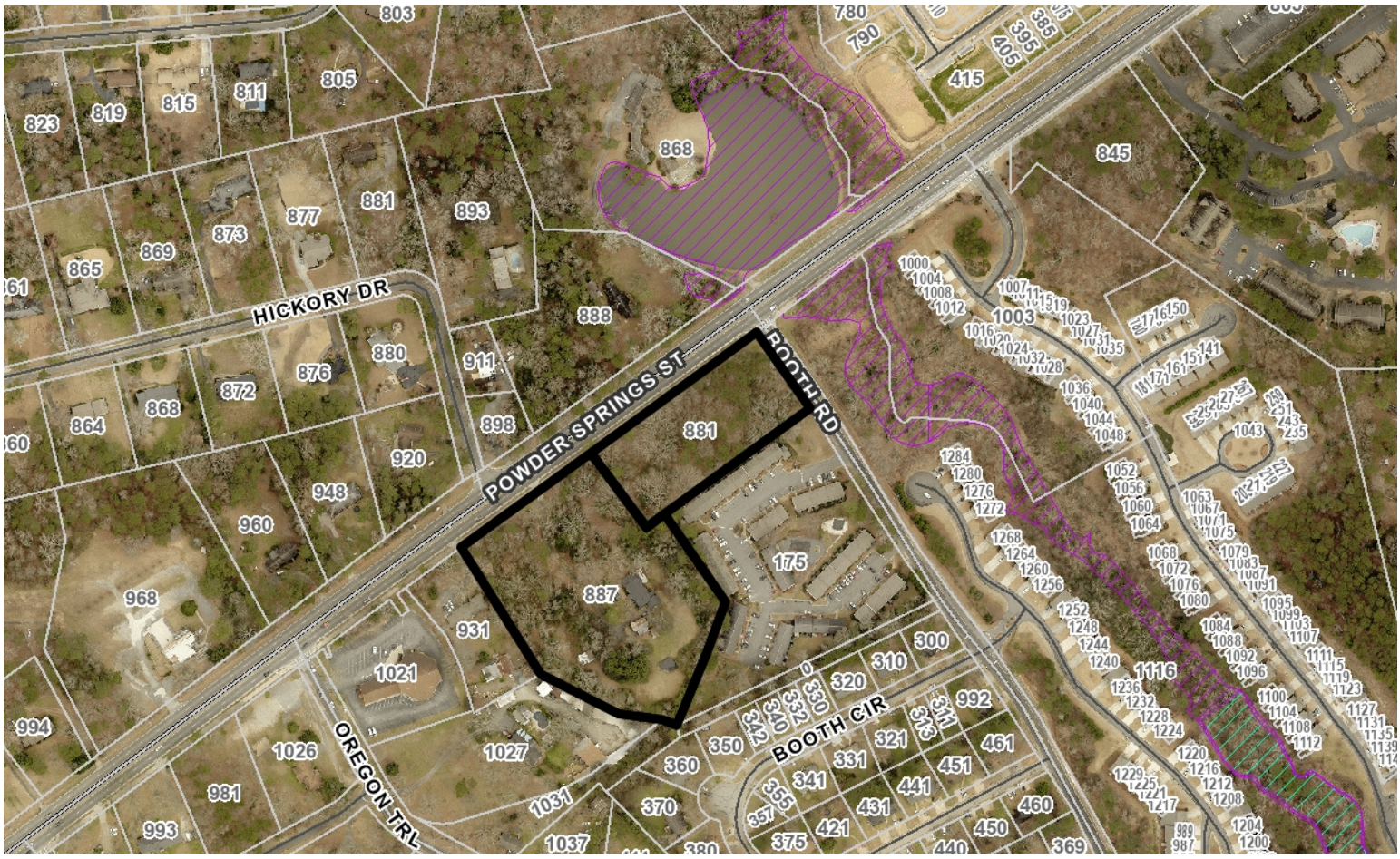
Planning Commission Hearing Date:	05/05/2020
City Council Hearing Date:	05/13/2020
Future Land Use:	LDR
Case Number:	
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

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

Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
887 POWDER SPRINGS ST	17014000730	4.504	2B	R2	LDR
881 POWDER SPRINGS ST	17014000030	2.062	2B	R2	LDR

Property Owner: Dennis L. & Martha W. Moore

Applicant: InLine Communities

City Council Hearing Date: 05/13/2020

Planning Commission Hearing Date: 05/05/2020

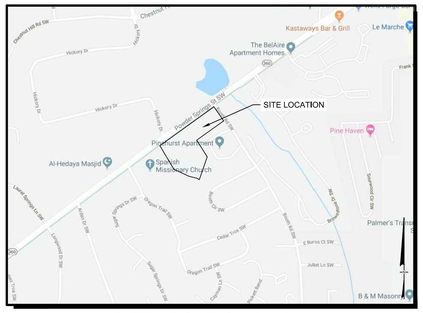
BZA Hearing Date: Case Number: Z2020-15

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning



SITE LOCATION MAP
NOT TO SCALE

FEMA FIRM MAP
NOT TO SCALE

SITE DATA:

SITE AREA	6.416 ACRES
ZONING	
EXISTING ZONING	R-2
PROPOSED ZONING	PRD
ZONING JURISDICTION	CITY OF MARIETTA
DENSITY CALCULATIONS	
TOTAL RESIDENTIAL ATTACHED UNITS PROPOSED	51 UNITS
TOTAL DENSITY PROPOSED	7.94 UPA
BUILDING SETBACK SUMMARY	
FRONT SETBACK(POWER SPRINGS ST.)	35 FEET
FRONT SETBACK(BOOTH ROAD)	35 FEET
REAR SETBACK	15 FEET
SIDE SETBACK	20 FEET
MIN. BUILDING SEPARATION	
SIDE TO SIDE	20 FEET
REAR TO REAR	30 FEET
FRONT TO REAR	35 FEET
FRONT TO FRONT	30 FEET
SIDE TO REAR	30 FEET
MIN. FLOOR AREA	1,800 FEET
MAX SITE BLDG COVERAGE PROPOSED	70% FEET
OPEN SPACE SUMMARY	
OPEN SPACE REQUIRED	25% (1.60 AC.)
OPEN SPACE PROVIDED (Excludes Stormwater Pond)	29.6% (1.90 AC.)
PARKING SUMMARY	
ATTACHED SINGLE-FAMILY MIN. PARKING REQUIRED (2 SPACES/DWELLING UNIT)	102 SPACES
GUEST PARKING REQUIRED (0.2/UNIT)	10.2 SPACES
GUEST PARKING PROVIDED	14 SPACES
TOTAL PARKING PROVIDED 2 GARAGE, 2 DRIVEWAY + GUEST	218 SPACES

24 HOUR CONTACT:
BRYAN MUSOLF
404-895-0913

GEORGIA811
www.Georgia811.com
Know what's below. Call before you dig.

POWDER SPRINGS ST. at BOOTH RD.

A MASTER PLANNED RESIDENTIAL DEVELOPMENT
FOR
INLINE COMMUNITIES
48 ATLANTA STREET
MARIETTA, GEORGIA 30060
PHONE: 404-895-0913

CITY OF MARIETTA, COBB COUNTY, GEORGIA

LAND LOT XX
XX DISTRICT

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■ 350 RESEARCH COURT ■ PEACHTREE CORNERS, GEORGIA 30092 ■ (770) 451-2741 ■ FAX (770) 451-3915 ■

REVISIONS:

NO.	DATE	BY	DESCRIPTION

This drawing is the property of Planners and Engineers Collaborative and is not to be copied in whole or in part. It is not to be used on any other project and is to be returned upon request. © Planners and Engineers Collaborative.

REZONING MASTER PLAN

0 25 50 100 150

SCALE: 1" = 50'
DATE: FEB. 16, 2020
PROJECT: 19303.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J. WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2021

GRID NORTH
GEORGIA WEST ZONE

Z1
SHEET

J:\19303\00\Civil\Concepts & Exhibits\Zoning\19303\00-Site Plan.dwg XXRoot 10/15/2020 11:59 AM

LEGEND

SURVEY CONTROL
- BM Benchmark
- Control Point

TOPOGRAPHIC FEATURES
- RWM Right-of-Way Monument Found
- BH Borehole
- MP Mile Post
- Street Sign
- Woods Line
- AC Air Condition Unit
- BOL Bollard
- Camera
- COL Column
- DS Downspout
- Mailbox

WATER
- Fire Hydrant
- FDC Fire Department Connection
- Irrigation Control Valve
- Post Indicator Valve
- Sprinkler Head
- Water Meter
- Water Valve
- Water Valve Marker
- Well
- Water Manhole
- BFP Backflow Preventer
- PRV Pressure Indicator Valve
- ARV Air Release Valve
- W Water Vault
- Stand Pipe

ELECTRIC/POWER
- Underground Power Box
- E Electric Box
- E Transformer
- E Underground Electric Manhole
- HH Hand Hole
- Guy Wire
- Electric Meter
- Power Pole/Utility Pole
- SPL Spotlight
- Street Light/Light Pole

DRAINAGE
- Catch Basin Double-wing
- Catch Basin Single-wing
- CI Curb Inlet
- DI Drop Inlet
- SDMH Storm Drain Manhole

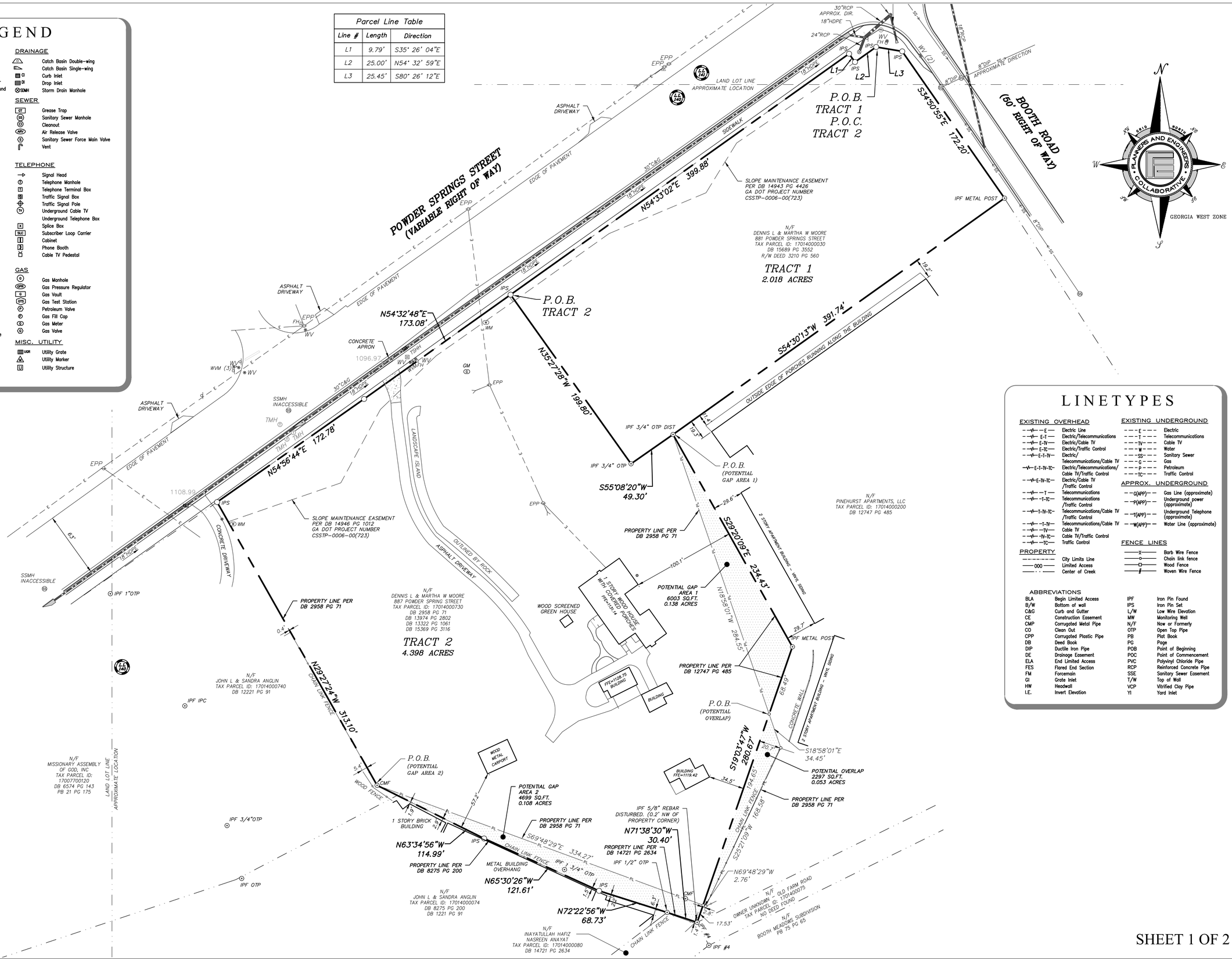
SEWER
- GT Grease Trap
- SS Sanitary Sewer Manhole
- CO Cleanout
- ARV Air Release Valve
- S Sanitary Sewer Force Main Valve
- Vent

TELEPHONE
- Signal Head
- Telephone Manhole
- T Telephone Terminal Box
- TS Traffic Signal Box
- Traffic Signal Pole
- TV Underground Cable TV
- Underground Telephone Box
- S Splice Box
- SLC Subscriber Loop Carrier
- Cabinet
- Phone Booth
- Cable TV Pedestal

GAS
- G Gas Manhole
- GPR Gas Pressure Regulator
- G Gas Vault
- GTS Gas Test Station
- P Petroleum Valve
- Gas Fill Cap
- Gas Meter
- G Gas Valve

MISC. UTILITY
- UGR Utility Grate
- Utility Marker
- U Utility Structure

Parcel Line Table		
Line #	Length	Direction
L1	9.79'	S35° 26' 04"E
L2	25.00'	N54° 32' 59"E
L3	25.45'	S80° 26' 12"E



LINETYPES

EXISTING OVERHEAD
- E Electric Line
- E-T Electric/Telecommunications
- E-TV Electric/Cable TV
- E-TC Electric/Traffic Control
- E-T-TV Electric/Telecommunications/Cable TV
- E-T-TV-TC Electric/Telecommunications/Cable TV/Traffic Control
- E-TV-TC Electric/Cable TV /Traffic Control
- T Telecommunications
- T-TC Telecommunications /Traffic Control
- T-TV-TC Telecommunications/Cable TV /Traffic Control
- T-TV Telecommunications/Cable TV
- TV Cable TV
- TV-TC Cable TV/Traffic Control
- TC Traffic Control

EXISTING UNDERGROUND
- E Electric
- T Telecommunications
- TV Cable TV
- W Water
- SS Sanitary Sewer
- G Gas
- P Petroleum
- TC Traffic Control

APPROX. UNDERGROUND
- G(APP) Gas Line (approximate)
- P(APP) Underground power (approximate)
- T(APP) Underground Telephone (approximate)
- W(APP) Water Line (approximate)

PROPERTY
- City Limits Line
- 000 Limited Access
- Center of Creek

FENCE LINES
- X Barb Wire Fence
- Chain link fence
- Wood Fence
- Woven Wire Fence

ABBREVIATIONS

BLA	Begin Limited Access	IPF	Iron Pin Found
B/W	Bottom of wall	IPS	Iron Pin Set
C&G	Curb and Gutter	L/W	Low Wire Elevation
CE	Construction Easement	MW	Monitoring Well
CMP	Corrugated Metal Pipe	N/F	Now or Formerly
CO	Clean Out	OTP	Open Top Pipe
CPP	Corrugated Plastic Pipe	PB	Plat Book
DB	Deed Book	PG	Page
DIP	Ductile Iron Pipe	POB	Point of Beginning
DE	Drainage Easement	POC	Point of Commencement
ELA	End Limited Access	PVC	Polyvinyl Chloride Pipe
FES	Flared End Section	RCP	Reinforced Concrete Pipe
FM	Forcemain	SSE	Sanitary Sewer Easement
GI	Grate Inlet	T/W	Top of Wall
HW	Headwall	VCP	Vitrified Clay Pipe
I.E.	Invert Elevation	YI	Yard Inlet

Know what's **below.** **Call** before you dig.

SHEET 1 OF 2

DRAWN BY: MBS
CHECKED BY: JNH / MCS
FILE NO.: 19303.00
DATE: 01/31/2020
SCALE: 1" = 40'
DATE OF FIELD WORK: 01/15/20

GEORGIA REGISTERED No. 3132 LAND SURVEYOR MICHAEL C. SANFORD

ALTA/NSPS LAND TITLE SURVEY
FOR
INLINE COMMUNITIES
CHICAGO TITLE INSURANCE COMPANY

COBB COUNTY GEORGIA

LAND LOT(S) 140 & 141
DISTRICT 17th DISTRICT, 2nd SECTION CITY OF MARIETTA

REV	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			

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■ CIVIL ENGINEERING ■ LAND SURVEYING
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2241 ■ WWW.PECAIL.COM
C.O.A.: LSF000204

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

May 1, 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	-	Application No. Z2020-15 (Legistar No. 20200170)
		Applicant:	InLine Communities, LLC
		Property Owners:	Dennis L. Moore and Martha W. Moore
		Property:	6.416 acres, more or less, located at the intersection of the southeasterly side of Powder Springs Street and the southwesterly side of Booth Road, being more particularly known as 881 and 887 Powder Springs Road, Land Lot 140, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia

Dear Shelby:

The undersigned and this firm represent InLine Communities, LLC, the Applicant (hereinafter referred to as "Applicant"), and Dennis L. Moore and Martha W. Moore, the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in their request for rezoning of approximately 6.416 acres of property located at the intersection of the southeasterly side of Powder Springs Road and the southwesterly side of Booth Road, being more particularly known as 881 and 887 Powder Springs Road, Land Lot 140, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and various City Staff; reviewing the City's Rezoning Application Analysis; and reviewing the use of the Subject Property and the uses of surrounding properties, we have been authorized by the Applicant to

submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-2 to the proposed zoning category of Planned Residential Development – Single Family ("PRD-SF"), with reference to the Rezoning Master Plan ("Rezoning Plan") prepared for Applicant by Planners & Engineers Collaborative dated February 16, 2020, and filed contemporaneously with the pending Application for Rezoning. A reduced copy of the Rezoning Plan is attached for ease of reference as Exhibit "A" and incorporated herein by reference.

(2) The Subject Property consists of approximately 6.416 acres of total site area and shall be developed for a residential community, in the townhome style, containing a maximum of fifty-one (51) residences, as shown on the referenced Rezoning Plan.

(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, and shall be substantially similar to the elevations attached collectively hereto as Exhibit "B."

(4) The proposed townhomes shall have a minimum of 1,800 square feet of heated and cooled area.

(5) 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 streets, and the like contained within the proposed residential community.

(6) 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.

(7) No more than five (5) percent of the residences shall be leased at any one time, which limitation shall be included within the covenants and enforced by the mandatory homeowners association, consistent with City Ordinances.

(8) 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.

(9) 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.

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

(a) Variance to waive the active recreation requirement; and
(b) Variance to reduce the minimum lot size requirement from 4,000 square feet to the footprint of the smallest unit for fee simple townhomes.

We believe the requested zoning, together with the Rezoning 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
Attachments
c: Mr. Russell J. Roth, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
(With Copies of Attachments)

InLine Communities, LLC
(With Copies of Attachments)

EXHIBIT "A"

SITE LOCATION MAP
NOT TO SCALE

FEMA FIRM MAP
NOT TO SCALE

SITE DATA:

SITE AREA	6.416 ACRES
ZONING	
EXISTING ZONING	R-2
PROPOSED ZONING	PRD
ZONING JURISDICTION	CITY OF MARIETTA
DENSITY CALCULATIONS	
TOTAL RESIDENTIAL ATTACHED UNITS PROPOSED	51 UNITS
TOTAL DENSITY PROPOSED	7.94 UPA
BUILDING SETBACK SUMMARY	
FRONT SETBACK(POWER SPRINGS ST.)	35 FEET
FRONT SETBACK(BOOTH ROAD)	35 FEET
REAR SETBACK	15 FEET
SIDE SETBACK	20 FEET
MIN. BUILDING SEPARATION	
SIDE TO SIDE	20 FEET
REAR TO REAR	30 FEET
FRONT TO REAR	35 FEET
FRONT TO FRONT	30 FEET
SIDE TO REAR	30 FEET
MIN. FLOOR AREA	1,800 FEET
MAX SITE BLDG COVERAGE PROPOSED	70% FEET
OPEN SPACE SUMMARY	
OPEN SPACE REQUIRED	25% (1.60 AC.)
OPEN SPACE PROVIDED (Excludes Stormwater Pond)	29.6% (1.90 AC.)
PARKING SUMMARY	
ATTACHED SINGLE-FAMILY MIN. PARKING REQUIRED (2 SPACES/DWELLING UNIT)	102 SPACES
GUEST PARKING REQUIRED (0.2/UNIT)	10.2 SPACES
GUEST PARKING PROVIDED	14 SPACES
TOTAL PARKING PROVIDED 2 GARAGE, 2 DRIVEWAY + GUEST	218 SPACES

24 HOUR CONTACT:
BRYAN MUSOLF
404-895-0913

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CITY OF MARIETTA, COBB COUNTY, GEORGIA

LAND LOT 36
1/2 DISTRICT

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SITE PLANNING ▫ LANDSCAPE ARCHITECTURE ▫ CIVIL ENGINEERING ▫ LAND SURVEYING
350 RESEARCH COURT # PEACHTREE CORNERS, GEORGIA 30092 # (770) 451-2741 # FAX (770) 451-1915

REVISIONS:

NO.	DATE	BY	DESCRIPTION

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REZONING MASTER PLAN

0 25 50 100 150

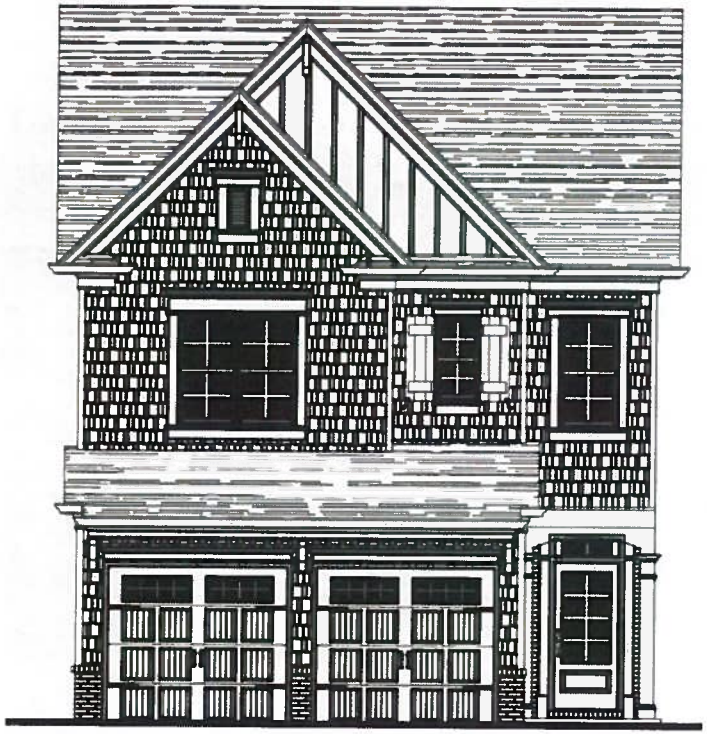
SCALE: 1" = 50'
DATE: FEB. 16, 2020
PROJECT: 19303.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

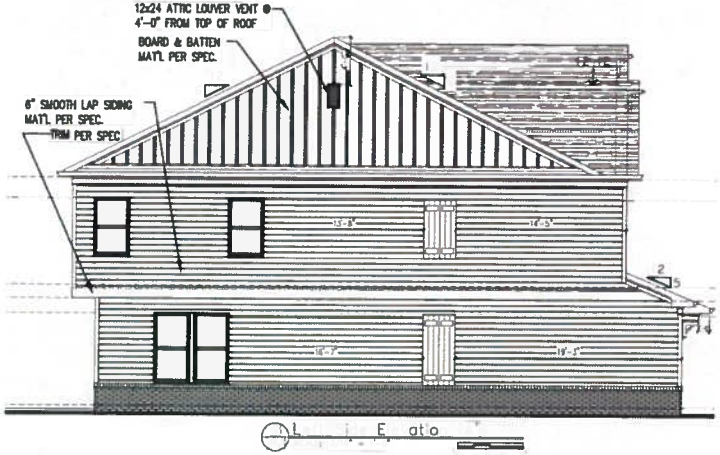
GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 34383 KENNETH J. WOOD

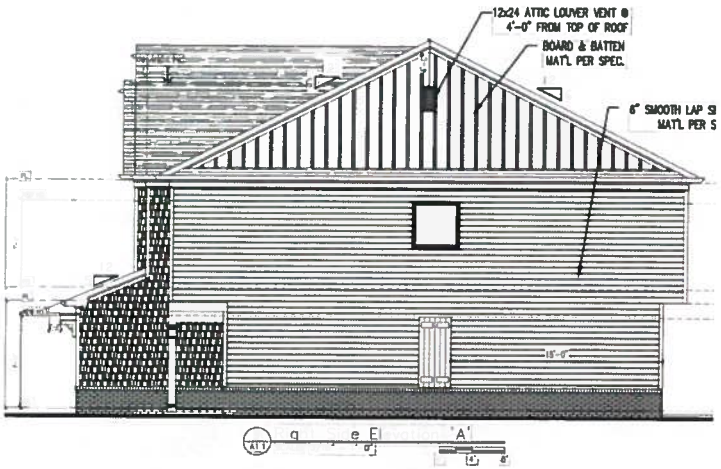
GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # [illegible] EXP. 10/29/2021

Z1
SHEET



ELEV. A





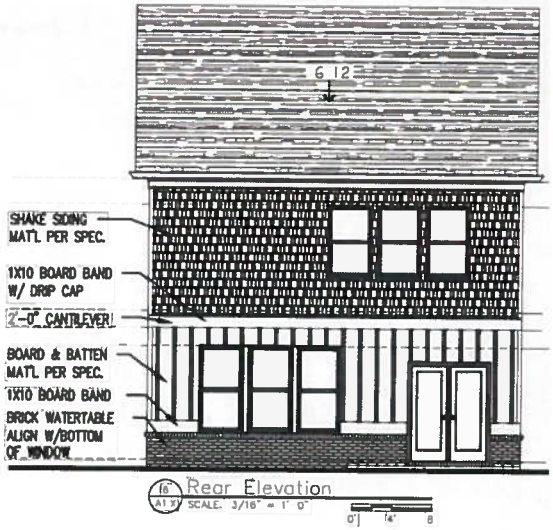
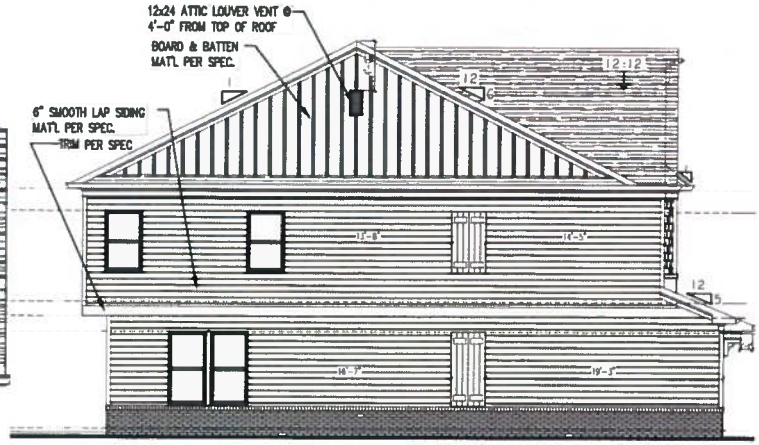
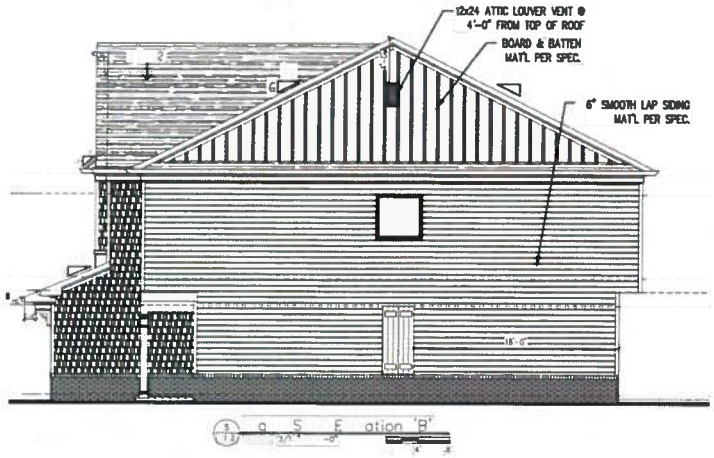
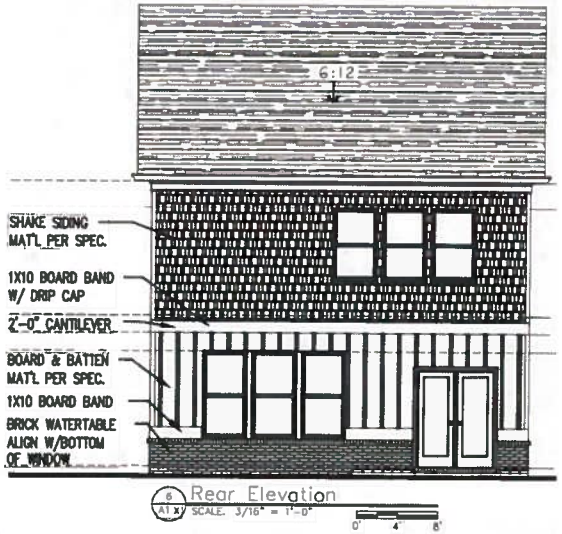


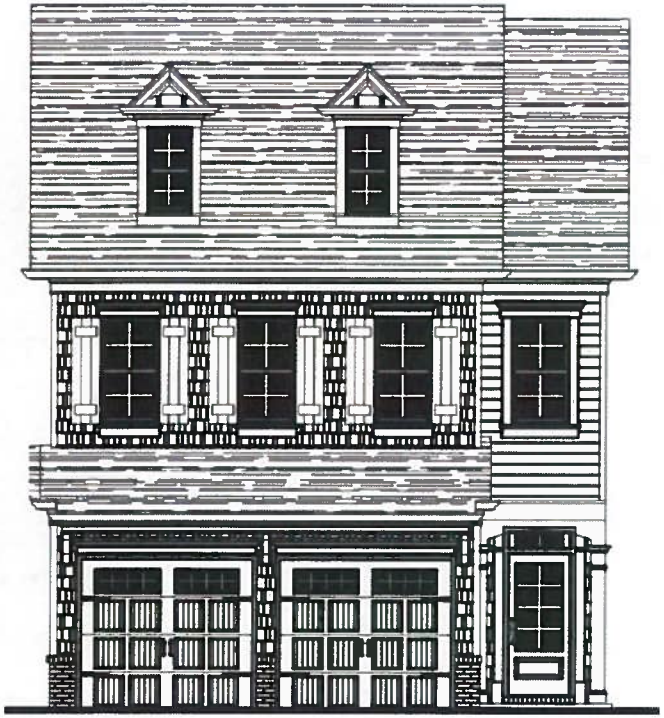
EXHIBIT "B"

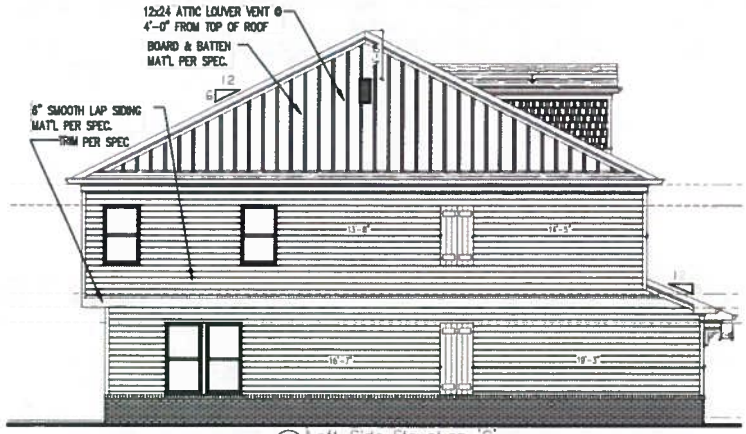

12x24 ATTIC LOUVER VENT @ 4'-0" FROM TOP OF ROOF
BOARD & BATTEN MAT'L PER SPEC.
6" SMOOTH LAP SIDING MAT'L PER SPEC.
TRIM PER SPEC
12:12
12
6
12
5
13'-8"
16'-3"
18'-7"
19'-5"


12x24 ATTIC LOUVER VENT @ 4'-0" FROM TOP OF ROOF
BOARD & BATTEN MAT'L PER SPEC.
6" SMOOTH LAP SIDING MAT'L PER SPEC.
6
18'-6"

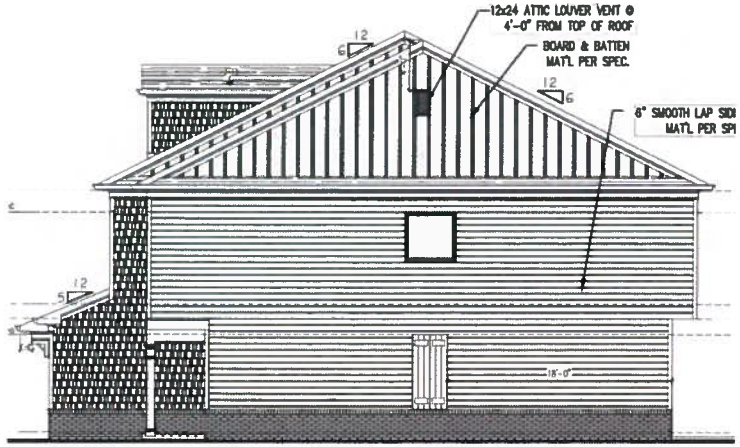

6:12
SHAKE SIDING MAT'L PER SPEC.
1X10 BOARD BAND W/ DRIP CAP
2'-0" CANTILEVER
BOARD & BATTEN MAT'L PER SPEC.
1X10 BOARD BAND
BRICK WATERTABLE ALIGN W/BOTTOM OF WINDOW
6
A1.X
Rear Elevation
SCALE: 3/16" = 1'-0"
0'
4'
8'

ELEV. B

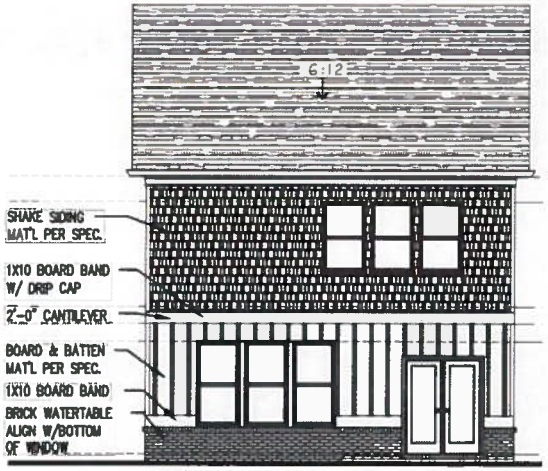




4 A1.3 Left Side Elevation 'C'
SCALE: 3/16" = 1'-0"

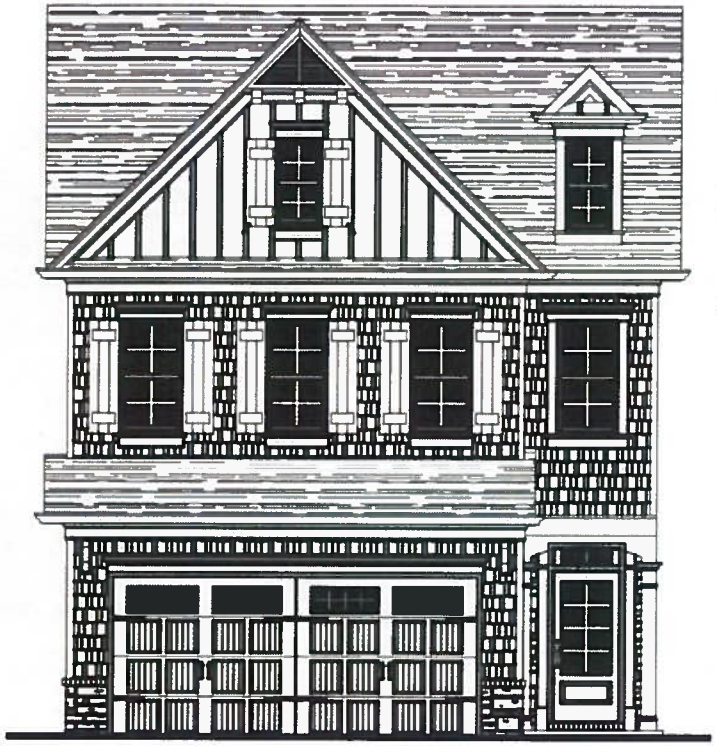


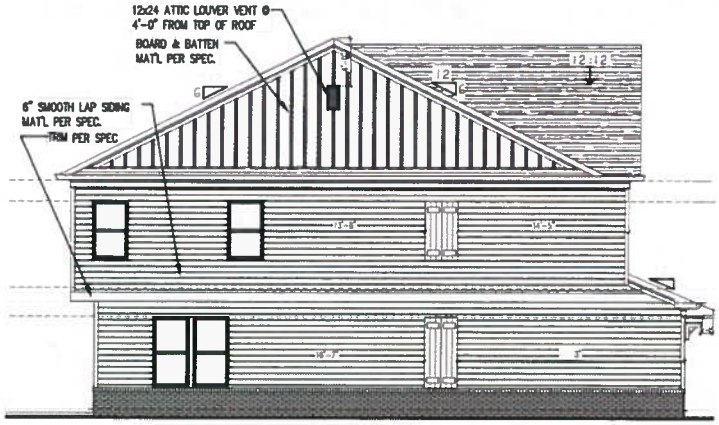
15 A1.3 Right Side Elevation 'C'
SCALE: 3/16" = 1'-0"



16 A1.3 Rear Elevation
SCALE: 3/16" = 1'-0"

ELEV. C

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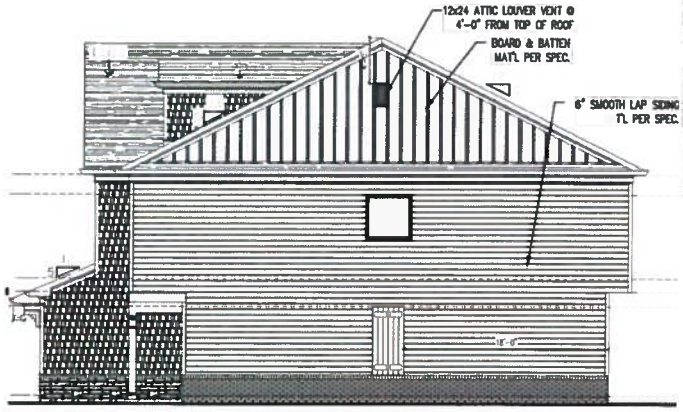
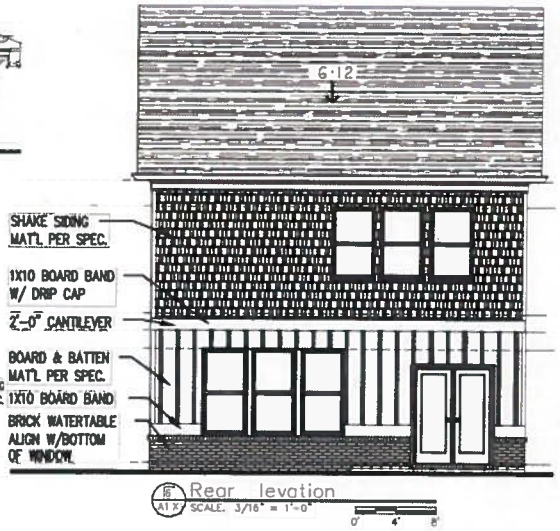
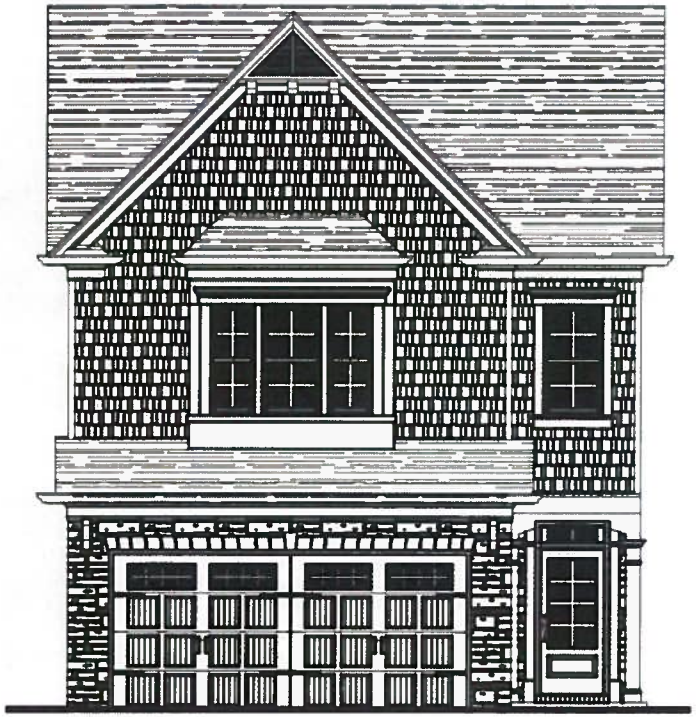
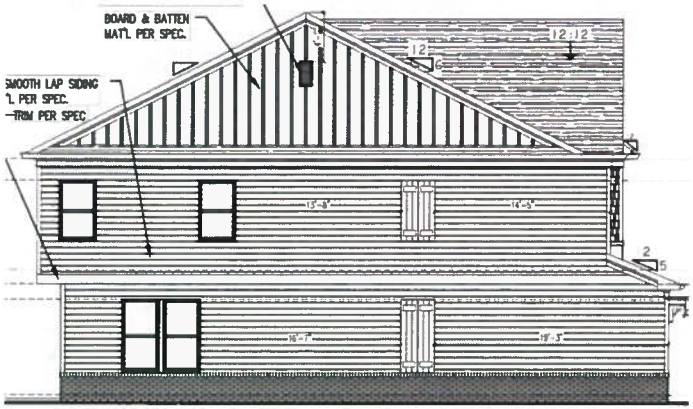
BOARD & BATTEN MAT'L PER SPEC.
6" SMOOTH LAP SIDING MAT'L PER SPEC.
TRIM PER SPEC.
12:12
12
6
12'-8"
10'-3"
16'-7"
Left Side Elevation 'D'
1/4" SCALE


12x24 ATTIC LOUVER VENT @ 4'-0" FROM TOP OF ROOF
BOARD & BATTEN MAT'L PER SPEC.
6" SMOOTH LAP SIDING MAT'L PER SPEC.
16'-0"
Right Side Elevation 'D'
A1.4
3/16" = 1'-0"

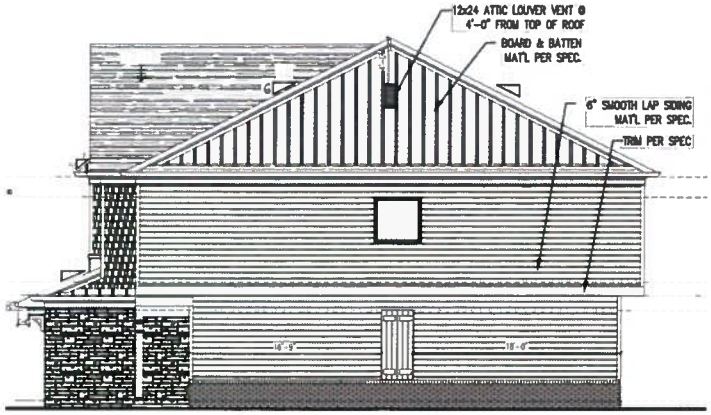

6:12
SHAKE SIDING MAT'L PER SPEC.
1X10 BOARD BAND W/ DRIP CAP
2'-0" CANTILEVER
BOARD & BATTEN MAT'L PER SPEC.
1X10 BOARD BAND
BRICK WATERTABLE ALIGN W/BOTTOM OF WINDOW.
Rear Elevation
A1.4
SCALE: 3/16" = 1'-0"
0'
4'
8'

ELEV. D

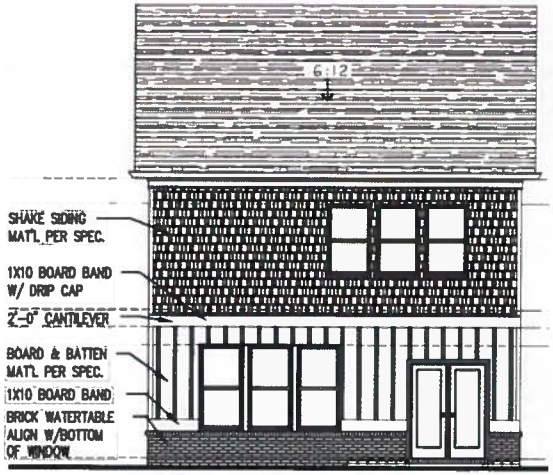




1 Sd Ee 'E'
1:5

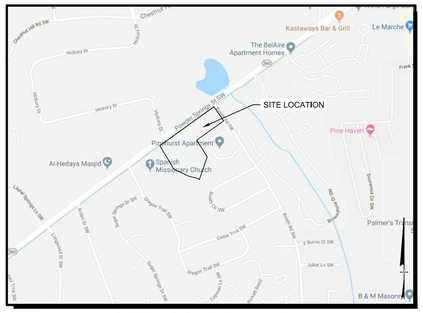


9 a Sd Ee ato 'E'
A1.5 1"=1'-0"

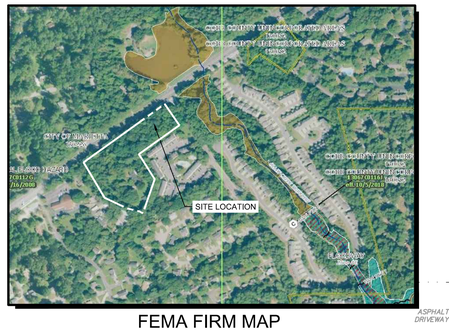


101 Rear Elevation
A1.5 SCALE: 3/16" = 1'-0"
0' 4' 8'

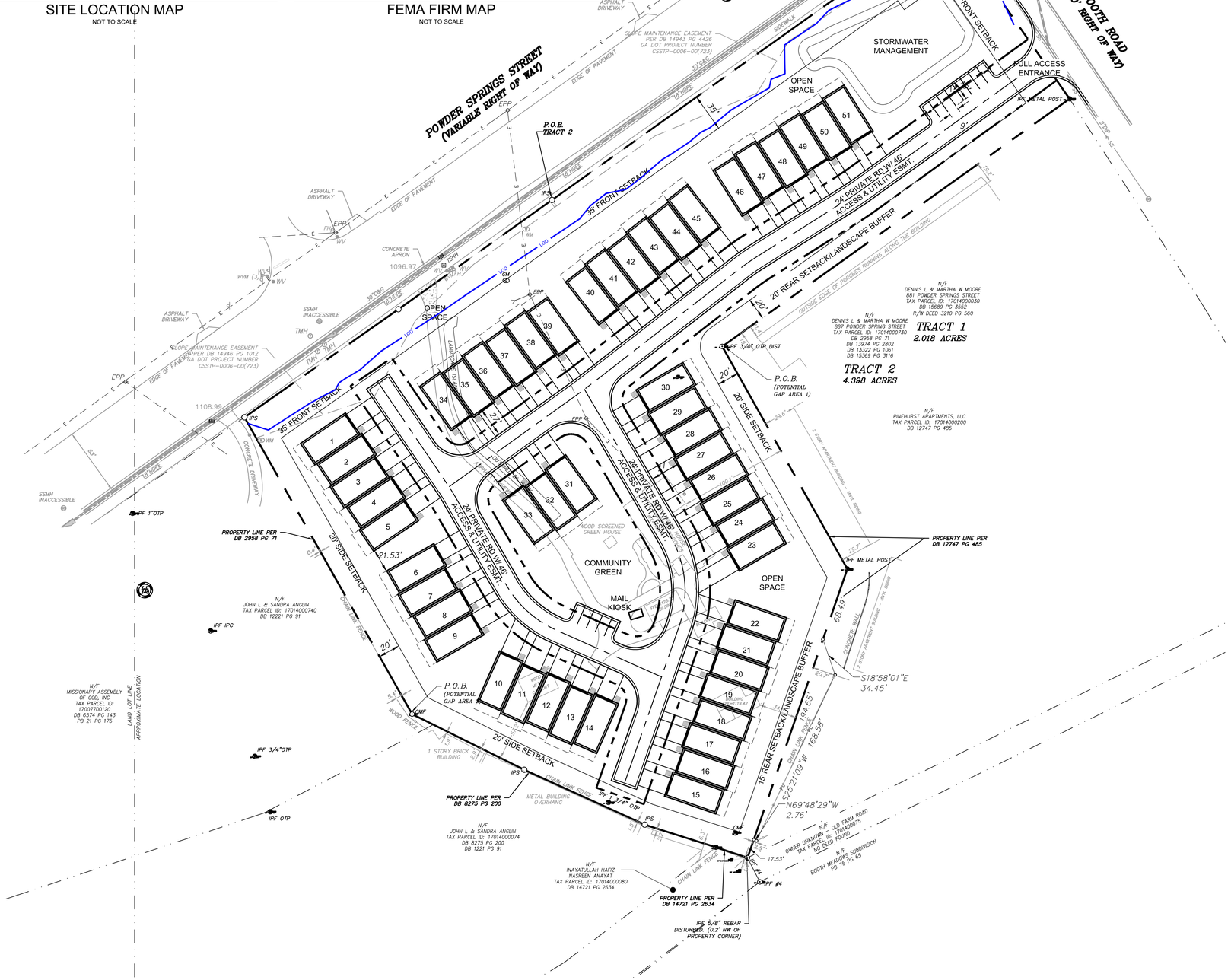
ELEV. E



SITE LOCATION MAP
NOT TO SCALE



FEMA FIRM MAP
NOT TO SCALE



SITE DATA:

SITE AREA	6.416 ACRES
ZONING	
EXISTING ZONING	R-2
PROPOSED ZONING	PRD
ZONING JURISDICTION	CITY OF MARIETTA
DENSITY CALCULATIONS	
TOTAL RESIDENTIAL ATTACHED UNITS PROPOSED	51 UNITS
TOTAL DENSITY PROPOSED	7.94 UPA
BUILDING SETBACK SUMMARY	
FRONT SETBACK(POWER SPRINGS ST.)	35 FEET
FRONT SETBACK(BOOTH ROAD)	35 FEET
REAR SETBACK	15 FEET
SIDE SETBACK	20 FEET
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MAX SITE BLDG COVERAGE PROPOSED	70% FEET
OPEN SPACE SUMMARY	
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OPEN SPACE PROVIDED (Excludes Stormwater Pond)	29.6% (1.90 AC.)
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GUEST PARKING PROVIDED	14 SPACES
TOTAL PARKING PROVIDED 2 GARAGE, 2 DRIVEWAY + GUEST	218 SPACES

RECEIVED
May 13, 2020

24 HOUR CONTACT:
BRYAN MUSOLF
404-895-0913

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CITY OF MARIETTA, COBB COUNTY, GEORGIA

LAND LOT XX
XX DISTRICT

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REVISIONS:

NO.	DATE	BY	DESCRIPTION
*1	05/12/2020	kw	City Comments

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REZONING MASTER PLAN

0 25 50 100 150

SCALE: 1" = 50'
DATE: FEB. 16, 2020
PROJECT: 19303.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J. WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2021

GRID NORTH
GEORGIA WEST ZONE

Z5
SHEET

Z:\19303\19303\Concepts & Exhibits\Zoning\19303.00-Site Review-5.dwg - BMcCrone - 05/12/2020 10:03 AM

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

REZONING & SPECIAL LAND USE APPLICATION ANALYSIS

ZONING CASE #: Z2020-16 LEGISTAR: 20200290

LANDOWNERS: **Trustee of AOA Parish Real Estate Trust**
John Schiavone (Attorney-in-fact)
2401 Lake Park Dr.
Smyrna, GA 30080

APPLICANT: **Saint Joseph Catholic School**

PROPERTY ADDRESS: **589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street**

PARCEL DESCRIPTION: **Land Lot 1086, District 16, Parcels 0010, 0450, 0460, 0370, 0220, 0210, 0230, & 0240**

AREA: 0.36 acres COUNCIL WARD: 4B

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

REQUEST: **R-4 (Single Family Residential – 4 units/acre) with a Special Land Use Permit for a place of assembly**

FUTURE LAND USE: **CSI (Community Service & Institutional) & LDR (Low Density Residential)**

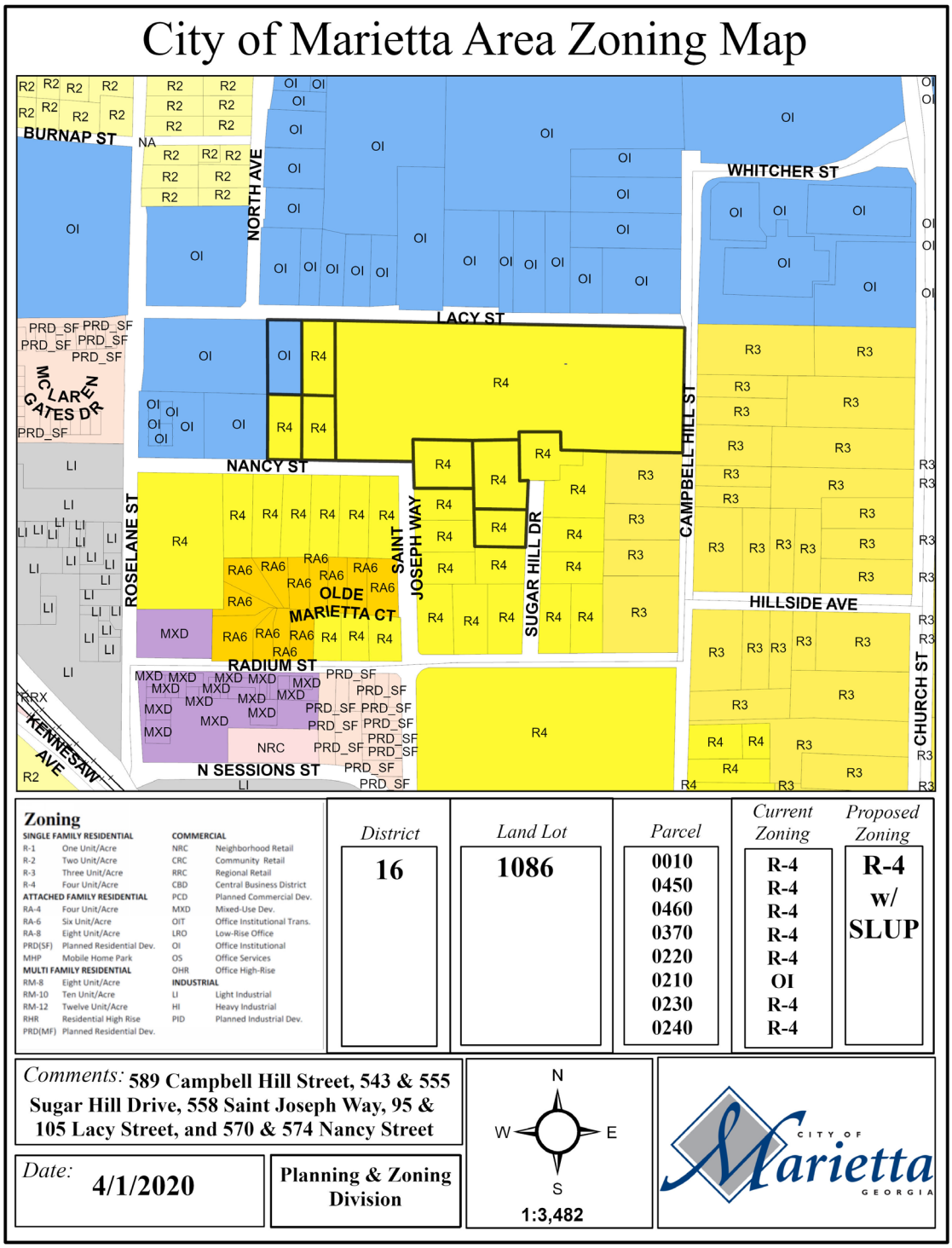
REASON FOR REQUEST: The applicant is requesting the rezoning of 105 Lacy Street so it can be incorporated into the existing Special Land Use Permit for 95 Lacy St, 589 Campbell Hill St, 543 & 555 Sugar Hill Dr, 558 St. Joseph Way, 570 & 574 Nancy St, for expanded operations as a place of assembly.

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

CITY COUNCIL HEARING: Wednesday, May 13, 2020 – 7:00 p.m.

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

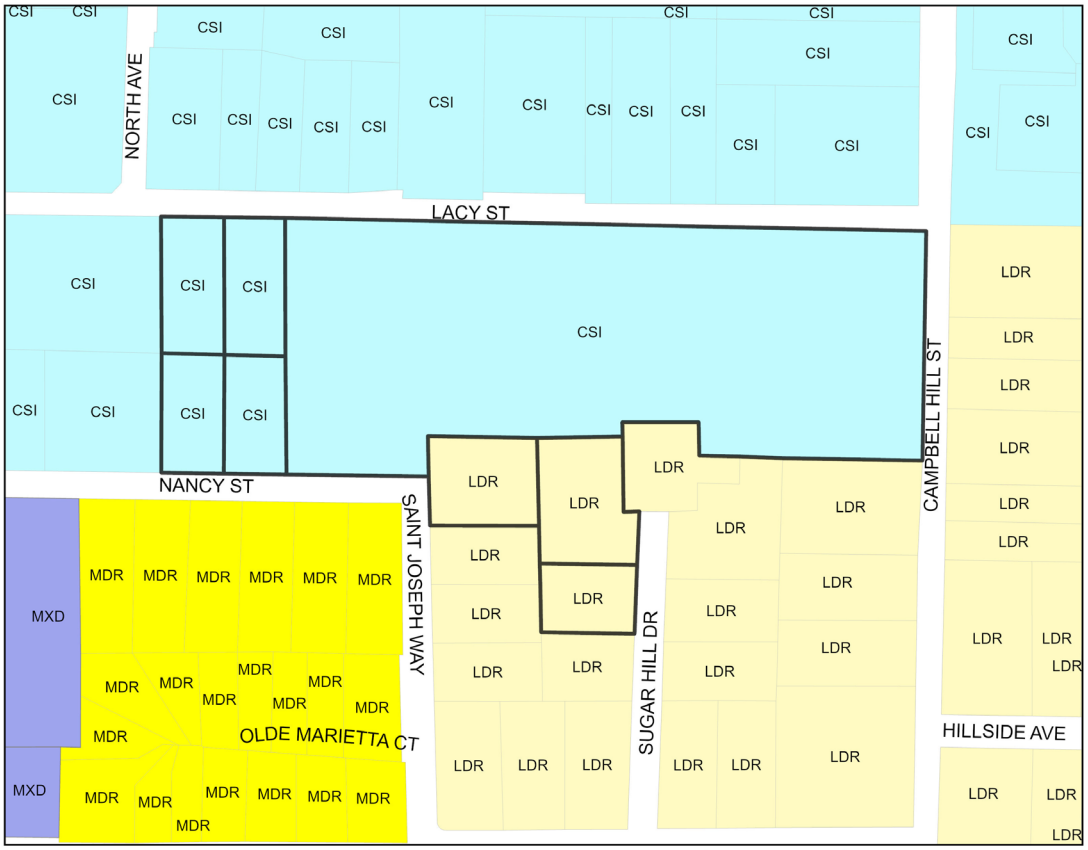
MAP



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	**1086**	**0010**	**CSI**	**n/a**
		0450	**LDR**	
		0460	**LDR**	
		0370	**CSI**	
		0220	**CSI**	
		0210	**CSI**	
		0230	**CSI**	
		0240	**CSI**	

Comments: **589 Campbell Hill Street, 543 & 55 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street**

Date: **4/1/2020**

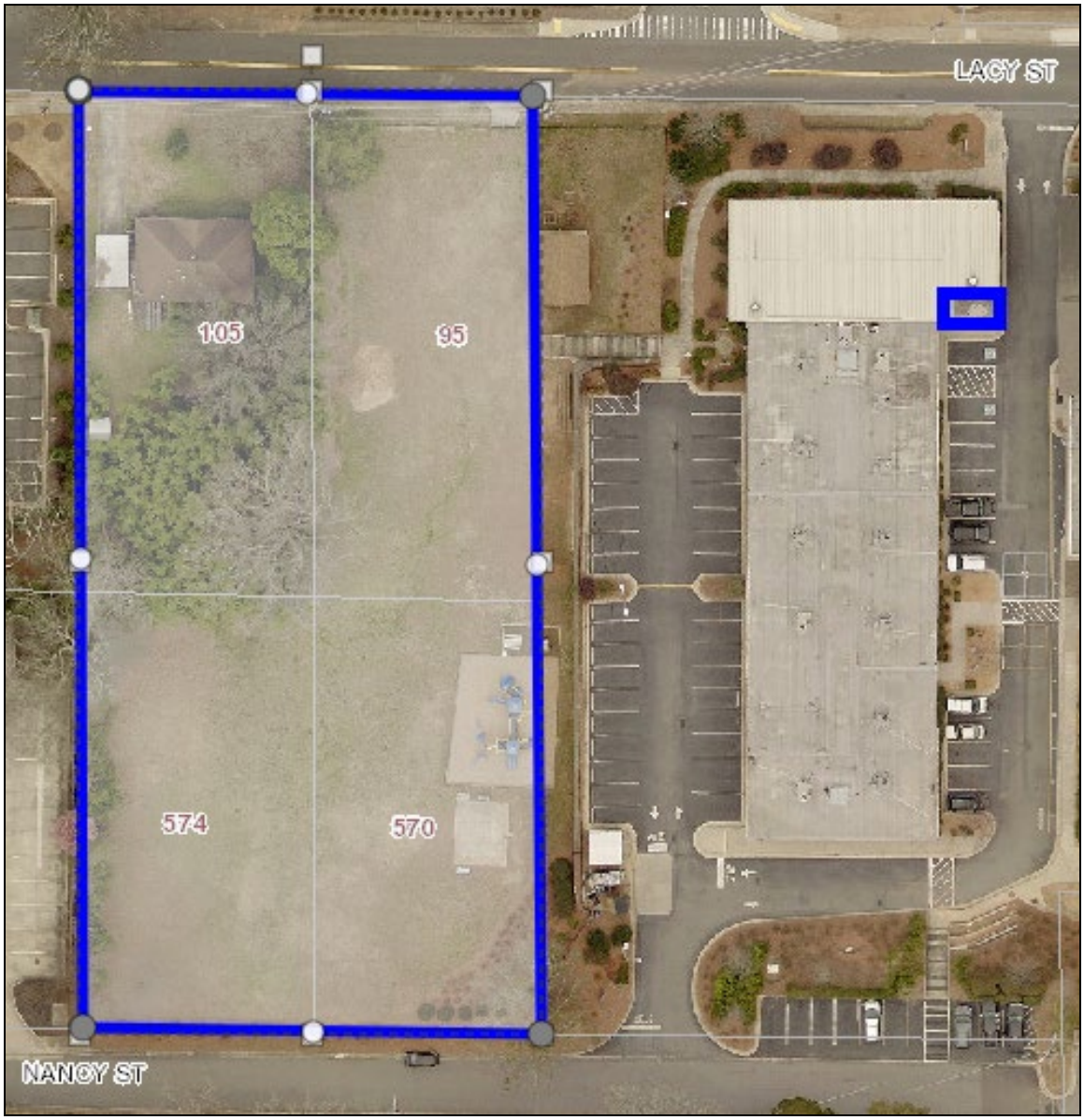
Planning & Zoning Division

N W E S

1:2,228

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

PICTURES OF PROPERTY



Project Areas (Recreation and Building Addition)

Frontage along Lacy Street

Rear along Nancy Street

Existing school building at 589 Campbell Hill Street

STAFF ANALYSIS

Location Compatibility

Saint Joseph Catholic Church is requesting both the rezoning of 105 Lacy Street and an amendment to the existing Special Land Use Permit (SLUP) for a new recreation area and a small addition to the school building. The property at 105 Lacy Street is zoned OI (Office Institutional), is approximately 0.359 acres in area. This parcel was recently acquired by Saint Joseph Catholic Church, which currently operates a church and elementary school at 95 Lacy Street, 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 St. Joseph Way, and 570 & 574 Nancy Street. This request would allow the Church to operate on eight (8) contiguous properties totaling 8.9 acres.

Across Lacy Street to the north is Kennestone Hospital and other medical practices, which are zoned OI. Single family homes, zoned R-4, are adjacent to the subject properties along Saint Joseph Way, Sugar Hill Drive, and Campbell Hill Street.

Use Potential and Impacts

The scope of work includes fully developing the four parcels at 95 & 105 Lacy Street and 570 & 574 Nancy Street into a basketball court, playground, open field, parking lot, and a new 800-square foot storage/restroom building. Also, there would be a 300-square foot addition to the existing school lobby at 589 Campbell Hill Street. For this to happen, the property at 105 Lacy street will need to be rezoned to match the R-4 zoning of the rest of the church campus, which was granted a Special Land Use Permit in 2009. This SLUP contained numerous variances and stipulations, most of which pertained to work that was proposed at the time (see *History of the Property)*. In addition to the rezoning, the applicant is requesting an amendment to the 2009 SLUP for the proposed work.

One stipulation included with the original SLUP was: "*Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements*". This stipulation would be triggered by the 300 square foot lobby addition. This addition is occurring on the northern, central side of the site and should not have any impact, or even be visible, from the residences to the south.

SLUPs issued in R-4 zones have additional conditions that require a building setback of 75 feet and that lighting must not cast over property lines. The new storage/restroom building on 105 Lacy Street is only 7 feet from the property line to the east, which is part of the existing church campus. The building will be setback approximately 49 feet from the property to the west, which is adjacent to the nearest property not owned by the Church. An exemption plat to consolidate the entire church campus, or even just the recreation area, is encouraged, as it will eliminate internal property lines. Therefore, should the SLUP be approved, the following variance would be needed for the new 800-square foot building:

- Variance to reduce the required 75-foot setback to 7 feet for the restroom/storage building, and in no case shall the building be closer than 49 feet from a property not owned by the Church. [*§708.04 (E)*]

The submitted plans for the recreation area show six (6) light poles at the periphery of the project area. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

The location of the proposed recreation area and building addition is at the furthest end of the site from the adjacent single-family residences. It appears that the church already uses the western part of the site as an unimproved recreation area. As long as lighting from the recreation area is designed not to spill over the property line, the residences across Nancy Street to the south should not be adversely impacted; and instead would overlook an improved recreation area.

The Future Land Use (FLU) of the City's Comprehensive Plan designates these parcels as either Low Density Residential (LDR) or Community Service & Institutional (CSI). The five northern-most properties: 589 Campbell Hill Street, 105 Lacy Street, 95 Lacy Street, 570 and 574 Nancy Street are classified as CSI, which is reserved for institutional uses such as governmental offices, hospitals, colleges, or places of assembly. The three southern-most properties – 543 Sugar Hill Drive, 555 Sugar Hill Drive, and 558 St. Joseph Way – are designated Low Density Residential (LDR), which is suitable for low-density housing with densities of up to four (4) dwelling units per acre. It should be noted that certain low impact uses, such as park and recreational facilities, elementary schools, libraries and community centers, may also be an appropriate transition between non-residential developments and residential neighborhoods. As a result, the existing and proposed use of these parcels is consistent with the FLU map and is supported by the City's Comprehensive Plan.

Environmental Impacts

New development is required to adhere to the Tree Protection and Landscaping Ordinance. While area devoted to recreation fields is exempt from tree density requirements, a ten (10) foot planted border area containing street trees is still required along any public street. The submitted plan includes new, five (5) foot sidewalks along both Nancy and Lacy Streets next to the recreation area. Right of way donation or a sidewalk easement will be necessary for the new sidewalk on Lacy Street. However, the full ten (10) feet behind the property line/sidewalk is not provided. As a result, the following variance would be necessary to develop according to the attached plan:

- Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet. [*§712.08 (G.2.a.*]

Otherwise, there are no streams or possible wetlands located in the vicinity of the site, nor is the property located in a floodplain.

Economic Functionality

This site is currently made up of seven (7) other properties which have been previously rezoned to R-4 with a SLUP (Z2009-01). Rezoning 105 Lacy Street to R-4 with a SLUP would establish a down-zoning that would limit the use of the site to either a place of assembly or single-family residential use. Because of the proximity to and rapid growth experienced by Kennestone Hospital and other neighboring medical practices, it is unlikely that the campus will ever be utilized for single family use, except for 543 and 555 Sugar Hill Drive. As a result, St. Joseph Catholic Church serves as an appropriate transition between the residential neighborhood and the Kennestone Hospital campus, as long as the neighborhood is protected from further encroachment from the church.

Infrastructure

The new recreation facility is between two local streets - Lacy Street along the north and Nancy Street along the south. New curb cuts are proposed for Lacy Street that will provide access to twelve parking spaces next to the recreation area. Parking for the church and school was reduced from 252 spaces to 211 spaces in the original SLUP in 2009. The proposed improvements are considered accessory to the church and school so no additional parking spaces would be required. The location of the parking along Lacy Street is preferred to additional parking off Nancy Street, as it will keep drivers on the northern side of the campus and away from the residential neighborhood to the south.

The applicant is seeking a non-residential use within a residential zoning. Therefore, residential zoning development standards shall apply unless otherwise stated. As a result, the following variances are being requested:

- Variance to increase the impervious surface from 50% to 60%. [*§708.04 (H)*]
- Variance to allow parking in the front yard. [*§716.08 (C.8)*]
- Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet. [*§716.02 (B)*]
- Variance to reduce the minimum turning radii from 25 feet to 10 feet. [*§730.01 (I.3.b)*]

The applicant is also seeking variances that would allow the use of black, vinyl-coated chain link fencing up to 12 feet in height that would surround most of the site, including along Nancy Street. Although, the plan shows areas with retaining walls upwards of ten (10) feet in height with the fence on top, retaining walls are not subject to height standards covered by the Fence Ordinance [*§710.04 (F.)*]. For this to be allowable under the Fence Ordinance, the following variances would be necessary:

- Variance to allow a black vinyl chain link fence as an approved material seen from the road. [*§710.04 (B)*]

- Variance to increase the allowable fence height from six (6) feet to twelve (12) feet, as shown on plans. [*§710.04 (D)*]

Otherwise, there shall be no affects to the transportation, education, water, sewer, electricity, or other public infrastructure in the area.

Overhead Electrical/Utilities

There are overhead utilities along the Lacy Street property frontage. However, there would be no potential conflicts with the new building addition or recreation area.

History of Property

The property at 105 Lacy Street does not have any records of variances, special land use permits, or rezonings.

However, the properties at 95 Lacy Street, 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 St. Joseph Way, 570 & 574 Nancy Street were rezoned to R-4 with a SLUP in 2009 with the following stipulations and variances:

Z2009-01 Stipulations:

- Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.
- The Church will install a fence and place shrubs as per the attached plat. The fence will be the same as the fence that surrounds the school playground. A controlled non-passenger vehicle gate may be installed so as to allow access from the Church property to the house for maintenance purposes.
- After two (2) years the fence shall be extended along Sugar Hill to the south property line of the house.
- For two (2) years the Church will be able to access the Sugar Hill Drive house by using the two driveways for the purpose of handicap visitors and delivery of supplies. Otherwise access to the house will be from the Church property. There will be no access to the Church property through the house.

Z2009-01 Variances:

- Variance to allow a fence exceeding 4 feet in height and chin link in composition along St. Joseph Way, Nancy Street, and Lacy Street.
- Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.
- Variance to reduce required parking for a place of assembly and an elementary school from 252 to 211.

- Variance to allow more than 12 parking spaces in a row without a planter island.
- Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.
- Variance to allow use of an unpaved parking lot for a period of two (2) years.

Other Issues

The easternmost building closest to the corner of Lacy Street and Campbell Hill Street, identified as "Three Story Fr. Rectory" on the submitted plans, was surveyed and subsequently listed on the Georgia Historic Resources Survey. The survey lists the estimated date of construction for the original portion of the building as 1865 – 1874. Because of this structure, this property is included in the Church Street - Cherokee Street Historic District, as listed on the National Register of Historic Places by the U.S. Department of the Interior.

Special Land Use Permit Considerations

The following are the criteria for determining a site's eligibility for a Special Land Use Permit, as specified in Section 712.01 (E):

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

ANALYSIS & CONCLUSION

Saint Joseph Catholic Church is requesting both the rezoning of 105 Lacy Street and an amendment to the existing Special Land Use Permit (SLUP) for a new recreation area and a small addition to the school building. The parcel at 105 Lacy Street is zoned OI and was recently acquired by Saint Joseph Catholic Church, which currently operates a church and elementary school at 95 Lacy Street, 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 St. Joseph Way, and 570 & 574 Nancy Street. This request would allow the Church to expand and operate on eight (8) contiguous properties totaling 8.9 acres. Kennestone Hospital and other medical practices are to the north while a well-established, single family neighborhood lies to the south.

The church was granted a SLUP in 2009 that contained numerous variances and stipulations, most of which pertained to work that was proposed at the time (see *History of the Property)*.

The location of the proposed recreation area and building addition is at the furthest end of the site from the adjacent single-family residences. If lighting from the recreation area is designed not to spill over the property line, the residences across Nancy Street to the south should not be adversely impacted; and instead would overlook an improved recreation area.

The following are variances that would be necessary to implement the **new** plan:

1. Variance to reduce the required 75-foot setback to 7 feet for the restroom/storage building but in no case shall the building be closer than 49 feet from a property not owned by the Church. [*§708.04 (E)*]
2. Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet. [*§712.08 (G.2.a.*]
3. Variance to increase the impervious surface from 50% to 60%. [*§708.04 (H)*]
4. Variance to allow parking in the front yard. [*§716.08 (C.8)*]
5. Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet. [*§716.02 (B)*]
6. Variance to reduce the minimum turning radii from 25 feet to 10 feet. [*§730.01 (I.3.b)*]
7. Variance to allow a black vinyl chain link fence as an approved material seen from the road. [*§710.04 (B)*]
8. Variance to increase the allowable fence height from 6 feet to 12 feet, as shown on plans. [*§710.04 (D)*]

The following stipulation is suggested in order to minimize the impact on the Nancy Street residents:

1. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

And the following variances and stipulations should be carried over from the 2009 SLUP to keep the property in compliance:

- Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.
- Variance to allow a fence exceeding 4 feet in height and chin link in composition along St. Joseph Way, Nancy Street, and Lacy Street.
- Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.
- Variance to reduce required parking for a place of assembly and an elementary school from 252 to 211.
- Variance to allow more than 12 parking spaces in a row without a planter island.
- Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.

The Future Land Use of the City's Comprehensive Plan designates these parcels as either Low Density Residential or Community Service & Institutional. These are described as areas appropriate for institutional uses such as places of assembly, as well as low impact uses, such as park and recreational facilities, elementary schools, libraries and community centers, that would function as appropriate transitions between non-residential developments and residential neighborhoods. As a result, the existing and proposed use of these parcels is consistent with the FLU map and is supported by the City's Comprehensive Plan.

Prepared by: Shelly Smith

Approved by: Rusty Roth

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

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property? _____

If not, how far is the closest water line? _____

Size of the water line? _____

Capacity of the water line? _____

Approximate water usage by proposed use? _____

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property? _____

If not, how far is the closest sewer line? _____

Size of the sewer line? _____

Capacity of the sewer line? A.D.F _____
Peak _____

Estimated waste generated by proposed development? _____

Treatment Plant Name? _____

Treatment Plant Capacity? _____

Future Plant Availability? _____

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?	Ward 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?	Yes
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

- Full site development plans required
- Retaining walls will require separate permit sealed by structural/geotechnical engineer

TRANSPORTATION

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

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

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	51
Distance of the nearest station?	1.4 miles
Most likely station for 1st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	Under

Comments:

- All new commercial buildings must be protected throughout by an approved automatic fire sprinkler system. A variance would be required from the Fire Marshal to exempt or modify sprinklers within the proposed new building. Addition to existing building would require protection as well.
- Radius for turn into parking lot not a concern, due to the proximity to the road, very unlikely our fire trucks would utilize the parking lot.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___X_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

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 #: Z2020-16 w/ SLUP **Legistar #:** 20200290 **PZ #:** 20-102
Planning Commission Hearing: 5-5-20 **City Council Hearing:** 5-13-20

Owner's Name The Most Reverend Joel M. Konzen, S.M. as Duly Constituted Diocesan Administrator of the Roman Catholic Archdiocese of Atlanta, Pursuant to the Law of the Canon 421, and/or His Successors in Office, as Trustee of AOA Parish Real Estate Trust, dated Jan 4, 2013.

EMAIL Address: cmoultrie@archatl.com Mr. Carrington Moultrie

Mailing Address 2401 Lake Park Drive, SE, Smyrna, Ga Zip Code: 30080 Telephone Number 404-920-7864

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: St. Joseph Catholic School

EMAIL Address: Contact: Andrew Halloran andrew@cornerstonesite.com

Mailing Address Zip Code:

Telephone Number Email Address:

Address of property to be rezoned: 105 Lacy Street

Land Lot (s) 1086 District 16th Parcel 16108600210 Acreage 0.36 ac Ward 4B Future Land Use: CSI

Present Zoning Classification: OI Proposed Zoning Classification: R4 w/ SLUP

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.

Marietta
GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR SPECIAL LAND USE PERMIT

(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#: Z2020-16 w/ SLUP **Legistar#:** 20200290 **PZ#:** 20-102

PC Hearing: 5-5-20 **CC Hearing:** 5-13-20 **BZA Hearing:** —

[X] **Planning Commission/City Council** [ ] **Board of Zoning Appeals**

Owner's Name The Most Reverend Joel M. Konzen, S.M. as Duly Constituted Diocesan Administrator of the Roman Catholic Archdiocese of Atlanta, Pursuant to the Law of the Canon 421, and/or His Successors in Office, as Trustee of AOA Parish Real Estate Trust, dated Jan 4, 2013.

EMAIL Address: cmoultrie@archatl.com

Mailing Address 2401 Lake Park Drive, SE, Smyrna, Ga. Zip Code: 30080 Telephone Number 404-920-7864

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: St. Joseph Catholic School

EMAIL Address: _____

Mailing Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property for which special land use is requested: 589 Campbell Hill Street, 543 Sugar Hill Drive, 555 Sugar Hill Drive, 558 St. Joseph Way, 95 Lacy Street, 105 Lacy Street, 570 Nancy Street, 574 Nancy Street,

Date of Acquisition: April 30, 2019

Land Lot (s) 1086 District 16 Parcel 0010, 0210, 0220, 0230, 0240, 0370, 0450, 0460 Acreage 8.905 Zoned R-4 Ward 4B FLU CSI

List the special land use permit requested (please attach any additional information):

Request to revise the current Special Land Use Permit (SLUP) to include 105 Lacy Street property, to allow the school to construct an artificial turf striped playfield with site lighting, an 800 SF storage/restroom building, a 300 SF lobby addition to the school building, relocated playground and basketball court enclosed with a new black vinyl coated chain link fence and a new parking lot along Lacy Street. Variances requested in conjunction with the SLUP are: 1.To allow black vinyl coated chain link fence material to secure playfield, 2.To allow fence to exceed 6 feet in height up to 12 feet in height, 3.To allow retaining wall in excess of 6 feet in height up to 10 feet in height, 4.To allow parking lot driveways with 10 foot radius, 5.To allow parking lot driveway closer than 20 feet to the south property line due to existing storm drainage structures, 6.To allow parking lot in the front setback yard, 7.To allow impervious area of 60%.

Required Information

1. Application fee: Board of Zoning Appeals ($250) or Planning Commission/City Council ($500)
2. Completed notarized application. **The original application must be submitted with ALL original signatures – Copies of the application or signature(s) will NOT be accepted.**
3. Legal description of property. **Legal description must be in a WORD DOCUMENT.**
4. Site plan: One copy scaled to an 8 ½" X 11" size. If larger than 11" x 17", will need 25 copies. Site plan must be drawn to scale prepared by an architect, engineer, (P.E. or Civil Engineer), whose state registration is current and valid.
5. 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 Planning Commission within the two (2) years preceding the filing of the this application.

John F. Schiavone
Signature of Owner

Signature of Applicant

John F. Schiavone
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

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.

John F. Schiavone
Signature

John F. Schiavone
Please Print

2401 Lake Park Dr. SE, Smyrna, GA 30080
Address

March 10, 2020
Date

ANSLEIGH RICHARDSON
MY COMMISSION EXPIRES
NOTARY
PUBLIC
FEBRUARY 3, 2024
COBB COUNTY, GEORGIA

Signed, sealed and delivered in the presence of:

Ansleigh Richardson

My Commission Expires: February 3, 2024

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

THE ROMAN CATHOLIC
ARCHDIOCESE OF ATLANTA
THE OFFICE OF THE AUXILIARY BISHOP

AMENDMENT TO SPECIAL POWER OF ATTORNEY

I, The Most Reverend Joel M. Konzen, S.M., as Duly Constituted Diocesan Administrator of The Roman Catholic Archdiocese of Atlanta, Pursuant to the Law of Canon 421, and/or His Successors in Office, of 2401 Lake Park Drive, the County of Cobb, the State of Georgia, do hereby appoint Mr. John Schiavone of 2401 Lake Park Drive, the County of Cobb, the State of Georgia, my true and lawful attorney in fact, by virtue of that certain Special Power of Attorney, dated July 1, 2017 ("Power"), a copy which is attached hereto:

I, The Most Reverend Joel M. Konzen, S.M., as Duly Constituted Diocesan Administrator of The Roman Catholic Archdiocese of Atlanta, Pursuant to the Law of Canon 421, and/or his Successors in Office, as Trustee of AoA Parish Real Estate Trust, dated January 4, 2013 ("Trust") do hereby appoint Mr. John Schiavone of 2401 Lake Park Drive, Smyrna, the County of Cobb, the State of Georgia, as Vice-President of Catholic Construction Services, Inc., my true and lawful attorney in fact, for me and in my name, place and stead, and for my use and benefit to sign construction contracts and related documents on behalf of the Trust.

The Power remains in effect and unchanged, except as may be indicated herein.

This Amendment to Special Power of Attorney is effective May 24, 2019 through May 23, 2020.

Executed this 30th day of May, 2019, at Smyrna, the State of Georgia.

The Most Reverend Joel M. Konzen, S.M., as Duly Constituted Diocesan Administrator of the Roman Catholic Archdiocese of Atlanta, Pursuant to the Law of Canon 421, and/or His Successors in Office, as Trustee of AoA Parish Real Estate Trust, dated January 4, 2013

+ Joel M. Konzen, S.M.
Most Reverend Joel M. Konzen, S.M.

On May 30, 2019, before be, a notary public for the State of Georgia, personally appeared Most Reverend Joel M. Konzen, Diocesan Administrator of the Roman Catholic Archdiocese of Atlanta, known to me or proved to me to be the person whose name is subscribed to the within power of attorney, and acknowledged to me that he executed the same.

Donna Lee Worley
Notary Public for the State of Georgia

Witness

(Notary seal)

DONNA LEE WORLEY
MY COMMISSION EXPIRES
NOTARY
PUBLIC
AUGUST 13, 2022
BARTOW COUNTY, GEORGIA

Witness

VICAR GENERAL - MODERATOR OF THE CURIA
2101 Lake Park Drive, S.E. • Smyrna, Georgia 30080-8862
404-920-7319 • Fax 404-920-7301 • archatl.com

Request to revise the current Special Land Use Permit (SLUP) to include 105 Lacy Street property, to allow the school to construct an artificial turf striped playfield with site lighting, an 800 SF storage/restroom building, a 300 SF lobby addition to the school building, relocated playground and basketball court enclosed with a new black vinyl coated chain link fence and a new parking lot along Lacy Street.

Variances requested in conjunction with the SLUP are:

1. To allow black vinyl coated chain link fence material to secure playfield
2. To allow fence to exceed 6 feet in height up to 12 feet in height.
3. To allow retaining wall in excess of 6 feet in height up to 10 feet in height
4. To allow parking lot driveways with 10 foot radius.
5. To allow parking lot driveway closer than 20 feet to the south property line due to existing storm drainage structures.
6. To allow parking lot in the front setback yard
7. To allow impervious area of 60%.

Rezoning Application detailed written description of the proposed project:

The 105 Lacy Street property was acquired by the church and school to provided an improved playfield area for the school and church. The property is requested to rezone from OI to R4 to match the zoning of the church/school property. Then a request to revise the current Special Land Use Permit (SLUP) to include 105 Lacy Street property with the purpose to allow the school to construct an artificial turf striped playfield with site lighting, an 800 SF storage/restroom building, a 300 SF lobby addition to the school building, relocated playground and basketball court enclosed with a new black vinyl coated chain link fence and a new parking lot along Lacy Street.

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, CODE AMENDMENTS, and SPECIAL LAND USE PERMITS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, May 5th, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, May 13th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL is requesting the rezoning of 8.9 acres located in Land Lot 1086, District 16, Parcels 0010, 0450, 0460, 0370, 0220, 0210, 0230, & 0240 of the 2nd Section, Cobb County, Georgia, and being known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential – 4 units/acre) to R-4 (Single Family Residential – 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 4B.

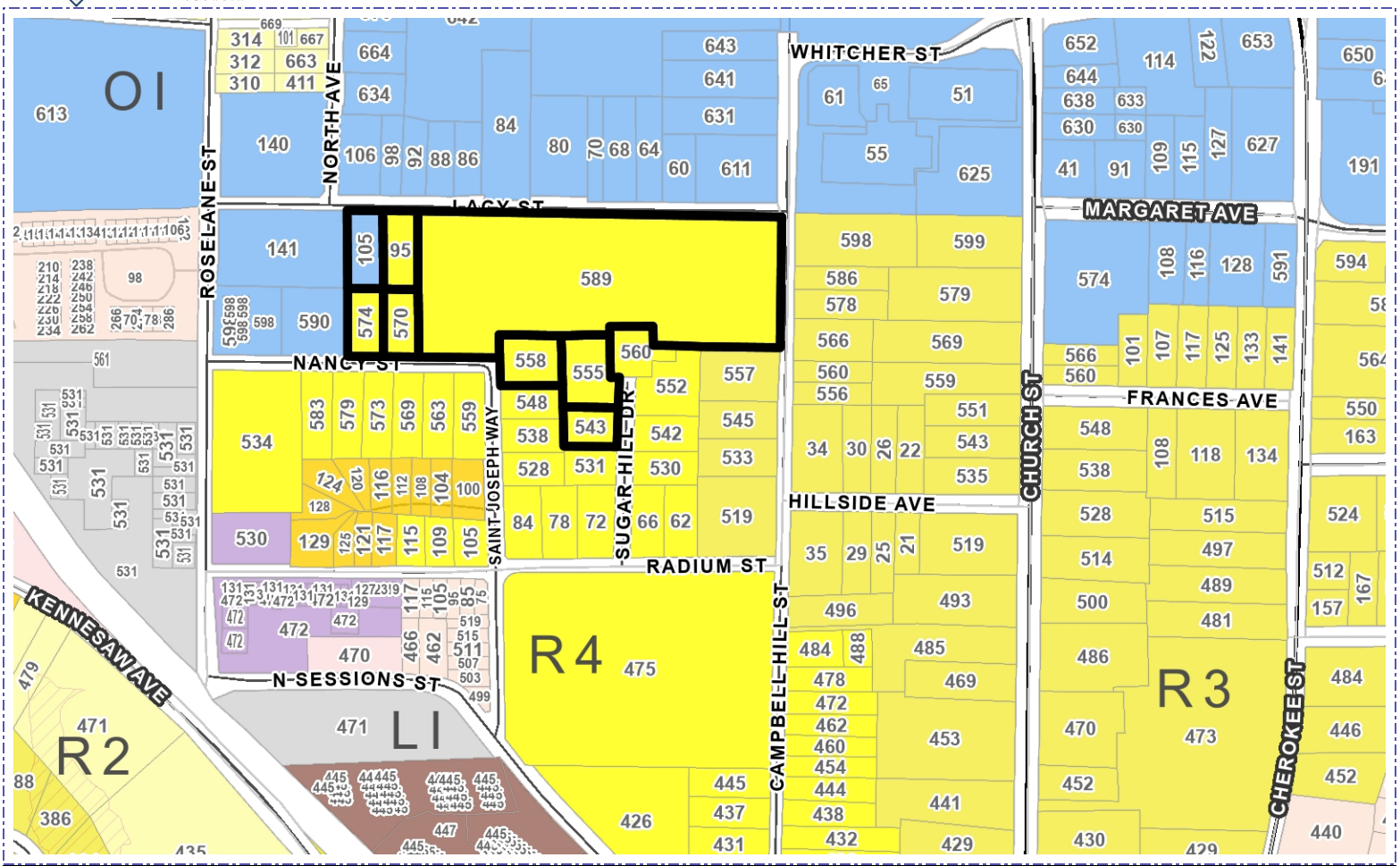
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
570 NANCY ST	16108600230	0.314	4B	R4	CSI
574 NANCY ST	16108600240	0.32	4B	R4	CSI
95 LACY ST	16108600220	0.36	4B	R4	CSI
105 LACY ST	16108600210	0.369	4B	OI	CSI
543 SUGAR HILL DR	16108600450	0.281	4B	R4	LDR
555 SUGAR HILL DR	16108600460	0.494	4B	R4	LDR
558 SAINT JOSEPH WAY	16108600370	0.414	4B	R4	LDR
589 CAMPBELL HILL ST	16108600010	6.208	4B	R4	CSI

Property Owner: Roman Catholic Archdiocese of Atlanta

Applicant: St. Joseph Catholic School

Proposed Zoning: OI, R4 to R4 w/SLUP

Agent:

Proposed Use:

Planning Commission Date: 05/05/2020

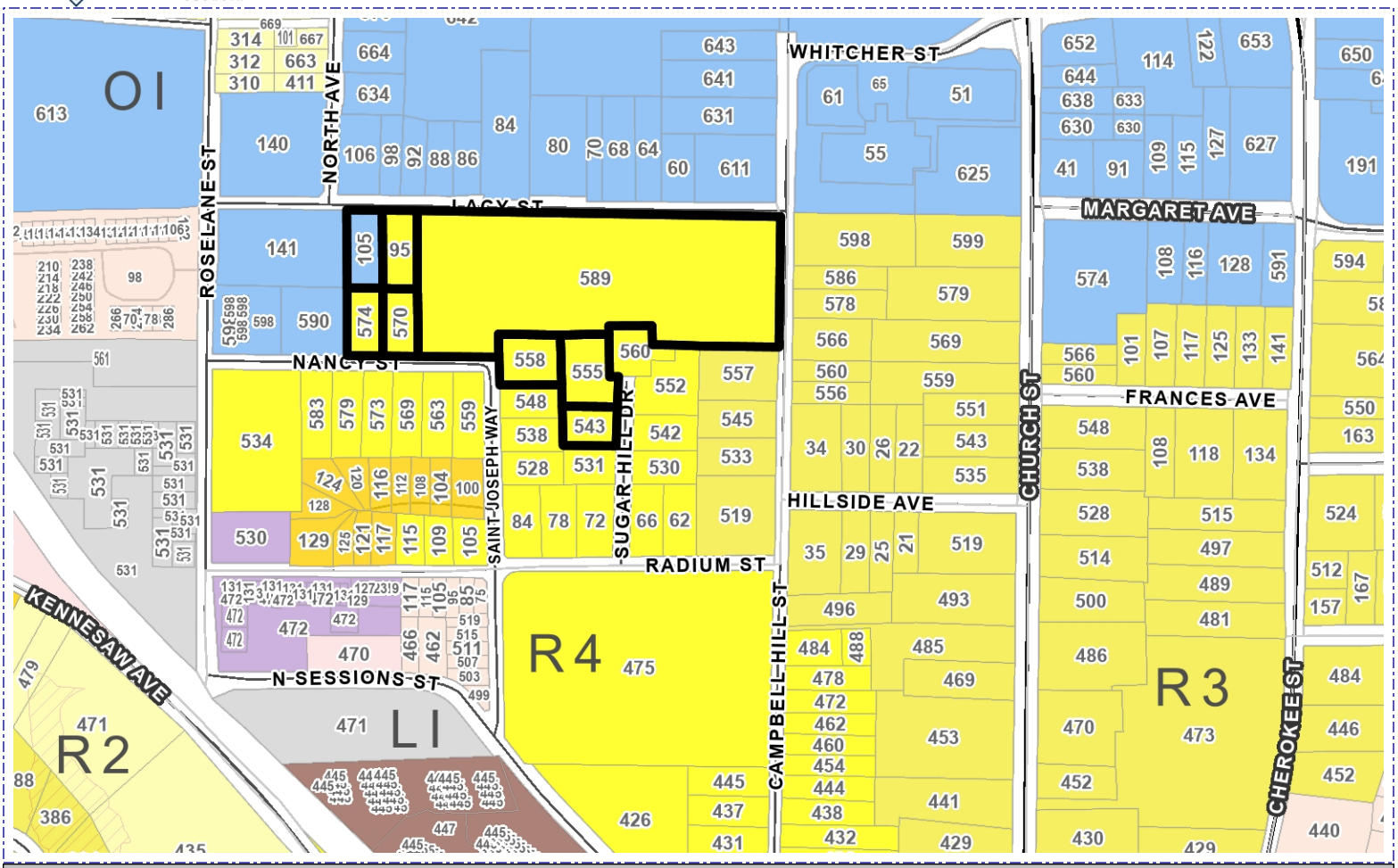
City Council Hearing Date: 05/13/2020 Case Number: Z2020-16

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

Special Land Use



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Property Owner:	Roman Catholic Archdiocese of Atlanta
Applicant:	St. Joseph Catholic School
Agent:	
Proposed Use:	
Planning Commission Hearing Date:	05/05/2020
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City of Marietta Planning & Zoning

Zoning Symbols

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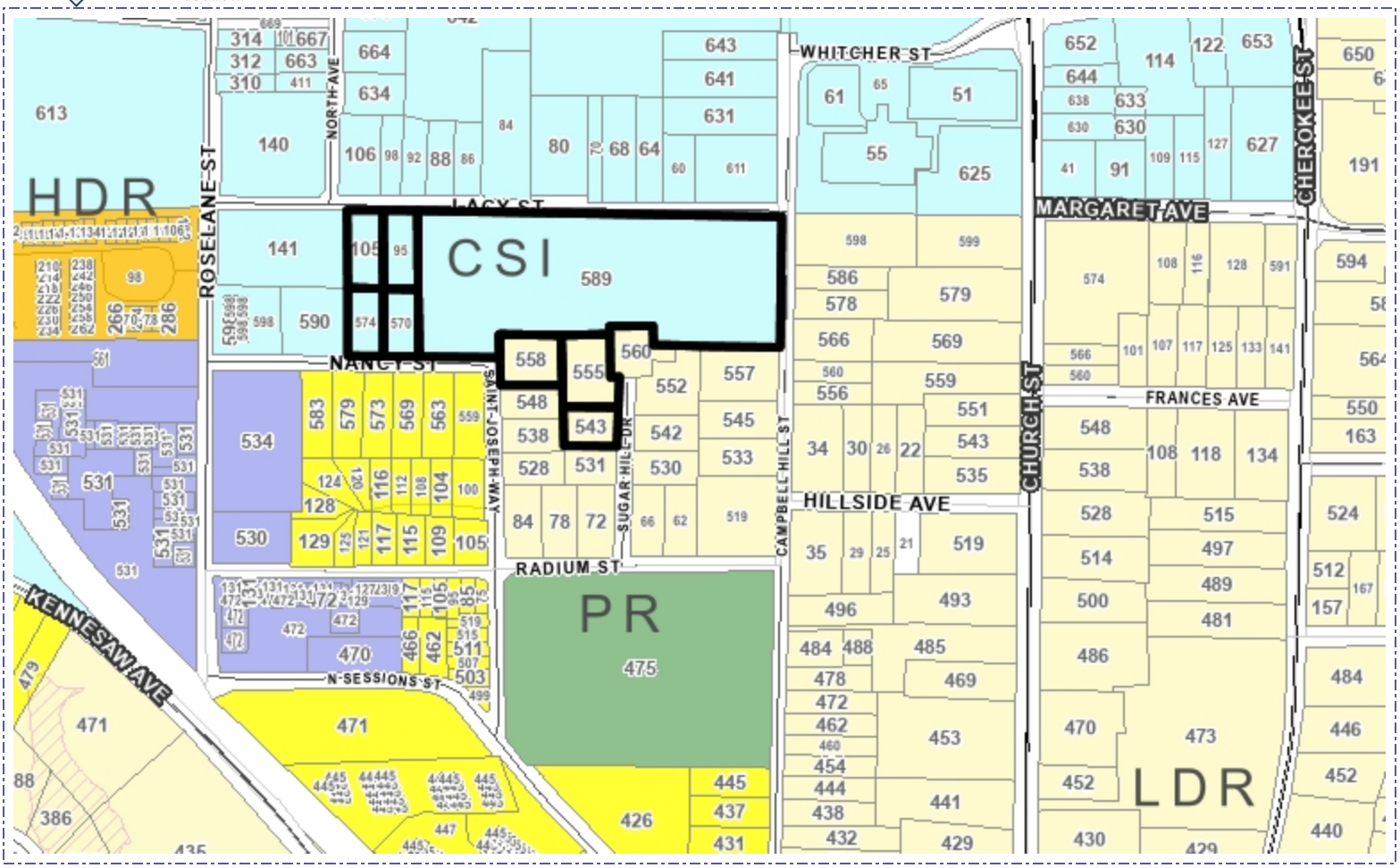
Future Land Use



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589 CAMPBELL HILL ST	16108600010	6.208	4B	R4	CSI

Planning Commission Hearing Date: 05/05/2020

City Council Hearing Date: 05/13/2020

Future Land Use: CSI

Case Number: Z2020-16

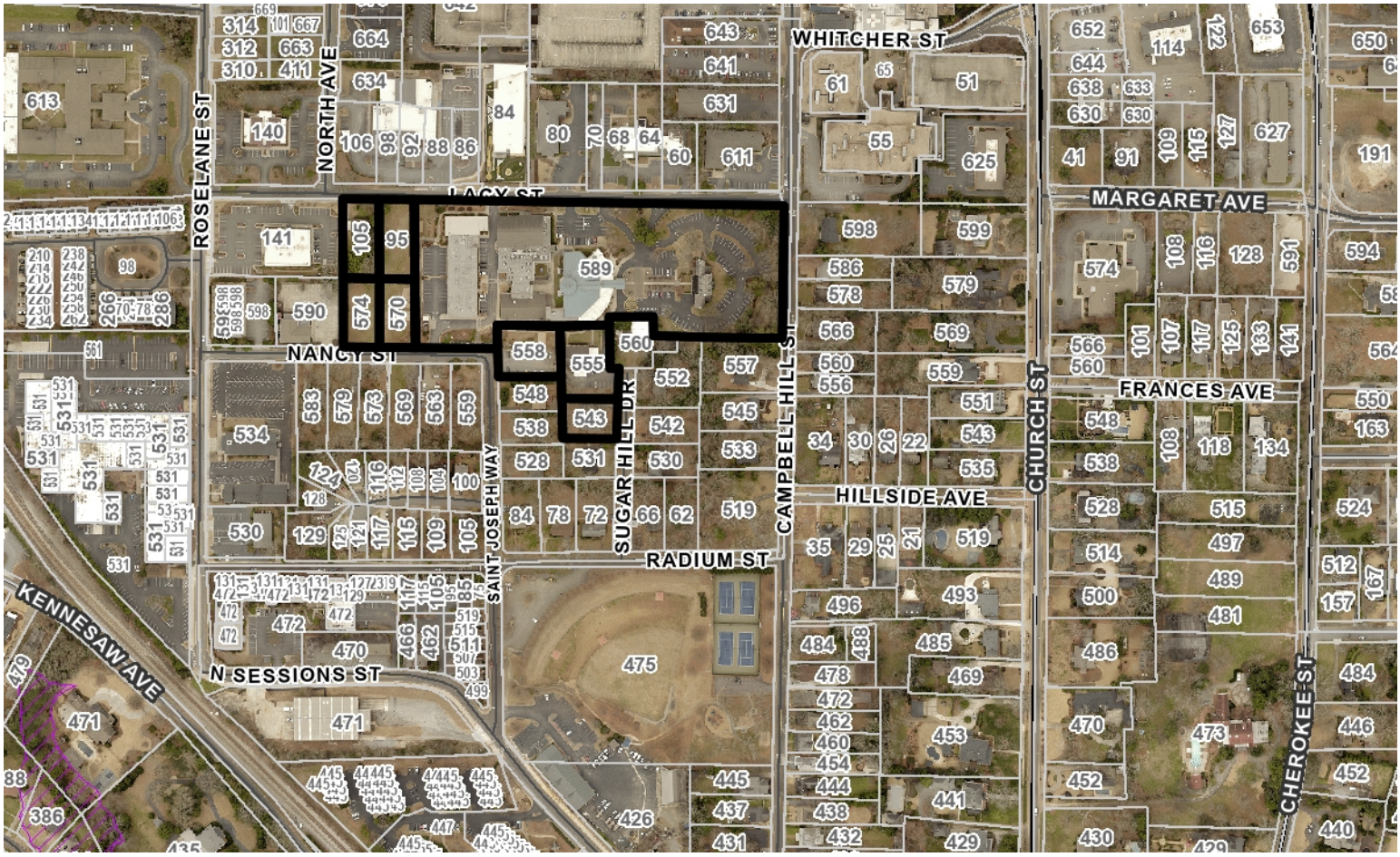
Comments:

City of Marietta Planning & Zoning

Future Land Use Symbols

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

Aerial Map



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Property Owner: Roman Catholic Archdiocese of Atlanta

Applicant: St. Joseph Catholic School

City Council Hearing Date: 05/13/2020

Planning Commission Hearing Date: 05/05/2020

BZA Hearing Date: Case Number: Z2020-16

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning

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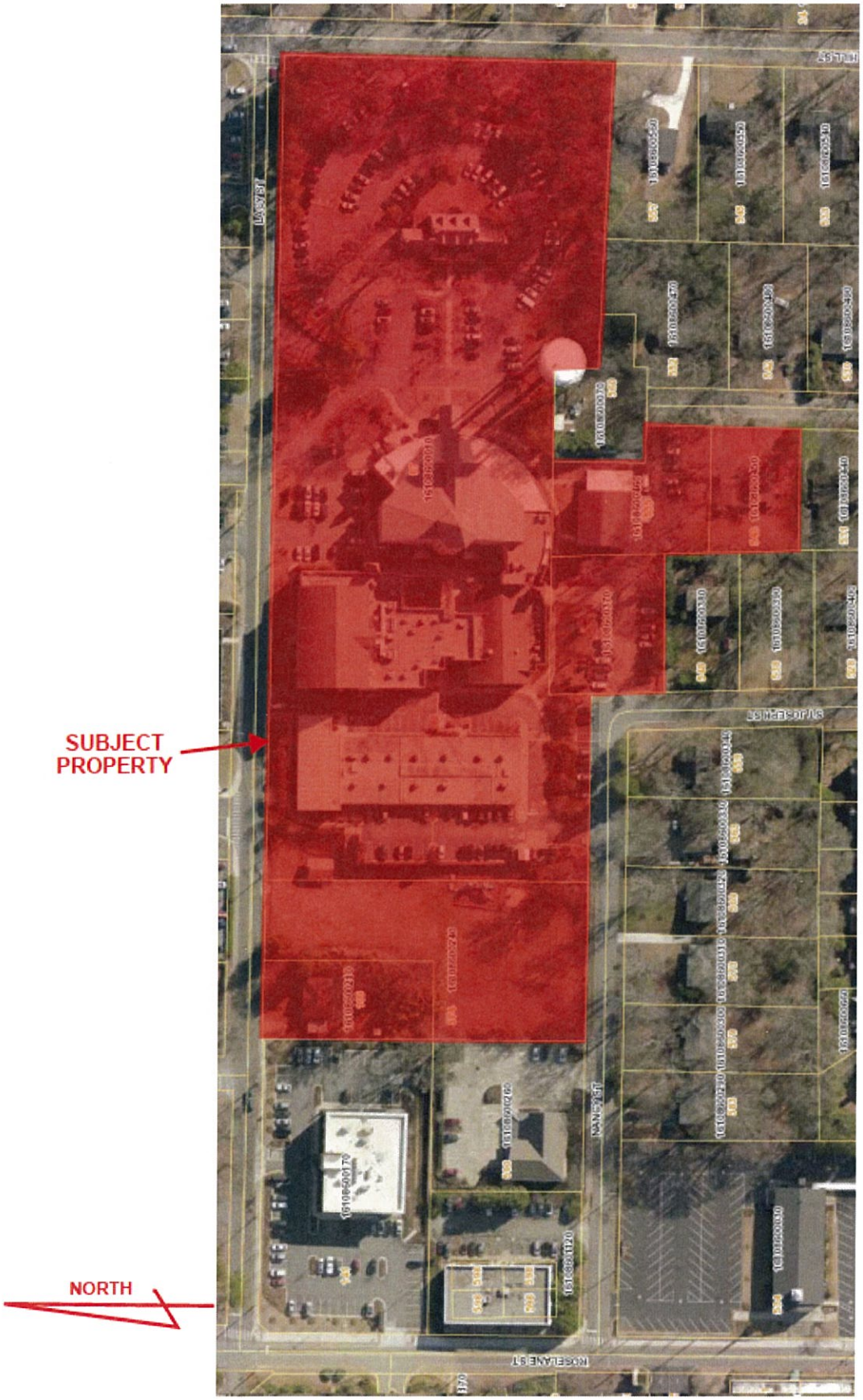

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SITE PLAN LEGEND

A	PROPOSED 12 SPACE PARKING LOT
B	RELOCATED BASKETBALL COURT
C	PROPOSED 800 SF STORAGE BUILDING WITH RESTROOMS
D	RELOCATED PLAYGROUND
E	LIGHTED ARTIFICIAL TURF STRIPED PLAYFIELD
F	PROPOSED 250 SF BUILDING ADDITION (LOBBY ADDITION)
G	PROPOSED MULCH PLAY AREA

SITE PLAN NOTES:

1. PROPOSED ENTRANCES FROM NANCY STREET AT THE LOCATION OF EXISTING CURB CUTS AND PROPOSED TO BE ONE WAY.

2. PROPOSED PARKING = 12 SPACES INCLUDING 1 ADA. SINCE THE PLAY FIELD IS AN ACCESSORY USE TO THE CHURCH AND SCHOOL CAMPUS, AND THERE ARE NO ADDITIONAL CHURCH SEATS OR CLASSROOMS PROPOSED, THE REQUIRED PARKING DOES NOT CHANGE AND THESE 12 SPACES ARE JUST SUPPLEMENTAL TO THE REQUIRED PARKING AT THE CAMPUS.

3. THE ADJACENT PROPERTY TO THE ADDITIONAL PROPERTY AND THE FIELD PROJECT IS ZONED O & I, THEREFORE NO BUFFERS ARE PROPOSED FOR THIS PROJECT.

4. PROPOSED LANDSCAPING TO CONSIST OF CODE REQUIRED TREES AND MULCHED LANDSCAPE AREAS AROUND THE PROPOSED FIELD.

5. THERE ARE NO APPARENT WETLANDS, STREAMS OR FLOODPLAIN ON THIS PARCEL.

PROJECT DATA

OWNER/DEVELOPER:

THE MOST REVEREND JOEL M. KONZEN, S.M. AS DULY CONSTITUTED DIOCESAN ADMINISTRATOR OF THE ROMAN CATHOLIC ARCHDIOCESE OF ATLANTA, PURSUANT TO THE LAW OF THE CANON 421, AND/OR HIS SUCCESSORS IN OFFICE, AS TRUSTEE OF AOA PARISH REAL ESTATE TRUST, DATED JAN 4, 2013

ARCHITECT: SMITH BOLAND ARCHITECTS
531 ROSELANE AVE. SUITE 310
MARIETTA, GA

CIVIL SITE ENGINEER: CORNERSTONE SITE CONSULTANTS, LLC
2985 GORDY PKWY, SUITE 119
MARIETTA, GA 30066
ANDREW M. HALLORAN, P.E.,
PH: 770-490-9182

SITE ADDRESSES: 589 CAMPBELL HILL STREET,
543 SUGAR HILL DRIVE,
555 SUGAR HILL DRIVE,
558 ST. JOSEPH WAY,
95 LACY STREET,
105 LACY STREET,
570 NANCY STREET,
574 NANCY STREET

SITE AREA: 105 LACY STREET AREA
0.35965 AC (15,666 SF)

CAMPUS TOTAL AREA
8.90539 AC (387,919 SF)

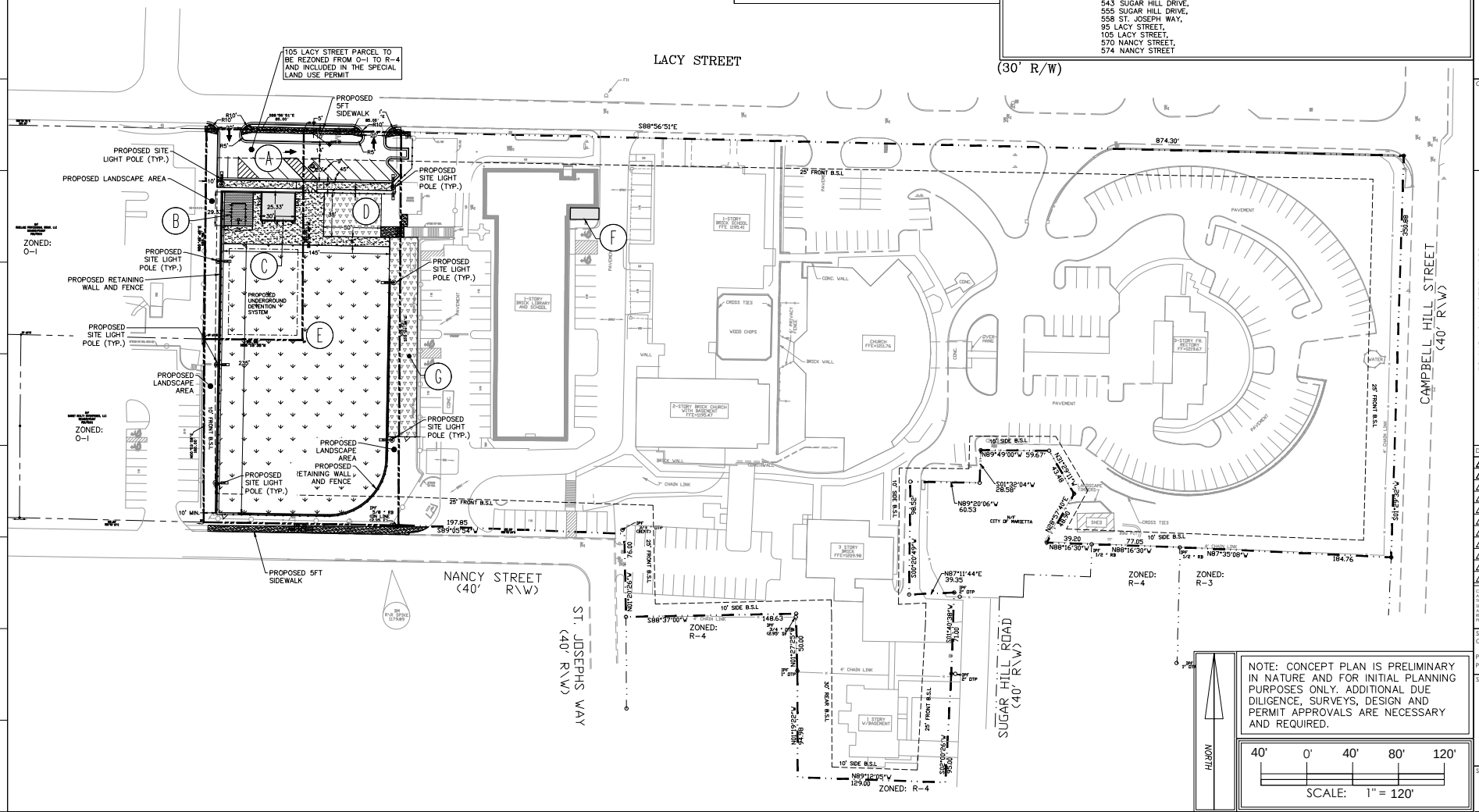
EXISTING SITE USE: CHURCH AND PRIVATE SCHOOL

PROPOSED PROJECT: PLAYFIELD, STORAGE/RESTROOM BUILDING, AND BUILDING ADDITION (LOBBY)

SITE ZONING: 105 LACY STREET IS PROPOSED TO BE RE-ZONED FROM OI TO R4. REMAINING PROPERTY IS ZONED R4

BUILDING COVERAGE: 1.64 AC. (18%)

IMPERVIOUS AREA: 5.34 AC. (60%)



NOTE: CONCEPT PLAN IS PRELIMINARY IN NATURE AND FOR INITIAL PLANNING PURPOSES ONLY. ADDITIONAL DUE DILIGENCE, SURVEYS, DESIGN AND PERMIT APPROVALS ARE NECESSARY AND REQUIRED.

40' 0' 40' 80' 120'

SCALE: 1" = 120'

ARCHITECT
smith•boland ARCHITECTS
531 ROSELANE STREET, SUITE 310
MARIETTA, GEORGIA 30060
OFFICE 770.435.3080
E-MAIL INFO@SMITHBOLAND.COM
WEB WWW.SMITHBOLAND.COM

SEAL

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 21615 ANDREW M. HALLORAN

CONSULTANT
CORNERSTONE
SITE CONSULTANTS,LLC
2985 GORDY PARKWAY
SUITE 117
MARIETTA, GA 30066
Project # 2020-0008

ZONING & S.L.U.P. SITE PLAN FOR:

ST. JOSEPH CATHOLIC CHURCH AND SCHOOL

87 LACY STREET, MARIETTA, GA 30060

DRAWINGS PUBLISHED

20 MARCH 2020
ZONING / SLUP SITE PLAN

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ST. JOSEPH CATHOLIC CHURCH AND SCHOOL

PROJECT ____
PHASE ____

SHEET TITLE

ZONING SITE PLAN

SHEET

Z-1

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

REZONING APPLICATION ANALYSIS

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

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

APPLICANT: **n/a**

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

PROPERTY ADDRESS: **268 Church Street**

PARCEL DESCRIPTION: **16 11590 0350**

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

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

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

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

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

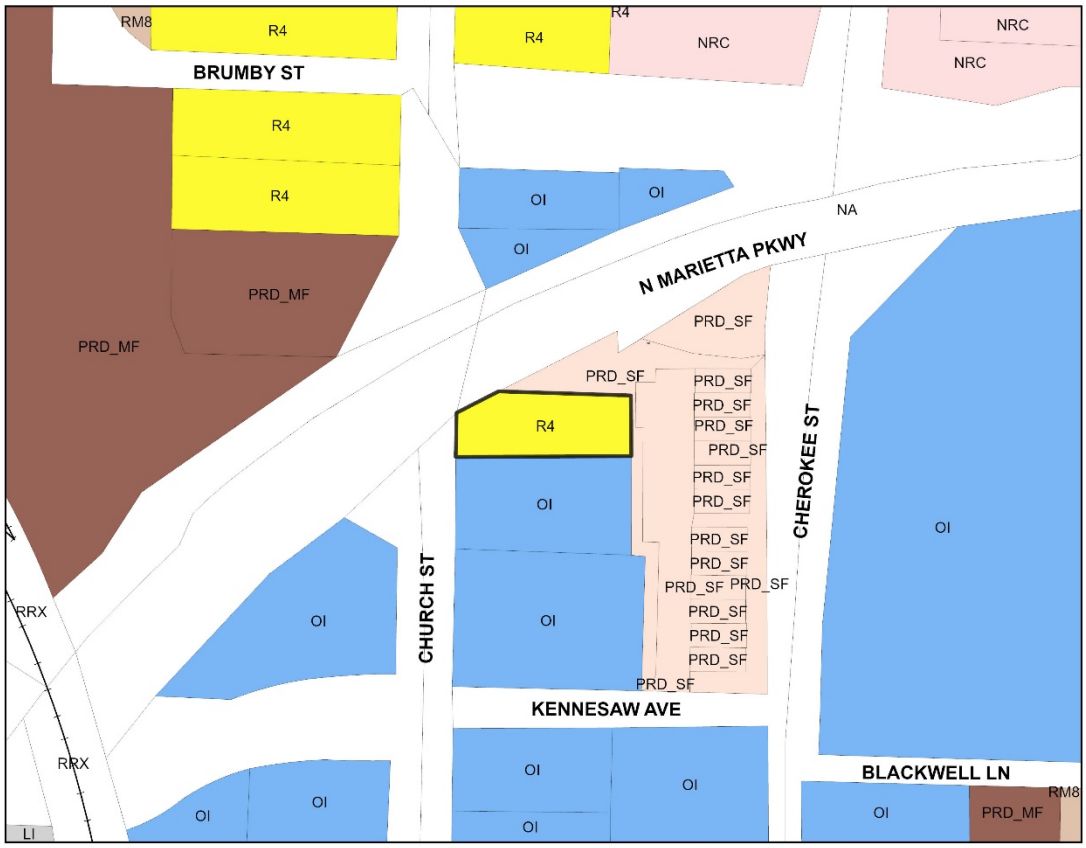
PLANNING COMMISSION HEARING: Tuesday, May 5th, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, May 13th, 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*
16	**11590**	**0350**	**R-4**	**OIT**

Comments:
268 Church Street

Date: **4/1/2020**

Planning & Zoning Division

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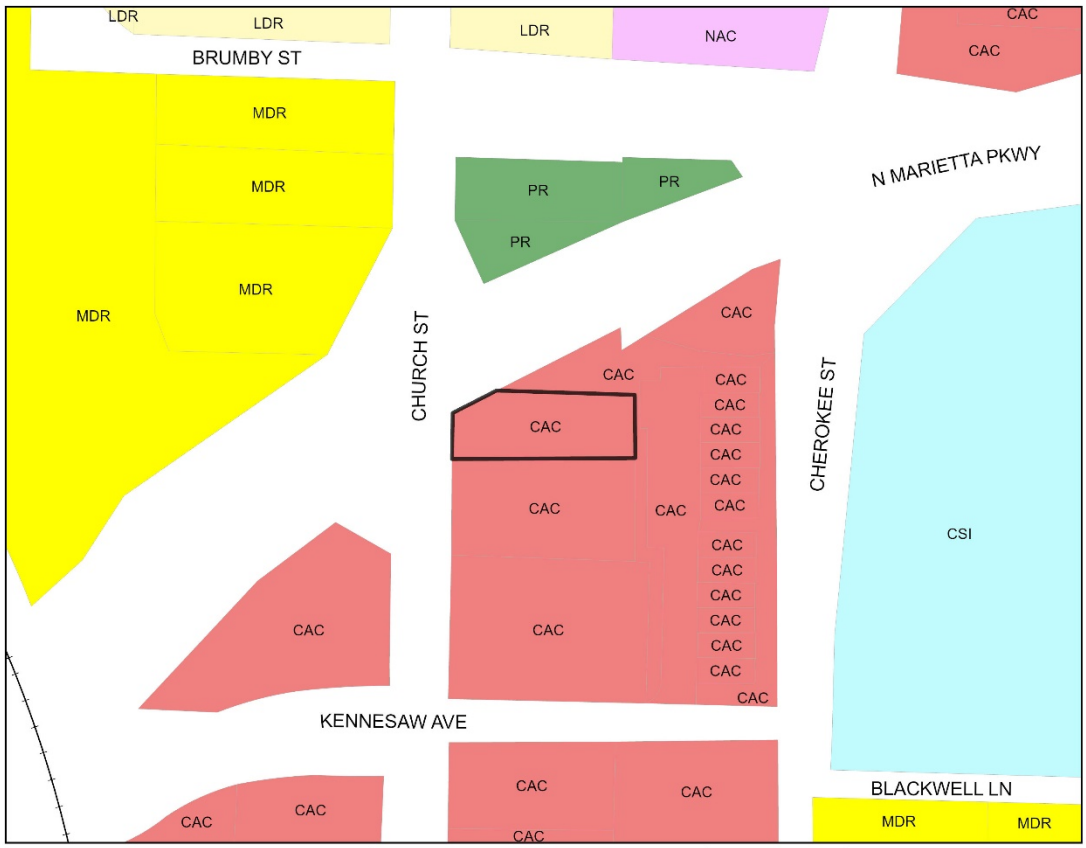
CITY OF Marietta GEORGIA

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
16	11590	0350	CAC	n/a

Comments:
268 Church Street

Date: **4/1/2020**

Planning & Zoning Division

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

PICTURES OF PROPERTY

Front of property at 268 Church Street

Side of property on 268 Church Street

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

STAFF ANALYSIS

Location Compatibility

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

Use Potential and Impacts

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

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

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

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

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

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

Environmental Impacts

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

Economic Functionality

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

Infrastructure

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

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

Overhead Electrical/Utilities

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

History of Property

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

Other Issues

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

Marietta
GEORGIA

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

ANALYSIS & CONCLUSION

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

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

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

1. Variance to reduce the minimum lot size from 10,000 sq.ft. to 8,700 sq.ft. [*§708.21 H*]
2. Variance to reduce the minimum lot width from 75' to 60'. [*§708.21 H*]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [*§708.21 H*]
4. Variance to increase the allowable impervious surface above 50% to allow the existing conditions remain as-is. [*§708.21 H*]
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Prepared by: J. Ostrander

Approved by: Rusty Roth

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

DATA APPENDIX

CITY OF MARIETTA - WATER

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

CITY OF MARIETTA - WASTEWATER

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

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

Additional Comments:

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

TRANSPORTATION

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

Additional Comments:

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

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

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

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

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

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

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

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Marietta GEORGIA

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

APPLICATION FOR REZONING

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

For Office Use Only:
Application #: Z2020-17 **Legistar #:** 20200295 **PZ #:** PZ20-101
Planning Commission Hearing: 5-5-20 **City Council Hearing:** 5-13-20

Owner's Name MICHAEL LANGSTON
EMAIL Address: LANGSTONRACING66@AOL.COM
Mailing Address 4885 DOE WEST RD Zip Code: 30150 Telephone Number 770 617 1559

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
~~Applicant~~: Rep: Henry A. Bailey, esq. hbailey@mmmlaw.com
EMAIL Address: Carl Westmoreland, esq. cwestmoreland@mmmlaw.com
Mailing Address _____ Zip Code: _____
Telephone Number _____ Email Address: _____

Address of property to be rezoned: 268 CHURCH ST. MARIETTA, GA 30060
Land Lot (s) 1159 District 16 Parcel ~~2~~ 00350 Acreage 2.01 .205 Ward 3A Future Land Use: CAC
Present Zoning Classification: R4 Proposed Zoning Classification: OIT

REQUIRED INFORMATION

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

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

CAMPAIGN CONTRIBUTIONS

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

Mike Langston
Signature of Owner

Mike Langston
Signature of Applicant

MIKE LANGSTON
Print Name

MIKE LANGSTON
Print Name

FINANCIAL INTEREST

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

MIKE LANGSTON
Print Name

M. Langston
Signature of Applicant

OWNER/APPLICANT CERTIFICATION

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

Mike Langston
Signature

MIKE LANGSTON
Please Print

[redacted] 4885 DUE WESTRD KENNESAW GA
Address

1-13-2020
Date

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

Signed, sealed and delivered in the presence of:

My Commission Expires: 10/25/2023

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

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, CODE AMENDMENTS, and SPECIAL LAND USE PERMITS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, May 5th, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, May 13th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

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

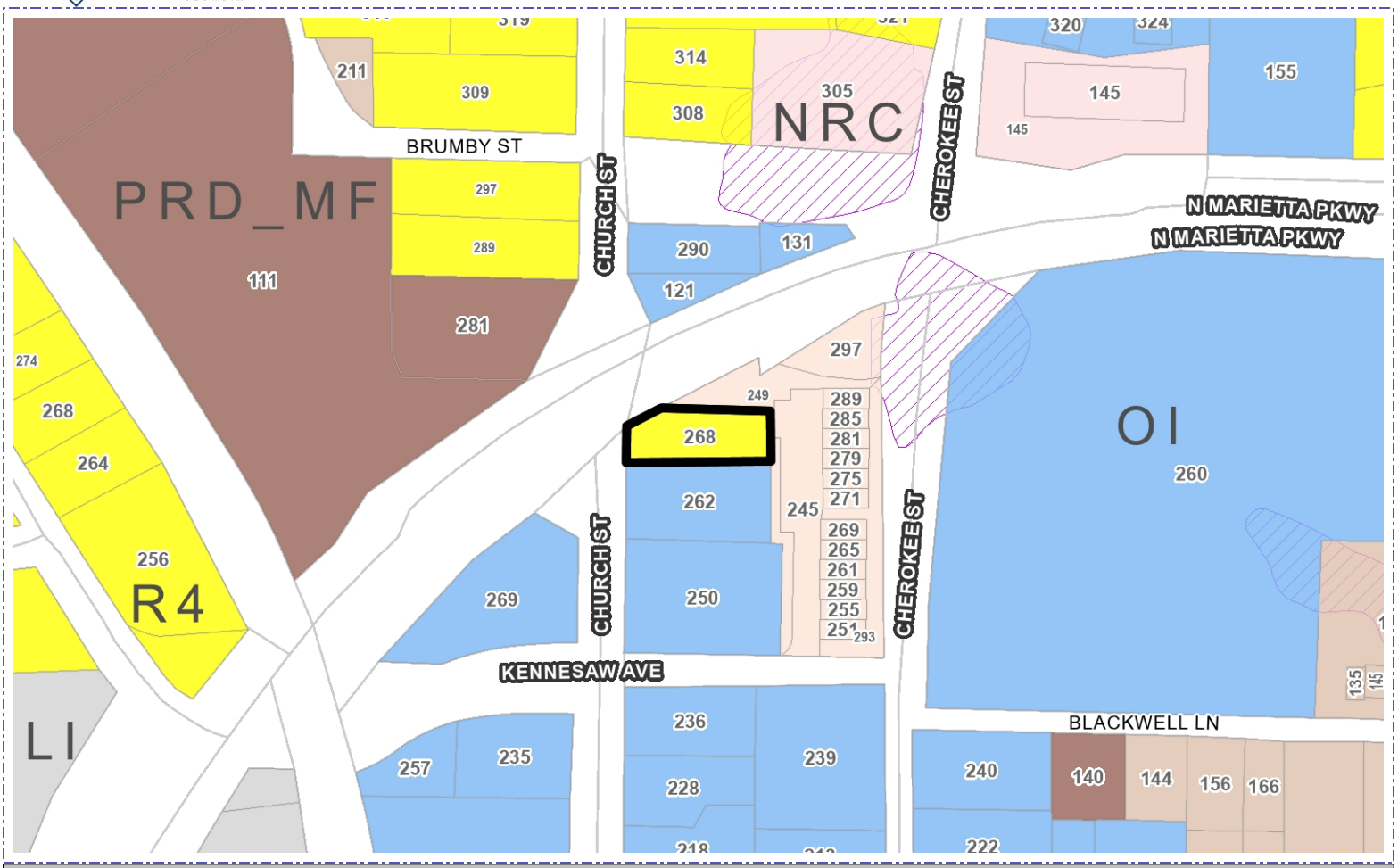
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



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

Property Owner: Michael Langston

Applicant:

Proposed Zoning: R4 to OIT

Agent: Morris, Manning & Martin, LLP

Proposed Use:

Planning Commission Date: 05/05/2020

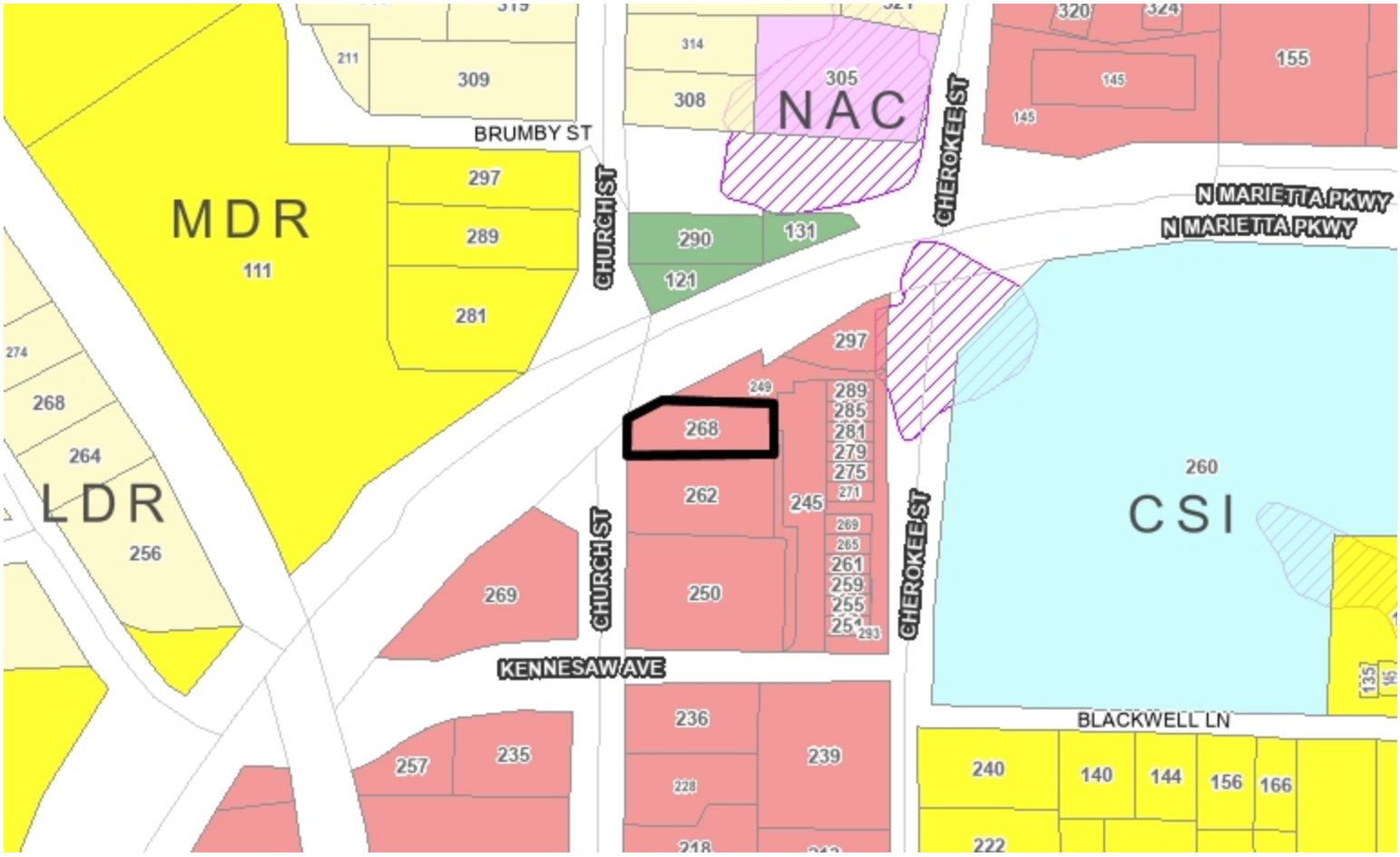
City Council Hearing Date: 05/13/2020 Case Number: Z2020-17

City of Marietta Planning & Zoning

Zoning Symbols

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

Future Land Use



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

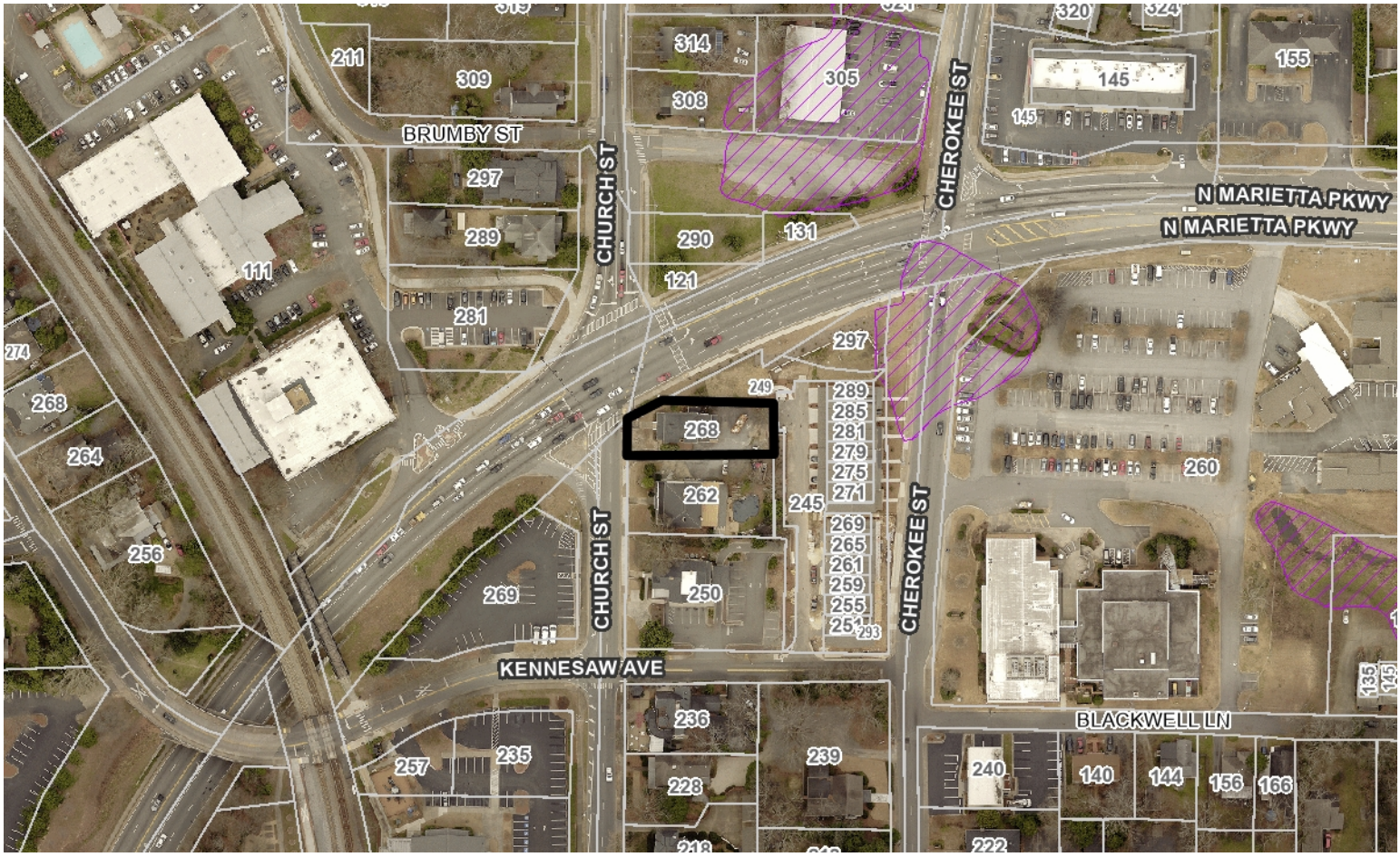
Planning Commission Hearing Date:	05/05/2020
City Council Hearing Date:	05/13/2020
Future Land Use:	CAC
Case Number:	
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

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

Aerial Map



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

Property Owner: Michael Langston

Applicant:

City Council Hearing Date: 05/13/2020

Planning Commission Hearing Date: 05/05/2020

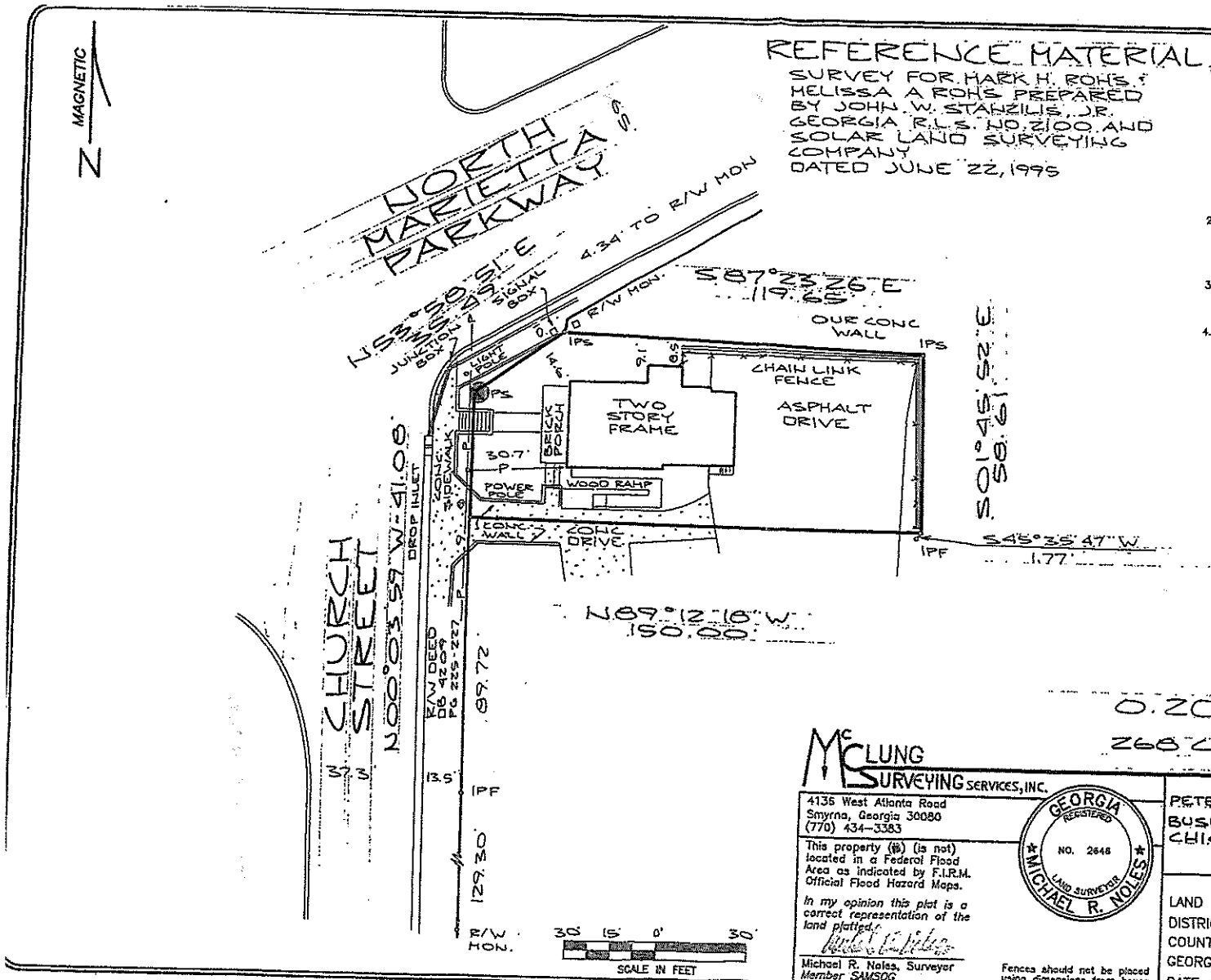
BZA Hearing Date: Case Number: Z2020-17

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets



SURVEY NOTES

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

   THROUGH OUT GEORGIA 1-800-282-7411

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

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

4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 150,000+ FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.

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

LEGEND

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

0.201 ACRES

268 CHURCH STREET

McCLUNG SURVEYING SERVICES, INC.

4135 West Atlanta Road
Smyrna, Georgia 30080
(770) 434-3383

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

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

Michael R. Noles, Surveyor
Member SAMSOG

GEORGIA REGISTERED NO. 2648 MICHAEL R. NOLES LAND SURVEYOR

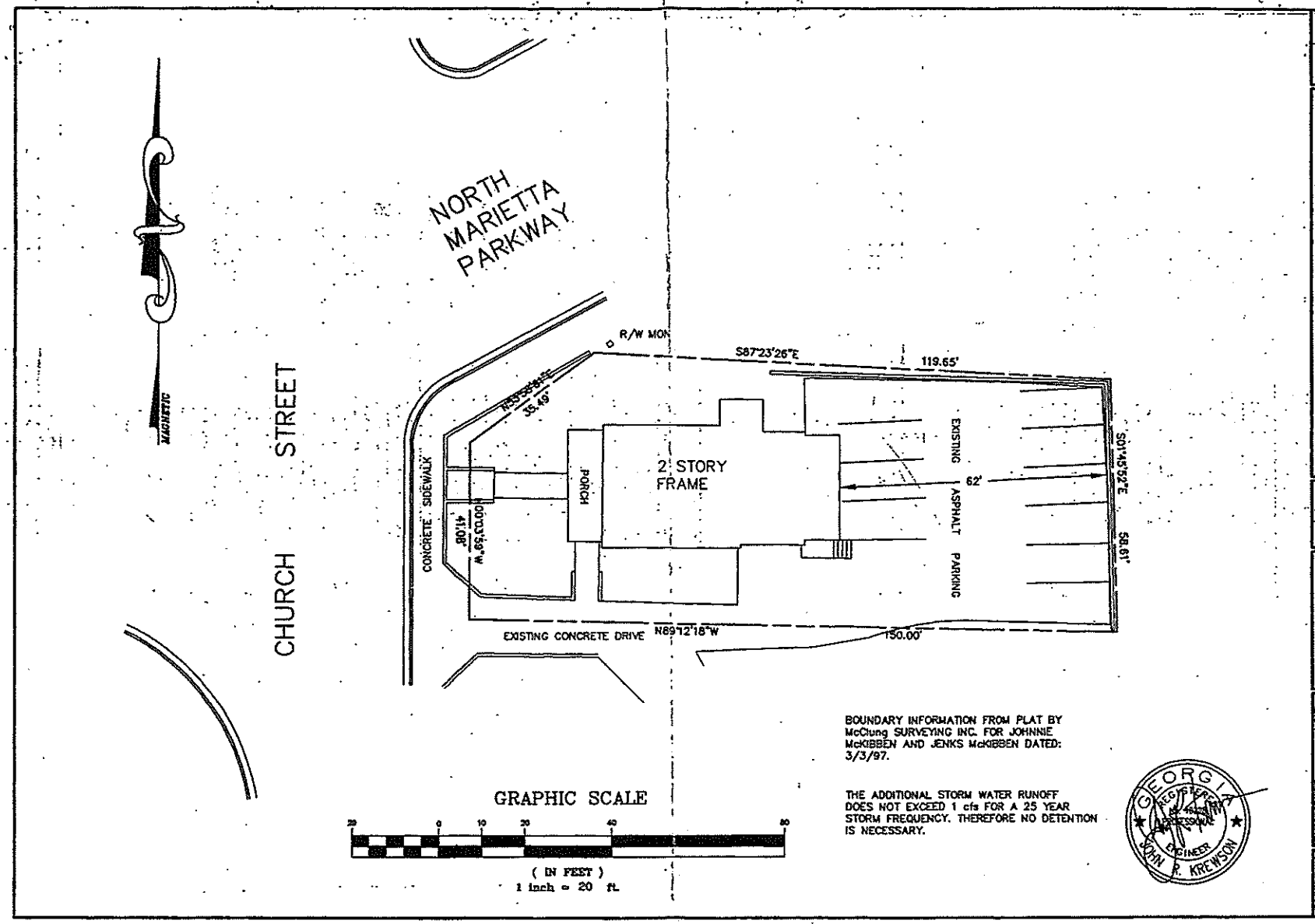
Fences should not be placed using dimensions from house.

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

LAND LOT 1159
DISTRICT 16TH SECTION 2ND
COUNTY COBB DB 9240 PG 325
GEORGIA

PB	PG
DB	PG

DATE: 8-6-02 SCALE: 1"=30' H.L.



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

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

SITE PLAN FOR
PETERSEN'S FLORIST AND GIFTS

SHEET NO.
1

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-18 **LEGISTAR: 20200296**

LANDOWNERS: **North Marietta Parkway LLC**
Emmett Burton
2080 Blaylock Drive
Marietta, GA 30062

APPLICANT: **N/A**

AGENT: **N/A**

PROPERTY ADDRESS: **708, 732, 734, 750, 770, 780, and 790 North Marietta Pkwy**

PARCEL DESCRIPTION: 16114200230, 16114200090, 16114200100, 16114100030, 16114100040, 16114100680, 6114100100, & 16114100790

AREA: ~2.5 acres **COUNCIL WARD: 5B**

EXISTING ZONING: **OI (Office Institutional), R-4 (Single Family Residential Detached – 4 units/acre), and CRC (Community Retail Commercial)**

REQUEST: **CRC (Community Retail Commercial)**

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

REASON FOR REQUEST: The applicant is requesting the rezoning of the subject properties from R-4, OI, and CRC to CRC in order to develop the site for commercial use.

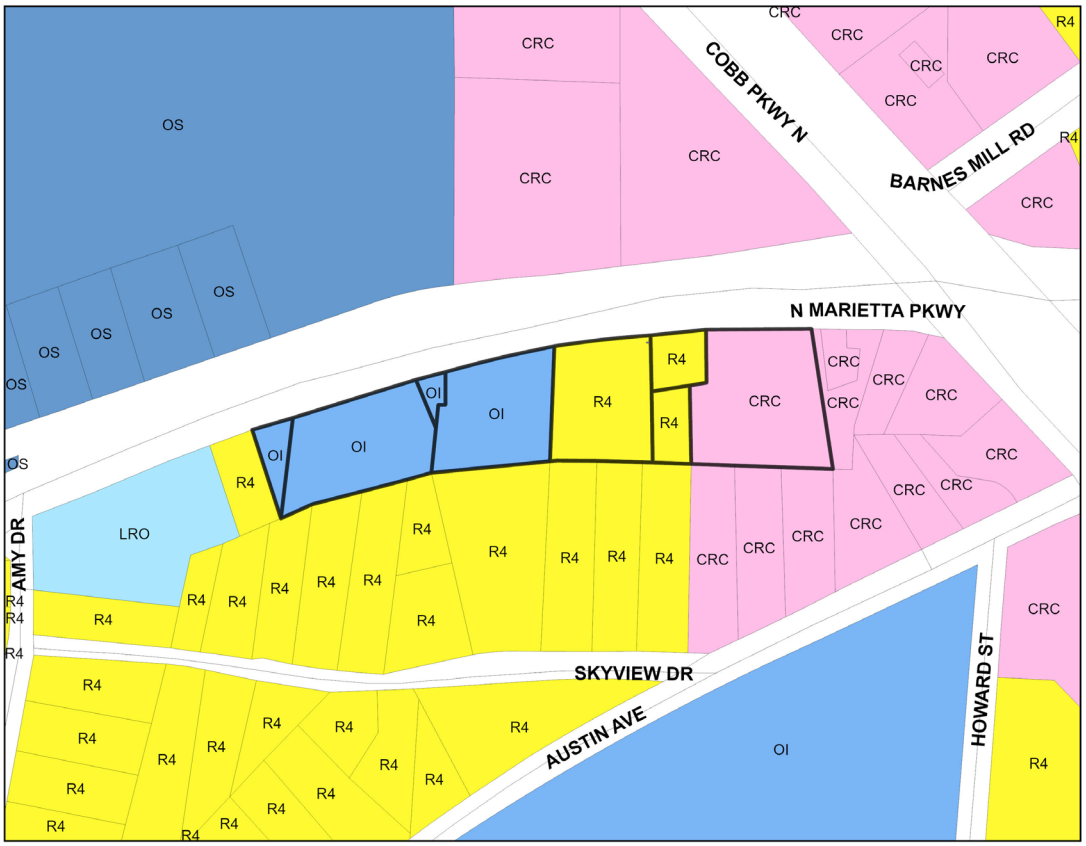
PLANNING COMMISSION HEARING: Tuesday, May 5, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, May 13, 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*
16	11420	0230	OI	CRC
	11420	0900	OI	
	11420	0100	OI	
	11410	0030	OI	
	11410	0040	R-4	
	11410	0680	R-4	
	11410	0100	R-4	
	11410	0790	R-4	
			CRC	

Comments:
708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway

Date: **3/2/2020**

Planning & Zoning Division

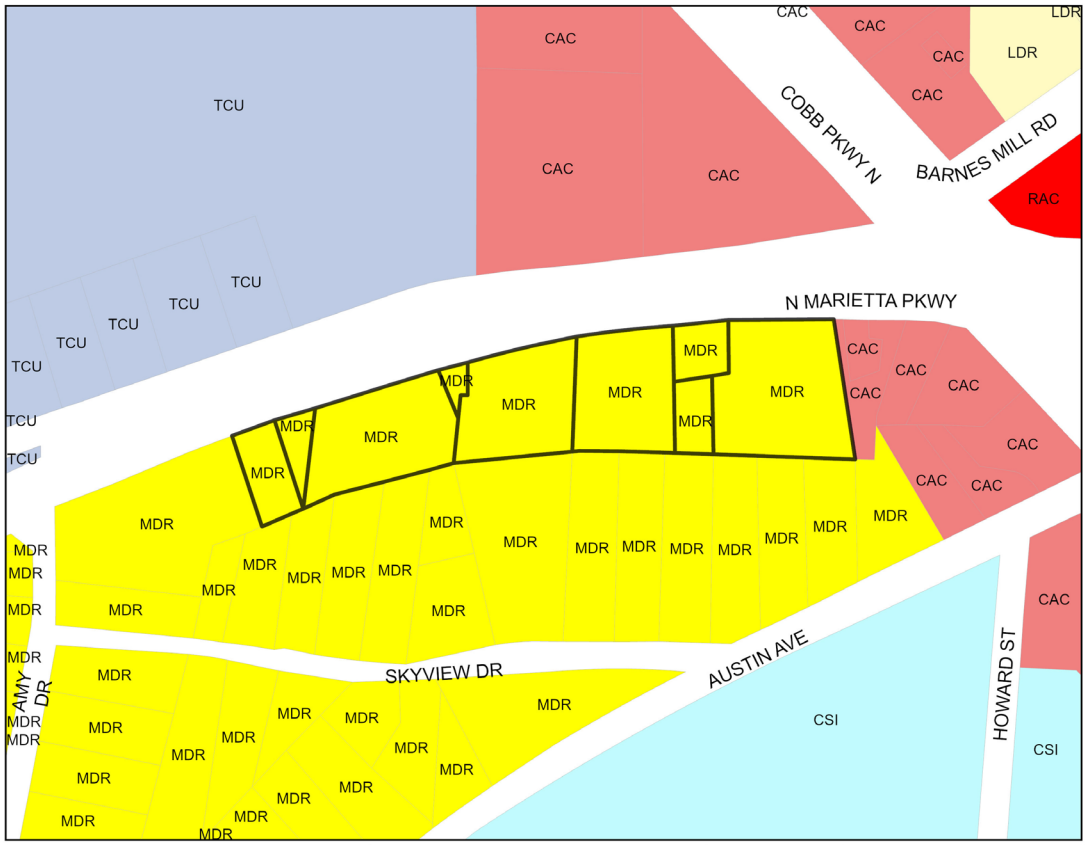
N W E S
1:2,228

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
16	11420	0230	MDR	n/a
	11420	0900		
	11420	0100		
	11410	0030		
	11410	0040		
	11410	0680		
	11410	0100		
	11410	0790		

Comments:
708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway

Date: **1/9/2020**

Planning & Zoning Division

N
W E
S
1:2,228

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

PICTURES OF PROPERTY

Subject properties along North Marietta Parkway

Subject properties along North Marietta Parkway

Subject properties along North Marietta Parkway

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

STAFF ANALYSIS

Location Compatibility

North Marietta Parkway LLC is requesting the rezoning of seven parcels (708, 732, 734, 750, 770, 780, and 790 North Marietta Pkwy), totaling 2.5 acres, for potential commercial development. Currently, the assemblage of properties is undeveloped and has three different zoning classifications: R-4 (Single Family Residential – 4 units/acre), OI (Office Institutional), and CRC (Community Retail Commercial). Single family homes lie to the east, west, and south of the subject properties and are zoned R-4, while property to the north, across North Marietta Parkway, is zoned OS (Office Services).

Use Potential and Impacts

The applicant is requesting this rezoning in order to split the subject property into two, commercially viable parcels. Though a site plan has been provided, it should be noted that the applicant is only requesting the rezoning to consolidate the parcels into two separate lots with a commercial zoning designation. Prior to development, plans must be submitted that adhere to City Ordinances, except for any variances granted, before any construction is permitted.

There are several concerns about the development of this parcel, as most of the adjacent lots are zoned and used residentially. Further, the site is very shallow, and the provision of required buffers, building setbacks, and a planted border along the street would not be possible while still maintaining sufficient area to build on the site.

Because the property is adjacent to single family homes on the west and south sides, the Zoning Ordinance requires the property to have a 40-foot buffer to screen views and abate noise. The conceptual site plan suggests a reduction in the required buffer to ten (10) feet to accommodate parking areas and buildings. The property is also shown to have a retaining wall that is ten (10) feet from each property line. If planted at the top of the wall, trees, which are crucial components of an effective buffer, would have the potential to structurally compromise a modular block retaining wall. Public Works has also stated that the walls "*will require off site easements for retaining wall tie-backs, or a reduced footprint to lessen wall heights.*" Per the submitted plan, the applicant is requesting the following variance:

- Variance to reduce the required buffer for commercial properties abutting residential districts from 40 feet to 10 feet [*§708.16 (I)*]

The Zoning Ordinance requires that setbacks be applied in addition to, not overlapping, any required buffers. To make the submitted conceptual plan feasible, the following setback variances would be necessary:

- Variance to reduce the front setback from 40 feet to 5 feet. [*§708.16 (H)*]
- Variance to reduce the rear setback from 35 feet to 4 feet. [*§708.16 (H)*]

The City's Comprehensive Plan classifies the Future Land Use (FLU) of the subject properties as MDR (Medium-Density Residential). MDR is intended to support medium-density housing with densities ranging from five (5) to eight (8) dwelling units per acre. Medium-density residential districts are relatively compact areas within larger neighborhoods and should be located around/near more-intensively developed areas. Therefore, this request to rezone to CRC is not supported by the City's Comprehensive Plan.

Environmental Impacts

The property is currently vacant so any construction activity will have an environmental impact. However, there is no indication of any streams, wetlands, or endangered species on the property. Any development would substantially increase the amount of impervious surface and stormwater runoff; adherence to stormwater management regulations would be verified during the site development process. The maximum impervious surface for CRC zoning is 80%.

There is a substantial grade change across the property that may require considerable grading to level the site. A structural engineer will be required to design retaining walls. There is also concern about the presence of rock and potential need to blasting for excavation purposes, which may impact the adjacent properties. If necessary, blasting permits are issued by the Marietta Fire Department.

Another requirement for commercial districts is a landscape strip/border area to create tree-lined roadways that improve the quality of the built environment for pedestrians and motorists. North Marietta Parkway is a public roadway and would require a minimum ten (10) foot planted strip/border area with one, 3-inch caliper tree planted (on average) every thirty (30) lineal feet. This conceptual plan shows the ten (10) foot border being reduced to five (5) feet, which would require the following:

- Variance to reduce the landscape strip/border area from 10 feet to 5 feet along North Marietta Parkway. [*§712.08 (G.2.a)*]

Otherwise, the development would be expected to comply with all provisions of the Tree Protection and Landscaping Ordinance.

Economic Functionality

The subject properties have never been developed. The properties at 708, 734 780, and a portion 790 North Marietta Parkway are not functional as currently zoned because they do not meet the minimum lot size and width requirements. However, these substandard lots could be joined with adjacent parcels that have the same zoning classification to become developable lots under their current zoning classification.

Infrastructure

Per Section 716.02 (C), all entrances or exits of any street or drive, public or private, from or to any state highway must be approved by the state highway department prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive. A transportation project was recently completed that added a right turn lane and retaining wall to the east-bound side of North Marietta Parkway. The Marietta Public Works Department has identified the following issues regarding the proposed request:

- *Need to demonstrate the western curb cut will meet left turn requirements or show as right-in right-out*
- *The eastern curb cut needs to be shown as right-in/right-out*
- *Need a line of sight analysis to show that both entrances can make the movements especially given the vegetation to the west and wall on the east.*
- *Cutting the wall will need a structural engineer review and submittal*
- *This recent roadway project was in conjunction with Cobb County Transportation and was accepted in February of this year with a one-year warranty; any disturbed areas will be the responsibility of the commercial developers to redress in the future*.

Marietta Fire has stated that a 35' radius will be required on all turns should the conceptual site plan be submitted in the future.

The property has access to existing water and sewer mains running along North Marietta Parkway.

Overhead Electrical/Utilities

There are existing overhead power poles along N Marietta Parkway on the opposite side of the subject properties. All structures must be at least ten (10) feet away from the power lines. If the power poles or utility lines are affected by the development, they must be relocated underground at the developer's expense. This would minimize potential conflicts with street trees.

History of Property

There is no history of any rezonings, variances or special land use permits on the properties.

Other Issues

If the rezoning is approved, an exemption plat to reconfigure the property lines into two separate lots would be required. Exemption plats are evaluated and approved administratively through City staff.

Marietta GEORGIA

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

ANALYSIS & CONCLUSION

North Marietta Parkway LLC is requesting the rezoning of 2.5 acres along North Marietta Pkwy to CRC. Currently, the seven parcels are undeveloped and zoned R-4, OI, and CRC. Single family homes lie to the east, west, and south of the subject properties and are zoned R-4, while property to the north, across North Marietta Parkway, is zoned OS.

The applicant is requesting this rezoning in order to split the subject property into two, commercially viable parcels. Though a site plan has been provided, it should be noted that the applicant is only requesting the rezoning to consolidate the parcels into two separate lots with a commercial zoning designation. Prior to development, plans must be submitted that adhere to City Ordinances, except for any variances granted, before any construction is permitted.

There are several concerns about the development of this parcel, as most of the adjacent lots are zoned and used residentially. Further, the site is very shallow, and the provision of required buffers, building setbacks, and a planted border along the street would not be possible while still maintaining sufficient area to build on the site.

All vehicular access will be from the North Marietta Parkway, which is a state route, and will be subject to approval by the Georgia Department of Transportation. In addition, the site has extreme topographical changes that will make leveling the site a challenge.

To make the submitted plan feasible, the following variances would be necessary:

1. Variance to reduce the required buffer for commercial properties abutting residential districts from 40 feet to 10 feet [*§708.16 (I)*]
2. Variance to reduce the landscape strip/border area from 10 feet to 5 feet along North Marietta Parkway. [*§712.08 (G.2.a)*]
3. Variance to reduce the front setback from 40 feet to 5 feet [*§708.16 (H)*]
4. Variance to reduce the rear setback from 35 feet to 4 feet [*§708.16 (H)*]

The City's Comprehensive Plan classifies the Future Land Use of the subject properties as MDR (Medium-Density Residential). MDR is intended to support medium-density housing with densities ranging from five (5) to eight (8) dwelling units per acre. Therefore, this request to rezone to CRC is not supported by the City's Comprehensive Plan.

Prepared by: J. Ostendw

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? _____

If not, how far is the closest water line? _____

Size of the water line? _____

Capacity of the water line? _____

Approximate water usage by proposed use? _____

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property? _____

If not, how far is the closest sewer line? _____

Size of the sewer line? _____

Capacity of the sewer line? A.D.F _____
Peak _____

Estimated waste generated by proposed development? _____

Treatment Plant Name? _____

Treatment Plant Capacity? _____

Future Plant Availability? _____

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?	Ward 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?	Yes
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

- Full site development plans required
- GA DOT approval required for curb cut on S.R. 120
- Zoning exhibit as drawn will require off site easements for retaining wall tiebacks, or a reduced footprint to lessen wall heights
- Retaining walls will require separate permit sealed by structural/geotechnical engineer
- Existing material will be rippable rock and/or blasting required for excavation (adjoined by residential zoning to the rear)
- Storm Water Management will be required and is not allocated for in zoning exhibit

TRANSPORTATION

What is the road affected by the proposed change?	North Marietta Pkwy
What is the classification of the road?	Arterial
What is the traffic count for the road?	20,000 (GDOT 2018)
Estimated # of trips generated by the proposed development?	Information not provided
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	Yes
If yes, what are they?	NMP & 41 – complete but in 1-year warranty

- Need to demonstrate the western curb cut will meet left turn requirements or show as right-in right-out
- The eastern curb cut needs to be shown as right-in/right-out
- Need a line of sight analysis to show that both entrances can make the movements especially given the vegetation to the west and wall on the east.
- Cutting the wall will need a structural engineer review and submittal
- This is a state route and will require GDOT approval for curb cuts
- The roadway project in this location was accepted in February of 2020 with a 1-year warranty. Any disturbed areas will be the responsibility of the commercial developer to redress.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	52
Distance of the nearest station?	1.2 miles
Most likely station for 1st response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	Under

Comments:

- All new commercial buildings will be required to be protected throughout with an approved automatic fire sprinkler system.
- Minimum 35' radius on all turns.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x_____ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

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Marietta GEORGIA

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

APPLICATION FOR REZONING

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

For Office Use Only:
Application #: Z 2020-18 **Legistar #:** 20200296 **PZ #:** 20-107
Planning Commission Hearing: 5-5-20 **City Council Hearing:** 5-13-20

Owner's Name North Marietta Parkway LLC

EMAIL Address: dhagerman@letelmetrics.com Duane Hagerman

Mailing Address Marietta, GA Zip Code: 30062 Telephone Number 404.748.0123

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property to be rezoned: 708, 732, 734, 750, 770, 780, & 790 N Marietta Pkwy

Land Lot (s) 1141 & 1142 District 16th Parcel _____ Acreage 1.79 AC. Ward 5B Future Land Use: MDR

Present Zoning Classification: OI & R-4, CRC Proposed Zoning Classification: CRC

16114200230, 16114200090, 16114200100, 16114100030, 16114100040, 16114100680, & 16114100100

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.

North Parkway LLC
Signature of Owner

Emmett Burton
Signature of Applicant

North Parkway LLC
Print Name

Emmett Burton
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.

Emmett Burton
Print Name

Emmett Burton
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.

Emmett Burton
Signature

Emmett Burton
Please Print

2080 Blaylock Dr, Marietta GA 30062
Address

3-23-20
Date

Signed, sealed and delivered in the presence of:

My Commission Expires: 11/14/2020

JENNIFER S. OWENS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
NOVEMBER 14, 2020
COBB COUNTY, GEORGIA

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

LETBJ metrics

Please note that this zoning is being filed as a part of a settlement of an imminent domain lawsuit presented before Senior Judge James Bodiford. The purpose of this plan is to identify two (2) commercial access points to address the assemblage of 6 lots into 2 separate lots. In the existing situation, these lots are presently landlocked by virtue of the City's exercise of imminent domain. This is simply a base plan to allow commercial zoning but a future user will be required to bring a plan back through for final approval.

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, CODE AMENDMENTS, and SPECIAL LAND USE PERMITS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, May 5th, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, May 13th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC is requesting the rezoning of approximately 2.5 acres located in Land Lots 1141 & 1142, District 16, Parcels 0230, 0900, 0100, 0030, 0040, 0680, 0100, & 0790, 2nd Section, Marietta, Cobb County, Georgia, and being known as 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential – 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 5B.

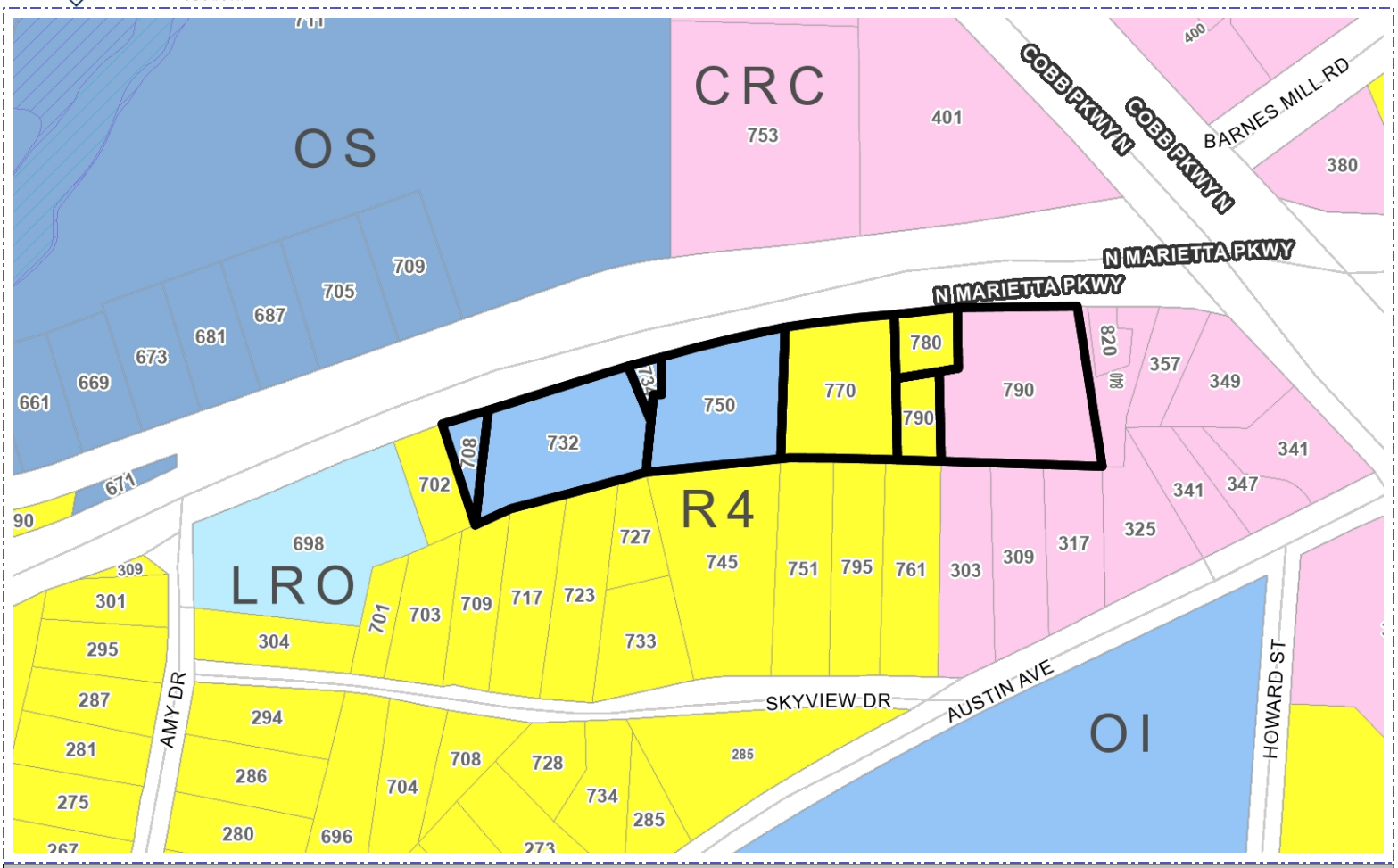
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	*Parcel Number*	*Acreage*	*Ward*	*Zoning*	*FLU*
708 N MARIETTA PKWY	16114200230	0.085	5B	OI	MDR
790 N MARIETTA PKWY	16114100100	0.124	5B	R4	MDR
734 N MARIETTA PKWY	16114200100	0.037	5B	OI	MDR
732 N MARIETTA PKWY	16114200090	0.584	5B	OI	MDR
750 N MARIETTA PKWY	16114100030	0.526	5B	OI	MDR
770 N MARIETTA PKWY	16114100040	0.519	5B	R4	MDR
780 N MARIETTA PKWY	16114100680	0.13	5B	R4	MDR
790 N MARIETTA PKWY	16114100790	0.741	5B	CRC	MDR

Property Owner: North Marietta Parkway, LLC

Applicant:

Proposed Zoning: OI, R4, CRC to CRC

Agent:

Proposed Use:

Planning Commission Date: 05/05/2020

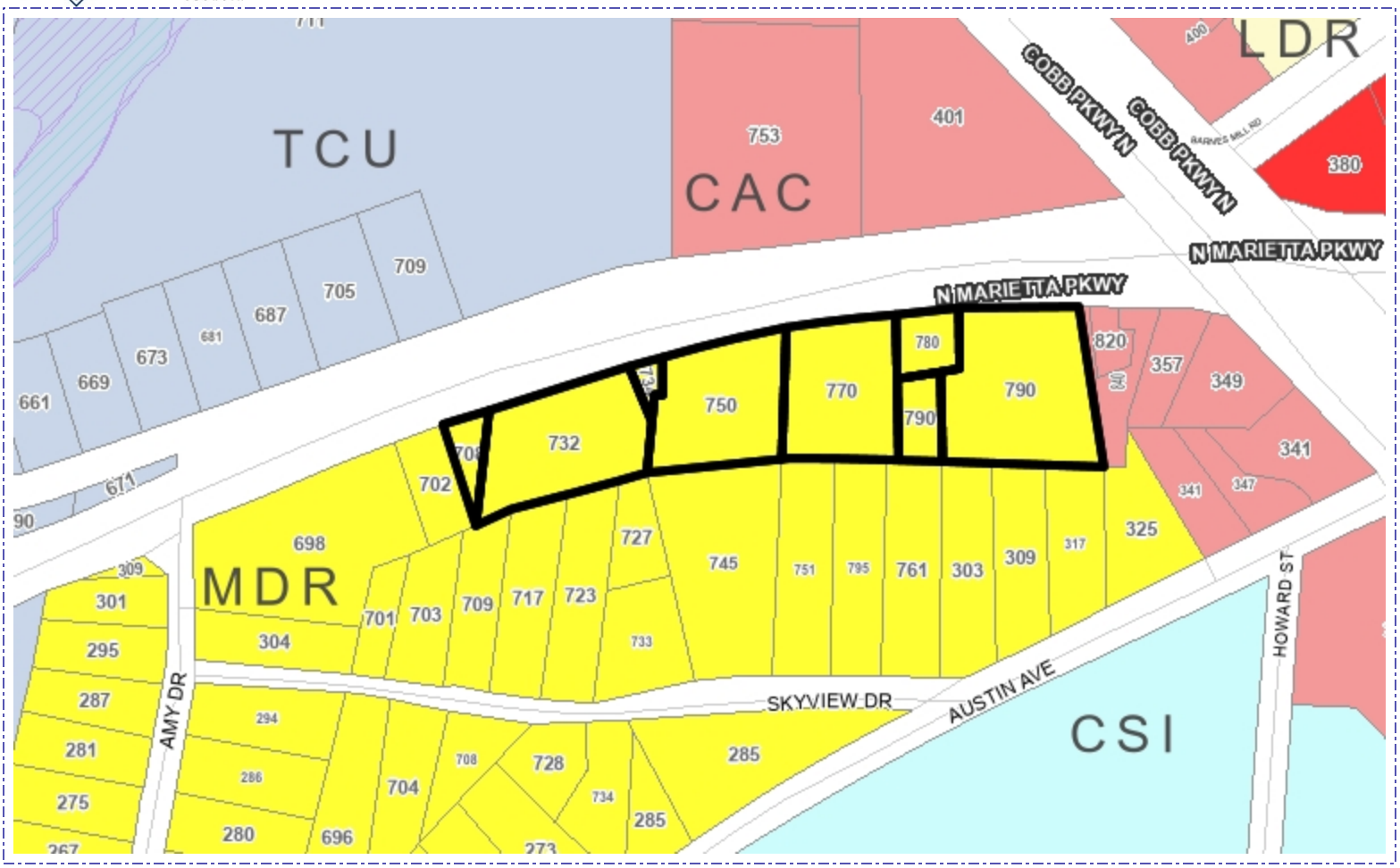
City Council Hearing Date: 05/13/2020 Case Number: Z2020-18

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



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790 N MARIETTA PKWY	16114100790	0.741	5B	CRC	MDR

Planning Commission Hearing Date: 05/05/2020

City Council Hearing Date: 05/13/2020

Future Land Use: MDR

Case Number:

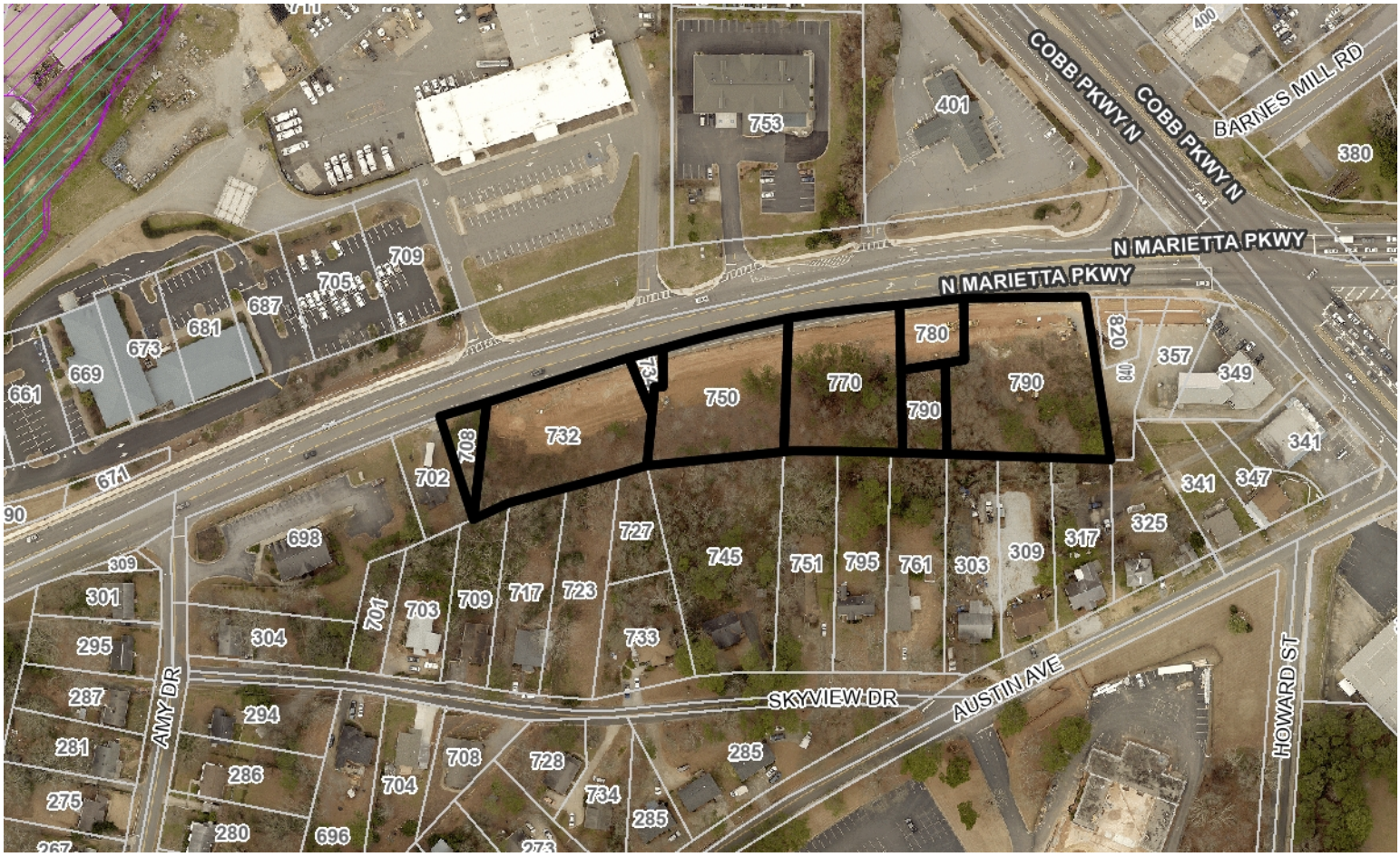
Comments:

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



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790 N MARIETTA PKWY	16114100790	0.741	5B	CRC	MDR

Property Owner: North Marietta Parkway, LLC

Applicant:

City Council Hearing Date: 05/13/2020

Planning Commission Hearing Date: 05/05/2020

BZA Hearing Date: Case Number: Z2020-18

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

PLAT REFERENCES:
1) PLAT ENTITLED "SURVEY FOR JUNIE BRACKETT", BY DAVID W. SHIRLEY, RLS #2670, DATED 07/31/97.
2) PLAT ENTITLED "BOUNDARY & TOPOGRAPHIC SURVEY FOR COLONIAL ACQUISITIONS ASSOCIATES, INC.", BY MACK R. PRICE, RLS, DATED 3/26/87.
3) SURVEY PREPARED FOR "OAKTREE CORPORATION, D/B/A HORSETOWN", BY MIKE T. HOSCH, RLS #2610, DATED 10/07/94.
4) PLAT BOOK 8, PAGE 185, COBB COUNTY RECORDS.
5) PLAT BOOK 9, PAGE 76, COBB COUNTY RECORDS.
6) PLAT BOOK 16, PAGE 76, COBB COUNTY RECORDS.

DEED REFERENCES:
1) DEED BOOK 12225, PAGE 140, COBB COUNTY RECORDS.
2) DEED BOOK 6282, PAGE 237, COBB COUNTY RECORDS.
3) DEED BOOK 6282, PAGE 252, COBB COUNTY RECORDS.
4) DEED BOOK 6282, PAGE 256, COBB COUNTY RECORDS.
5) DEED BOOK 2869, PAGE 250, COBB COUNTY RECORDS.
6) DEED BOOK 3533, PAGE 342, COBB COUNTY RECORDS.
7) DEED BOOK 3533, PAGE 343, COBB COUNTY RECORDS.

RIGHT-OF-WAY REFERENCES:
1) GEORGIA D.O.T. PROJECT NO. TSAP-120L (10), DATED 5-04-81.
2) GEORGIA D.O.T. PROJECT NO. 0012607, DATED 5/08/2015.

TOPOGRAPHIC INFORMATION:
COBB COUNTY GIS, RETRIEVED 02-22-17.

LEGEND:

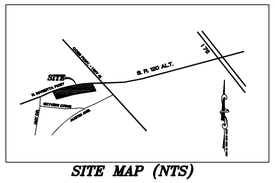
IPS	IRON PIN SET	BSL	BUILDING SETBACK LINE
IPF	IRON PIN FOUND	HC	HANDI-CAP
OT	OPEN TOP PIN		BOLLARD
CT	CRIMP TOP PIN	CMF	CONCRETE MONUMENT FOUND
RB RE-BAR	REINFORCING BAR	—Z——Z—	OVERHEAD UTILITY LINE(S).
CRB	CAPPED RE-BAR	SSMH	SANITARY SEWER MAN HOLE
CL	CENTERLINE	MHT	MAN HOLE TELEPHONE
R/W	RIGHT-OF-WAY	DWCB	CATCH BASIN
LLL	LAND LOT LINE	JB	JUNCTION BOX
L	LINE	DI	DROP INLET
R	RADIUS	HW	HEAD WALL
CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
C	CURVE	CPP	CORRUGATED PLASTIC PIPE
PP	POWER POLE	RCP	REINFORCED CONCRETE PIPE
GV	GAS VALVE	SSE	SANITARY SEWER EASEMENT
GM	GAS METER	FH	FIRE HYDRANT
LP	LAMP POLE	DE	DRAINAGE EASEMENT
—SS——	SANITARY SEWER	WV	WATER VALVE
FC	FENCE CORNER	PIV	POST INDICATOR VALVE
—X——X—	FENCE	WM	WATER METER
AE	ACCESS EASEMENT	CO C/O	SANITARY SEWER CLEANOUT
PROP	PROPOSED	POB	POINT OF BEGINNING
AC	AIR-CONDITIONER	POC	POINT OF COMMENCEMENT
	GA POWER MANHOLE	NTS	NOT TO SCALE
PB	POWER BOX	SWCB	SINGLE WING CATCH BASIN
CATV	CABLE TELEVISION JUNCTION BOX	UE	UTILITY EASEMENT
TB	TELEPHONE JUNCTION BOX	PM	POWER METER
APP	ABANDONED POWER POLE		CLF CHAIN-LINK FENCE
			CTW CROSS-TIE WALL
			HCS HANDI-CAP SIGN

BOUNDARY RETRACEMENT & TOPOGRAPHIC SURVEY FOR:

EMMETT BURTON

708, 732, 734, 750, 770, 780, & 790
NORTH MARIETTA PARKWAY, NE
LAND LOTS 1141 & 1142
16th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA
CITY OF MARIETTA
EXISTING ZONING: R4, CRC, & OI

TOTAL AREA
108,749 SQ. FT.
2.50 ACRES

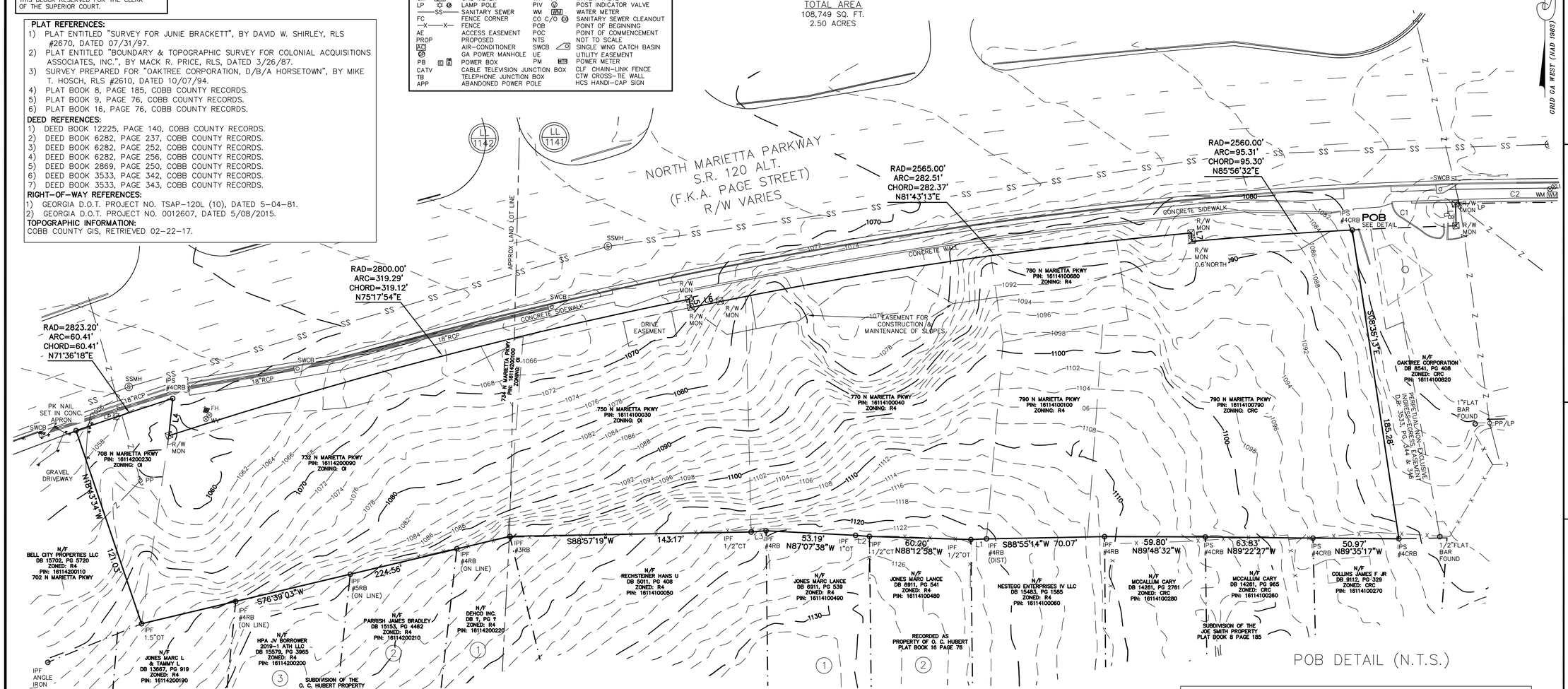


SITE MAP (NTS)

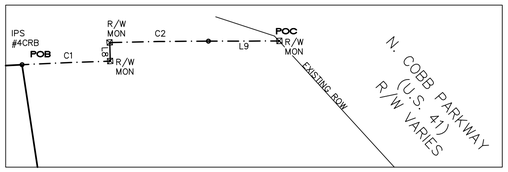
GRID GA WEST (NAD 1983)

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 15,628 FEET, AN ANGULAR ERROR OF 11 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 127,821 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT IS NOT TRANSFERABLE TO ANY OTHER PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC., AND NO PARTS THEREOF MAY BE REPRODUCED OR DISTRIBUTED TO ANY OTHER PERSON WITHOUT WRITTEN PERMISSION. COPYRIGHT ©2020 FRONTLINE SURVEYING AND MAPPING, INC.
*** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***



POB DETAIL (N.T.S.)



LINE TABLE		
LINE	LENGTH	BEARING
L1	9.29	S87°23'20"W
L2	8.27	N85°30'34"W
L3	8.87	S85°32'21"W
L4	22.23	S06°01'21"W
L5	5.00	S11°26'06"E
L6	17.91	N78°33'54"E
L7	5.00	S05°07'28"E
L8	13.00	S01°34'05"E
L9	49.22	S89°55'44"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	61.46'	2560.00'	61.46'	S87°42'04"W
C2	69.15'	2573.00'	69.15'	S89°09'32"W

SURVEY NOTES:

1) HORIZONTAL DATUM IS GEORGIA STATE PLANE WEST ZONE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83)
2) VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
3) ALL DEED BOOK REFERENCES SHOWN HEREON ARE RECORDED IN THE CLERK OF SUPERIOR COURT'S OFFICE OF COBB COUNTY, GEORGIA. SUBJECT AND ADJACENT PROPERTY OWNER'S DEED REFERENCES ACCESSED VIA SUPERIOR COURT RECORD SOURCES AND APPLICABLE MUNICIPALITY GIS REFERENCES AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.
4) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
5) STRUCTURES VISIBLE WITHIN THE SUBJECT PROPERTY BOUNDARIES ON THE DATE OF SURVEY ARE SHOWN HEREON.
6) LOCATIONS ARE ACCURATE ONLY WHERE DIMENSIONED.
7) DISTANCES SHOWN ON THE PLAT ARE HORIZONTAL GROUND DISTANCES.
8) THIS PROPERTY MAY CONTAIN WETLANDS. ALL WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS ARE SUBJECT TO PENALTY OF LAW FOR DISTURBANCE TO THESE PROTECTED AREAS WITHOUT THE PROPER PERMIT APPLICATION AND APPROVAL.
9) THIS PROPERTY IS NOT LOCATED IN SPECIAL FLOOD HAZARD AREA PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP No. 13067C0109H; EFFECTIVE DATE: 11-02-2012.
10) THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.
11) DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEODETIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.
12) INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
13) RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
14) ALL PROPERTY CORNERS FOR LOTS TO BE SET IN FIELD AS 1/2" (#4) REBAR WITH PINK CAPS MARKED "FLS CORNER LSF 631" UNLESS OTHERWISE STATED.
15) THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA) 15-6-67 AS AMENDED BY HB76 (2017), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.
16) BOUNDARY FIELD WORK PERFORMED 03-13-2020 BY FRONTLINE SURVEYING & MAPPING, INC.
TOPOGRAPHIC INFORMATION IS GROUND RUN.
17) EQUIPMENT USED: TOPCON ELECTRONIC TOTAL STATION & TRIMBLE 5800 GPS RECEIVER UTILIZING CHAMPION GPS/eGPS NETWORK.
18) ANGULAR ERROR: 11 SECONDS PER ANGLE.
19) RAW FIELD PRECISION: 1:15,628.
20) ADJUSTED BY LEAST SQUARES.
21) PLAT CLOSURE: 1:127,821.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

SURVEYOR'S CERTIFICATION:

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

GEORGIA REGISTERED No. 2402 PROFESSIONAL LAND SURVEYOR THOMAS EDWARD PEAY, JR.

FOR THE FIRM
FRONTLINE SURVEYING & MAPPING, INC. LSF#000631

By: _____ 03-23-20
Thomas E. Peay, Jr., Registered Ga. Land Surveyor #2402 Date
Frontline Surveying & Mapping, Inc.
3595 Canton Rd.
Suite 116, PMB-272
Marietta, Ga. 30066

3595 Canton Road
Suite 116, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
FRONTLINE SURVEYING & MAPPING, INC.
www.frontlinesurveying.com

DATE 03/13/2020
SCALE 1" = 30'

REVISION	BY:	DATE:
CORRECTED ZONING	TLA	3-06-17

COBB COUNTY, GEORGIA
2nd SECTION
16th DISTRICT
UNIT
BLOCK
PHASE
LAND LOTS 1141 & 1142
LOT
SUBDIVISION
PB PG
DB PG

BOUNDARY RETRACEMENT & TOPOGRAPHIC SURVEY FOR:
EMMETT BURTON

I HAVE THIS DATE EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND THAT BY GRAPHIC PLOTTING ONLY THE REFERENCE PARCEL (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
MAP ID. 13067C109H EFFECTIVE DATE: 11/02/12

GEORGIA REGISTERED No. 2402 PROFESSIONAL LAND SURVEYOR THOMAS EDWARD PEAY, JR. 03-23-20
FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF#000631

JOB # 71045

REF: 60893, 61087

GENERAL SITE NOTES:

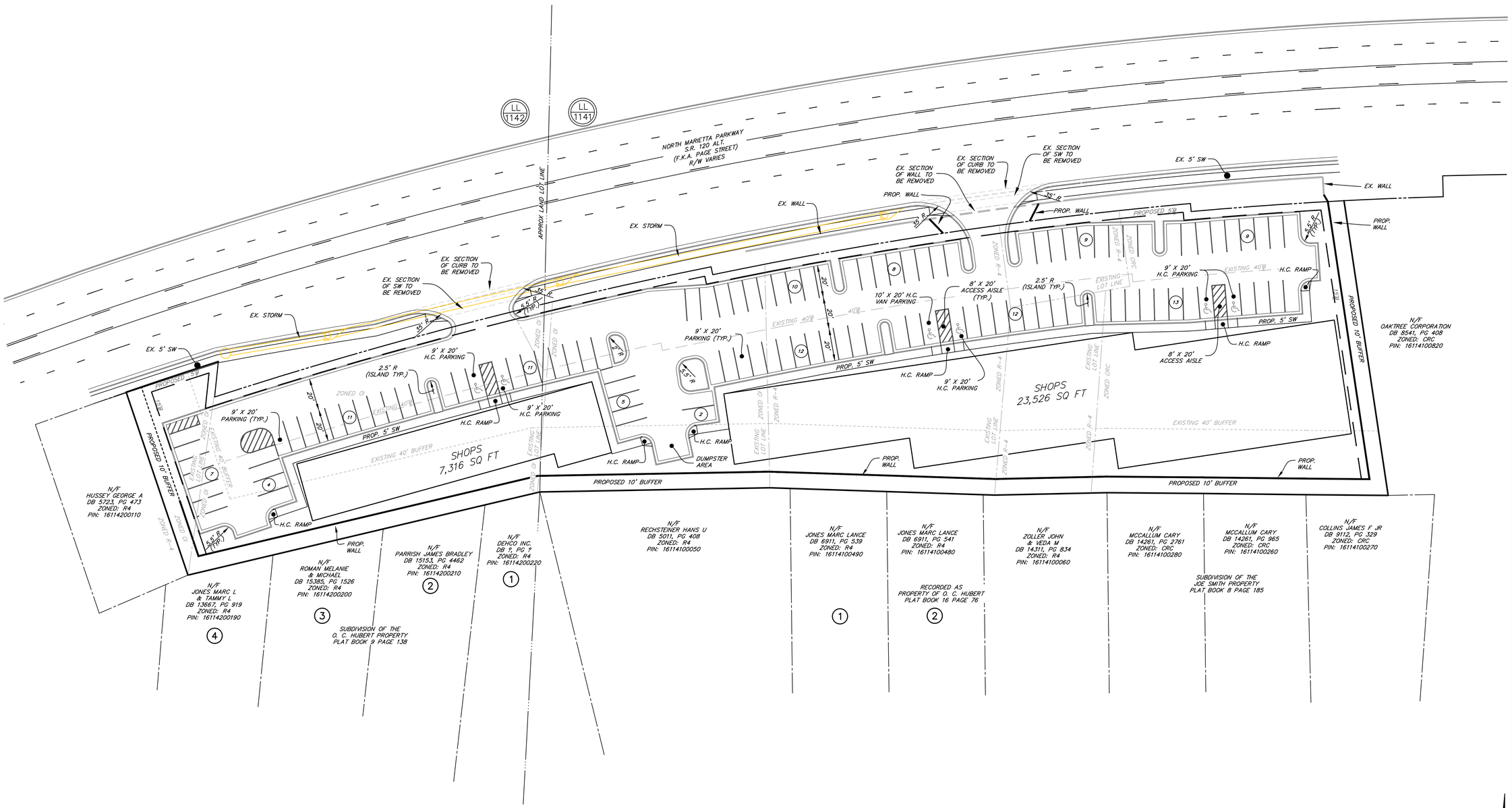
1. TOTAL SITE AREA = 2.49 ACRES
2. OWNER:
   NORTH MARIETTA PARKWAY LLC.
   2080 BLAYLOCK DR.
   MARIETTA GA, 30062
3. 24-HOUR CONTACT:
   EMMETT BURTON
4. 404.748.0123
5. CURRENT ZONING = CRC; R-4; OI
6. PROPOSED ZONING= CRC
7. BUILDING SETBACKS:
   AS SHOWN.

PARKING CALCULATIONS:

1 SPOT REQUIRED PER 275 S.F. OF SHOPPING CENTER AREA.

30,842 S.F./ 275 S.F. = 113 SPOTS REQUIRED

SPOTS PROVIDED = 107 (9' X 20') + 5 (9' X 20' H.C.) + 1 (10' X 20' H.C. VAN) = 113 SPOTS AVAILABLE



LETEJ metrics
PROFESSIONAL SOLUTIONS
LETELMETRICS.COM
2 MOUNTAIN PARK DRIVE
JASPER, GEORGIA 30143

N. MARIETTA PKWY. LLC

ZONING PLAN

LAND LOTS 1141 & 1142, 16TH DISTRICT, 2ND SECTION,
CITY OF MARIETTA, COBB COUNTY, GEORGIA
ZONED CRC

REVISION DESCRIPTION:

DRAWN BY:	DJS
CHECKED BY:	DAH
DATE:	02.26.2020
SHEET TITLE:	ZONING PLAN
SCALE:	1"=30'
SHT. NO	01
REV. NO:	----

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, May 13, 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)

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: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, CODE AMENDMENTS, & 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, May 13th, 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.

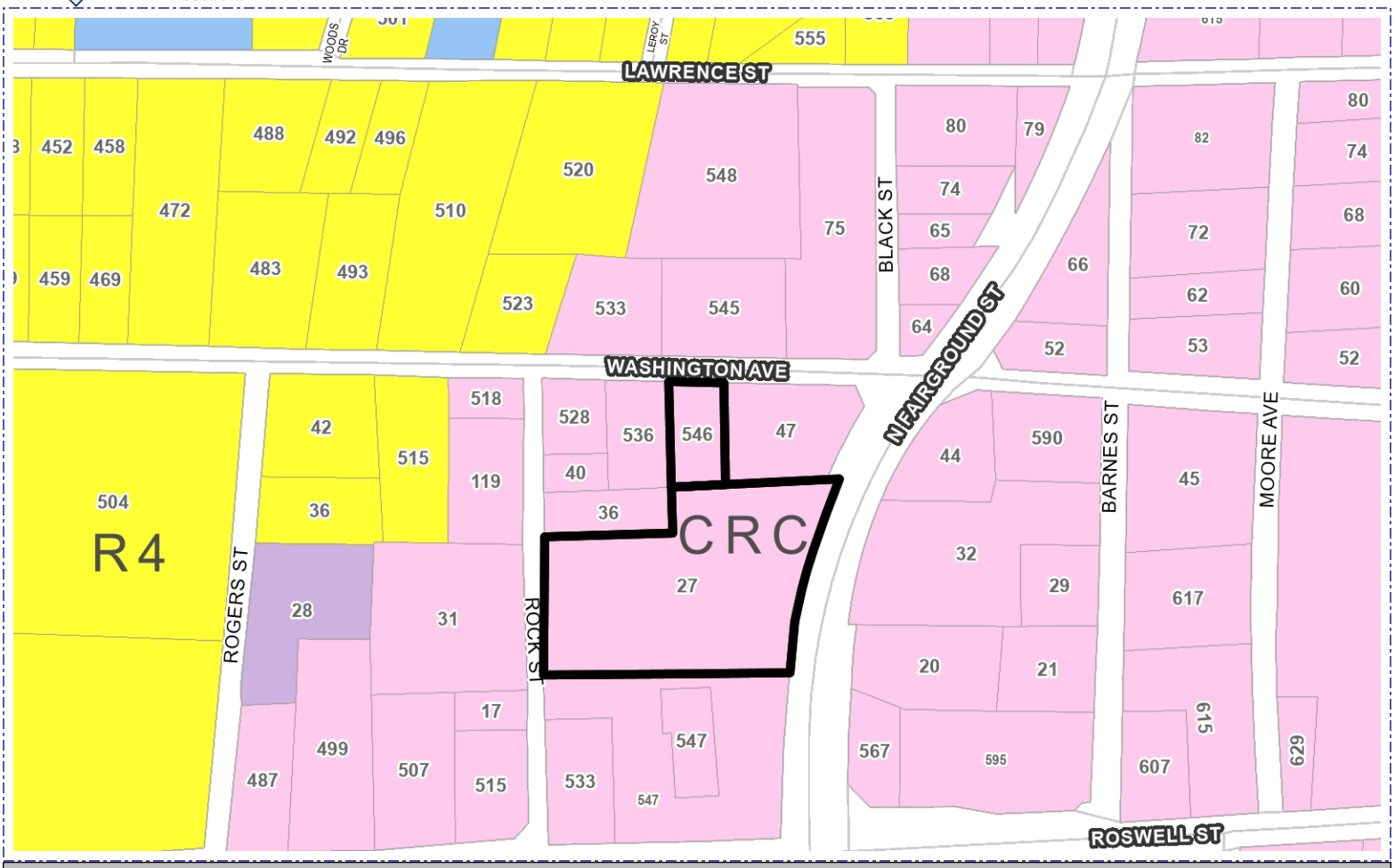
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative 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 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: 05/13/2020

Acquisition Date:

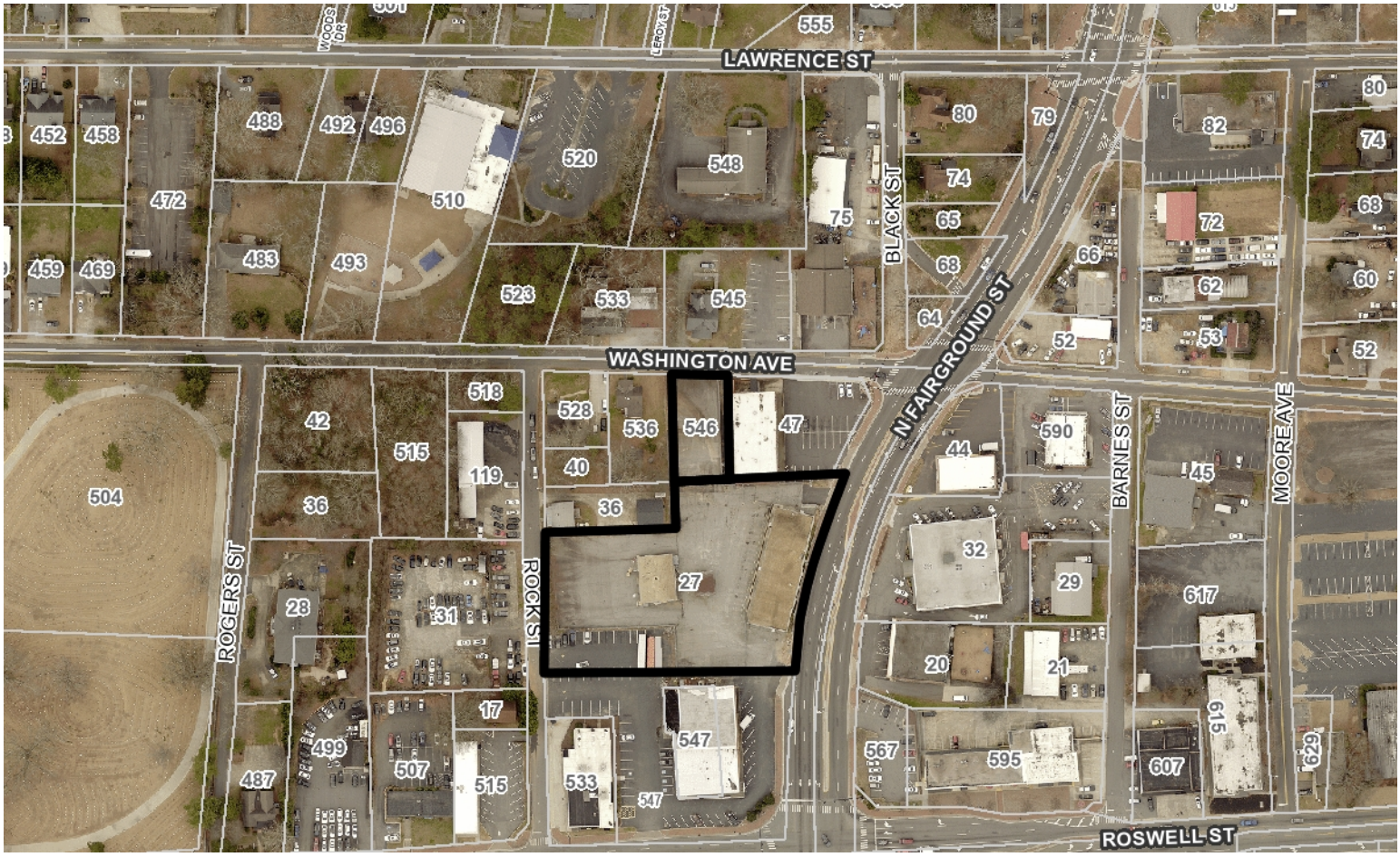
Case Number: V2020-09

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: 05/13/2020

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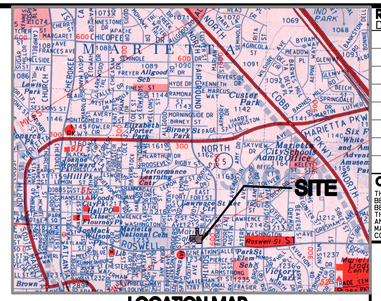
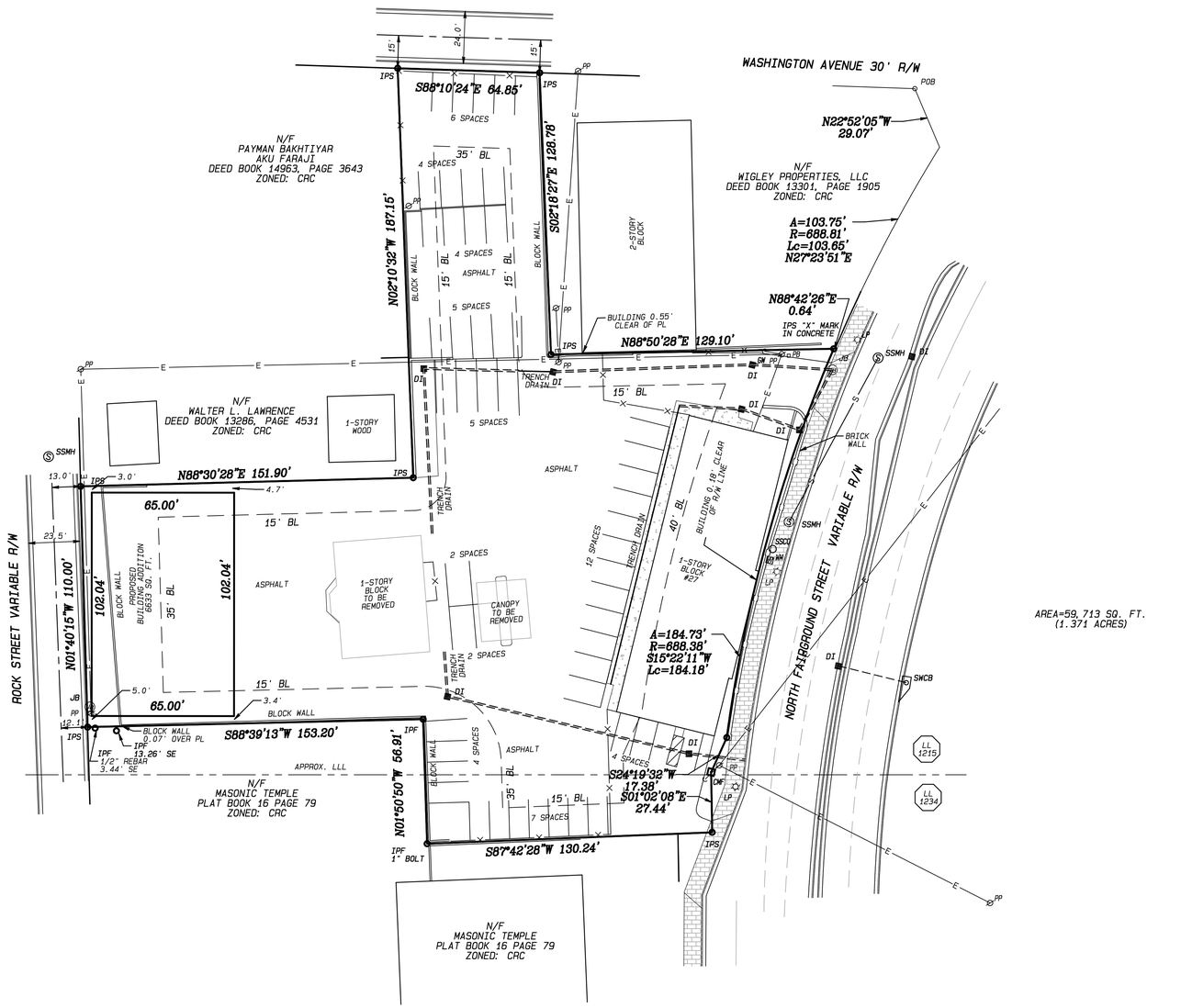
CURRENT ZONING: CRC
SETBACKS:
FRONT (ARTERIAL): 40'
FRONT (LOCAL): 35'
SIDE: 15'
REAR: 35'

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

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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