

1. Agenda

Documents:

[061020RM.PDF](#)

2. Z2020-11 Powder Springs St 888, 898

Documents:

[Z2020-11 POWDER SPRINGS ST 888, 898.PDF](#)

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

Documents:

[Z2020-11 POWDER SPRINGS ST 888, 898-STIP LTR 5.22.20.PDF](#)

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

Documents:

[Z2020-11 POWDER SPRINGS ST 888, 898-STIP LTR-ADDL-5.29.20.PDF](#)

3. Z2020-17 Church St 268

Documents:

[Z2020-17 CHURCH ST 268-CCONLY.PDF](#)

4. Z2020-19 Atlanta St 521

Documents:

[Z2020-19 ATLANTA ST 521.PDF](#)

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

Documents:

[Z2020-19 ATLANTA ST 521-STIP LTR 6.05.20.PDF](#)

5. Z2020-20 Montgomery St 308

Documents:

[Z2020-20 MONTGOMERY ST 308.PDF](#)

6. Z2020-22 Cobb Pkwy 565 S

Documents:

[Z2020-22 COBB PKWY 565 S.PDF](#)

7. Z2020-23 Rose Dr 401

Documents:

[Z2020-23 ROSE DR 401.PDF](#)

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

Documents:

[Z2020-23 ROSE DR 401-STIP LTR 5.29.20.PDF](#)

8. V2020-17 Bells Ferry Rd 1161

Documents:

[V2020-17 BELLS FERRY RD 1161.PDF](#)



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

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

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Wednesday, June 10, 2020

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Reggie Copeland, Ward 5*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

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

### SCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes.**

**20200481**      **Scheduled Appearance**

Scheduled Appearance - Larry Wills

### CONSENT AGENDA:

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

**MINUTES:**

- \*     **20200438**     **Regular Meeting - May 13, 2020**  
  
Review and approval of the May 13, 2020 regular meeting minutes.
  
- \*     **20200439**     **Special Meeting - May 20, 2020**  
  
Review and approval of the May 20, 2020 special meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:**

- \*     **20200405**     **GMA Voting Delegates**  
  
Appointment of Michelle Cooper Kelly as the voting delegate and Joseph R. Goldstein as the alternate voting delegate for the 2020 GMA Business Meeting being held during the virtual GMA Annual Convention.  
  
*Council member Goldstein Abstaining*

**ORDINANCES:**

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

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

*The Planning Commission recommends Approval as Stipulated.*

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

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

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

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

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

**Public Hearing (all parties are sworn in)**

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

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

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

*The Planning Commission recommends approval as Stipulated.*

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

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

*Variances:*

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

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

*Stipulations:*

*The following stipulation is incorporated as conditions of zoning:*

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

*A solid fence, six feet in height, will be constructed across the rear line of the property where it abuts property zoned PRD-SF and a row of evergreen trees, a minimum of eight feet in height at the time of planting will be installed along the interior (268 Church St. side) of the fence along the rear line.*

**Public Hearing (all parties are sworn in)**

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

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

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

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

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

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

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

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

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

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

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

*Public Hearing (all parties are sworn in)*

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

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

*The Planning Commission recommends Approval.*

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

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

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

**Public Hearing (all parties are sworn in)**

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

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

*The Planning Commission recommends Approval.*

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

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

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

**Public Hearing (all parties are sworn in)**

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

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

*The Planning Commission recommends Approval as Stipulated.*

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

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

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

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

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

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

*The Planning Commission recommends Approval as Stipulated.*

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

*Public Hearing (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****\* 20200430 PY19 CDBG Annual Action Plan Amendment**

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

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

*Council member Goldstein abstaining*

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

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

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

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

*Council member Goldstein abstaining*

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

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

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

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

**20200446 FY2021 Tourism Grants**

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

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

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

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

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

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

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

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

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

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

## **5. Personnel/Insurance: Cheryl Richardson, Chairperson**

- \* **20200471**      **GMA District 3 West Officers**

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

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

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

- \* **20200419**      **Updating Personnel Policies**

Motion approving an ordinance amending the City/BLW personnel policies regarding recruitment, selection, and reemployment.

*Included in this Ordinance is the required waiver set forth in 1 4 040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Ordinance at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting.*

## **6. Public Safety Committee: Reggie Copeland, Chairperson**

## **7. Public Works Committee: Grif Chalfant, Chairperson**

- \* **20200410**      **Roselane Street Speed Study**

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

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

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

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

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

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

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

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

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

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

*Council member Goldstein abstaining*

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

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

***First Reading***

- \* **20200412**      **Proposed Wastewater/Sanitary Sewer System Ordinance**
- Motion for the City of Marietta to adopt the addition of a new Ordinance of the Wastewater/Sanitary Sewer System prohibiting decentralized wastewater systems.

*First Reading*

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

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

*First Reading*

**OTHER BUSINESS:**

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

**V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC)** are requesting variances for property located in Land Lot 941, District 16, Parcel 0030, 2nd Section of Cobb County, Marietta, Georgia and being known as 1161 Bells Ferry Road. Ward 4B.

*Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North. [§712.08 (G.2.a.)]*

*Variance to allow more than twelve (12) parking spaces in a row without a planter island. [§712.08 (G.1.a.)]*

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

*Public Hearing (all parties are sworn in)*

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

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

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

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

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

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

**20200504 City Resolution**

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

**20200505 Resolution Supporting HB 426**

Motion to approve a Resolution supporting the HB 426.

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

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

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

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

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

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

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

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**ADJOURNMENT:**



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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2020-11

**LEGISTAR:** 20200143

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

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

**PROPERTY ADDRESS:** 888 & 898 Powder Springs Street

**PARCEL DESCRIPTION:** 17014100200 & 17014000190

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

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

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

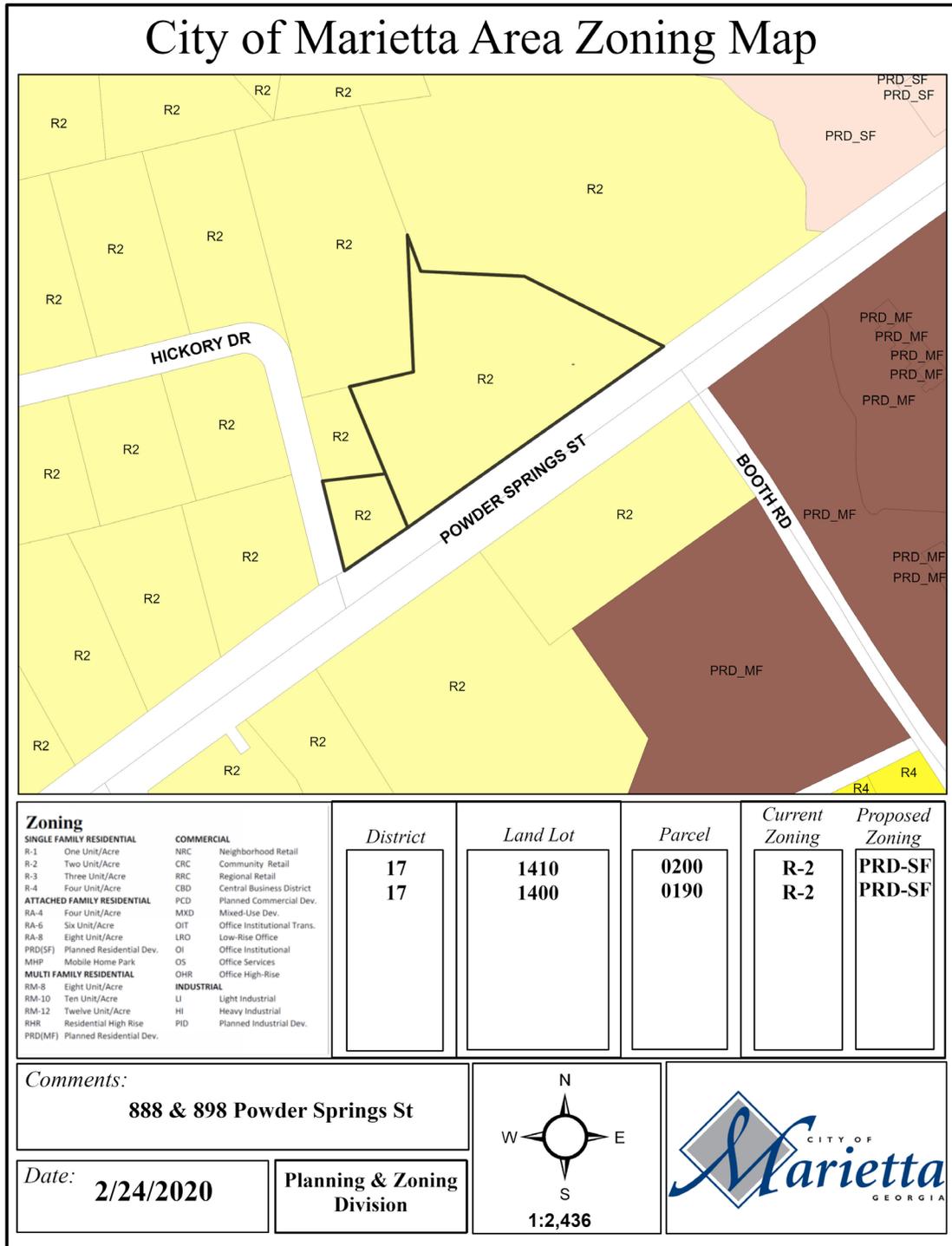
**FUTURE LAND USE:** LDR (Low Density Residential)

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

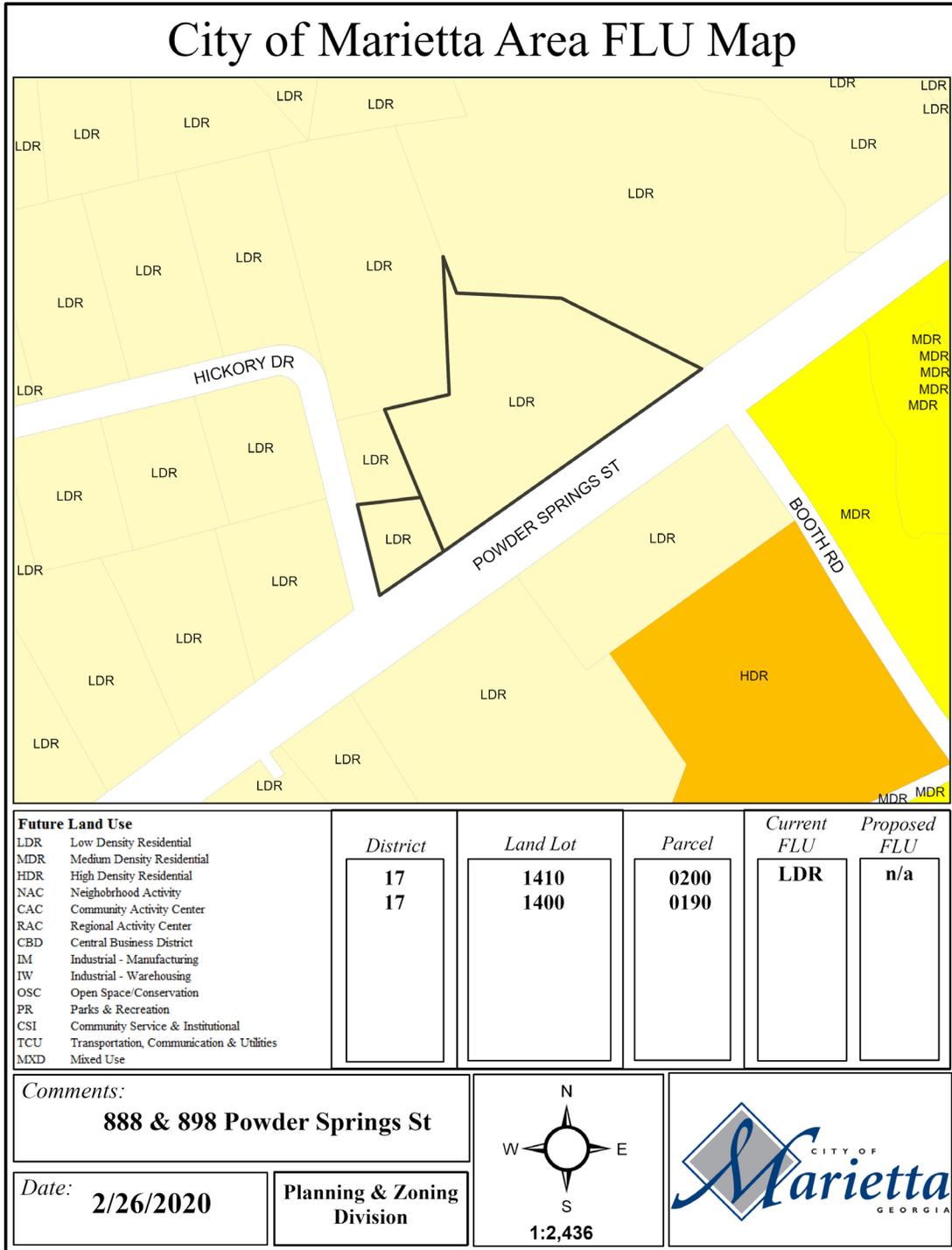
**PLANNING COMMISSION HEARING:** Tuesday, June 2nd, 2020 – 6:00 p.m.

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

**MAP**



## FLU MAP



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**PICTURES OF PROPERTY**



**888 Powder Spring Street**



**898 Powder Springs Street**



**Facing Powder Springs Street from Hickory Drive**



**Facing Hickory Drive from Powder Springs Street**

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## STAFF ANALYSIS

### *Location Compatibility*

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

### *Use Potential and Impacts*

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

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

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

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

### *Environmental Impacts*

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

### *Economic Functionality*

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

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

### *Infrastructure*

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

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

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

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

### *Overhead Electrical/Utilities*

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

### *History of Property*

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

### *Other Issues*

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

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

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

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

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



## ANALYSIS & CONCLUSION

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

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

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

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

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

Prepared by: 

Approved by: 



**DATA APPENDIX**

***CITY OF MARIETTA - WATER***

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

***CITY OF MARIETTA - WASTEWATER***

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



**DATA APPENDIX CONTINUED**

***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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

**Additional Comments:**

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

***TRANSPORTATION***

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



**Additional Comments:**

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

***EMERGENCY SERVICES***

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

**Comments:**

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

***MARIETTA POWER - ELECTRICAL***

---

Does Marietta Power serve this site?      Yes   x                        No           

If not, can this site be served?              Yes                                 No           

What special conditions would be involved in serving this site?

Additional comments:



**DATA APPENDIX CONTINUED**

***MARIETTA CITY SCHOOLS***

**Marietta City Schools Impact Assessment:**

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



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 #: 22020-11 Legistar #: 20200143 PZ #: 20-58  
 Planning Commission Hearing: 4-1-20 City Council Hearing: 4-6-20

Owner's Name Stephen Thompson

EMAIL Address: \_\_\_\_\_

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

COMPLETE ONLY IF APPLICANT IS NOT OWNER:  
 Applicant: Ali Ghadrhan  
 EMAIL Address: alighadrhan@yahoo.com  
 Mailing Address 2075 Fairport way Marietta GA Zip Code: 30062  
 Telephone Number 404-787-9591 Email Address: alighadrhan@yahoo.com

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

Land Lot (s) 140&141 District 17 Parcel 1701-1100200 Acreage 3.15 Ward 2B Future Land Use: Houses

Present Zoning Classification: R-2 <sup>00190</sup> ~~00200~~ Proposed Zoning Classification: PRD-SF *LDR*

**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 1/2" 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.

*Stephen Thompson*  
Signature of Owner

*A. Ghadr*  
Signature of Applicant

Stephen Thompson  
Print Name

Ali Ghadr  
Print Name

**FINANCIAL INTEREST**

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

Ali Ghadr  
Print Name

*A. Ghadr*  
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.

*A. Ghadr*  
Signature

Ali Ghadr  
Please Print

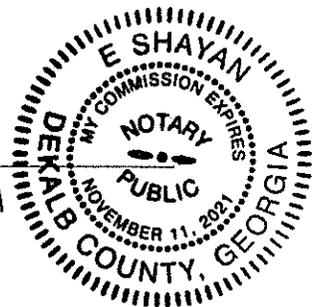
2075 Fairport way Marietta GA 30062  
Address

2/14/2020  
Date

Signed, sealed and delivered in the presence of:

*E. Shyan*

My Commission Expires: 11/11/21



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

**Letter of Intent  
And  
Application For Rezoning  
Springfield Subdivision**

City of Marietta, Cobb County Georgia

Property:

Approximately 3.15 Acres

LL 140 And 141 of 17th District

888 Powder Springs St., Marietta Ga 30064

898 Powder Springs St., Marietta GA 30064

Rezoning Request:

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

Submitted by:

Mona Properties Incorporated

Ali Ghadrddan

2550 Sandy Plains Rd. Suite 225 # 264

Marietta, GA 30066

Ph: 404-787-9591

Fax: 404-585-5688

[monaproperties@hotmail.com](mailto:monaproperties@hotmail.com)

<http://www.monaproperties.net>

Facebook : Mona properties Inc.

## **INTRODUCTION TO SPRINGFIELD RESIDENTIAL DEVELOPMENT**

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

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

### **1.) Entrance and Border of the Development**

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

### **2.) Description of the Single-Family Homes**

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

### **3.) Springfield Subdivision Site Plan**

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

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

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

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS and VARIANCES**

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

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

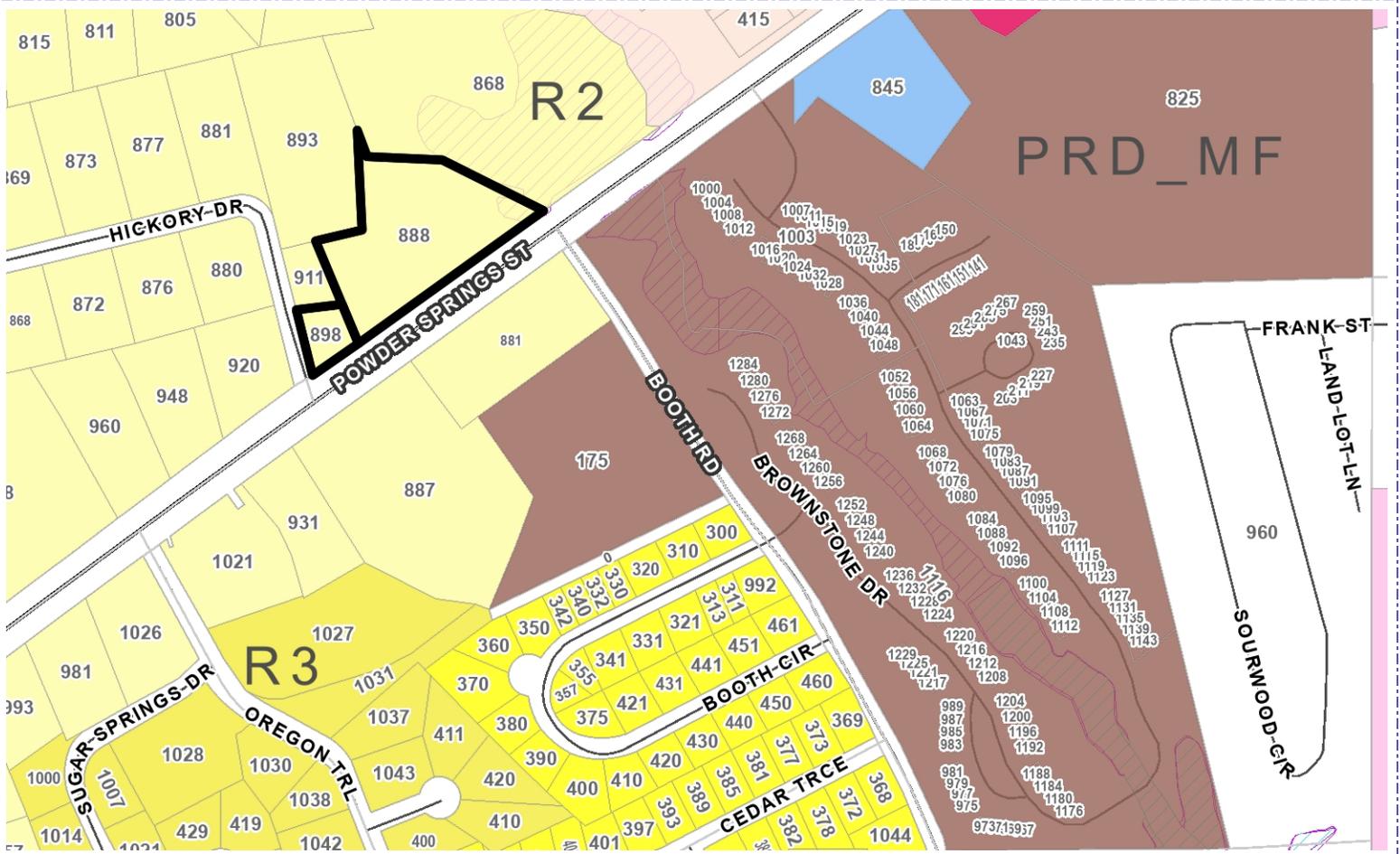
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

**For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.**

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

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

# Rezoning



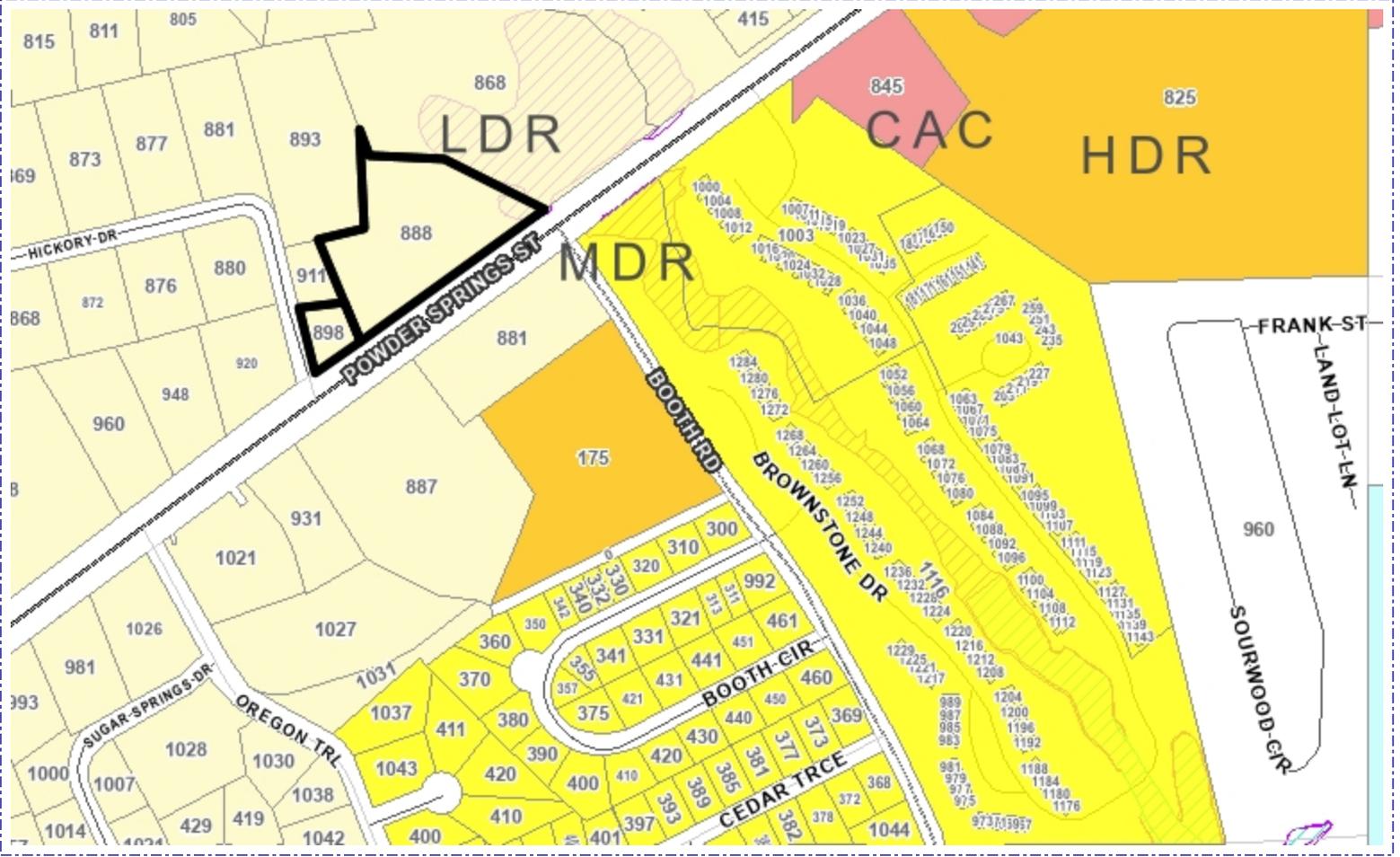
Address	Parcel Number	Acreage	Ward	Zoning	FLU
898 POWDER SPRINGS ST	17014000190	0.354	2B	R2	LDR
888 POWDER SPRINGS ST	17014100200	2.836	2B	R2	LDR

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

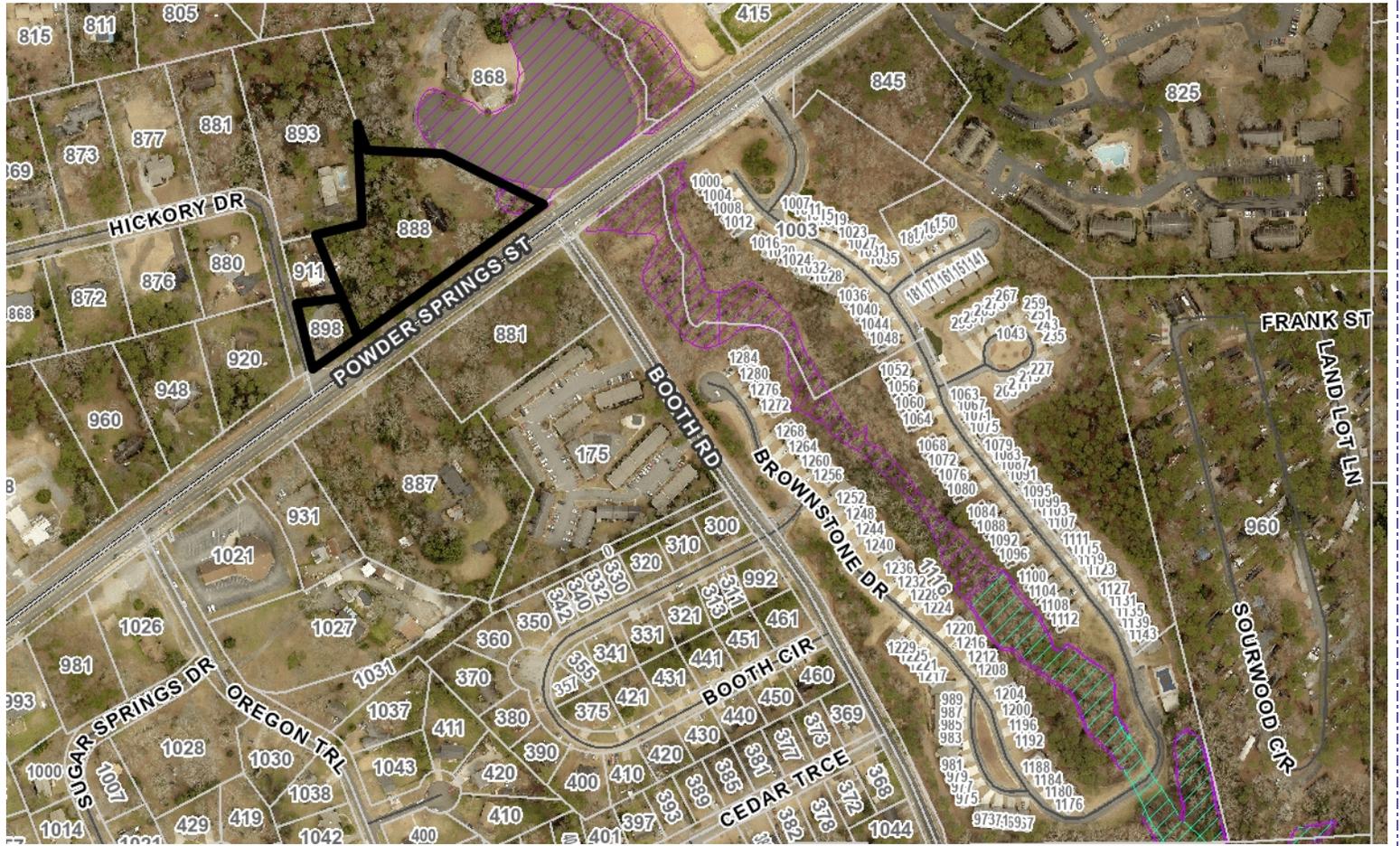
**Zoning Symbols**

- 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 - Mobile 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

City of Marietta Planning & Zoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
898 POWDER SPRINGS ST	17014000190	0.354	2B	R2	LDR
888 POWDER SPRINGS ST	17014100200	2.836	2B	R2	LDR
Planning Commission Hearing Date:	06/02/2020	<b>Future Land Use Symbols</b> 			
City Council Hearing Date:	06/10/2020				
Future Land Use:	LDR				
Case Number:					
Comments:					
City of Marietta Planning & Zoning					



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

Property Owner:	Stephen Thompson
Applicant:	Ali Ghadrhan
City Council Hearing Date:	06/10/2020
Planning Commission Hearing Date:	06/02/2020
BZA Hearing Date:	Case Number: Z2020-11
Comments:	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets



**GENERAL NOTES:**

1. INFORMATION REGARDING THE REPORTED 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 DEPTH 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.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. PURSUANT TO RULE 180-0-09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING GPS AND "GNOMON" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA BEST STATE PLANE COORDINATE SYSTEM AND USE "GEODETIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.

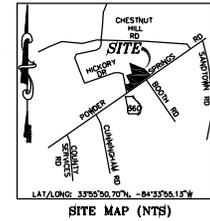
**OWNER/DEVELOPER:**  
 MONA PROPERTIES  
 2550 SANDY PLAINS RD.  
 SUITE 225 #264  
 MARIETTA, GA, 30066  
 24 HOUR CONTACT  
 ALI GHADIRIAN  
 404-787-9591

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

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

**ZONING/SETBACKS:**  
 R-2 (SINGLE-FAMILY RESIDENTIAL) - 2 UNITS/ACRE  
 FRONT: 40 FT (ARTERIAL)  
 35 FT (COLLECTOR)  
 30 FT (LOCAL)  
 SIDE & MAJOR SIDE: 5 FT  
 REAR: 10 FT  
 MIN BLDG SEPARATION: 10 FT  
 MAX IMPERVIOUS AREA: 60%  
 MIN LOT SIZE: 3,425 SF  
 MIN HOUSE SIZE: 1,000 SF  
 MIN LOT WIDTH: 50 FT  
 MIN BLDG HEIGHT: 40 FT  
 MIN FLOOR AREA: 1,000 SF  
 MAX LOT COVERAGE: 30%

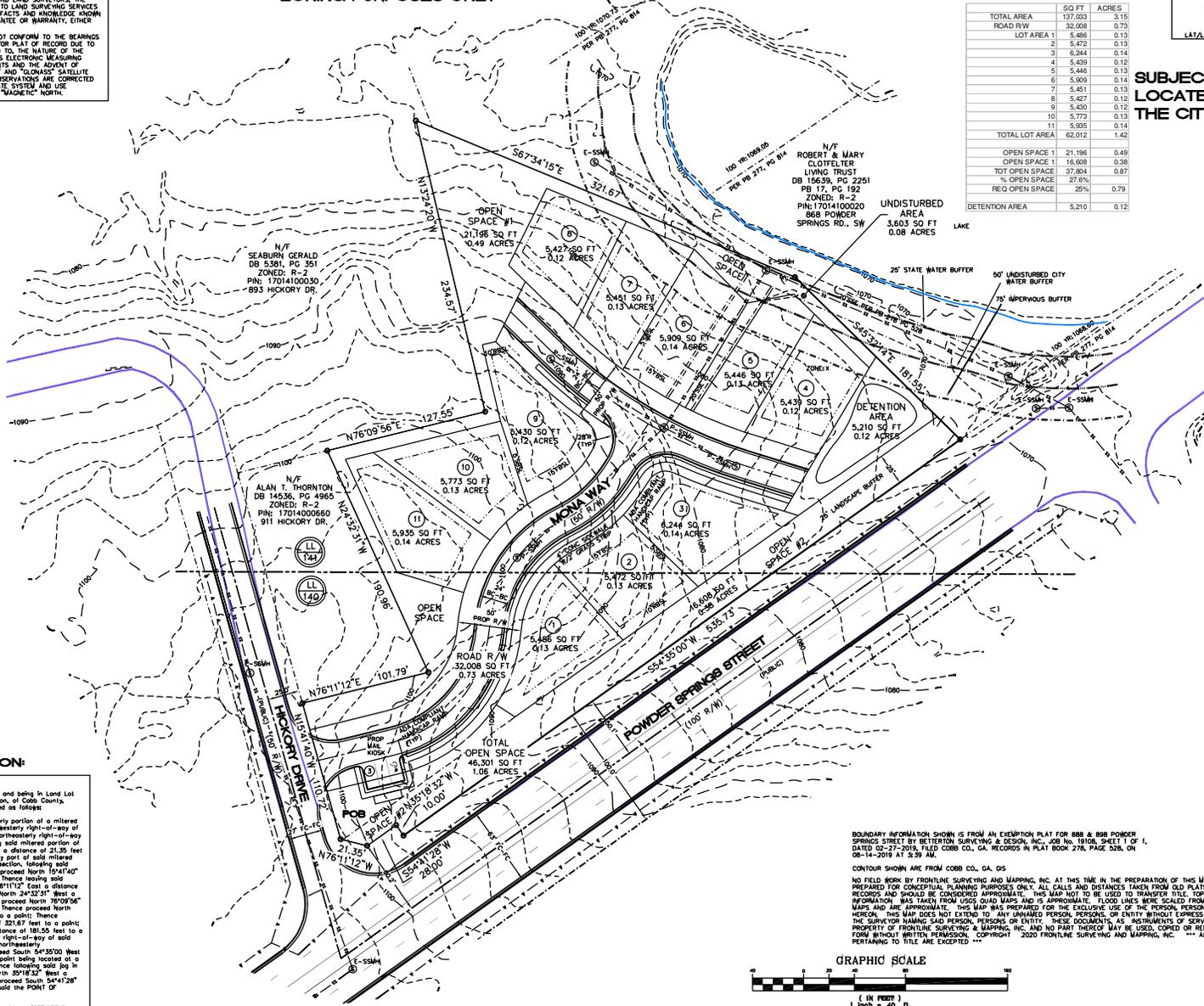
**ZONING/SETBACKS:**  
 PRD-SF (PLANNED DEVELOPMENT FAMILY-SINGLE FAMILY)  
 (PER PB 277, PG 814)  
 FRONT: 15 FT  
 SIDE & MAJOR SIDE: 5 FT  
 REAR: 10 FT  
 MIN BLDG SEPARATION: 10 FT  
 MAX IMPERVIOUS AREA: 60%  
 MIN LOT SIZE: 3,425 SF  
 MIN HOUSE SIZE: 1,000 SF  
 MIN LOT WIDTH: 50 FT  
 MIN BLDG HEIGHT: 40 FT  
 MIN FLOOR AREA: 1,000 SF  
 MAX LOT COVERAGE: 30%



**THIS PLAN IS FOR ZONING PURPOSES ONLY**

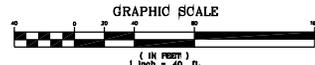
**SUBJECT PROPERTY IS LOCATED IN WARD 2 OF THE CITY OF MARIETTA**

	SQ FT	ACRES
TOTAL AREA	137,033	3.15
ROAD R/W	32,008	0.73
LOT AREA 1	5,486	0.13
2	5,472	0.13
3	6,244	0.14
4	5,439	0.12
5	5,446	0.13
6	5,909	0.14
7	5,451	0.13
8	5,427	0.12
9	5,430	0.12
10	5,773	0.13
11	5,935	0.14
TOTAL LOT AREA	62,012	1.42
OPEN SPACE 1	21,196	0.49
OPEN SPACE 1	16,608	0.38
TOT OPEN SPACE	37,804	0.87
% OPEN SPACE	27.6%	
REQ OPEN SPACE	25%	0.79
DETENTION AREA	5,210	0.12



**LEGAL DESCRIPTION:**

**LEGAL DESCRIPTION - 3.15 ACRES**  
 ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 140 and 141 of the 17th District, 2nd Section, of Cobb County, Georgia and being more particularly described as follows:  
 BEGINNING at a point located at the southern portion of a mirrored right-of-way which intersects on the northeasterly right-of-way of Powder Springs Road (100' R/W) and the northeasterly right-of-way of Hickory Drive (50' R/W); Thence following said mirrored portion of right-of-way, proceed North 76°11'12" West a distance of 21.35 feet to a point, said point being on the northerly part of said mirrored right-of-way; Thence following said mirrored section, following said northeasterly right-of-way of Hickory Drive, proceed North 101°41'07" West a distance of 110.72 feet to a point; Thence following said northeasterly right-of-way of Hickory Drive, proceed North 76°11'12" West a distance of 127.55 feet to a point; Thence proceed North 12°24'25" West a distance of 234.57 feet to a point; Thence proceed North 67°34'15" East a distance of 321.67 feet to a point; Thence proceed South 45°32'14" East a distance of 181.55 feet to a point, said point being on the northeasterly right-of-way of Powder Springs Road; Thence following said northeasterly right-of-way of Powder Springs Road, proceed South 54°35'00" West a distance of 525.73 feet to a point, said point being located at a dog in said northeasterly right-of-way; Thence following said dog in the northeasterly right-of-way, proceed North 30°18'52" West a distance of 10.00 feet to a point; Thence proceed South 54°41'24" West a distance of 28.00 feet to a point, said the POINT OF BEGINNING.  
 Tract described herein containing 3.15 acres of land (137,033 Square feet), more or less.



**NOT ISSUED FOR CONSTRUCTION**

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

**FRONTLINE SURVEYING & MAPPING, INC.**  
 www.frontlinesurveying.com

**MONA PROPERTIES**  
 888 POWDER SPRINGS STREET, SW  
 LAND LOT 140 & 141  
 17th DISTRICT 2nd SECTION  
 COBB COUNTY, GEORGIA  
 DATE: 01/22/20  
 SCALE: 1" = 40'  
 SHEET: 1 OF 1

FOR THE PLAN FRONTLINE & MAPPING, INC. JOB # 70693

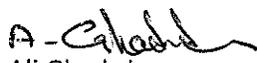


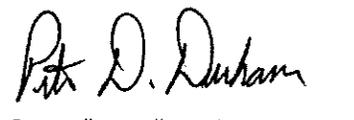
- (3) The proposed residential homes shall be traditional in style and architecture, shall be a maximum of two (stories) in height and shall have facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, or combinations thereof, with complementary accents, in compliance with the City of Marietta's "four-sided architecture" requirement. Each residential home shall have a two-car garage.
- (4) Applicant agrees to the creation of a mandatory homeowners association consistent with upscale communities in the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, common landscaped areas, mail kiosk, private streets, fencing, open space and amenity areas contained within the development.
- (5) Additionally, and in conjunction with the creation of the mandatory homeowners association, there shall be protective covenants for the proposed community. The protective covenants shall be recorded in the Deed Records of Cobb County, Georgia and shall contain covenants, rules and regulations applicable to the residential community.
- (6) All homes within the proposed residential community shall be "for sale" units. There shall be no more than a maximum of one (1) residential home being leased at any one-time, which restriction shall be included in the covenants, rules and regulations.
- (7) The proposed single-family residential community shall contain a six (6) foot privacy fence along the perimeter of the development.
- (8) The entrance signage for the proposed community shall be ground based, monumental-style signage and shall consist of brick, stone, stacked stone or combinations thereof, with accents consistent with the architecture and style of the residences. The entrance landscaping shall be professionally designed, implemented and maintained.
- (9) Setbacks for the proposed development shall be as shown and reflected on the referenced Zoning Plan.
- (10) The proposed single-family residential home community may have private streets, twenty-four (24) feet in width, from back-of-curb to back-of-curb. Construction of the private streets shall comply in all respects as to materials, base, and other requirements with the City of Marietta Code.
- (11) Sidewalks shall be installed as shown and reflected on the referenced Zoning Plan.
- (12) All utilities within the proposed community shall be underground. Stormwater detention shall be above ground as shown and reflected on the referenced Zoning Plan.

- (13) Street lighting within the proposed community shall be environmentally sensitive, decorative and themed to the architecture and style of the residential homes.
- (14) All setbacks, landscape and buffer areas may be penetrated for purposes of fencing, access, utilities and stormwater management; including, but not limited to, drainage and detention facilities, utilities and any and all slopes or other required engineering features of the foregoing. A two (2) feet to three (3) feet high temporary retention earth berm shall be amassed adjacent to the neighboring lake to redirect the water and eliminate any potential construction runoff into the lake. This temporary berm shall be removed upon completion of the adjacent lake construction.
- (15) All landscaping referenced herein shall be approved by the City Arborist and City Staff as part of the Plan Review and Permitting Process and incorporated into the overall landscape plan for the proposed single-family residential community.

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

Sincerely,

  
Ali Ghadrhan  
Managing Partner

  
Peter "Beau" Durham  
Partner and General Counsel

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













# Hickory Custom Homes, LLC

---

May 29, 2020

**Via Hand Delivery and Email**

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

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

Dear Ms. Little:

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

- (16) The proposed six (6) foot privacy fence along the perimeter of the development shall be stained and additional landscaping shall be provided on the lake side of the perimeter fence.
- (17) There shall be no "lake view" advertising for any lots.
- (18) Any damage to the driveway of an adjacent property owner during construction shall be repaired.

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

RE: Application for Rezoning Case No: Z2020-11

May 29, 2020

**Page 2 of 2**

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

Sincerely,

***A-Ghadrdan***

Ali Ghadrdan  
Managing Partner



Peter "Beau" Durham  
Partner and General Counsel

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

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





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## **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)

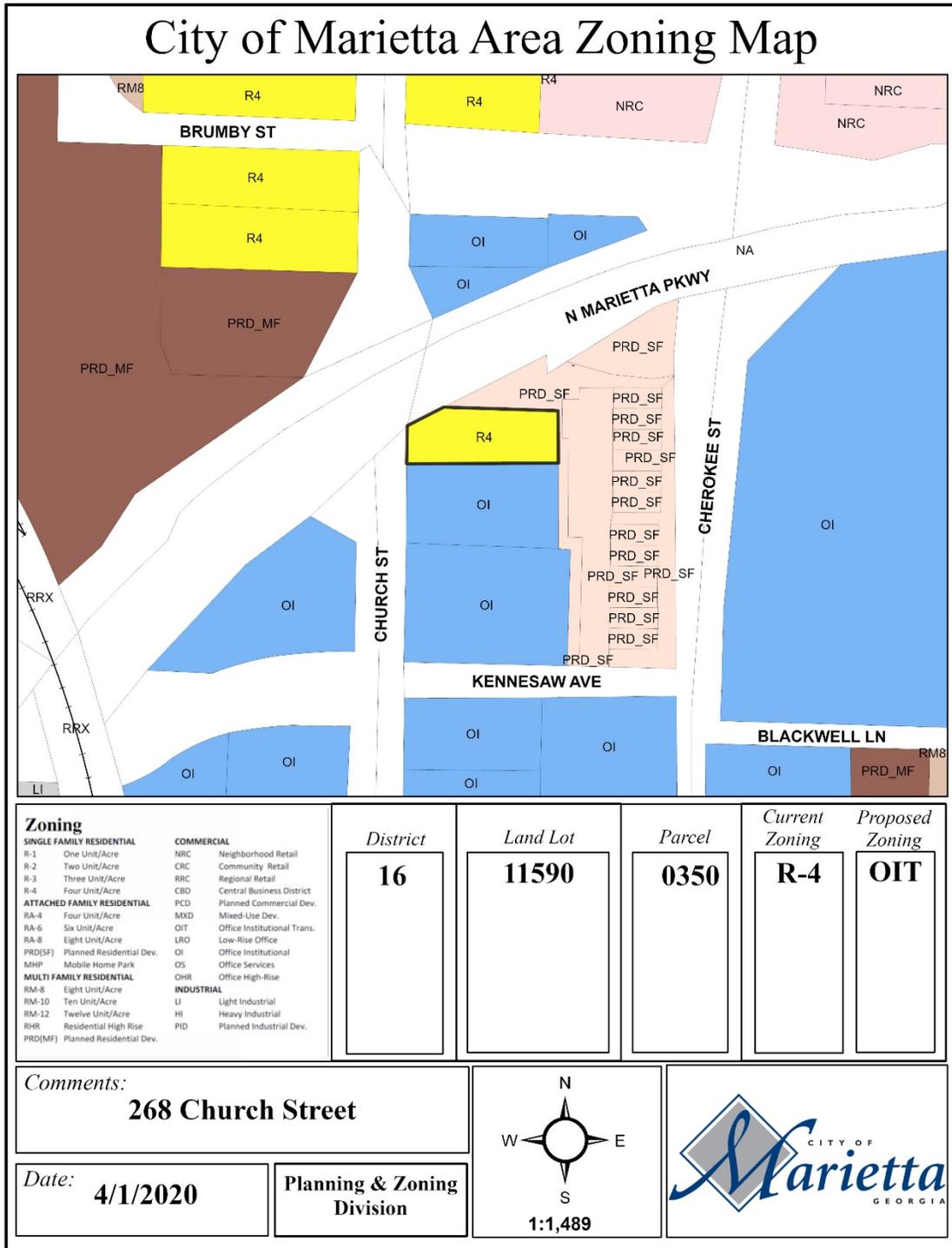
**FUTURE LAND USE:** CAC (Community Activity Center)

**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.

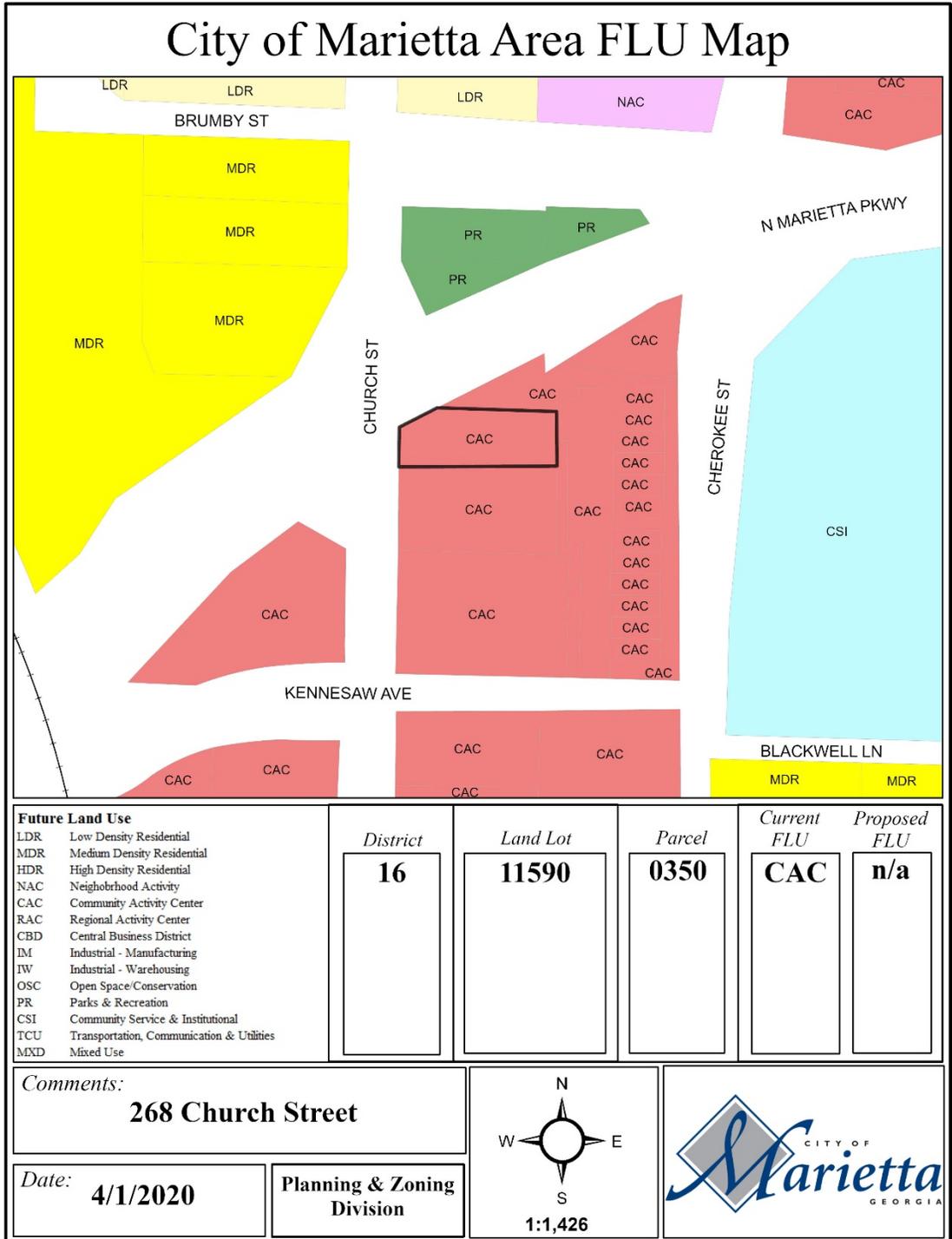
**PLANNING COMMISSION HEARING:** Tuesday, May 5<sup>th</sup>, 2020 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, June 10<sup>th</sup>, 2020 – 7:00 p.m.

# MAP



## FLU MAP



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**PICTURES OF PROPERTY**



**Front of property at 268 Church Street**



**Side of property on 268 Church Street**

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## 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.



## ANALYSIS & CONCLUSION

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

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

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

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

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

Prepared by: *J. Anderson*

Approved by: *Rusty Roth*



## 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

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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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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***

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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.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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Nearest city or county fire station from the development?	51
Distance of the nearest station?	0.5 mile
Most likely station for 1 <sup>st</sup> 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

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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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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 #: 72020-17 Registrar #: 20200295 PZ #: P220101  
 Planning Commission Hearing: 5-5-20 City Council Hearing: 5-13-20

Owner's Name MICHAEL LANGSTON

EMAIL Address: LANGSTON RACING 66 @ 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. c.westmoreland@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 Acreage 201 Ward 3A Future Land Use: CAC

Present Zoning Classification: R4 <sup>00350</sup> Proposed Zoning Classification: OIT <sup>205</sup>

### 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 1/2" 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.

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  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**

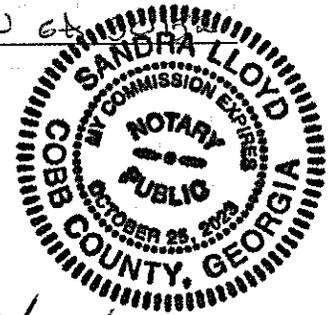
- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false 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

~~4885 DUE WEST RD~~ 4885 DUE WEST RD KENNESAW GA  
Address

7-13-2020  
Date



Signed, sealed and delivered in the presence of:  
Sandra Lloyd

My Commission Expires: 10/25/2023

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

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

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

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS and VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following rezoning and variance requests at the City Council meeting held on **Wednesday, June 10<sup>th</sup>, 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, 2<sup>nd</sup> 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.

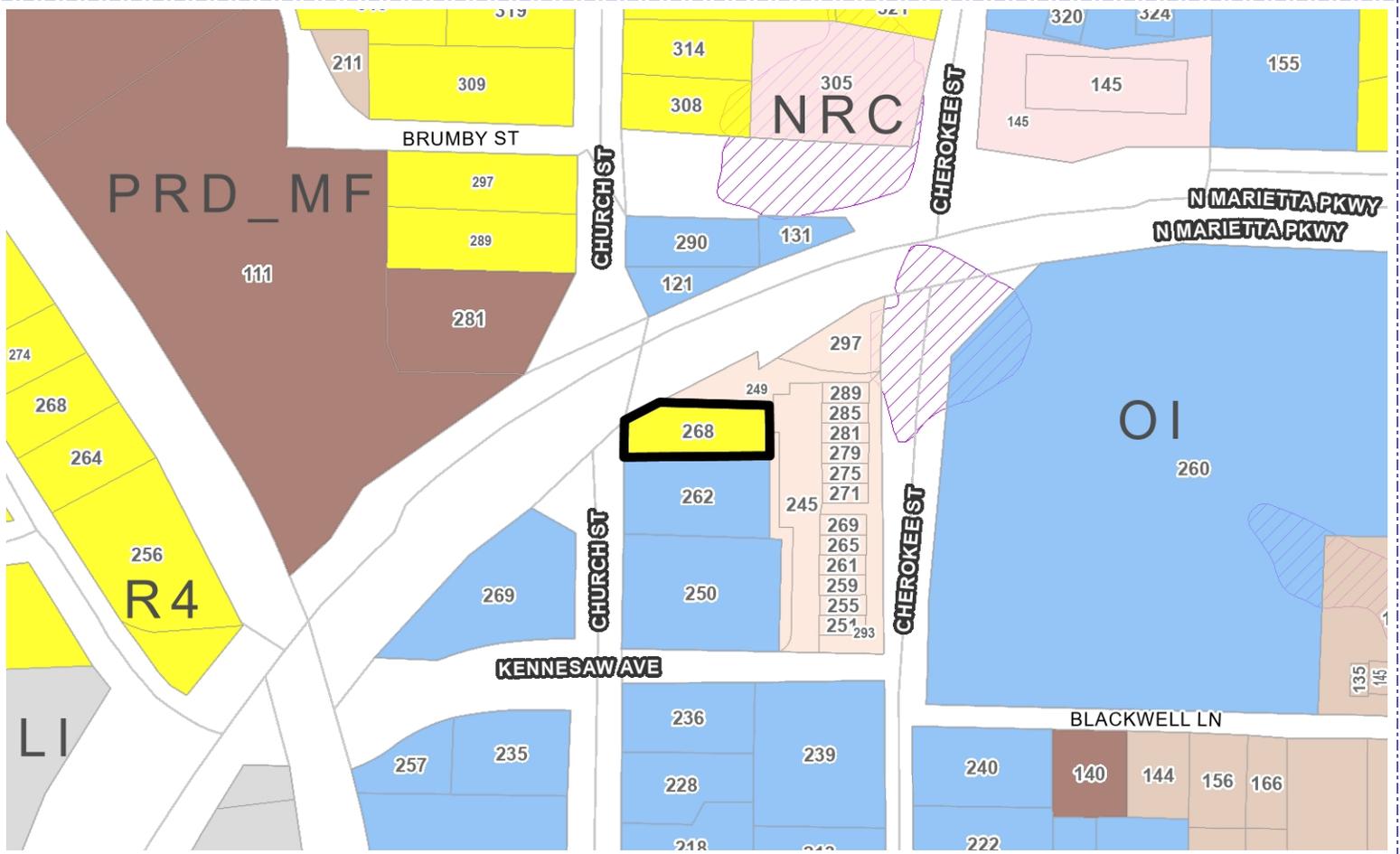
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

**For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.**

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

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

# Rezoning



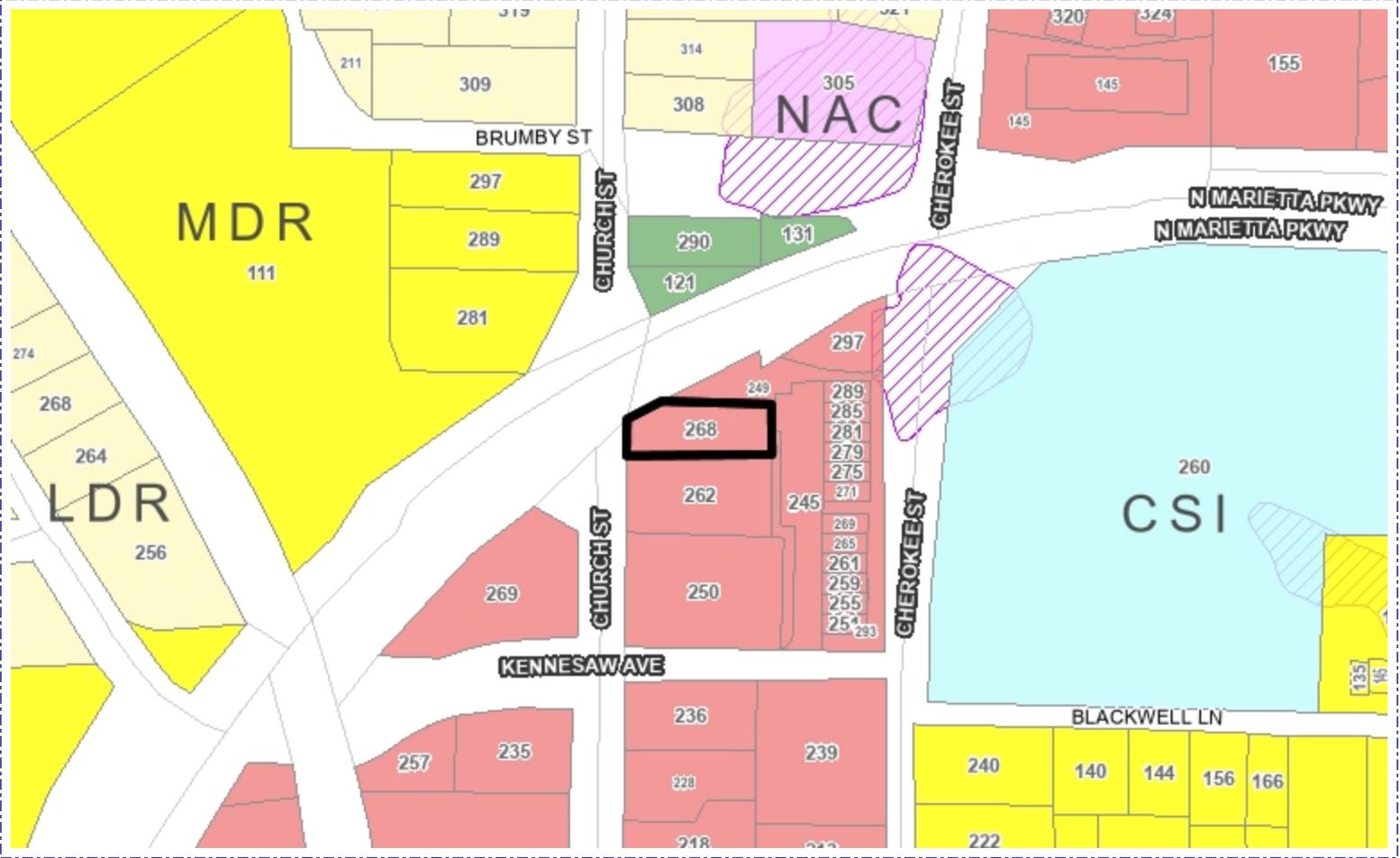
Address	Parcel Number	Acreage	Ward	Zoning	FLU
268 CHURCH ST	16115900350	0.205	3A	R4	CAC

Property Owner:	Michael Langston
Applicant:	
Proposed Zoning:	R4 to OIT
Agent:	Morris, Manning & Martin, LLP
Proposed Use:	
Planning Commission Date:	
City Council Hearing Date:	06/10/2020
Case Number:	Z2020-17
City of Marietta Planning & Zoning	

**Zoning Symbols**

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

# Future Land Use



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

Planning Commission  
 Hearing Date:

City Council Hearing Date: 06/10/2020

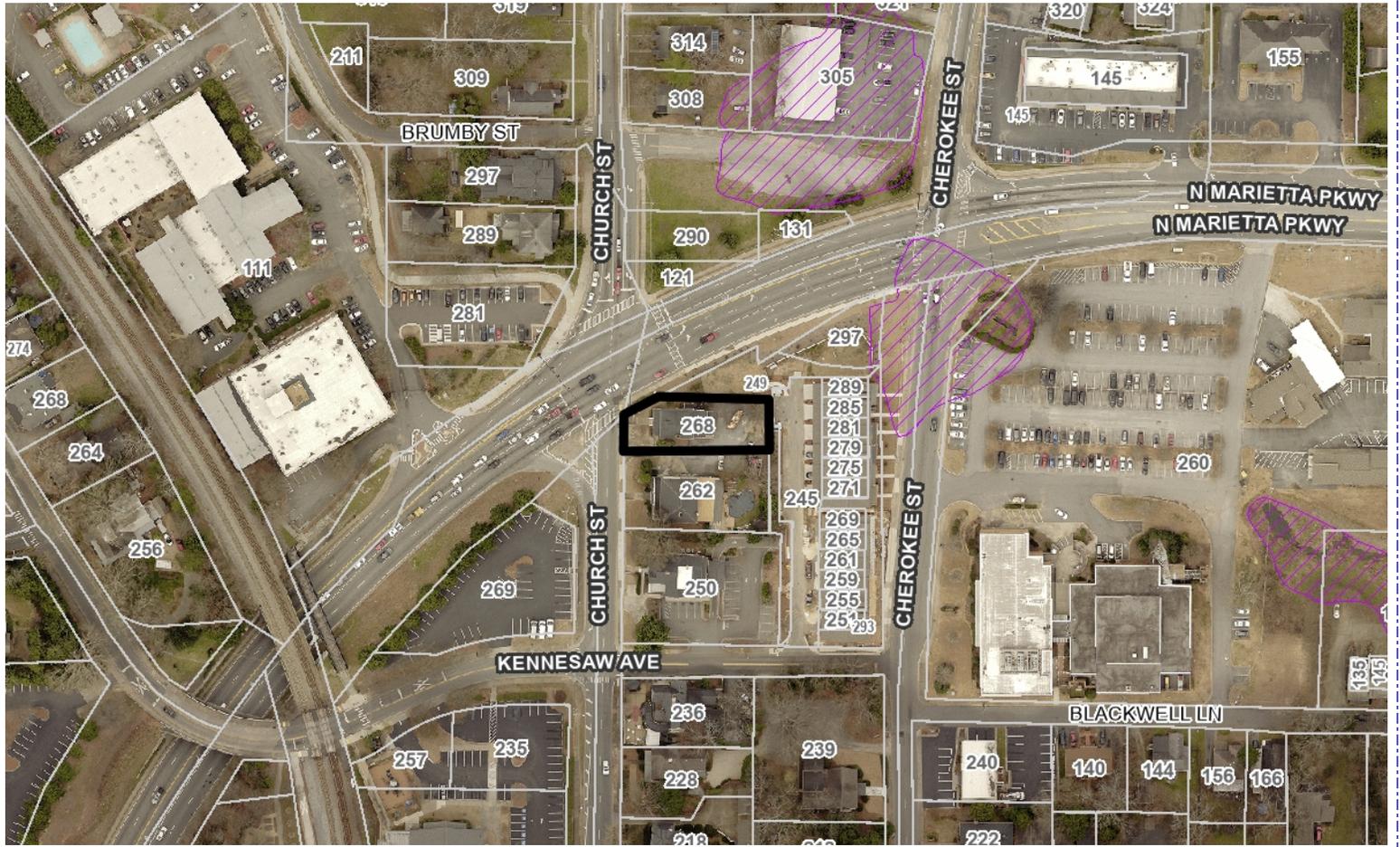
Future Land Use: CAC

Case Number:

Comments:

**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



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

Property Owner:	Michael Langston
Applicant:	
City Council Hearing Date:	06/10/2020
Planning Commission Hearing Date:	
BZA Hearing Date:	Case Number: Z2020-17
Comments:	
City of Marietta Planning & Zoning	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

MAGNETIC



### REFERENCE MATERIAL

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

### SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, CALL THE UTILITIES PROTECTION CENTER FOR ADDITIONAL INFORMATION.  
 THROUGH OUT GEORGIA 1-800-282-7411
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000+ 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)
- IPS IRON PIN SET (1/2" REBAR) (UNLESS NOTED OTHERWISE)
- CTF CORNER 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.P. PROPERTY LINE
- C CENTERLINE

NORTH  
 MARIELLA  
 PARKWAY

CHURCH  
 STREET

N 53° 30' 51" E  
 19.72' MON  
 SIGNAL BOX

S 87° 23' 19" E  
 19.72' MON

N 00° 03' 59" W  
 410.0'

N 89° 12' 18" W  
 150.00'

S 01° 45' 52" E  
 58.61'

S 45° 35' 47" W  
 1.77'

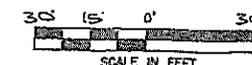
RAV DEED  
 DB 42-04  
 PG 225-227

129.30'

89.72'

13.5'

R/W MON.



0.201 ACRES

268 CHURCH STREET

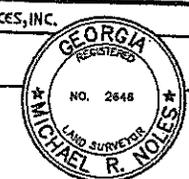
**McLUNG**  
 SURVEYING SERVICES, INC.

4135 West Atlanta Road  
 Smyrna, Georgia 30080  
 (770) 434-3363

This property (®) (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. Nales*  
 Michael R. Nales, Surveyor  
 Member SAMSOG



Fences should not be placed using dimensions from house.

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

LAND LOT 1159  
 DISTRICT 16TH SECTION 240  
 COUNTY COBB DB 9240 PG 225  
 GEORGIA  
 DATE: 8-6-02 SCALE: 1"=30' H.L.





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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2020-19

**LEGISTAR:** #20200345

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

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

**AGENT:** n/a

**PROPERTY ADDRESS:** 521 Atlanta Street

**PARCEL DESCRIPTION:** 17<sup>th</sup> District, Land Lot 290, Parcel 0640

**AREA:** ±3.77 acres

**COUNCIL WARD:** 1A

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

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

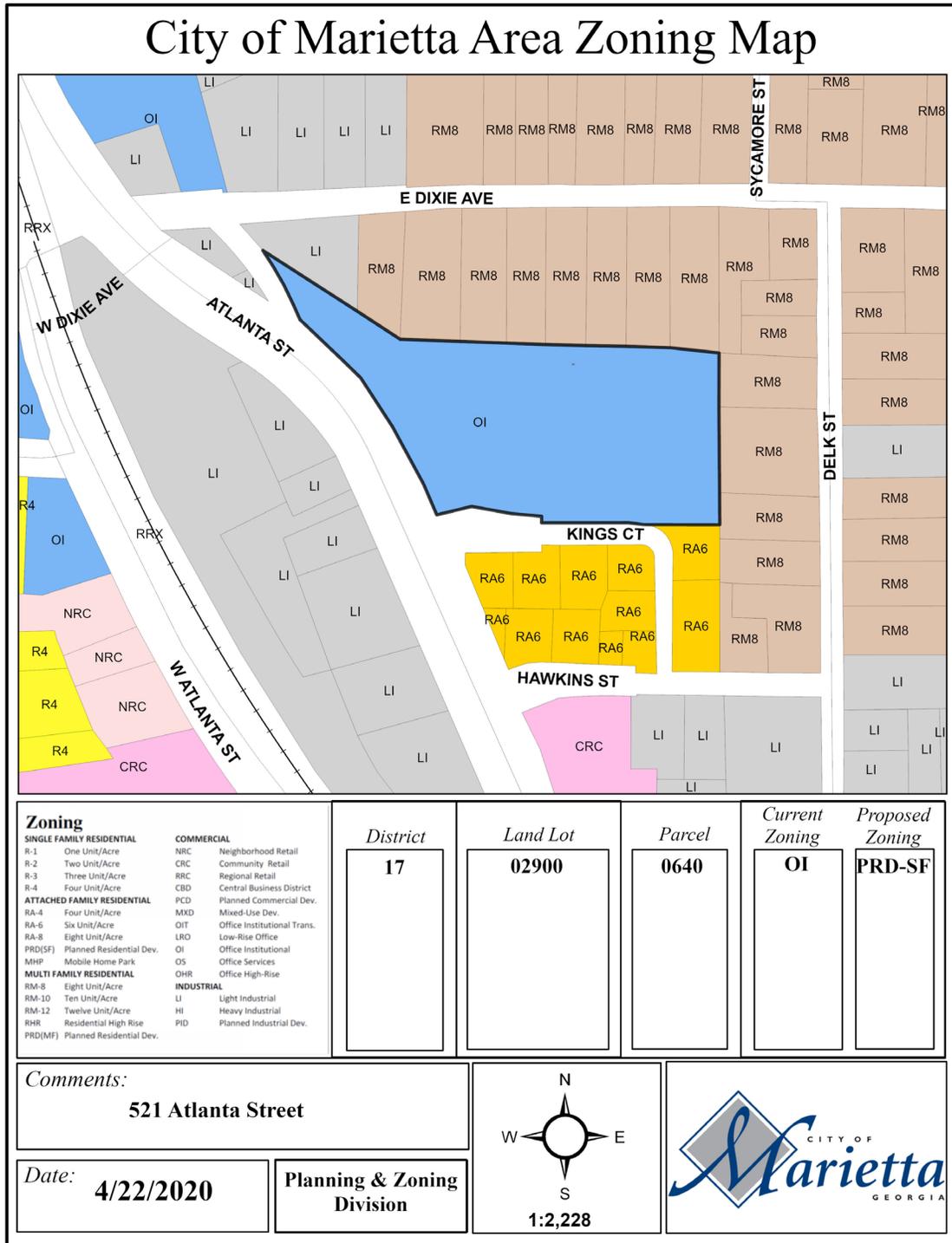
**FUTURE LAND USE:** MDR (Medium Density Residential)

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

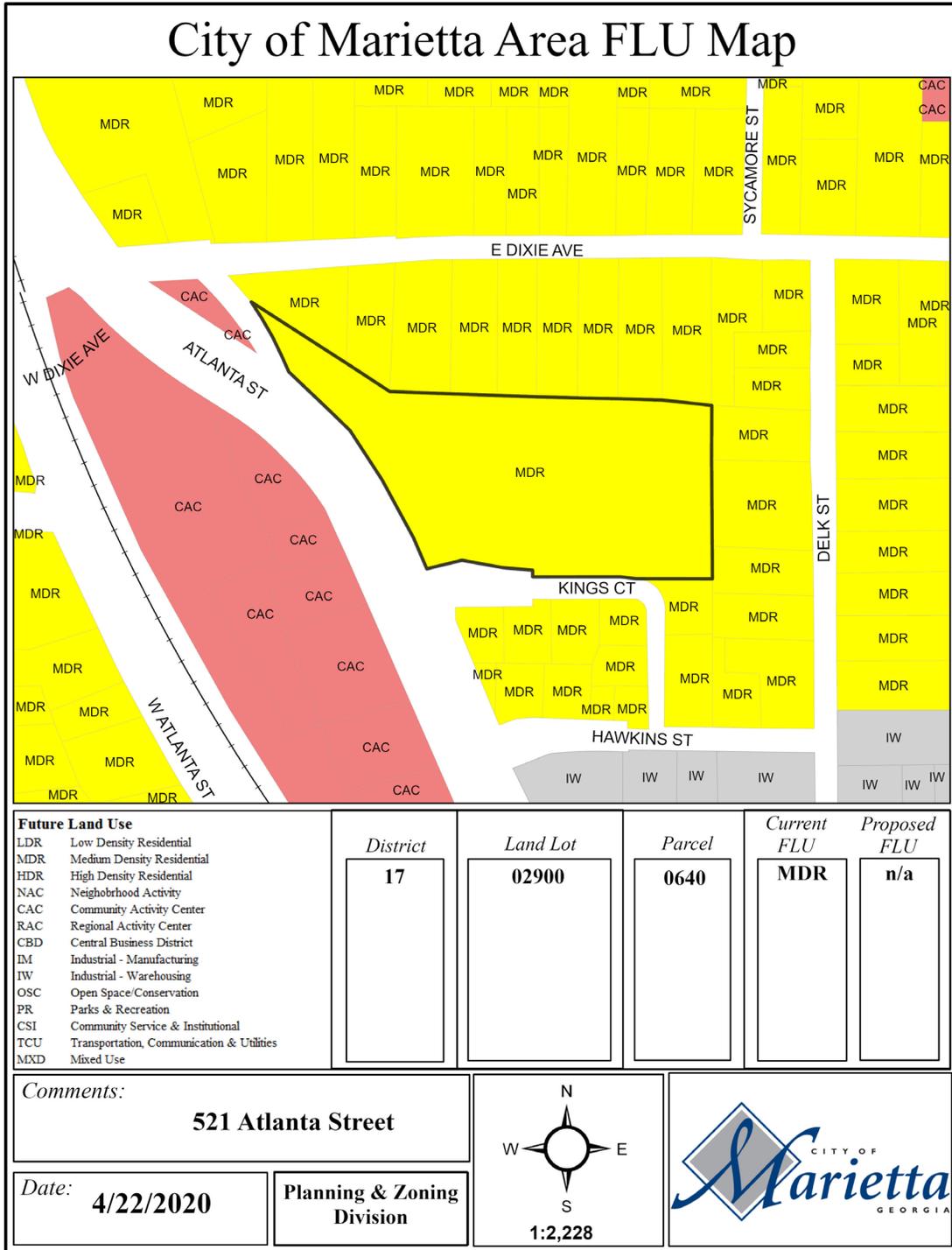
**PLANNING COMMISSION HEARING:** Tuesday, June 2<sup>nd</sup>, 2020 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, June 10<sup>th</sup>, 2020 – 7:00 p.m.

# MAP



## FLU MAP



**PICTURES OF PROPERTY**



**521 Atlanta Street**



**521 Atlanta Street**



**Corner of Kings Court and Atlanta Street**



**Kings Court**

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## STAFF ANALYSIS

### *Location Compatibility*

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

### *Use Potential and Impacts*

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

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

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

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

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

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



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

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

*Environmental Impacts*

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

*Economic Functionality*

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

*Infrastructure*

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

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

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

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

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

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

### *Overhead Electrical/Utilities*

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

### *History of Property*

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

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



### *Historical Impacts*

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

### *Other Issues*

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

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## ANALYSIS & CONCLUSION

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

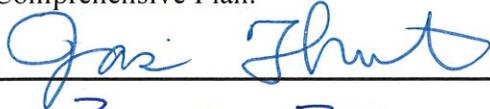
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The proposed plan adequately provides the required open space, guest parking spaces, and driveway depths required for townhome communities developed under PRD-SF zoning. Although not shown, the description from the applicant indicates an active recreational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

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Prepared by: 

Approved by: 



## DATA APPENDIX

### *CITY OF MARIETTA - WATER*

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

### *CITY OF MARIETTA - WASTEWATER*

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

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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Rottenwood
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No
<ul style="list-style-type: none"> <li>• Full site development plans required</li> <li>• Traffic Study required (intersection of Kings Court &amp; Atlanta Street). Kings Court may need to be improved to handle additional traffic count.</li> <li>• Demonstrate Fire/Sanitation access for streets with centerline radii less than 100' (City minimum). Trash Corals may be required.</li> </ul>	

### ***TRANSPORTATION***

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

**Additional Comments:**

Traffic Study required.  
 Show crosswalk as continental style.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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

#### Comments:

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

### MARIETTA POWER - ELECTRICAL

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

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



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

APPLICATION FOR REZONING

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

For Office Use Only:

Application #: 22020-19 Legistar #: 20200345 PZ #: 20-120
Planning Commission Hearing: 6-2-20 City Council Hearing: 6-10-20

Owner's Name Waymon Ahart, as Trustee of the James L. Houston Family Trust
EMAIL Address: jballi@tedecisions.com, rhosack@tedecisions.com
Mailing Address PO Box 877 Marietta, Georgia Zip Code: 30061 Telephone Number (770) 434.4335

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Pulte Home Company, LLC
EMAIL Address: jballi@tedecisions.com, rhosack@tedecisions.com
Mailing Address 1600 Parkwood Circle, Suite 200, Atlanta, Georgia Zip Code: 30339
Telephone Number (770) 434.4335 Email Address: jballi@tedecisions.com, rhosack@tedecisions.com

Address of property to be rezoned: 521 Atlanta Street SE
Land Lot (s) 2290 District 17 Parcel 05640 Acreage 3.7 Ward 1A Future Land Use: MDR
Present Zoning Classification: OI Proposed Zoning Classification: PRD-5F

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 1/2" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
If providing (24"x 36") then 5 copies REQUIRED.

The following information must be included:

- Specific use or uses proposed for the site
• Acreage, bearing and distances, other dimensions, and location of the tract(s)
• Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
• Detention/retention areas, and utility easements
• Public or private street(s) - right of way and roadway widths, approximate grades
• Location and size of parking area with proposed ingress and egress
• Specific types and dimensions of protective measures, such as buffers
• Landscaping
• Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

**CAMPAIGN CONTRIBUTIONS**

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

*Waymon Ahart*

Signature of Owner

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

Print Name

*Waymon Ahart*

Signature of Applicant

Pulte Home Company, LLC

By: \_\_\_\_\_ Its: \_\_\_\_\_

Print Name

**FINANCIAL INTEREST**

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

Pulte Home Company, LLC

By: \_\_\_\_\_ Its: \_\_\_\_\_

Print Name

Signature of Applicant

**OWNER/APPLICANT CERTIFICATION**

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

\_\_\_\_\_  
Signature

Pulte Home Company, LLC

By: \_\_\_\_\_ Its: \_\_\_\_\_

Please Print

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

Address

\_\_\_\_\_  
Date

Signed, sealed and delivered in the presence of:

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

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

**CAMPAIGN CONTRIBUTIONS**

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

\_\_\_\_\_  
Signature of Owner  
Waymon Ahart, as Trustee of the  
James L. Houston Family Trust  
\_\_\_\_\_  
Print Name

Gen W Smith  
\_\_\_\_\_  
Signature of Applicant  
Pulte Home Company, LLC  
By: Garen Smith Its: Div. VP Land Acquisition  
\_\_\_\_\_  
Print Name

**FINANCIAL INTEREST**

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

Pulte Home Company, LLC  
By: Garen Smith Its: Div. VP LAND ACQUISITION  
\_\_\_\_\_  
Print Name

Gen W Smith  
\_\_\_\_\_  
Signature of Applicant

**OWNER/APPLICANT CERTIFICATION**

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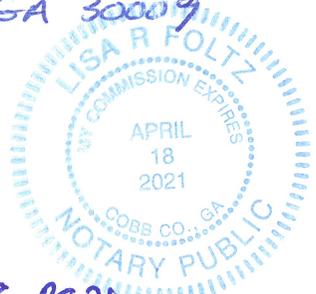
Gen W Smith  
\_\_\_\_\_  
Signature

Pulte Home Company, LLC  
By: Garen Smith Its: Div VP Land Acquisition  
\_\_\_\_\_  
Please Print

3350 Peachtree Road Northeast, Suite 150, Atlanta, GA, 30326 2475 Northwinds Parkway, Suite 600  
\_\_\_\_\_  
Address

4-9-20  
\_\_\_\_\_  
Date

Alpharetta, GA 30009



Signed, sealed and delivered in the presence of:

Lisa R Foltz  
\_\_\_\_\_  
Signature

My Commission Expires: 4-18-2021

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

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

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

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

Sincerely,

TAYLOR ENGLISH DECISIONS, LLC



Rob Hosack

[rhosack@tedecisions.com](mailto:rhosack@tedecisions.com)

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

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

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS and VARIANCES**

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

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

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

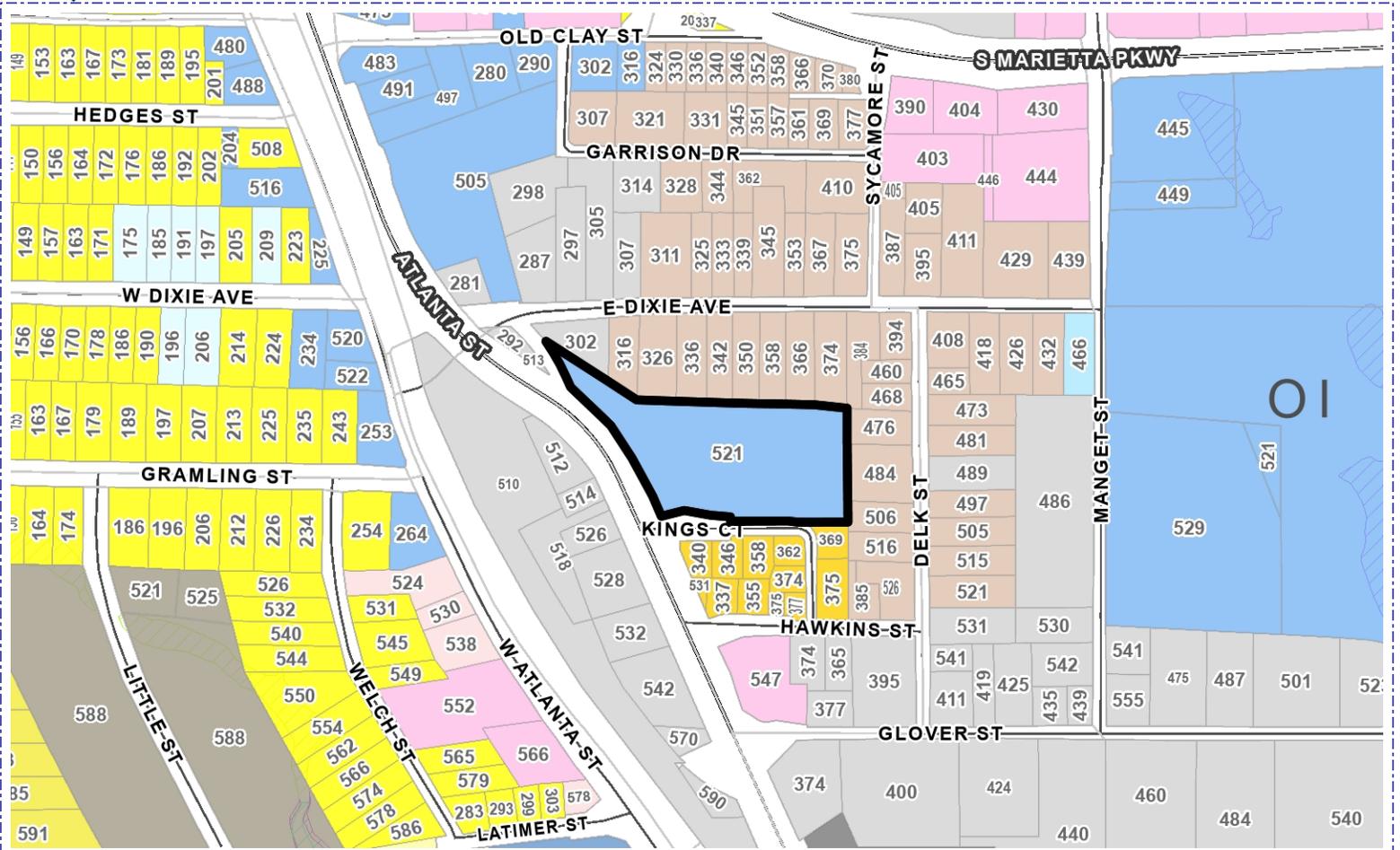
**For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.**

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

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

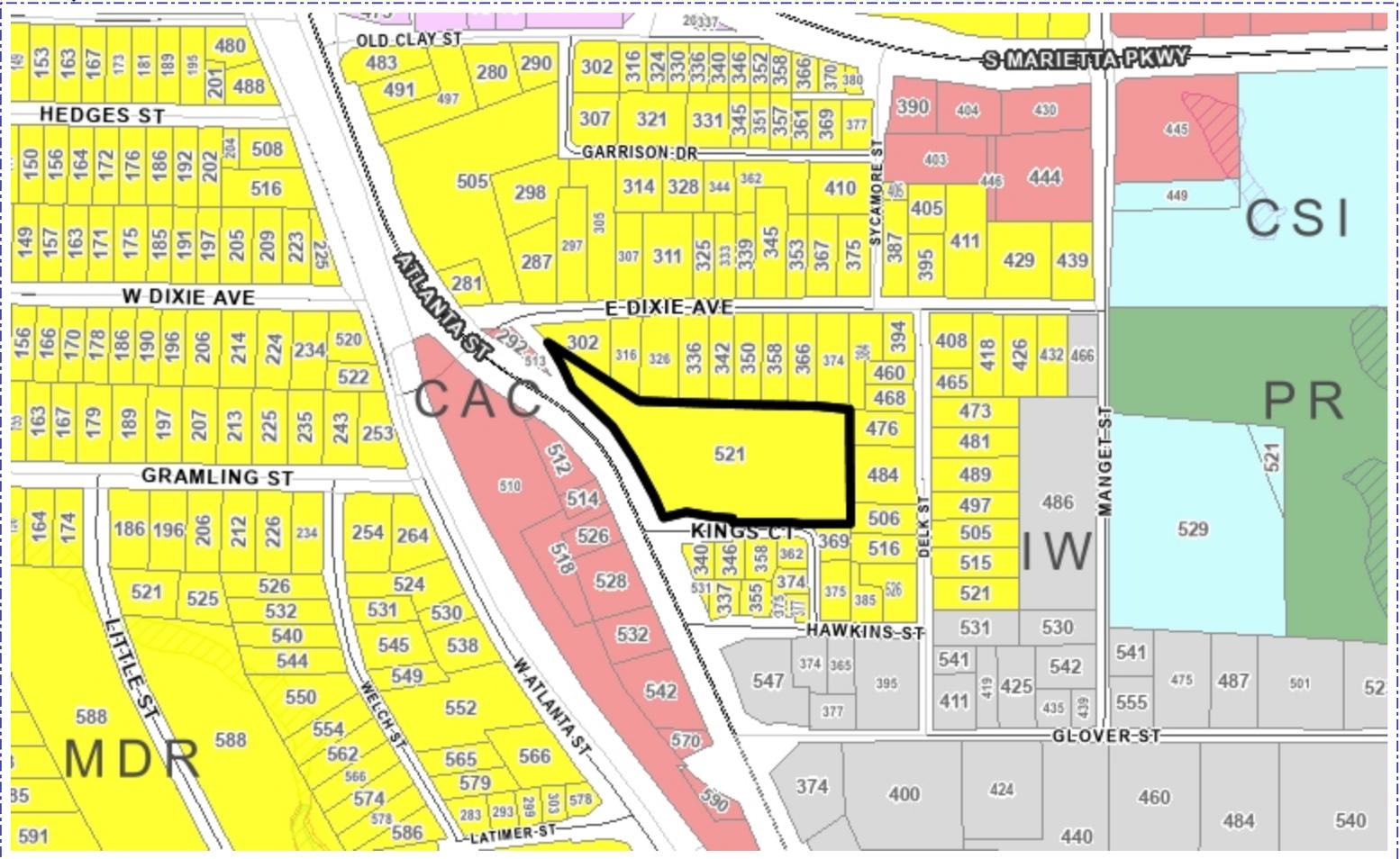


# Rezoning



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

Property Owner:	Waymon Ahart, Trustee	<b>Zoning Symbols</b> <ul style="list-style-type: none"> <li>Railroads</li> <li>City Limits</li> <li>Cobb County Pockets</li> <li>NA</li> <li>R1 - Single Family Residential (1 unit/acre)</li> <li>R2 - Single Family Residential (2 units/acre)</li> <li>R3 - Single Family Residential (3 units/acre)</li> <li>R4 - Single Family Residential (4 units/acre)</li> <li>RA4 - Single Family Residential - Attached</li> <li>RA6 - Single Family Residential - Attached</li> <li>RA8 - Single Family Residential - Attached</li> <li>MHP - Mobile Home Park</li> <li>PRD-SF - Planned Residential Dev. Single Family</li> <li>RM8 - Multi Family Residential (8 units/acre)</li> <li>RM10 - Multi Family Residential (10 units/acre)</li> <li>RM12 - Multi Family Residential (12 units/acre)</li> <li>RHR - Residential High Rise</li> <li>PRD-MF - Planned Residential Dev Multi Family</li> <li>NRC - Neighborhood Retail Commercial</li> <li>CRC - Community Retail Commercial</li> <li>RRC - Regional Retail Commercial</li> <li>PCD - Planned Commercial Development</li> <li>LI - Light Industrial</li> <li>HI - Heavy Industrial</li> <li>PID - Planned Industrial Development</li> <li>MXD - Mixed Use Development</li> <li>CBD - Central Business District</li> <li>OIT - Office Institutional Transitional</li> <li>LRO - Low Rise Office</li> <li>OI - Office Institutional</li> <li>OS - Office Services</li> <li>OHR - Office High Rise</li> </ul>
Applicant:	Pulte Home Company	
Proposed Zoning:	OI to PRD-SF	
Agent:		
Proposed Use:		
Planning Commission Date:	06/02/2020	
City Council Hearing Date:	06/10/2020	Case Number: Z2020-19
City of Marietta Planning & Zoning		



Address	Parcel Number	Acreage	Ward	Zoning	FLU
521 ATLANTA ST	17029000640	3.56	1A	OI	MDR
Planning Commission Hearing Date:	06/02/2020	<b>Future Land Use Symbols</b> Railroads City Limits Cobb County Pockets RAC - Regional Activity Center CAC - Community Activity Center NAC - Neighborhood Activity Center CBD - Central Business District MXD - Mixed Use Development CSI - Community Service and Institutional HDR - High Density Residential MDR - Medium Density Residential LDR - Low Density Residential OSC - Open Space / Conservation PR - Parks / Recreation IW - Industrial Warehousing IM - Industrial Manufacturing TCU - Transportation and Utilities			
City Council Hearing Date:	06/10/2020				
Future Land Use:	MDR				
Case Number:	Z2020-19				
Comments:					
City of Marietta Planning & Zoning					



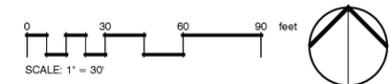
Address	Parcel Number	Acreage	Ward	Zoning	FLU
521 ATLANTA ST	17029000640	3.56	1A	OI	MDR

Property Owner:	Waymon Ahart, Trustee
Applicant:	Pulte Home Company
City Council Hearing Date:	06/10/2020
Planning Commission Hearing Date:	06/02/2020
BZA Hearing Date:	Case Number: Z2020-19
Comments:	
City of Marietta Planning & Zoning	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

# Preliminary Landscape Plan



**EAST DIXIE AVE.**  
(RIGHT-OF-WAY VARIES)

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

**ARCHITECTURAL NOTES:**

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

**SITE NOTES:**

SITE AREA:  
TOTAL AREA: ±3.77 ACRES

SITE ZONING:  
EXISTING ZONING: OI  
PROPOSED ZONING: PRD

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

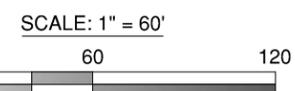
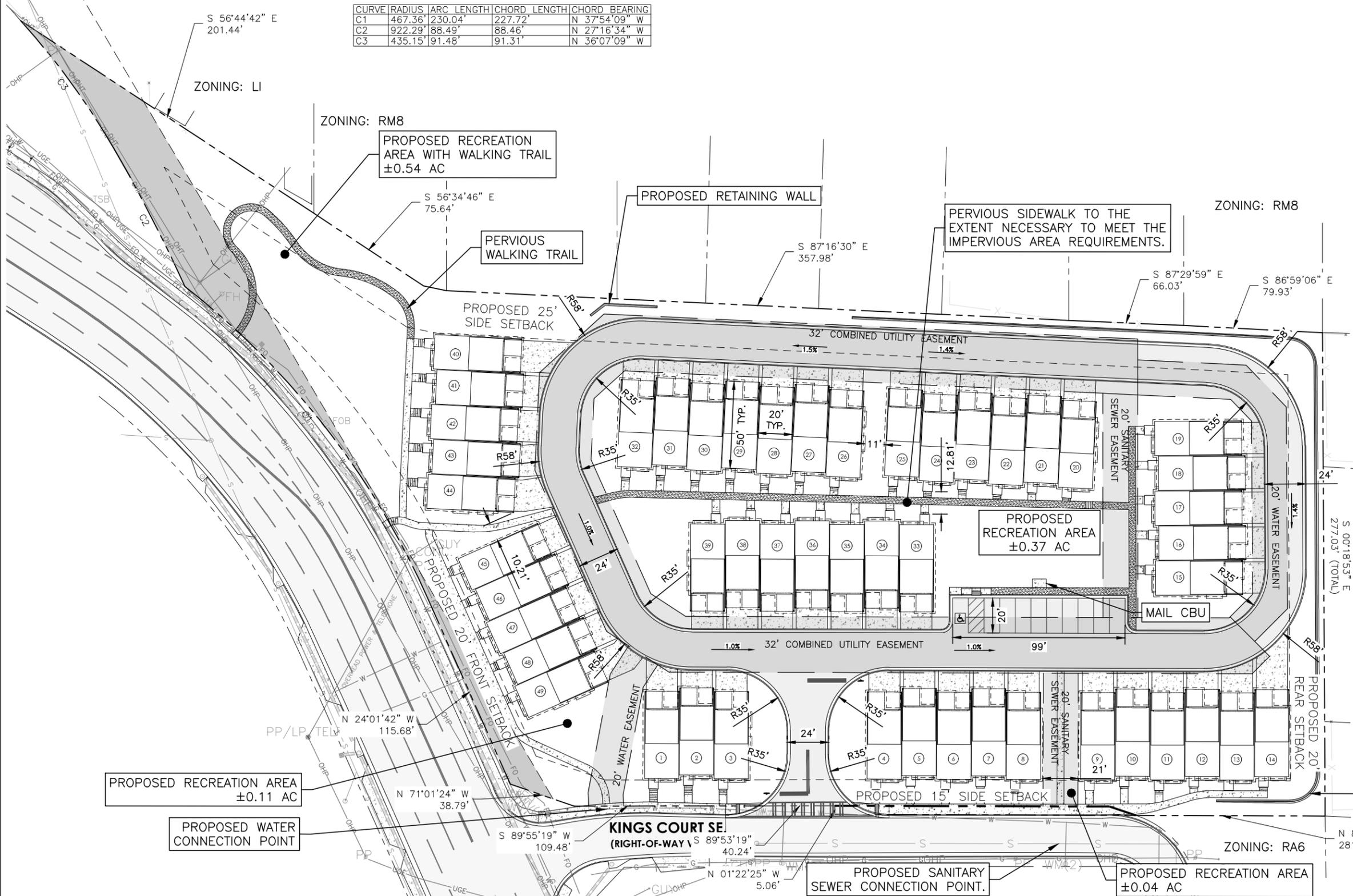
PROPOSED SETBACKS:  
FRONT: 25 FT  
SIDE (MAJOR): 15 FT  
SIDE (MINOR): 25 FT  
REAR: 30 FT

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

RECREATION AREA:  
REQUIRED RECREATION AREA: 1 AC/50 UNITS (0.98 AC)  
PROPOSED RECREATION AREA: 1.06 AC  
• RECREATION AREA IS REQUIRED TO HAVE ONE PASSIVE RECREATIONAL FEATURE AND ONE ACTIVE RECREATIONAL FEATURE. SEE ZONING ORDINANCE SEC. 708.09.B.2.i.

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

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



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

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



REVISIONS:

1	
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DESIGNED: DLH	DRAWN BY: GSU	CHECKED:
DATE: APR. 8, 2020		
JOB NO.: 2019-261		

**PROPOSED SUBDIVISION**  
**521 ATLANTA ST**  
**MARIETTA, GA**  
**REZONE PLAN**

DRAWING NUMBER  
**1**  
1 OF 1 SHEETS

June 5, 2020

**VIA EMAIL: [SLittle@mariettaga.gov](mailto:SLittle@mariettaga.gov)  
AND REGULAR MAIL**

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

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

Dear Shelby:

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

1. The architectural style, composition and design of the proposed townhomes shall be constructed consistent with the “Four-Sided Architecture” Requirement as defined in Section 724.02 of the Marietta Zoning Ordinance. (See attached). The architectural style represents high quality townhomes with blended building materials that may include the application of stone, brick, hardi-plank, shake and board and batten. No vinyl materials shall be used on the exterior of the town homes. The minimum heated floor area shall be 1,945 square feet.<sup>2</sup>
2. Resident and guest parking provisions shall be provided per Sections 708.09 and 716.07 of the Marietta Zoning Ordinance.
3. Project will include 1 acre of the site as open space.
4. All units within the proposed community shall be "for sale" units. The Declaration of Restrictive Covenants shall restrict the number of units which can be leased at any one time to no more than five percent.
5. Applicant agrees to the recording and enforcement of a Declaration of Restrictive

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<sup>1</sup> Although not required, the Applicant mailed copies of the site plan and other contact information to all adjacent neighbors. This has resulted in the ability to answer questions and provide the neighbors with any additional requested information.

<sup>2</sup> The price points shall be \$300,000 to \$400,000 and up.

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

6. Also, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, private streets, mail kiosk, and all landscaping and plantings
7. Lighting within the proposed community shall be environmentally sensitive, decorative and themed to the architecture and style of the proposed residential homes.
8. The yard areas around each unit shall be fully sodded/landscaped and maintained by the mandatory homeowner's association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.
9. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall complement the high quality, architectural vision and style of the proposed homes. The entrance landscaping shall be professionally designed, implemented, and maintained. All signage shall comply with the City of Marietta Sign Ordinance.
10. There shall be internal sidewalks within the proposed residential community, as more particularly shown and reflected on the updated Site Plan. However, sidewalks shall not be required in any areas in which the sidewalk conflicts with any guest parking requirements.
11. The proposed residential community shall contain private streets, twenty-four (24) feet in width, from back-of-curb to back-of-curb.
12. All utilities servicing the residences within the proposed community shall be located underground.
13. All construction and employee vehicles and equipment will be parked, and otherwise located, on the property during development of infrastructure and construction of residences, and shall not be parked on or along Atlanta Street, Kings Court and E. Dixie Avenue. There will be no stacking of vehicles along any roadway waiting for entry onto the property.
14. All landscaping referenced herein; including, but not limited to, the frontage, entrance area [including entrance signage], island areas, and open space areas, shall be approved by the City of Marietta as part of the plan review process and incorporated into the overall landscape plan for the proposed community as shown on the attached

landscape plan (see attached).

15. All setbacks, landscape and buffer areas may be penetrated for purposes of access, utilities and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by the City of Marietta or any utility provider.
16. All stormwater infrastructure located outside of the public right-of-way shall be privately maintained. Applicant agrees to comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and City Water Quality Ordinance.
17. Development and construction hours for the proposed project shall be limited to the following:
  - a. 7:00 a.m. to 7:00 p.m. – Monday – Friday, April 1<sup>st</sup> through September 30<sup>th</sup>;
  - b. 7:00 a.m. to 7:00 p.m. – Monday – Friday, October 1<sup>st</sup> through March 31<sup>st</sup>;
  - c. 9:00 a.m. to 6:00 p.m. – Saturday; and
  - d. No work on Sunday unless approved by the respective council member representing the Ward.
  - e. To the extent blasting is required on the Site (none is expected), any blasting will be performed only on Monday-Friday between the hours of 9:00 a.m. and 3:00 p.m. and a 24-hour notice must be given in writing to any occupied residence within 1000 feet of the Site.
18. Applicant requests approval of the following contemporaneous variances:
  - a. Section 708.09H of the Marietta City Code to allow the minimum lot size to be the footprint of the smallest unit.
  - b. Section 730.01H of the Marietta City Code to allow horizontal curvature of road centerline to be less than 100 feet.
  - c. Section 730.01 Table L and Section 726.03 A to allow the minimum access/utility easement width for a private road from 50 feet to 32 feet.<sup>3</sup>

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<sup>3</sup> At the planning commission the Fire Department confirmed this was no problem from a fire safety perspective.

Ms. Shelby Little, Manager  
Planning and Zoning Division  
Marietta Development Services  
June 5, 2020  
Page 4

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- d. Other variances as may be depicted on site plans recommended or approved by the Marietta Planning Commission and Mayor and Council.
19. Minor changes in use and intensity of use that may not require an amendment to the general plan and eligible to be submitted for approval in conjunction with the detailed plan shall be discussed in advance with the respective council member representing the Ward.
20. Consistent with the existing zoning stipulations for Z2018-23, applicant will conduct a historical resources survey and submit same to the City of Marietta prior to receiving final permits.

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

Sincerely,

TAYLOR ENGLISH DECISIONS, LLC



Rob Hosack  
[rhosack@tedecisions.com](mailto:rhosack@tedecisions.com)  
James A. Balli  
[jballi@tedecisions.com](mailto:jballi@tedecisions.com)

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



**SITE DATA**  
 ZONING: PRD  
 TOTAL SITE AREA: 9.77 ACRES  
 LOTS: 44 TOWNHOUSE

**OWNER/DEVELOPER:**  
 PULTE GROUP  
 MICHELLE HORSTEMEYER  
 678-249-1994  
 MICHELLE.HORSTEMEYER@PULTE.COM

**DESIGNER:**  
 MOONEY DESIGN STUDIO, INC.  
 P.O. BOX 8922  
 ATLANTA GA 30106  
 CONTACT: AMANDA MOONEY  
 404-483-7361  
 AMOONEY@MOONEYDESIGNSTUDIO.COM

**TABLE A: 521 ATLANTA SPECIMEN TREE CHART**

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

**TABLE B: 521 ATLANTA SAVED EXISTING TREE CHART**

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

**Owner:**



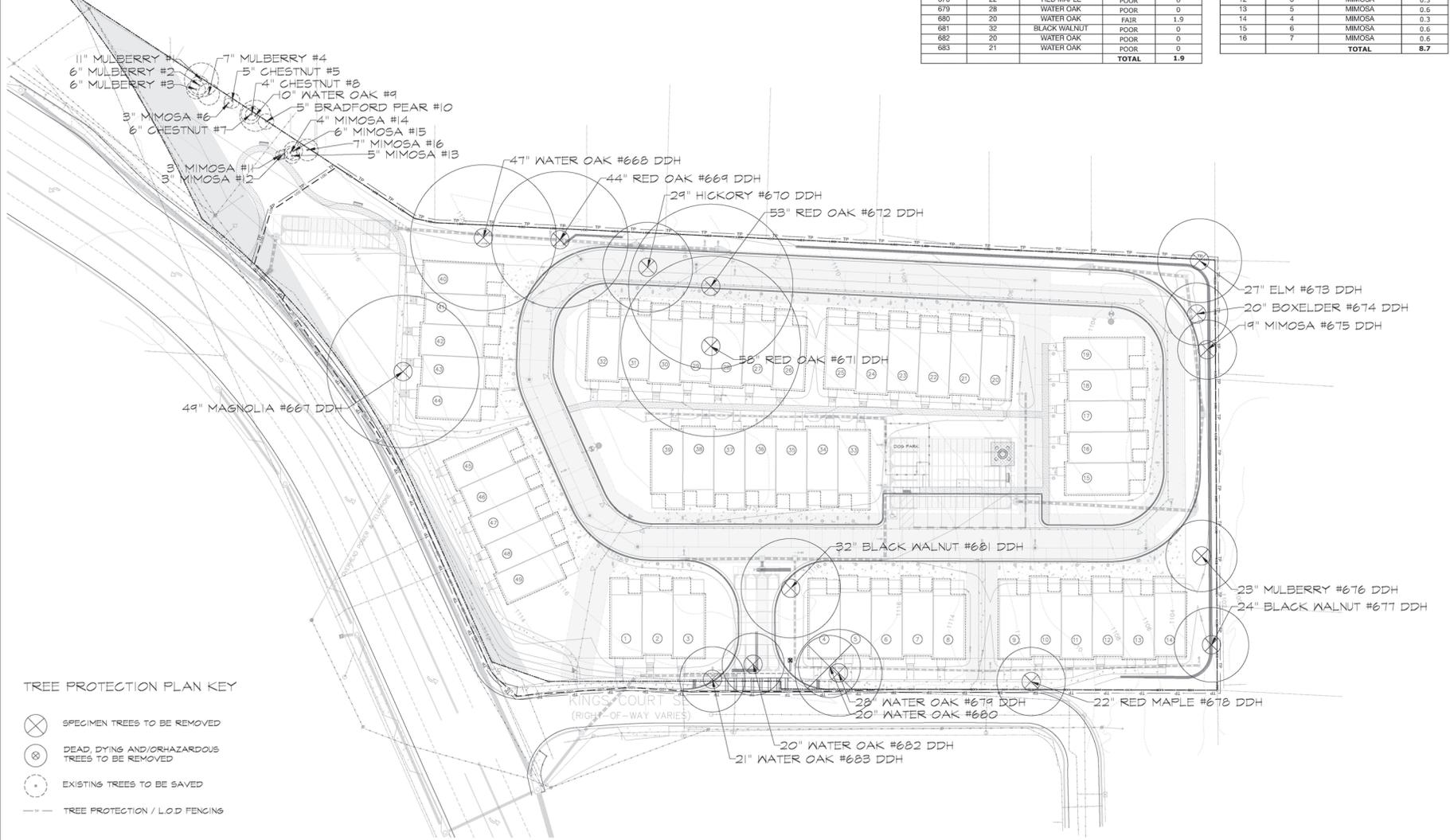
PULTE GROUP  
 2475 NORTHSHORES PRWAY  
 SUITE 600, ALPHARETTA GA 30009  
 MICHELLE HORSTEMEYER  
 678.778.1456

**Drawn by:**



**MOONEY**  
 design studio  
 Landscape Architecture | Planning  
 1190 N Highland Ave. NE  
 Atlanta, Ga 31106 #6822  
 (404) 483 7361

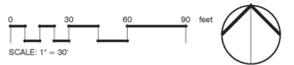
**521 ATLANTA  
 SCHEME 5**



**TREE PROTECTION PLAN KEY**

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

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



**REVISIONS**

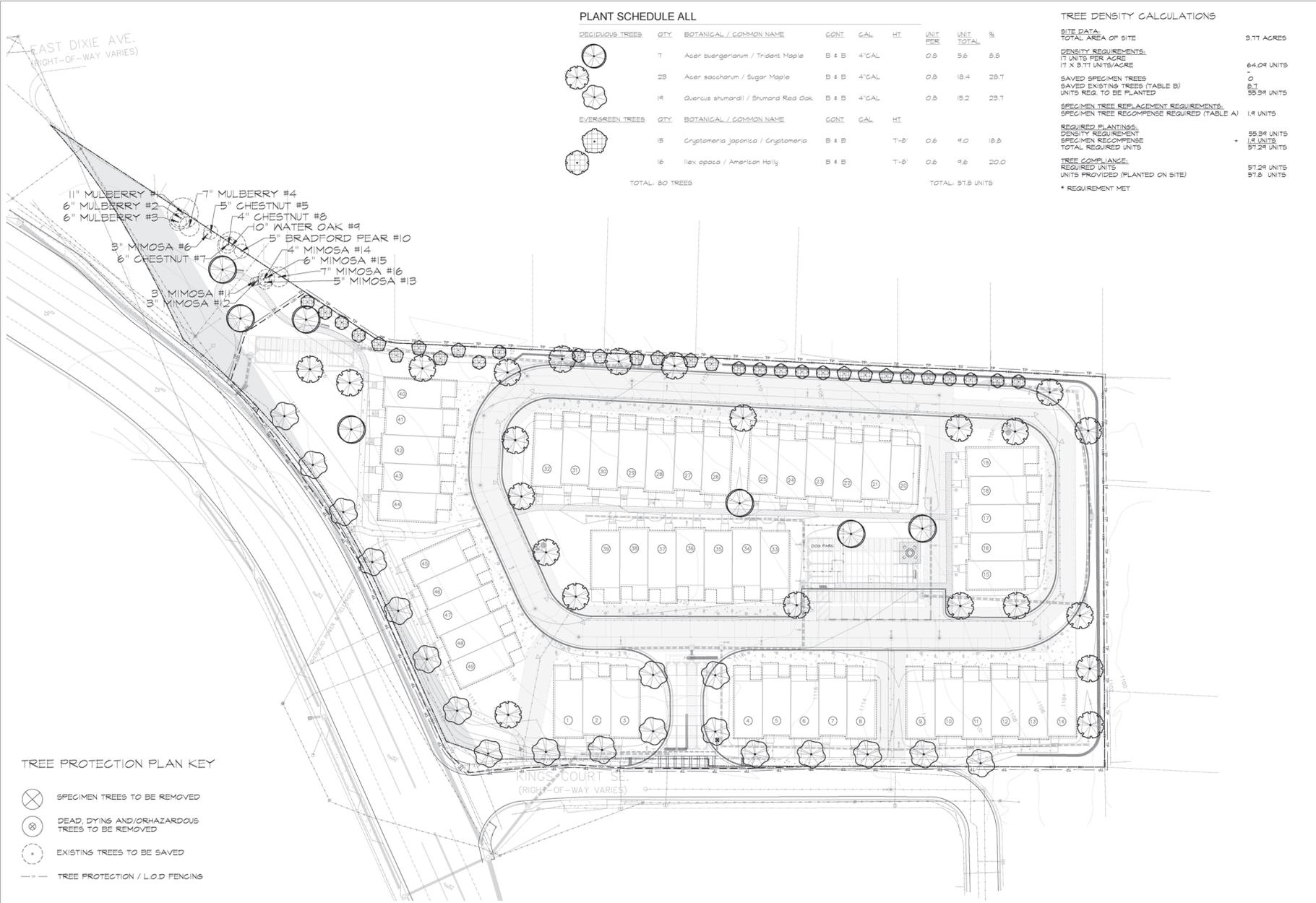

**TREE LOCATION AND PROTECTION PLAN**

**SCALE:**

**SHEET:**

**TPR1**  
 ZONING: PRD  
 MUNICIPALITY: CITY OF MARIETTA  
 DATE: 06.04.20





**PLANT SCHEDULE ALL**

DECIDUOUS TREES		QTY	BOTANICAL / COMMON NAME	CONT.	GAL.	HT.	UNIT PER	UNIT TOTAL	%
	1	Acer buergerianum / Trident Maple	B 4 B	4" GAL		0.8	5.6	8.8	
	28	Acer saccharum / Sugar Maple	B 4 B	4" GAL		0.8	18.4	28.7	
	18	Quercus shumardii / Shumard Red Oak	B 4 B	4" GAL		0.8	15.2	23.7	
EVERGREEN TREES		QTY	BOTANICAL / COMMON NAME	CONT.	GAL.	HT.	UNIT PER	UNIT TOTAL	%
	15	Cryptomeria japonica / Cryptomeria	B 4 B	1"-8"		0.6	9.0	16.8	
	16	Ilex opaca / American Holly	B 4 B	1"-8"		0.6	9.6	20.0	
TOTAL: 80 TREES							TOTAL: 57.8 UNITS		

**TREE DENSITY CALCULATIONS**

<b>SITE DATA:</b>		TOTAL AREA OF SITE	9.71 ACRES
<b>DENSITY REQUIREMENTS:</b>		17 UNITS PER ACRE	164.07 UNITS
		17 X 9.71 UNITS/ACRE	165.07 UNITS
<b>SAVED SPECIMEN TREES</b>		0	0.0
<b>SAVED EXISTING TREES (TABLE B)</b>		8.7	89.29 UNITS
<b>UNITS REQ. TO BE PLANTED</b>			
<b>SPECIMEN TREE REPLACEMENT REQUIREMENTS:</b>			
<b>SPECIMEN TREE RECOMPENSE REQUIRED (TABLE A)</b>		1.9 UNITS	
<b>REQUIRED PLANTINGS:</b>			
<b>DENSITY REQUIREMENT</b>		59.54 UNITS	
<b>SPECIMEN RECOMPENSE</b>		1.8 UNITS	
<b>TOTAL REQUIRED UNITS</b>		61.34 UNITS	
<b>TREE COMPLIANCE:</b>			
<b>REQUIRED UNITS</b>		57.29 UNITS	
<b>UNITS PROVIDED (PLANTED ON SITE)</b>		57.8 UNITS	
* REQUIREMENT MET			

**Owner:**  
  
 PULTE GROUP  
 2475 NORTHWINDS PRWAY  
 SUITE 600, ALPHARETTA GA 30009  
 MICHELLE HORSTEMEYER  
 678.778.1456

**Drawn by:**  
  
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 Landscape Architecture | Planning  
 1190 N. Highland Ave. NE  
 Atlanta, Ga 31106 #6822  
 (404) 483 7361

**521 ATLANTA  
 SCHEME 5**

06.04.20

**REVISIONS**


**TREE REPLACEMENT PLAN**

**SCALE:**

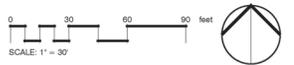
**SHEET:**

**TPR2**  
 ZONING: PRD  
 MUNICIPALITY: CITY OF MARIETTA  
 DATE: 06.04.20

**TREE PROTECTION PLAN KEY**

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

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







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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #: Z2020-20**

**LEGISTAR: #20200348**

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

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

**PROPERTY ADDRESS: 308 Montgomery Street**

**PARCEL DESCRIPTION: 16114401680**

**AREA: 0.74 acres**

**COUNCIL WARD: 5A**

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

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

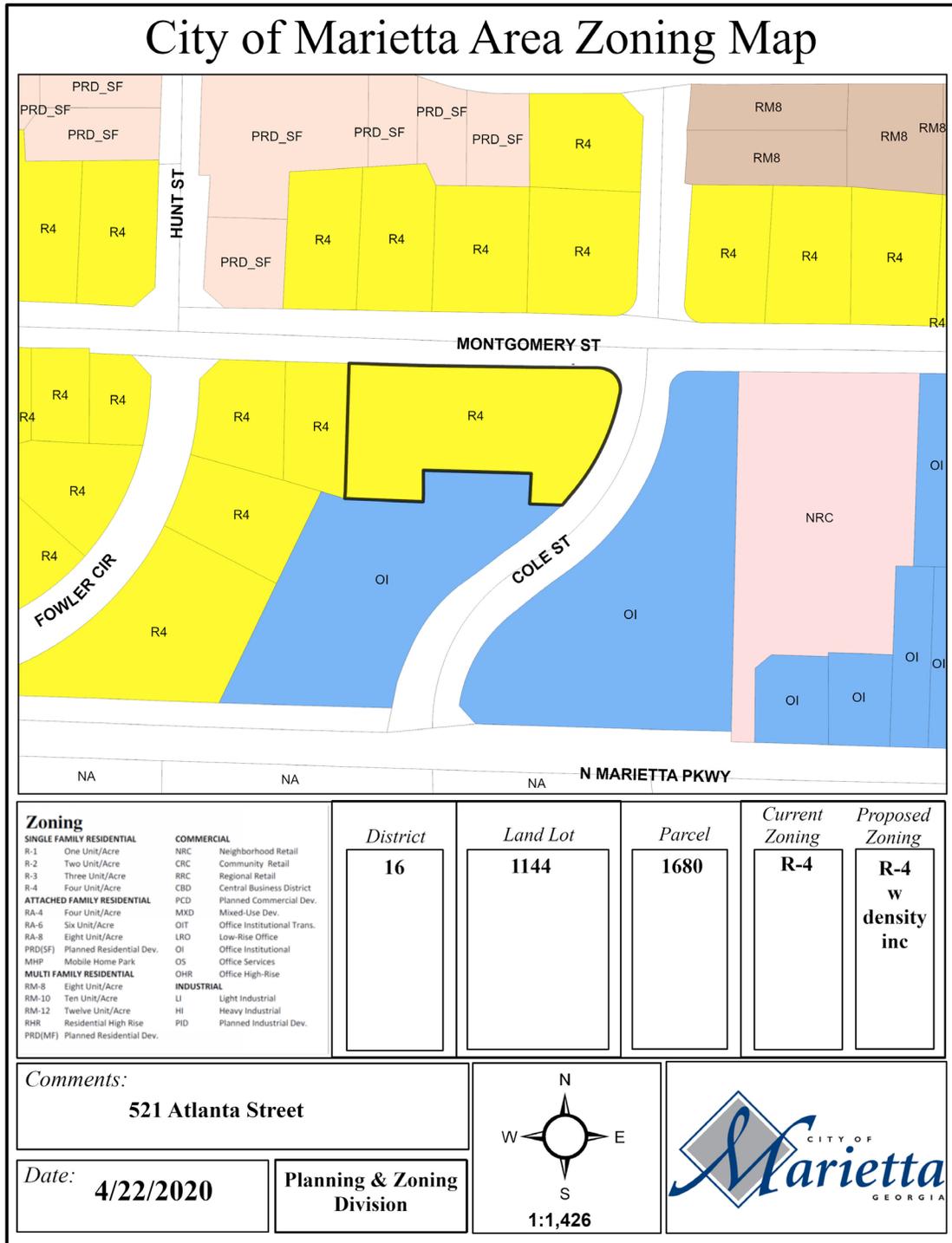
**FUTURE LAND USE: MDR (Medium Density Residential)**

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

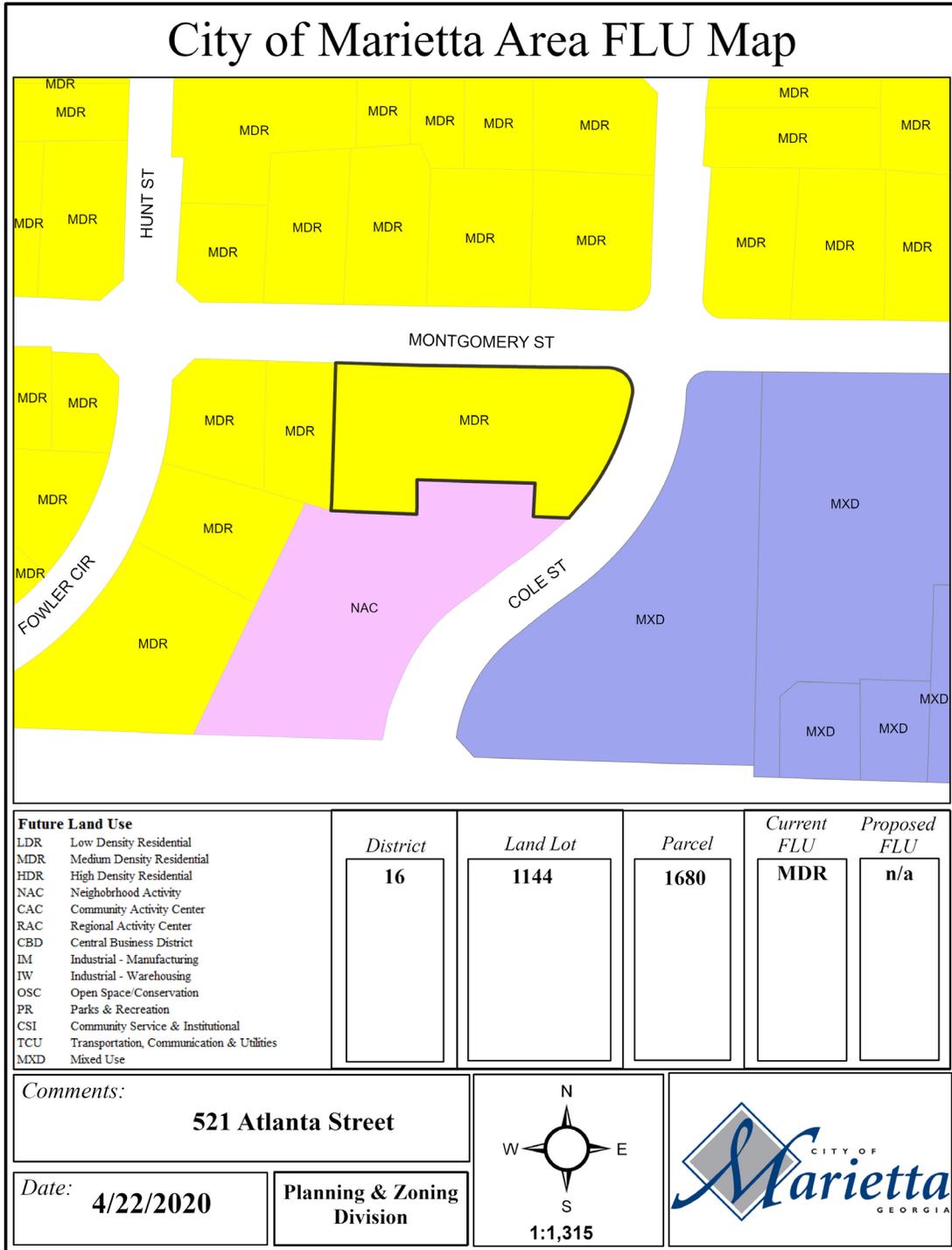
**PLANNING COMMISSION HEARING: Tuesday, June 2<sup>nd</sup>, 2020 – 6:00 p.m.**

**CITY COUNCIL HEARING: Wednesday, June 10<sup>th</sup>, 2020 – 7:00 p.m.**

# MAP



## FLU MAP



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**PICTURES OF PROPERTY**



**308 Montgomery Street (view from Cole Street)**



**Intersection of Montgomery Street @ Cole Street**



**Montgomery Street frontage**

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## STAFF ANALYSIS

### *Location Compatibility*

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

### *Use Potential and Impacts*

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

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

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

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

### *Environmental Impacts*

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

### *Economic Functionality*

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

### *Infrastructure*

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

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

### *Overhead Electrical/Utilities*

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

### *History of Property*

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



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

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*Other Issues*

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



## ANALYSIS & CONCLUSION

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

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

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

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

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

Prepared by: Shelley Grille

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?	10" in Montgomery and Cole
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - WASTEWATER***

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



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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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

**Additional Comments:**

- Full site development plans required

### ***TRANSPORTATION***

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



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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

#### Comments:

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

### MARIETTA POWER - ELECTRICAL

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

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

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**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 #: 22020-20 Registrar #: 20200348 PZ #: 20-122  
Planning Commission Hearing: 6-2-20 City Council Hearing: 6-10-20

Owner's Name CenterState Bank Mark Hill

EMAIL Address: mhill@centerstatebank.com

Mailing Address 1375 North Broadway Ave Bartow FL Zip Code: 33830 Telephone Number 863-651-7321

**COMPLETE ONLY IF APPLICANT IS NOT OWNER:**

Applicant: Mark Lewis

EMAIL Address: MRKLewis99@gmail.com / nancy lewis / whimseys@att.net

Mailing Address 440 Davis Carnes Ln, Marietta Zip Code: 30064

Telephone Number 404-867-7082 Email Address: MRKLewis99@gmail.com

Address of property to be rezoned: 308 Montgomery St. Marietta GA 30060

Land Lot (s) 1144 District 16 Parcel 01680 Acreage .74 Ward 5A Future Land Use: MDR

Present Zoning Classification: R-4 Proposed Zoning Classification: R-4 with Density Variance

**REQUIRED INFORMATION**

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

- 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.
- Legal Description. Legal description must be in a WORD DOCUMENT.
- Application fee (\$500)
- Copy of the deed that reflects the current owner(s) of the property.
- Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
- 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 1/2" 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

- 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.

Mark Hill  
Signature of Owner

Signature of Applicant

Mark Hill Center State Bank  
Print Name

Mark Lewis  
Print Name

**FINANCIAL INTEREST**

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

Mark Lewis  
Print Name

Signature of Applicant

**OWNER/APPLICANT CERTIFICATION**

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

Mark Hill  
Signature

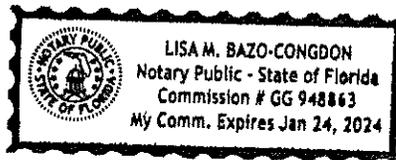
MARK HILL  
Please Print

1375 N. BROADWAY AVE. BARROW FL 33530  
Address

APRIL 14, 2020  
Date

Signed, sealed and delivered in the presence of:

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



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

**CAMPAIGN CONTRIBUTIONS**

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

Signature of Owner

Signature of Applicant

Mark Hill Center State Bank

Mark Lewis

Print Name

Print Name

**FINANCIAL INTEREST**

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

Mark Lewis

Erin Morris

Print Name

Signature of Applicant

**OWNER/APPLICANT CERTIFICATION**

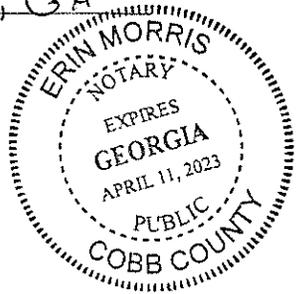
- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false 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.

Erin Morris  
Signature

Mark A. Lewis  
Please Print

440 Davis Curves Lane, Marietta, GA 30064  
Address

4-16-2020  
Date



Signed, sealed and delivered in the presence of:

Erin Morris My Commission Expires: 04-11-2023

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

**April 16<sup>th</sup>, 2020**

Mark A. Lewis

### **PROPOSED PROJECT**

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

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

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

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS and VARIANCES**

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

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

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

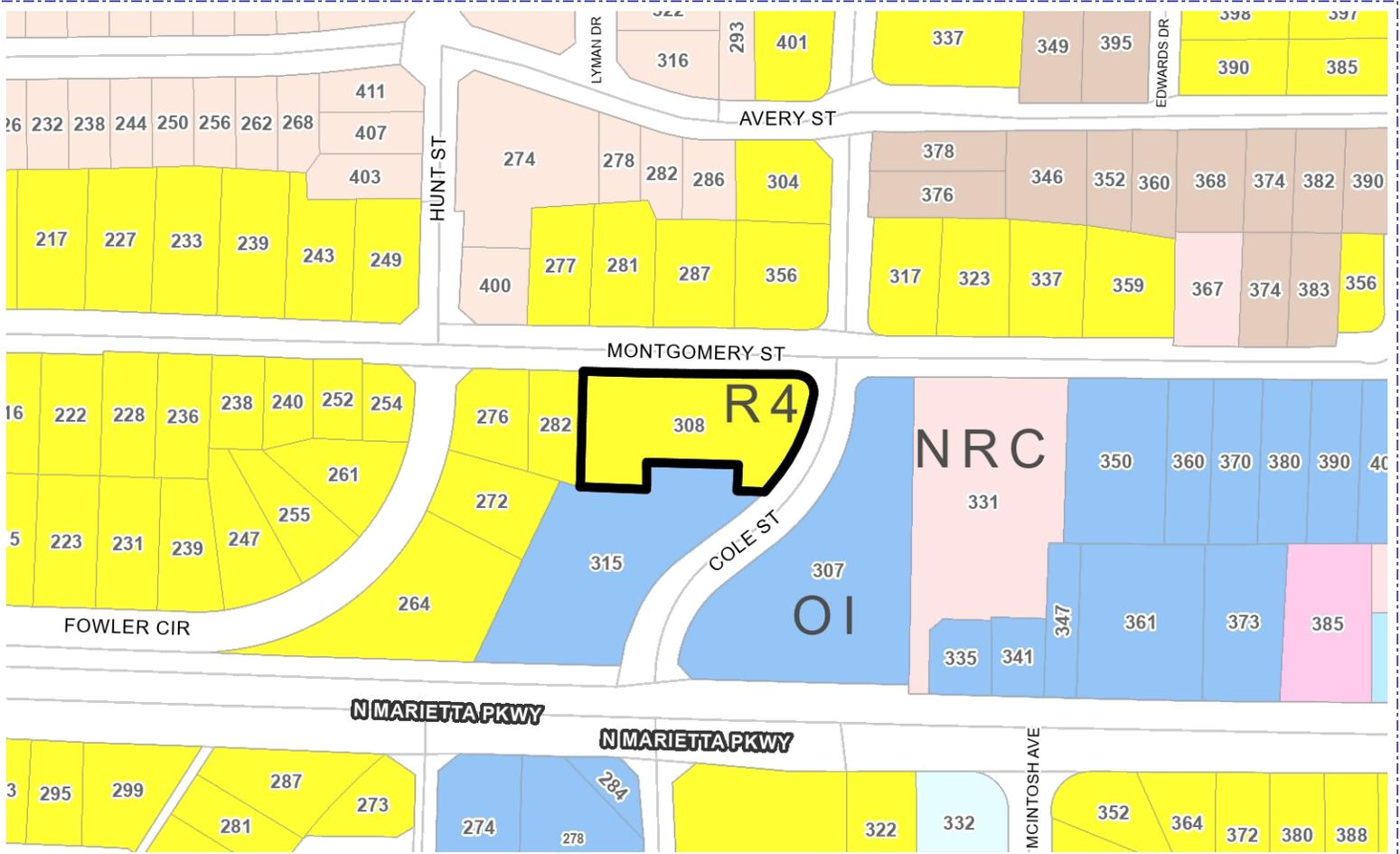
**For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.**

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

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060



# Rezoning



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

Property Owner: Center State Bank-Mark Hill

Applicant: Mark Lewis

Proposed Zoning: R4 to R4 w/increased density

Agent:  
Proposed Use:

Planning Commission Date: 06/02/2020

City Council Hearing Date: 06/10/2020 Case Number: Z2020-20

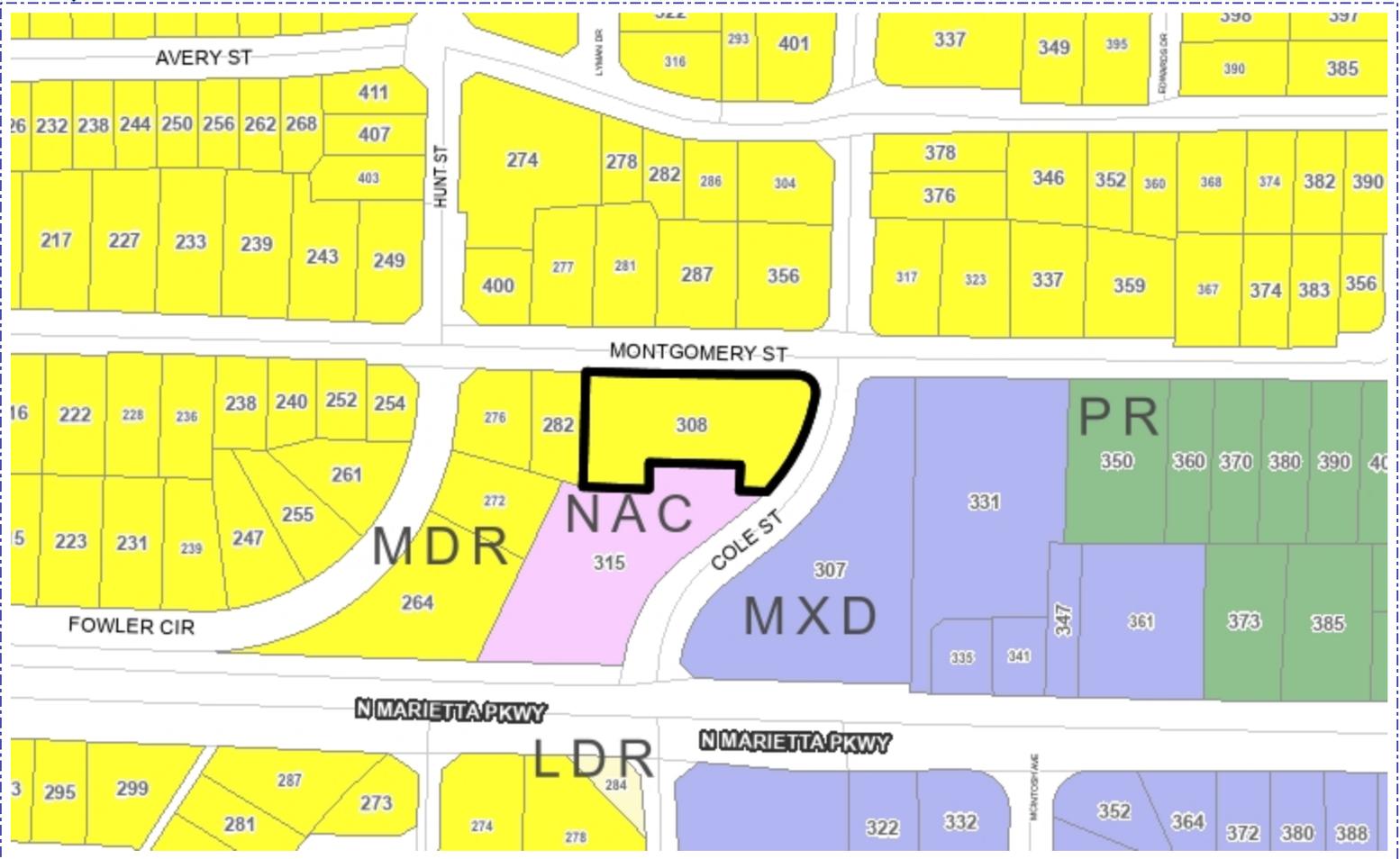
City of Marietta Planning & Zoning

**Zoning Symbols**

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



# Future Land Use



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

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

**Future Land Use Symbols**

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

City of Marietta Planning & Zoning



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

Property Owner:	Center State Bank-Mark Hill
Applicant:	Mark Lewis
City Council Hearing Date:	06/10/2020
Planning Commission Hearing Date:	06/02/2020
BZA Hearing Date:	Case Number: Z2020-20
Comments:	
City of Marietta Planning & Zoning	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

LEGEND		
□	P.R. - POWER POLE	
⊗	L.P. - LIGHT POLE	
⊕	F.H. - FIRE HYDRANT	
⊙	M.H. - SANITARY SEWER MANHOLE	
⊕	W.M. - WATER METER	
⊕	G.M. - GAS METER	
⊕	R.B.S. - REINFORCING BAR SET	
⊕	R.B.F. - REINFORCING BAR FOUND	
⊕	C.T.F. - CRIMP TOP PIPE FOUND	
⊕	O.T.F. - OPEN TOP PIPE FOUND	
⊕	R/W MON. - RIGHT-OF-WAY MONUMENT	
⊕	X	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	
⊕	W.V. - WATER VALVE	
⊕	S.C.O. - SEWER CLEAN OUT	
⊕	⊕	TELEPHONE MANHOLE
⊕	⊕	UNDERGROUND ELECTRICAL LINE
⊕	⊕	OVERHEAD POWER LINES
⊕	⊕	HW - HEADWALL
⊕	⊕	POWERBOX
⊕	⊕	WATER LINE
⊕	⊕	UNDERGROUND TELEPHONE LINE
⊕	⊕	GAS LINE

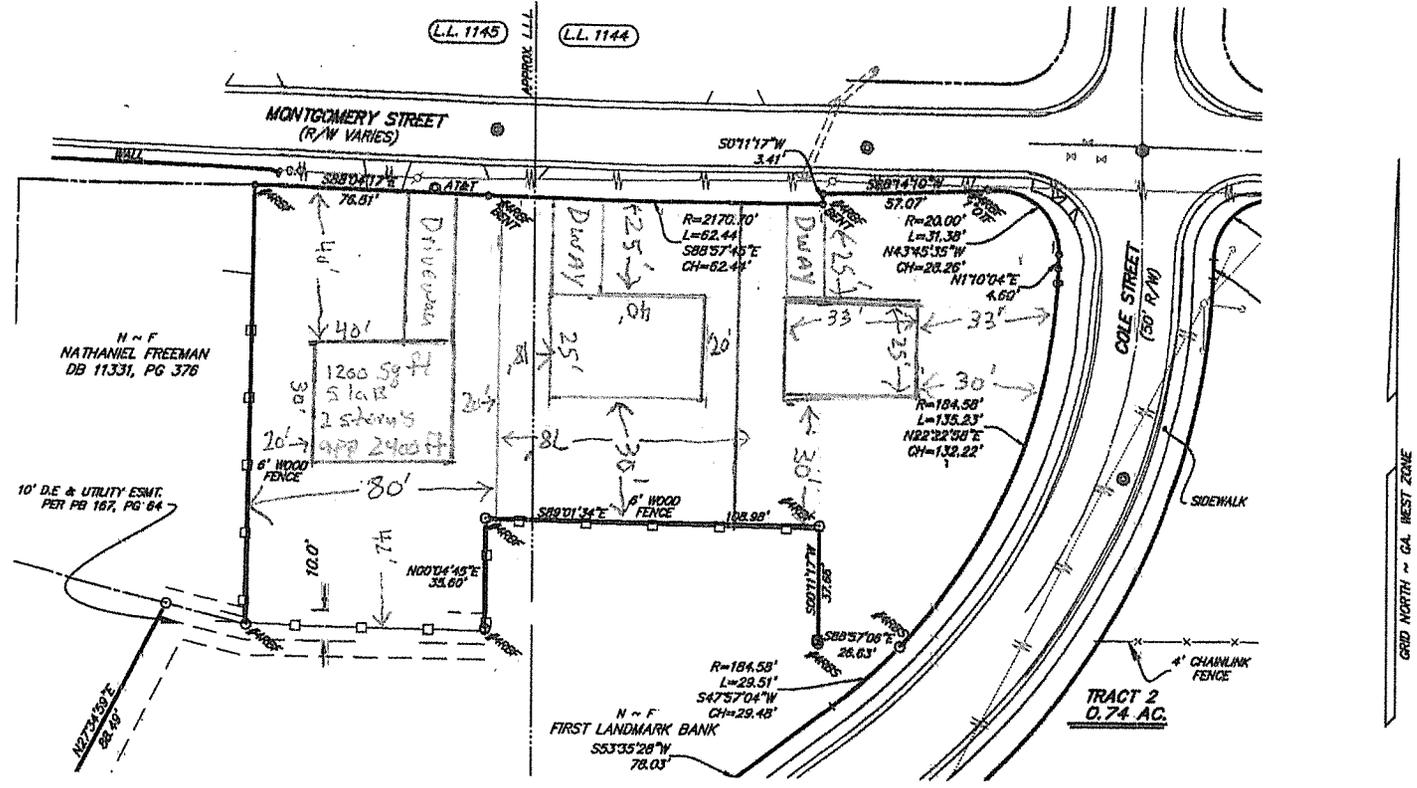
CLERK OF THE SUPERIOR COURT  
RECORDING INFORMATION

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

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ACCORDING TO FEMA (F1A) COMMUNITY NUMBER # 130228 MAP NUMBER # 13027 C 0109 G DATED DECEMBER 16, 2008

**GPS NOTES:**

- 1.) HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 88.
- 2.) THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A CELL PHONE FROM THE EGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.



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.G.G.A. SECTION 15-8-67.

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

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE: 1/31,000; ANGULAR ERROR: 3" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPOUND RULE. LINEAR PRECISION OF THIS PLAT: 1/238,317. MATTERS OF TITLE ARE EXCEPTED.

DATE	3/20/20	REVISED
SCALE	1" = 30'	
DRAWN BY	SLB	
CHECKED BY	JDW	
FIELD BOOK	S&ND/C080/16-1144	

BOUNDARY RETRACEMENT SURVEY FOR:

**CENTERSTATE BANK**  
308 MONTGOMERY STREET

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



*Christopher A. Evans* 4/3/20  
CHRISTOPHER A. EVANS, RLS  
GA RLS NO. 2784

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

CURRENT OWNER:  
FIRST LANDMARK BANK



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



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

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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2020-22

**LEGISTAR:** #20200365

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

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

**AGENT:** n/a

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

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

**AREA:** ±1.59 acres

**COUNCIL WARD:** 1A

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

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

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

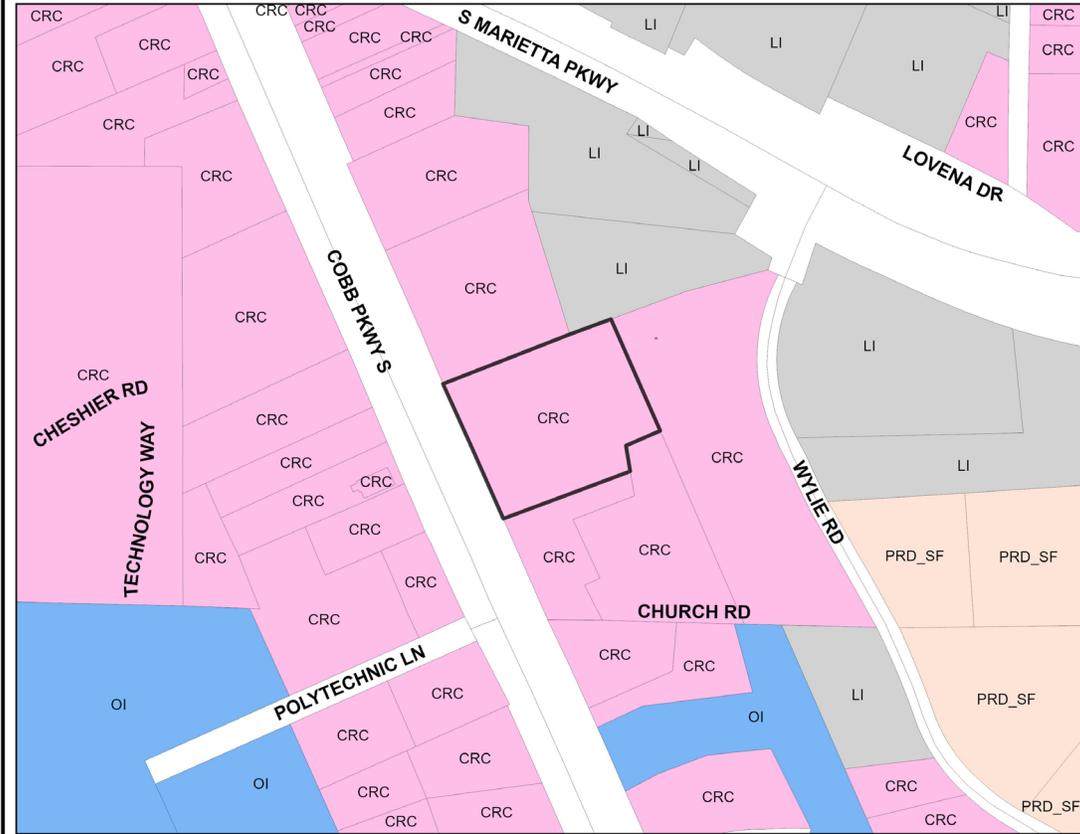
**REASON FOR REQUEST:** The applicant is requesting the rezoning of a portion of 565 Cobb Parkway South from CRC to RHR to construct a multifamily complex with ninety-four (94) units classified as Housing for Older Persons (HFOP).

**PLANNING COMMISSION HEARING:** Tuesday, June 2<sup>nd</sup>, 2020 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, June 10<sup>th</sup>, 2020 – 7:00 p.m.

**MAP**

**City of Marietta Area Zoning Map**

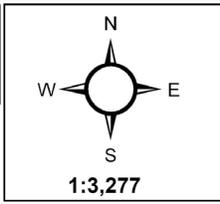


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park <b>MULTI FAMILY RESIDENTIAL</b> RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.	<b>COMMERCIAL</b> NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MXD Mixed-Use Dev. OIT Office Institutional Trans. LRO Low-Rise Office OI Office Institutional OS Office Services OHR Office High-Rise <b>INDUSTRIAL</b> LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	17	506	0620	CRC	RHR

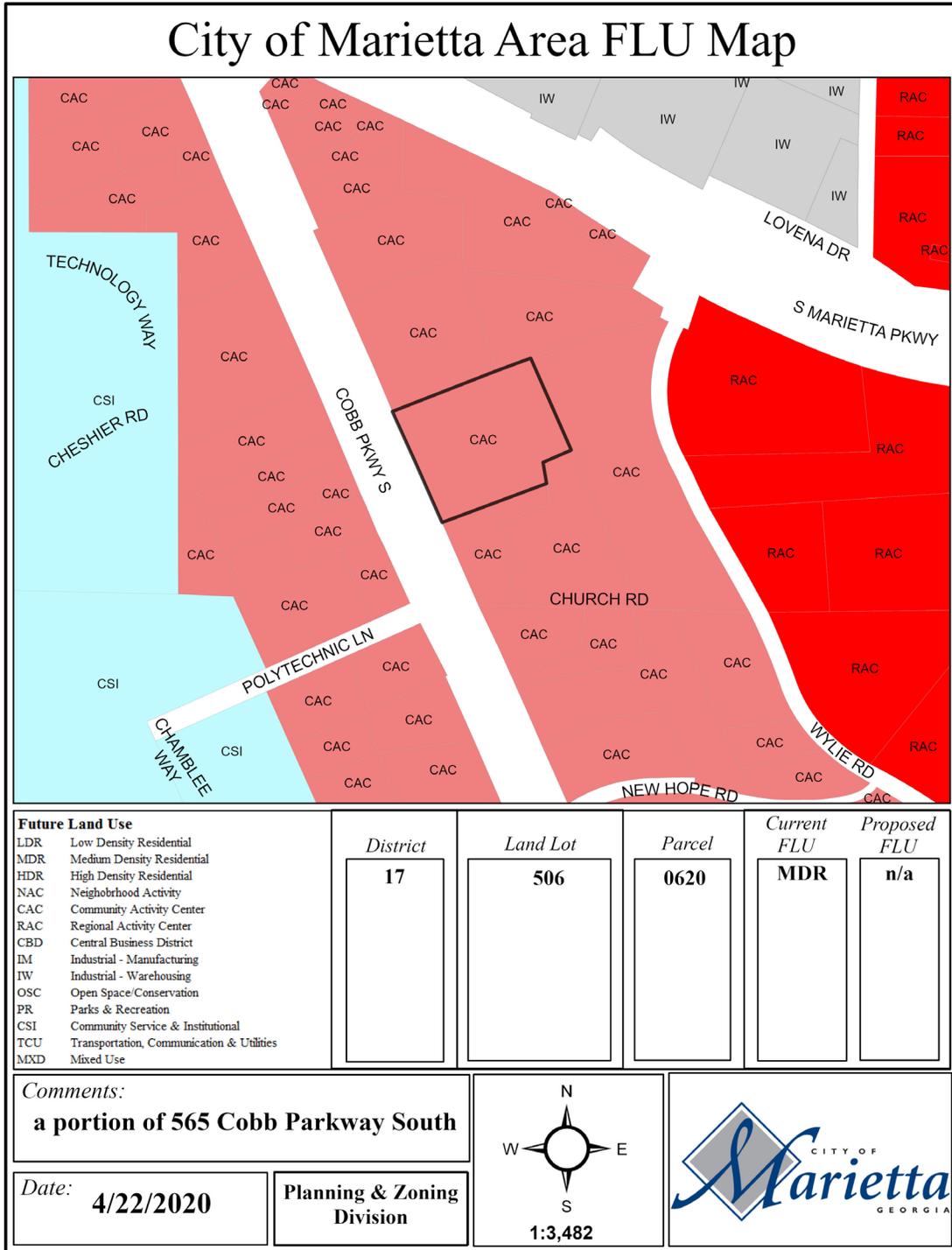
Comments:  
 a portion of 565 Cobb Parkway South

Date: 4/22/2020

Planning & Zoning Division



## FLU MAP



**PICTURES OF PROPERTY**



**Subject property at 565 Cobb Parkway S**



**Subject property**

## STAFF ANALYSIS

### *Location Compatibility*

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

### *Use Potential and Impacts*

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

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

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

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



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

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

*Environmental Impacts*

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

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

*Economic Functionality*

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

*Infrastructure*

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

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

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

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

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

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

### *History of Property*

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

### *Other Issues*

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

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

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



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## ANALYSIS & CONCLUSION

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

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

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

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

1. Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac. [*§708.13 (H)*]
2. Variance to reduce the minimum building height from 5 stories to 4 stories. [*§708.13 (H)*]
3. Variance to reduce the front yard setback for a property zoned RHR from 50’ to 10’. [*§708.13 (H)*]
4. Variance to reduce the side yard setbacks for a property zoned RHR from 30’ to 20’. [*§708.13 (H)*]
5. Variance to reduce the parking minimum from 188 to 94 parking spaces. [*§716.07 and §708.13 (H)*]

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

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	16"
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - WASTEWATER***

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	10"
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Rottenwood
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No
<ul style="list-style-type: none"> <li>• 94 units will need a second access point</li> <li>• Full site development plans required</li> <li>• Comply with ARTICLE 7-8-14 - post-development stormwater management for new development and redevelopment</li> <li>• Sidewalks required along frontage and interior to the project</li> <li>• Traffic study required to evaluate entrance and impact to state route 41</li> <li>• GDOT approval required</li> <li>• Explain how 94 units of trash will be addressed if curbside pickup proposed, show turning template of access for Sanitation vehicle.</li> </ul>	

### ***TRANSPORTATION***

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What is the road affected by the proposed change?	Cobb Pkwy
What is the classification of the road?	Principle Arterial
What is the traffic count for the road?	33,000 (GDOT 2018)
Estimated # of trips generated by the proposed development?	Information not provided
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	No
Transportation improvements in the area?	No
If yes, what are they?	NA

**Additional Comments:**

Add sidewalk to proposed development.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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Nearest city or county fire station from the development?	149 Dodd St
Distance of the nearest station?	1 mile
Most likely station for 1 <sup>st</sup> response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

**Comments:**

- Drive around access to the building will be required.
- Fire Sprinklers required.
- Fire Alarm required. CO alarms if using fuel fired appliances/equipment.
- If total SF exceeds 12,000 IFC 510 requirements will need to be met.
- Minimum percentage of rooms must be ADA compliant per 2010 ADA guidelines.

### MARIETTA POWER - ELECTRICAL

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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:	<b>Lockheed</b>
Middle School Servicing Development:	<b>Marietta Middle School</b>
High School Servicing Development:	<b>Marietta High School</b>
Capacity at Elementary School:	<b>775</b>
Capacity at Middle School:	<b>1,350</b>
Capacity at Marietta Sixth Grade Academy:	<b>775</b>
Capacity at High School:	<b>2,150</b>
Current enrollment of Elementary School:	<b>737</b>
Current enrollment of Middle School:	<b>1,386</b>
Current enrollment of High School:	<b>2,410</b>
Number of students generated by present development:	<b>0</b>
Number of students projected from the proposed development:	<b>0 (Senior Living)</b>
New schools pending to serve this area:	<b>0</b>

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



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

## APPLICATION FOR REZONING

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

*For Office Use Only:*

Application #: 22020-22      Legistar #: 20200365      PZ #: 20-127  
 Planning Commission Hearing: 6-2-20      City Council Hearing: 6-10-20

Owner's Name ISTAR Bowling Centers I LP

EMAIL Address: \_\_\_\_\_

Mailing Address 7313 Bell Creek Road, Mechanicsville, VA Zip Code: 23111 Telephone Number \_\_\_\_\_

**COMPLETE ONLY IF APPLICANT IS NOT OWNER:**

Applicant: Prestwick Land Holdings and the Marietta Housing Authority-Edrick Harris  
 EMAIL Address: edrick@prestwickcompanies.com  
 Mailing Address 3715 Northside Parkway, Atlanta, GA Zip Code: 30127  
 Telephone Number 678.705.0738 Email Address: edrick@prestwickcompanies.com

Address of property to be rezoned: 565 South Cobb Parkway, Marietta, GA

Land Lot (s) 506 District 17 Parcel 62 Acreage 2.21 Ward 1A Future Land Use: CAC

Present Zoning Classification: C4 <sup>00620</sup> Proposed Zoning Classification: RHR <sup>2416</sup>

**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 1/2" 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

Eaep  
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name

Edrick J Harris  
\_\_\_\_\_  
Print Name

**FINANCIAL INTEREST**

The Applicant herein certifies that he/she  has  has not a financial interest in the property which is ten percent (10%) or more. Prestwick Land Holdings is seeking to purchase the property, but currently has no interest/ownership.

Edrick J Harris  
\_\_\_\_\_  
Print Name

Eaep  
\_\_\_\_\_  
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.

Eaep  
\_\_\_\_\_  
Signature

Edrick Harris  
\_\_\_\_\_  
Please Print

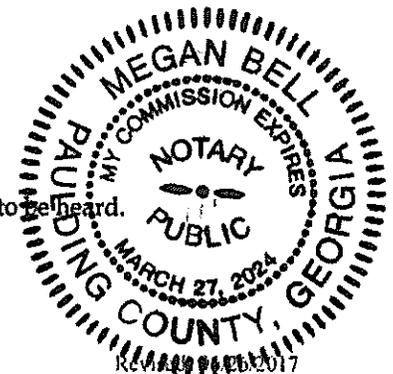
3715 Northside Parkway, Atlanta, GA 30327  
\_\_\_\_\_  
Address

4/20/2020  
\_\_\_\_\_  
Date

Signed, sealed and delivered in the presence of:

Megan Bell  
\_\_\_\_\_

My Commission Expires: 3-27-2024



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

# The 565 South Cobb Parkway Senior Community

## Project Narrative

Prestwick and The Marietta Housing Authority will develop a market quality product consistent with The Manor at Scott's Crossing and Gateway Capitol View in the City of Atlanta in Marietta. The HFOP (senior) multifamily complex will showcase 94 units (47-one bedroom and 47-two bedroom). All units will be in one individual building and there will be an integrated community center. The building's attractive, modern exterior will consist of brick or stone complemented by hardi-plank façade providing maximum architectural appeal. The project will seek the Southface Energy Institute's Earth Craft certification.

For the enjoyment and convenience of all residents, central common areas will include a community room with a kitchen, fitness center, business center with computer stations, furnished library, community garden, wellness room, interior gathering areas, and a laundry room. The senior community will also offer a gazebo / picnic area and other green space. Resident activities will be ongoing and designed to meet the needs of the changing community.

The site's best amenity, however, might be its location. The site is located within the major employment center of Marietta, which has fantastic schools, and is an area of opportunity. The site is within a short walking distance to transit, several parks and other community amenities.

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**TO: Marietta Daily Journal**

**FROM: City of Marietta**

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

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS and VARIANCES**

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

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

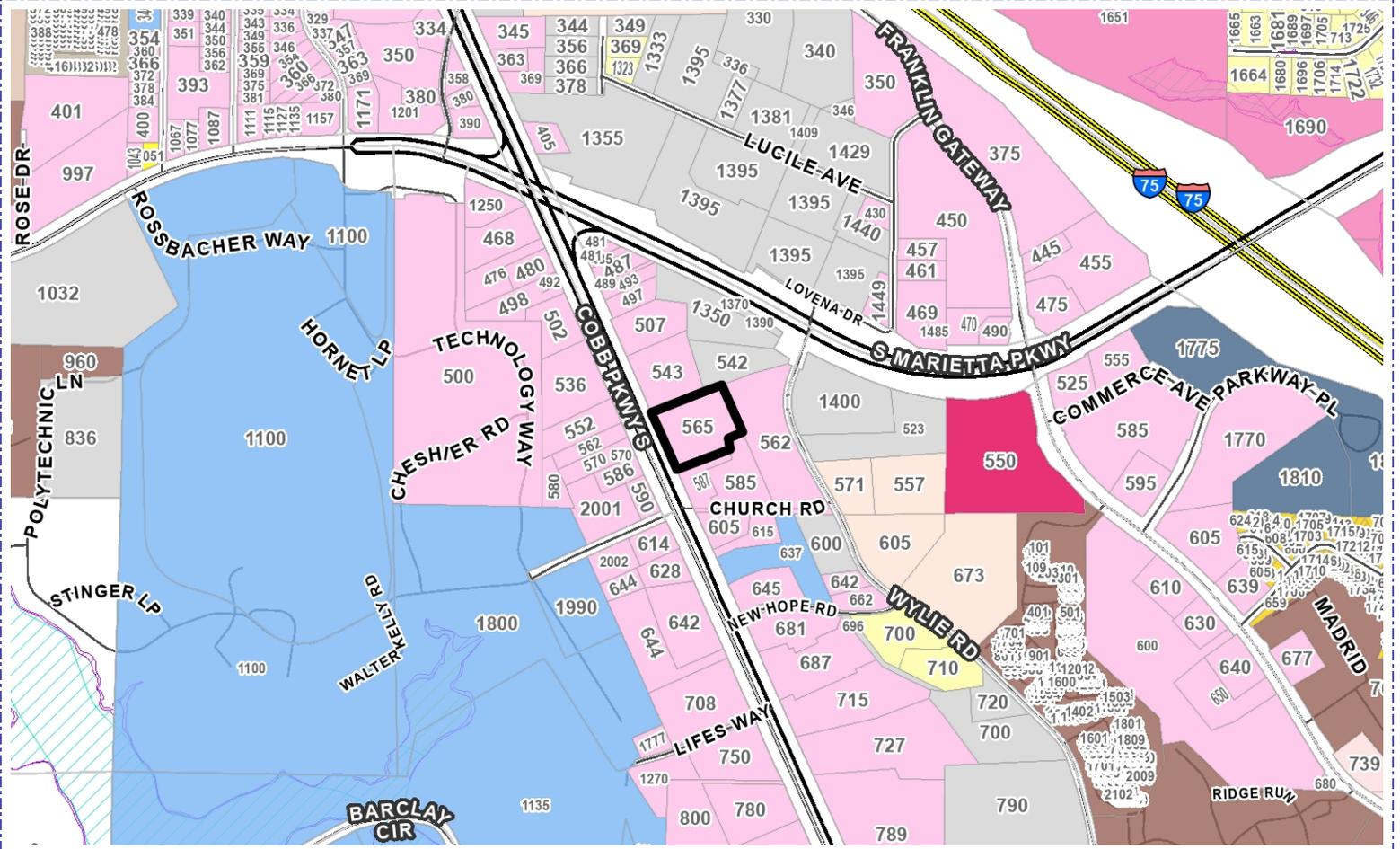
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

**For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.**

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

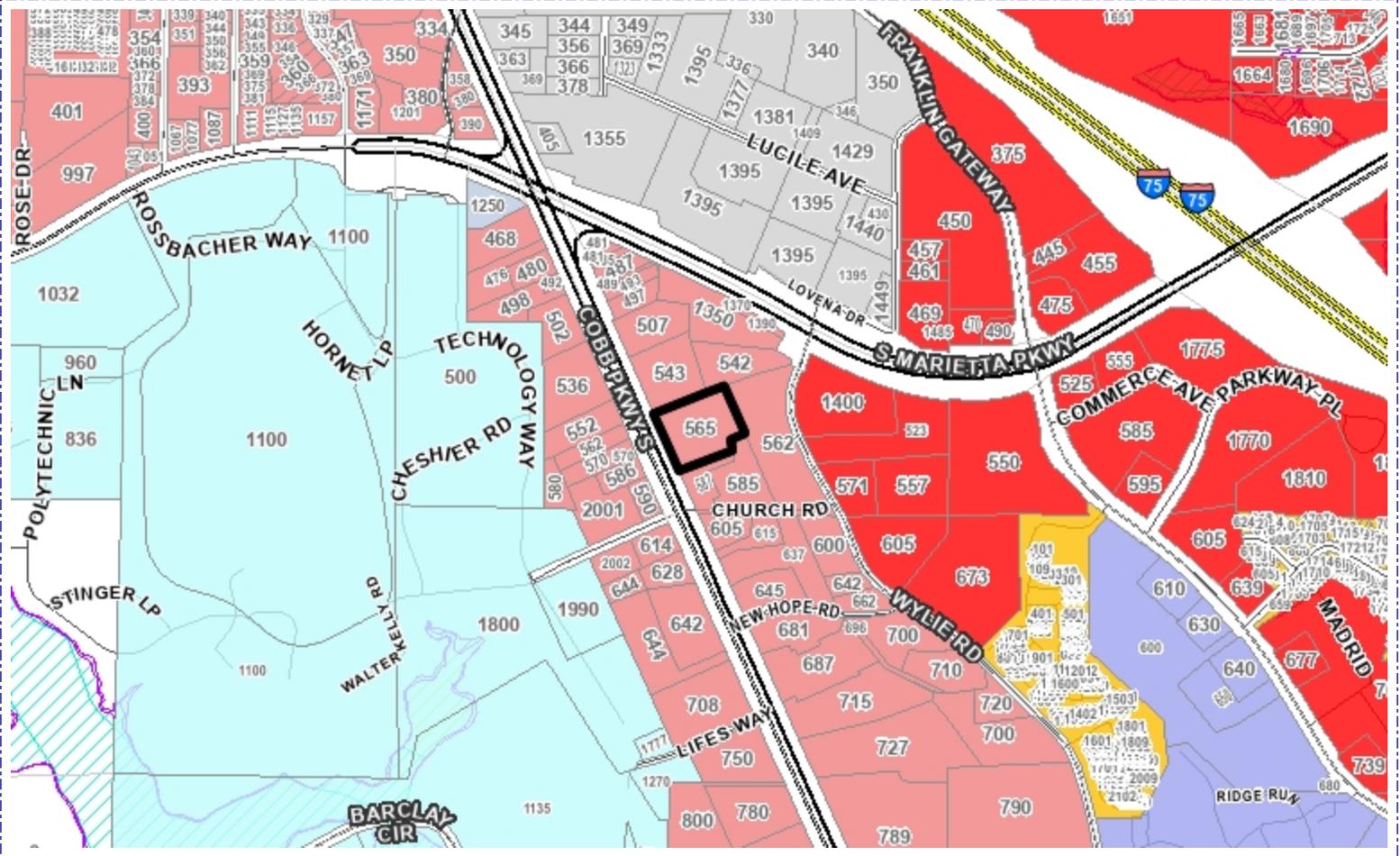
City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

# Rezoning

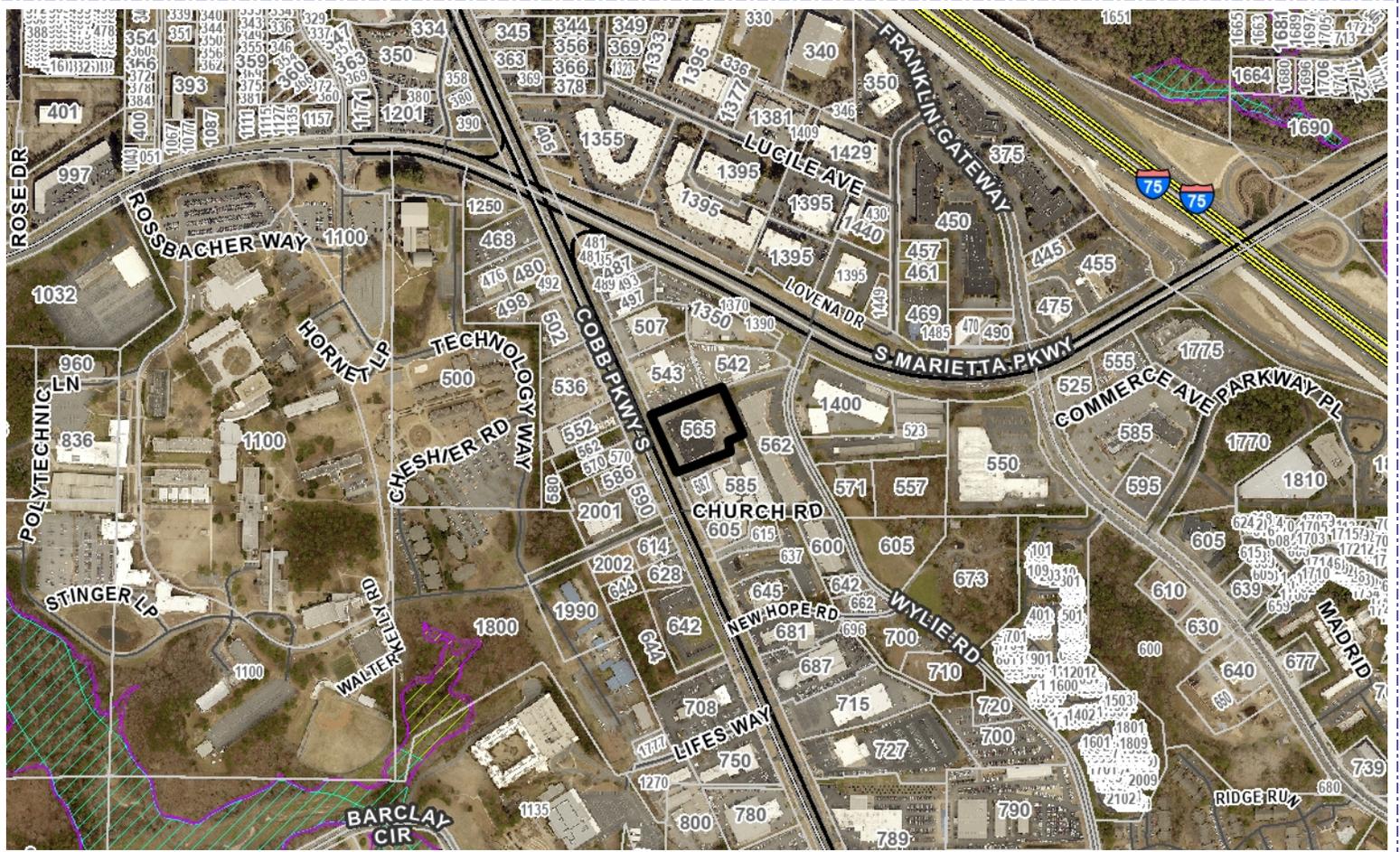


Address	Parcel Number	Acreage	Ward	Zoning	FLU
565 COBB PKWY S	17050600620	2.416	1A	CRC	CAC

Property Owner:	ISTAR Bowling Centers I LP		<b>Zoning Symbols</b> 
Applicant:	Prestwick Land Holdings and the Marietta Housing Authority-Edrick Harris		
Proposed Zoning:	CRC to RHR		
Agent:			
Proposed Use:			
Planning Commission Date:	06/02/2020		
City Council Hearing Date:	06/10/2020	Case Number: Z2020-22	
City of Marietta Planning & Zoning			



Address	Parcel Number	Acreage	Ward	Zoning	FLU
565 COBB PKWY S	17050600620	2.416	1A	CRC	CAC
Planning Commission Hearing Date:	06/02/2020	<b>Future Land Use Symbols</b> Railroads City Limits Cobb County Pockets RAC - Regional Activity Center CAC - Community Activity Center NAC - Neighborhood Activity Center CBD - Central Business District MXD - Mixed Use Development CSI - Community Service and Institutional HDR - High Density Residential MDR - Medium Density Residential LDR - Low Density Residential OSC - Open Space / Conservation PR - Parks / Recreation IW - Industrial Warehousing IM - Industrial Manufacturing TCU - Transportation and Utilities			
City Council Hearing Date:	06/10/2020				
Future Land Use:	CAC				
Case Number:	Z2020-22				
Comments:					
<b>City of Marietta Planning &amp; Zoning</b>					



Address	Parcel Number	Acreage	Ward	Zoning	FLU
565 COBB PKWY S	17050600620	2.416	1A	CRC	CAC

Property Owner:	ISTAR Bowling Centers I LP				
Applicant:	Prestwick Land Holdings and the Marietta Housing Authority-Edrick Harris				
City Council Hearing Date:	06/10/2020				
Planning Commission Hearing Date:	06/02/2020				
BZA Hearing Date:	Case Number: Z2020-22				
Comments:					
City of Marietta Planning & Zoning					

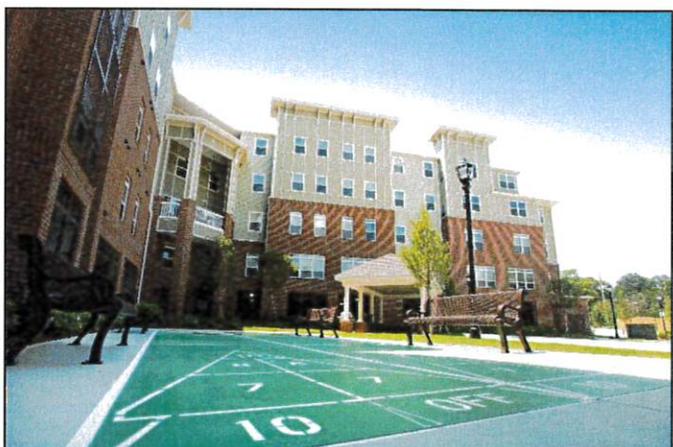
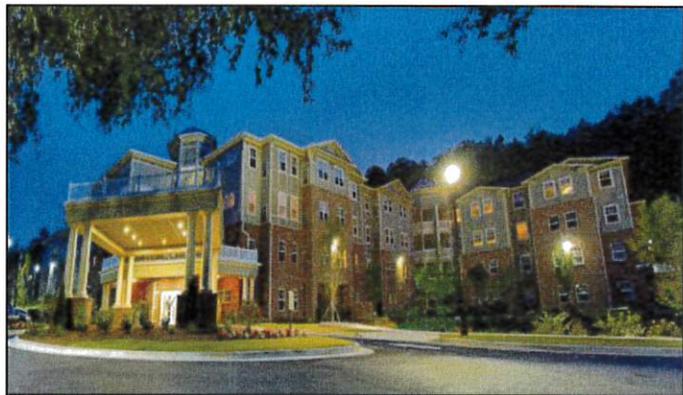
**Legend**

- Railroads
- City Limits
- Cobb County Pockets



Prestwick  
companies

# PROJECT EXAMPLES





**Park 9 at Ridgewalk  
Multifamily Residential**  
800 Milwood St.  
Woodstock, GA 30189

**Project Completion:**  
Fall 2016

**Amount:**  
\$31.8 million TDC

**Size:**  
275-units Total

**Services:**  
Owner/Developer

**Type:**  
Multifamily/ Class A  
Luxury Market

Prestwick Companies is proud to announce the completion of Park 9 Apartments in Woodstock, Georgia. The 275 Unit, Class A apartment development has been designed to be one of Atlanta's most walkable and active suburban communities. Borrowing from the principles of new urbanism, sidewalks will connect parks, playgrounds, community gardens, a resort style pool and residences throughout the project. The development is within five minutes of Downtown Woodstock, The Outlet Shoppes of Atlanta, as well as kayaking, mountain biking and other outdoor recreational opportunities.

The apartment units feature options for every lifestyle, from family units with attached garages, to units for the young professional, and empty nester.

This project was completed in the Summer of 2016. For more information about this project, please visit our website at [www.park9apts.com](http://www.park9apts.com).

*Discipline, Innovation,  
Achievement, Integrity,  
Respect, and Responsibility.*





## The Eddy at Riverview Landing Multifamily Residential 6250 Riverview Rd. Mableton, GA 30126

**Project Completion:**  
Spring 2020

**Amount:**  
\$50 million TDC

**Size:**  
310-units Total

**Services:**  
Owner/Developer

**Type:**  
Multifamily/ Class A  
Luxury Market

Smyrna, GA –Anchored by the Chattahoochee River, “The Eddy at Riverview Landing” will rise as one of the first components of the 82-acre mixed-use destination known as Riverview Landing. In addition to the 12-acre community park, The Eddy will feature 310 Class A apartments amidst a walkable waterfront oasis.

The Eddy at Riverview Landing will provide residents with pristine river views and direct access to outdoor amenities such as a kayak launch, public dock, observation decks and a community theater, which will host regular community programming and events. It will also house approximately 8,000 square feet of commercial space, featuring a coffee shop, restaurant and coworking space. Prestwick announced it will dedicate the waterfront park to the city of Smyrna upon completion. The park features premier river access for residents, and will create a beautiful greenspace for the community to enjoy throughout the year. The Eddy at Riverview Landing is slated to open in Spring 2019.

*Discipline, Innovation,  
Achievement, Integrity,  
Respect, and Responsibility.*





**Manor at Scott's Crossing**  
**Multifamily Residential**  
**1671 James Jackson Pkwy**  
**Atlanta, GA 30318**

**Project Completion:**  
July 2012

**Amount:**  
\$13.7 million TDC

**Size:**  
101-units Total  
100 – 1BR  
1 - 2BR  
100 PBRA

**Services:**  
Owner/Developer

**Type:**  
Multifamily/LIHTC  
Senior Independent Living

Completed in 2012, Manor at Scott's Crossing is a 101 unit Senior Independent Living community for households 62 years of age and up. The site contributes to the on-going revitalization for the City of Atlanta's designated Northwest Atlanta Redevelopment Area. The site is a former YMCA location and the existing gymnasium building was converted into 16 apartments along with amenity space during construction. The community received an EarthCraft Certification through the Southface Energy Institute sustainable program. The community offers a movie theater, fitness center, computer center, wellness center, arts and crafts area, community room, library and shuffleboard court.

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Achievement, Integrity,  
Respect, and Responsibility.*





**Gateway at East Point**  
**Multifamily Residential**  
1311 E. Cleveland Ave.  
East Point, GA 30344

**Project Completion:**  
July 2012

**Amount:**  
\$13.6 million TDC

**Size:**  
101-units Total  
100 – 1BR  
1 - 2BR  
100 PBRA

**Services:**  
Owner/Developer

**Type:**  
Multifamily/LIHTC  
Senior Independent Living

Completed in 2012, Gateway at East Point is a 101 unit Senior Independent Living community for households 62 years of age and up. The site location is situated in an area deemed by the City of East Point as the “Gateway” to their city. The “Gateway” profile was not only incorporated within the name of the project but also within the upscale architectural and hardscape\landscape design. The community received an EarthCraft Certification through the Southface Energy Institute sustainable program. The community offers a fitness center, computer center, community room, wellness center, arts and crafts area, library, and shuffleboard court.

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Achievement, Integrity,  
Respect, and Responsibility.*





**Manor Broad Street  
Multifamily Residential**  
155 West Broad St.  
Fairburn, GA 30213

**Project Completion:**  
October 2015

**Amount:**  
\$8.8 million TDC

**Size:**  
88-units Total  
44 – 1BR  
44 - 2BR

**Services:**  
Owner/Developer

**Type:**  
Multifamily/LIHTC  
Senior Independent Living

Manor at Broad Street is an 88 unit senior living community located in the quickly growing city of Fairburn, GA. We worked closely with the City of Fairburn to complete this project due to adjacent uses of the Fairburn Fire Department and Fairburn Police Department. Amenities include community room, covered porch, on-site laundry, computer center, and fully furnished fitness center.

*Discipline, Innovation,  
Achievement, Integrity,  
Respect, and Responsibility.*





**Gateway Capitol View**  
**Multifamily Residential**  
1374 Murphy Ave.  
Atlanta, GA 30310



**Project Completion:**  
Q2 2018

**Amount:**  
\$23.9 million TDC

**Funding:**  
Project Based Rental Assistance  
4% Bond

**Size:**  
162-units Total  
139 – 1BR  
23 - 2BR

**Services:**  
Owner/Developer

**Type:**  
Multifamily/LIHTC  
Senior Independent Living

Gateway Capitol View is a 162 unit senior living community. As a transit oriented development, this property is located across from Oakland City MARTA Station and provides unparalleled access to public transit for the senior community. Additionally, the site is located within the Atlanta BeltLine Overlay District which provides even greater mobility options for its residents. On-site and interior amenities include community room, covered porch, on-site laundry, computer center, and fully furnished fitness center.

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Achievement, Integrity,  
Respect, and Responsibility.*





**Brightstone**  
**Multifamily Residential**  
2654 DeKalb Medical Pkwy  
Lithonia, GA 30058

**Project Completion:**  
Q2 2019

**Amount:**  
\$24.9 million TDC

**Funding:**  
Project Based Rental Assistance  
4% Bonds

**Size:**  
175-units Total  
152 - 1BR  
23 - 2BR

**Services:**  
Owner/Developer

**Type:**  
Multifamily/LIHTC  
Senior Independent Living

Brightstone is a 175 unit senior living community. This community is located across from DeKalb Medical at Hillandale Hospital and its residents can enjoy the convenient location to the surrounding medical office buildings and other community services. Close proximity to I-20, this development provides quick access to downtown Atlanta as well as Conyers. On-site and interior amenities include community room, covered porch, on-site laundry, computer center, and fully furnished fitness center.

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Achievement, Integrity,  
Respect, and Responsibility.*





**Manor at Indian Creek**  
**Multifamily Residential**  
3904 Durham Park Rd.  
Stone Mountain, GA 30080

**Project Completion:**

Q2 2019

**Amount:**

\$24.9 million TDC

**Funding:**

Project Based Rental Assistance  
9% Bonds

**Size:**

188-Units Total  
157 – 1BR  
31 - 2BR

**Services:**

Owner/Developer

**Type:**

Multifamily/LIHTC  
Senior Independent Living

Manor at Indian Creek is a 188 multi phase senior living community. This community is located on the north side of Durham Park Road and its residents can enjoy the convenient location to shopping centers, medical services, public transportation within walking distance and other community services. Close proximity to I-285, this development provides quick access to downtown Atlanta within seven miles. On-site and interior amenities include community room, covered picnic pavilion with benches and barbecues, gazebo, shuffleboard court, on-site laundry, computer center, and fully furnished fitness center.

*Discipline, Innovation,  
Achievement, Integrity,  
Respect, and Responsibility.*





Prestwick  
companies

# PRESTWICK COMPANIES

## MISSION

*Prestwick Companies will stay true to our core values.*

*By doing so we will provide:*

*Market quality family housing and services for our residents.*

*Promote long term relationships with our business partners to achieve a common goal.*

*Invest in the local community and support local initiatives that enhance stability and long term growth of the community and our residents.*

## VISION

*Prestwick Companies invests its time and resources in the residences we develop, the people we connect with, and the communities where we are involved. These contributions are long term investments that we will see through.*

## CORE VALUES





GLA-ATL-LLC  
 649 15TH STREET  
 ATLANTA, GA 30338  
 VOICE: 404.226.1358  
 FAX: 404.226.6150

WWW.GLAATL.COM

RELEASE DATES:

REV #	DATE	DESCRIPTION



CLIENT:  
 PRESTWICK COMPANIES  
 3175 NORTHSIDE  
 PARKWAY NW  
 BLDG 200, SUITE 175  
 ATLANTA, GA 30327

PROJECT:  
 SMYRNA HILL DRIVE  
 SENIOR APARTMENTS

DRAWING TITLE:  
 PROPOSED ELEVATION

DRAWN BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_  
 SCALE: AS NOTED DATE: 08/8/19  
 PROJECT NUMBER: 1942  
 DRAWING NUMBER: A5-1

NOT RELEASED FOR CONSTRUCTION



**Manor at Scott's Crossing Multifamily Residential** 1671 James Jackson Pkwy Atlanta, GA 30318



GLA-AT,LLC  
 649 11TH STREET  
 ATLANTA, GA 30318  
 VOICE: 404.226.3308  
 FAX: 404.226.6350

WWW.GLATL.COM

RELEASE DATES:

REV #	DATE	DESCRIPTION



STAMP:

CLIENT:  
 PRESTWICK COMPANIES  
 3175 NORTHSIDE  
 PARKWAY NW  
 BLDG 200, SUITE 175  
 ATLANTA, GA 30327

PROJECT:  
 MARIETTA APARTMENTS  
 565 SOUTH COBB PKWY  
 MARIETTA, GA 30060

DRAWING TITLE:  
 DENSITY STUDY

DRAWN BY:                      CHECKED BY:  
 SCALE: AS NOTED              DATE: 03/17/2020  
 PROJECT NUMBER: 2023  
 DRAWING NUMBER:

NOT RELEASED FOR CONSTRUCTION

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**ITEMS CORRESPONDING TO SCHEDULE B-II**

- CHICAGO TITLE #619URANCE COMPANY  
COMMITMENT NUMBER: 2180071  
EFFECTIVE DATE: JANUARY 23, 2018
12. Right of Way Easement from J.M. Fowler, Jr., et al to Barry P. Nunn, et al dated December 5, 1956, recorded in Deed Book 385, page 396, Cobb County Records.  
NOT ON SURVEYED PROPERTY. AREA OF RIGHT OF WAY IS SHOWN ON SURVEY.
  13. Driveway Permits in favor of State Highway Board filed October 1, 1976, recorded in Deed Book 1730, page 35 and dated December 10, 1976, recorded in Deed Book 1737, page 537, aforesaid records.  
AS SHOWN ON SURVEY.
  14. Reciprocal Easement Agreement between Marietta Parkway, Ltd. and R. Craig Thornton and The Clancy Company dated June 4, 1984, recorded in Deed Book 3150, page 19, aforesaid records, as affected by as affected by Consent of Reciprocal Easement Holder to Voluntary Easement by Plaintiff Properties, a Georgia General Partnership between Robert E. Potter, Jeffrey S. Potter and Larry C. Lay, dated July 3, 2003 and recorded in Deed Book 13734, Page 2717, and by Consent of Reciprocal Easement Holder to Voluntary Easement by Plaintiff Properties, a Georgia General Partnership between Robert E. Potter, Jeffrey S. Potter and Larry C. Lay, dated July 3, 2003 and recorded July 18, 2003 in Deed Book 13736, Page 1226, aforesaid records.  
AS SHOWN ON SURVEY. EXHIBIT C IS NOT PROVIDED.
  15. Reciprocal Easement Agreement between Marietta Parkway, Ltd. and Sports Annex Properties, Inc. dated December 15, 1987, recorded in Deed Book 4270, page 402, aforesaid records.  
AS SHOWN ON SURVEY.
  16. Declaration of Easements dated March 20, 1986, recorded in Deed Book 3670, page 494, aforesaid records, as affected by Consent of Reciprocal Easement Holder to Voluntary Easement by Plaintiff Properties, a Georgia General Partnership between Robert E. Potter, Jeffrey S. Potter and Larry C. Lay, dated July 3, 2003 and recorded July 18, 2003 in Deed Book 13736, Page 1226, aforesaid records.  
AS SHOWN ON SURVEY.
  17. Right of Easement from AMP Bowling Centers, Inc. to Cobb County/Marietta Water Authority and Marietta Board of Light and Telephones dated December 12, 2001, filed December 27, 2001, recorded in Deed Book 13467, page 1839, aforesaid records.  
AS SHOWN ON SURVEY.
  18. Easement in favor of Cobb County/Marietta Water Authority and the Marietta Board of Light and Telephones, dated March 14, 2003, recorded in Deed Book 13716, page 833, aforesaid records. Consented to by Debraanne Bank and Trust Company America, Atlanta Branch Trust Company, dated March 7, 2003, filed May 19, 2003, recorded in Deed Book 13748, page 5925, aforesaid records.  
AS SHOWN ON SURVEY.
  19. Right of AMP Bowling Centers, Inc. to amend, minor amendments herein, evidenced for record by final contract Memorandum of Lease with AMP Bowling Centers I LP, a Delaware limited partnership as Landlord, dated February 27, 2004 and recorded March 11, 2004 in Deed Book 13942, Page 3992, aforesaid records.  
IT IS A BLANKET DOCUMENT.



LOCATION MAP  
NOT TO SCALE

**MISCELLANEOUS NOTES**

1. REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON IS MADE TO: DEED BOOK 13462, PAGE 396.
- ALL RECORDS ON FILE WITH THE CLERK OF SUPERIOR COURT IN COBB COUNTY, GEORGIA.
2. BASIS OF BEARING NOTE:  
HORIZONTAL DATUM SHOWN HEREON IS GEORGIA GRID COORDINATE (NAD 83) ESTABLISHED USING GPS OBSERVATIONS WITH CORRECTIONS DERIVED FROM TRIMBLE VRS NOW NETWORK, NAD 83 (N71).
- VERTICAL DATUM BASED UPON NAVD83 MEAN SEA LEVEL CONTOUR INTERVALS EQUAL ONE FOOT. NO LOCAL VERTICAL DATUM BENCHMARK NETWORK EXISTS.
3. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADJACENT BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
4. THE LAST DAY OF FIELD WORK WAS APRIL 13, 2018.
5. ALL BUILDING DISTANCES AND DATA SHOWN HEREON ARE REFERENCED FROM OUTSIDE BUILDING DIMENSIONS. ALL SQUARE FOOTAGE SHOWN IS BASED ON GROUND LEVEL FLOOR ONLY.
6. NO ATTEMPT WAS MADE TO SHOW STREAM BUFFERS.
7. FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A TRIMBLE S6 TOTAL STATION. THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT OR 310.00 FEET. THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSURE OF ONE FOOT IN 26,000 FEET AND AN ANGULAR ERROR OF 02 SECOND PER ANGLE POINT AND WAS ADJUSTED USING COLLINGS FILE.
8. THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES OR RURAL ROADS ENCODING ON THE PROPERTY.
9. IRON PINS SET ARE 4 IN NEAR WITH YELLOW PLASTIC CAPS STAMPED AS L316.
11. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK ON GROUND WITHIN RECENT MONTHS.
12. PARKING SPACE COUNTS ARE AS FOLLOWS:  
18 REGULAR SPACES, 7 HANDICAP SPACES, FOR A TOTAL OF 25 SPACES
13. ADDRESS SHOWN HEREON WAS FIELD OBSERVED AS 565 SOUTH COBB PARKWAY
14. ACCESS TO THIS SITE IS THROUGH THE PUBLIC RIGHT-OF-WAY OF SOUTH COBB PARKWAY DIRECTLY AND VIA ACCESS EASEMENTS RECORDED IN DEED BOOK 388, PAGE 386, DEED BOOK 4270, PAGE 402.
15. NO WETLANDS WERE DELINEATED ON THIS SITE AT THE TIME OF THE FIELD SURVEY.
16. THERE IS NO OBSERVABLE EVIDENCE OF A SOLID WASTE DUMP, OR SANITARY LANDFILL ON THIS SITE.
17. THERE WERE NO OBSERVABLE CHANGES IN THE EXISTING STREET RIGHT OF WAY FOR ANY OF THE STREETS THAT THE SUBJECT PROPERTY ADJACES.
18. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
19. GPS INFORMATION WAS OBTAINED THROUGH THE TRIMBLE VRS NOW NETWORK WITH THE USE OF TRIMBLE GNSS RECEIVERS.
20. NATIONAL FISH AND WILDLIFE SERVICE WETLAND INVENTORY MAP NOTE:  
NO WETLANDS DESIGNATION EXISTS AT TIME OF SURVEY PER THE NATIONAL WETLANDS INVENTORY MAPPER.

**SURVEYED DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING IN LAND LOTS 508 & 576, 2ND SECTION, 17TH LAND DISTRICT, CITY OF MARIETTA, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON PIN SET ON THE NORTHEAST RAWLINE OF COBB PARKWAY (A.K.A. US HIGHWAY 41) 108'00" S40°00'00" E 212.41' AS MEASURED ALONG S40°00'00" E 212.41' FROM THE SOUTH END OF LINE OF LAND LOT 576; THENCE N0°00'00" E 108'00" TO THE POINT OF BEGINNING AND ALONG THE NORTHEAST RAWLINE OF COBB PARKWAY N0°00'00" E 212.41' TO AN IRON PIN SET; THENCE DEPARTING THE NORTHEAST RAWLINE OF COBB PARKWAY N45°15'10" E A DISTANCE OF 354.41' TO AN IRON PIN SET; THENCE S 24°19'20" E A DISTANCE OF 236.15' TO AN IRON PIN SET; THENCE S 65°43'30" W A DISTANCE OF 72.24' TO AN IRON PIN SET; THENCE S 24°19'20" E A DISTANCE OF 82.76' TO AN IRON PIN SET; THENCE S 65°42'30" W A DISTANCE OF 281.68' TO THE POINT OF BEGINNING.

SAD TRACT OR PARCEL BEING 2.208 ACRES (94,144 SQUARE FEET).

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 2180071, DATED JANUARY 23, 2018.

**SIGNIFICANT OBSERVATIONS**

NO ENCROACHMENTS AT TIME OF SURVEY

**SURVEYOR'S CERTIFICATE**

AS REQUIRED BY SUBSECTION (b) OF C.C.A. SECTION 154-67, THIS PLAN HAS BEEN PREPARED BY A LAND SURVEYOR AND NOT APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDATION AS EVIDENCED BY NO APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR LESOR OF THIS PLAN AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNING LAND SURVEYOR CERTIFIES THAT THIS PLAN COMPLIES WITH THE MINIMAL 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 C.C.A. SECTION 154-67.

GARY S. HARRIS, REGISTERED GEORGIA LAND SURVEYOR #3165 DATE 06/13/2018  
248 GEORGE ROAD, JEFFERSON, GA. 30549  
PHONE: (878) 445-5500

**FLOOD NOTE:** By graphic shading only (this property is in Zone) \_\_\_\_\_  
\_\_\_\_\_ of the Flood Insurance Rate Map currently in effect as of \_\_\_\_\_  
\_\_\_\_\_ and is not in a Special Flood Hazard Area.

**ZONING INFORMATION**

NO ZONING INFORMATION PROVIDED TO SURVEYOR AT TIME OF SURVEY.

**RECORD DESCRIPTION**

All that tract or parcel of land lying and being in Land Lots 508 and 576 of the 17th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

To find the POINT OF BEGINNING, COMMENCE AT a 3/4 inch iron pin found located at the intersection of the southerly land lot line of Land Lot 576 and the northerly right of way line of U.S. Highway 41 (108'00" four foot right of way), running thence along the northerly right of way line of U.S. Highway 41 north 25 degrees 17 minutes 51 seconds west a distance of 192.43 feet to a 3/4 inch iron pin found on the northerly right of way line of U.S. Highway 41, thence north 25 degrees 17 minutes 51 seconds west 19.27 feet along the northerly right of way line of U.S. Highway 41 to a point, which point is the TRUE POINT OF BEGINNING, from said TRUE POINT OF BEGINNING, run as follows: a distance of 290.00 feet to an iron pin set, running thence north 63 degrees 49 minutes 20 seconds west a distance of 354.41 feet to an iron pin set, running thence north 25 degrees 17 minutes 51 seconds west a distance of 72.24 feet to a nail in plaster "T" on asphalt, running thence north 25 degrees 42 minutes 25 seconds west a distance of 20.74 feet to a post, running thence north 63 degrees 17 minutes 35 seconds west a distance of 281.66 feet to a point and the TRUE POINT OF BEGINNING, said property containing 2.208 acres according to a survey prepared by Jack P. Busby, G. R. L. S. No. 1875 of U.S. Board of Assessors for Sports Annex Properties, Inc. Center and Marietta Parkway, Ltd. a Mortgage said survey being dated May 10, 1984, last revised December 9, 1986.

TOGETHER WITH all rights, title and interest in and to Reciprocal Easement Agreements between Marietta Parkway, Ltd. and R. Craig Thornton and The Clancy Company dated June 6, 1984, recorded in Deed Book 3150, page 19, and between Marietta Parkway, Ltd. and Sports Annex Properties, Inc. dated December 15, 1987, recorded in Deed Book 4270, page 402, aforesaid records.

ALSO TOGETHER WITH all personal non-real estate assessments for the benefit of Parcel for the purposes stated in the Declaration of Easements dated March 20, 1986 in Deed Book 3670, Page 494.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 2180071, DATED JANUARY 23, 2018.

**ALTA/NSPS LAND TITLE SURVEY**

**Surveyor's Certification**  
**Amerco Entiry No. 777068**  
**565 SOUTH COBB PARKWAY**  
**BEING TAX PARCEL: 77050600520**  
**CITY OF MARIETTA, COBB COUNTY, GEORGIA**

Issued Upon Title Commitment No. 2180071  
of Chicago Title Insurance Company  
bearing an effective date of January 23, 2018

To Atlantic Real Estate Company, a Nevada corporation, LHA-Real Co., of Georgia and Chicago Title Insurance Company  
This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2018 Minimum Standard Requirements for ALTA/NSPS Land Title Surveys, as fully established and adopted by ALTA and NSPS, and excludes items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 of Table A hereof. The Notebook was completed on April 13, 2018.

Gary S. Harris, Jr.  
Land Surveyor Number: 3165  
in State of Georgia  
Date of Plot or Map: April 13, 2018  
Date of last revision:



Survey Prepared By:  
EarthPro Land Surveying  
248 George Road  
Jefferson, GA 30550  
Phone: (878) 445-5500  
Fax: 706-510-2820  
gsh@earthprolandsurvey.com  
Georgia C.O.G. #000944

EarthPro Project Number: 18132

Survey Prepared By:  
**EarthPro**  
**LAND SURVEYING**  
248 GEORGE ROAD  
JEFFERSON, GA 30550  
OFFICE: 878-445-5500  
FAX: 706-510-2820  
EMAIL: gsh@earthprolandsurvey.com  
GEORGIA REG. # 3165  
GEORGIA C.O.G. # 000944



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

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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:**                    **Z2020-23**                    **LEGISTAR: 20200366**

**LANDOWNERS:**    **Board of Regents of  
The University System of Georgia  
270 Washington St. SW  
Atlanta, GA 30334**

**APPLICANT:**        **33 Holdings LLC/ Sanjay Raghavaraju  
1145 Hightower Trl.  
Atlanta, GA 30350**

**PROPERTY ADDRESS:**    **401 Rose Drive**

**PARCEL DESCRIPTION:** **17043300140**

**AREA:**                **3.26 ac.**                    **COUNCIL WARD: 1A**

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

**REQUEST:**                **RM-12 (Multi-Family Residential – 12 units/acre)**

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

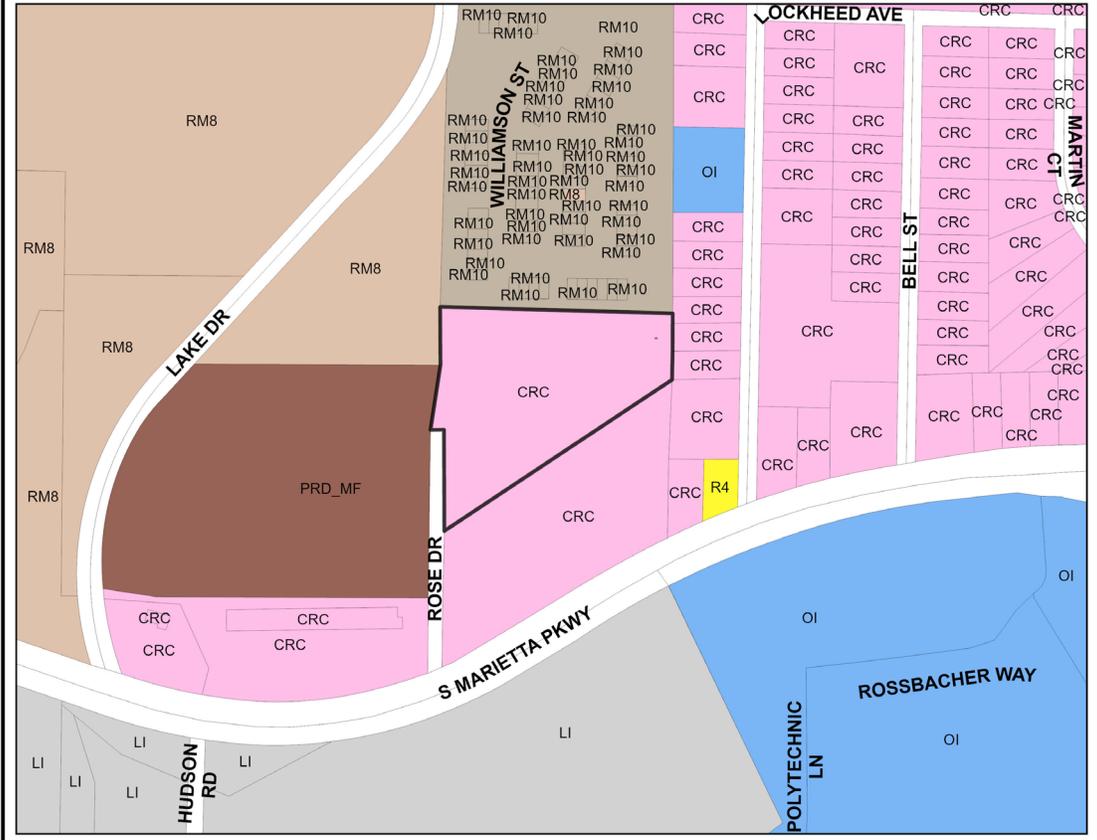
**REASON FOR REQUEST:** **The applicant is requesting the rezoning of the subject property from CRC to RM-12 to develop a thirty-five (35) unit attached townhome community.**

**PLANNING COMMISSION HEARING:** **Tuesday, June 2<sup>nd</sup>, 2020 – 6:00 p.m.**

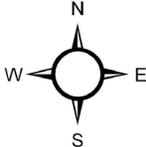
**CITY COUNCIL HEARING:**        **Wednesday, June 10<sup>th</sup>, 2020 – 7:00 p.m.**

**MAP**

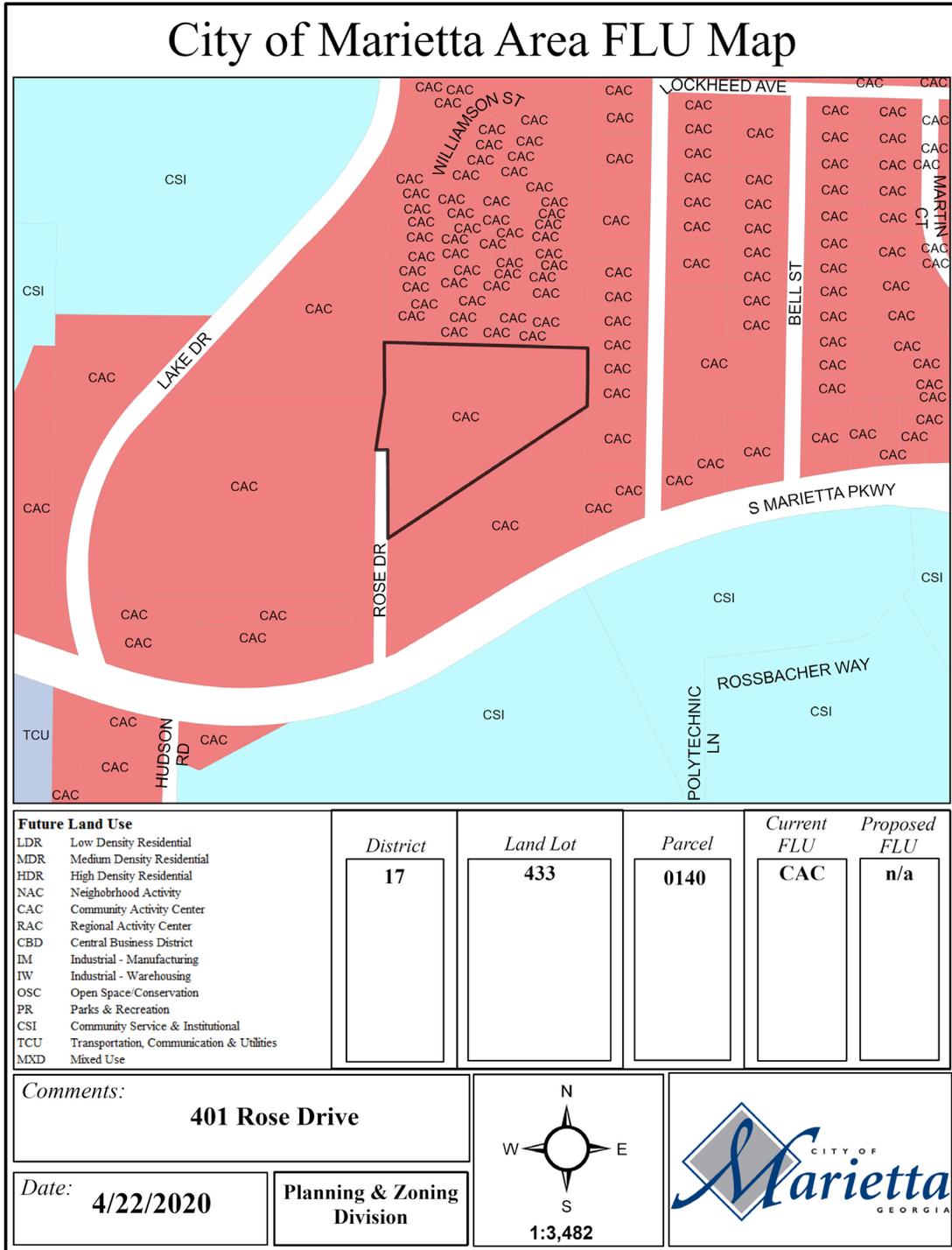
**City of Marietta Area Zoning Map**



Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park <b>MULTI FAMILY RESIDENTIAL</b> RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.	<b>COMMERCIAL</b> NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MXD Mixed-Use Dev. OIT Office Institutional Trans. LRO Low-Rise Office OI Office Institutional OS Office Services OHR Office High-Rise <b>INDUSTRIAL</b> LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	17	433	0140	CRC	RM12

Comments: <p align="center"><b>401 Rose Drive</b></p>		 1:3,482	
Date: <p align="center"><b>4/22/2020</b></p>	Planning & Zoning Division		

## FLU MAP



**PICTURES OF PROPERTY**



**401 Rose Drive**



**Dead end of Rose Drive**



**Existing structure**

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## STAFF ANALYSIS

### *Location Compatibility*

The applicant, 33 Holdings LLC, is requesting to rezone the property located at 401 Rose Drive, which is located on a dead-end street accessed from South Marietta Parkway. The subject property is zoned CRC (Community Retail Commercial) and is 3.26 acres in area. To the west of the subject property are two apartment complexes zoned PRD-MF (Planned Residential – Multi-Family) and RM-8 (Multi-Family Residential – 8 units/acre); to the north is a townhome community zoned RM-10 (Multi-Family Residential – 10 units/acre); and to the east and south are commercial properties zoned CRC (Community Retail Commercial). The applicant’s request is to rezone the subject property from CRC to RM-12 (Multi-Family Residential – 12 units/acre) to construct a thirty-five (35) unit townhome community.

### *Use Potential and Impacts*

The proposed thirty-five (35) unit townhome community would have access from Marietta Parkway by a new private road. Each of the units would be 2-stories and contain three (3) bedrooms with two-car garages. Under the RM-12 zoning classification, condominiums or townhomes are a permitted use with additional conditions, such as a mandatory homeowners association, additional guest parking, four-sided architecture, and recreation areas.

Based on the submitted plans, the proposed development would meet the additional parking requirements; but the plans do not contain sufficient information to determine compliance with impervious surface and open area requirements. With thirty-five (35) units, the site is required to provide at least 0.7 acres of recreation area, including a passive and active feature. A passive recreational feature could include a walking trail, pavilion, gazebo or picnic area; and an active recreational feature could include a swimming pool, playground or tennis courts. The applicant stated the community would include green spaces that would provide walking trails, dog park, and open area.

It should be noted that the RM-12 regulations include compliance with four-sided architecture style; and that all units shall be “for sale” only. Further, no more than five percent (5%) of the units are allowed to be renter occupied at any time.

The applicant stated that the proposed homes would be finished with a brick/cement siding and a range of roof profiles with architectural features. However, Staff has not yet received any building elevations.



The following variances would be necessary to allow development of the submitted site plan:

1. Variance to reduce the minimum lot size from 5 ac. to 3.26 ac. [§708.12 H]
2. Variance to waive the active recreation requirement. [§708.12 (B.1.i)]

The zoning request, RM-12, allows for a density of twelve (12) units per acre; and the proposed plan shows 35 units on 3.26 acres, which yields 10.7 units per acre. The proposed density is comparable with other, recently approved townhouse developments, as shown below:

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

The Future Land Use (FLU) designation of the subject property is CAC (Community Activity Center). The purpose of CAC is to provide the retail and service needs of the surrounding community. Residential opportunities within CAC should be limited to a mixed-use setting. The use of the property as residential only and RM-12 rezoning request is not supported by the City's Comprehensive Plan.

*Environmental Impacts*

Because the property is at the top of a hill, there are no potential environmental concerns such as floodplains, wetlands and streams located on the property. The property contains existing trees along the periphery of the site that, if preserved, would provide separation from the adjacent properties as well as contribute to the provided open space.

*Economic Functionality*

The subject property has not had an active business license since 2008. However, other buildings in the surrounding area appear to be occupied and the area is seen as a desirable location for businesses. Limited accessibility and visibility make this site difficult for commercial use.



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### *Infrastructure*

The development would be expected to provide a sidewalk along Rose Drive to the entrance of the property as well as an interior sidewalk to provide continuous accessibility. The current configuration of the development's entrance may require reconfiguration to allow circulation of city service vehicles such as Fire and Sanitation. The street centerline radii cannot be less than 100 feet.

Further, the minimum road standards for fire access is 35' radius on all turns and minimum 20' road width measured from EOP to EOP (edge of pavement).

The serving elementary school is Park Street, which is nearing capacity. Otherwise, the proposed development should not have a negative impact on any existing infrastructure.

### *Overhead Electrical/Utilities*

There are overhead utility poles along Rose Drive; however, they are not anticipated to conflict with the proposed development.

### *History of Property*

A variance was granted in 2006 (V2005-29) for the construction of the existing building. The variance granted a buffer reduction, with stipulations, along the northern boundary line prior to the construction of the adjacent townhome community.

### *Other Issues*

All units would be required to be built with automatic fire sprinklers according to Marietta Fire Department.

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## ANALYSIS & CONCLUSION

The applicant, 33 Holdings LLC, is requesting to rezone the property located at 401 Rose Drive from CRC to RM-12. The property is 3.26 acres in size and is surrounded by properties zoned PRD-MF, RM-8, RM-10, and CRC. The proposal is to construct a thirty-five (35) unit townhome community with a new private road. Each of the units would be 2-stories and contain three (3) bedrooms with two-car garages.

Under the RM-12 zoning classification, condominiums or townhomes are a permitted use with additional conditions, such as a mandatory homeowners association, additional guest parking, and recreation areas. Based on the submitted plans, the proposed development meets the additional parking requirements but does not contain information such as amount of impervious surfaces and open areas. With thirty-five (35) units, the site is required to provide at least 0.7 acres of recreation area, including a passive and active feature. The applicant stated the community would include green spaces that would provide walking trails, dog park, and open area.

The applicant stated that the proposed homes shall be finished with a brick/cement siding and a range of roof profiles with architectural features. Staff has not received any building elevations.

The following variances would be necessary to allow development of the submitted site plan:

1. Variance to reduce the minimum lot size from 5 ac. to 3.26 ac. [*§708.12 H*]
2. Variance to waive the active recreation requirement. [*§708.12 (B.1.i)*]

The Future Land Use (FLU) designation of the subject property is CAC (Community Activity Center). The purpose of CAC is to provide the retail and service needs of the surrounding community. Residential opportunities within CAC should be limited to a mixed-use setting. The use of the property as residential only and RM-12 rezoning request is not supported by the City's Comprehensive Plan.

Prepared by: \_\_\_\_\_

A handwritten signature in blue ink that reads 'Jas. Thurt'.

Approved by: \_\_\_\_\_

A handwritten signature in blue ink that reads '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?	8"
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

### *CITY OF MARIETTA - WASTEWATER*

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	350'
Size of the sewer line?	10"
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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

**Additional Comments:**

- Full site development plans required
- Sidewalks required along frontage and interior to the project
- Show turning template of access for Sanitation vehicle for street centerline radii less than 100' (City minimum). Trash corals may be required.
- Entrance will need to be reconfigured

### ***TRANSPORTATION***

---

What is the road affected by the proposed change?	Rose Dr
What is the classification of the road?	Local
What is the traffic count for the road?	Unknown
Estimated # of trips generated by the proposed development?	Information not provided
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	No
Transportation improvements in the area?	No
If yes, what are they?	NA

- Add sidewalk to proposed development to at least the utility pole.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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Nearest city or county fire station from the development?	149 Dodd St
Distance of the nearest station?	0.9 mile
Most likely station for 1 <sup>st</sup> response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

### Comments:

- Minimum 35' radius on all turns to fire department access roads, and minimum 20' EOP to EOP.
- All units will be required to be protected by automatic fire sprinklers.\
- If gated, gates will be required to be set back 50'; 30' wide; and keyed to MariettaFire's knock box system.

### MARIETTA POWER - ELECTRICAL

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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:	<b>Park Street</b>
Middle School Servicing Development:	<b>Marietta Middle School</b>
High School Servicing Development:	<b>Marietta High School</b>
Capacity at Elementary School:	<b>550</b>
Capacity at Middle School:	<b>1,350</b>
Capacity at Marietta Sixth Grade Academy:	<b>775</b>
Capacity at High School:	<b>2,150</b>
Current enrollment of Elementary School:	<b>520</b>
Current enrollment of Middle School:	<b>1,386</b>
Current enrollment of High School:	<b>2,410</b>
Number of students generated by present development:	<b>0</b>
Number of students projected from the proposed development:	<b>17</b>
New schools pending to serve this area:	<b>0</b>

**Comments:** Student enrollment based on last day of school.

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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 #: 2020-23 Legistar #: 20200366 PZ #: \_\_\_\_\_  
Planning Commission Hearing: 6-2-10 City Council Hearing: 6-10-20

✕ Owner's Name Board of Regents of The University System of Georgia  
✕ EMAIL Address: sandra.neuse@usg.edu  
✕ Mailing Address 270 Washington St, SW Atlanta Zip Code: 30334 Telephone Number (404) 962-3162

**COMPLETE ONLY IF APPLICANT IS NOT OWNER:**  
Applicant: 33 HOLDINGS LLC / Sanjay Raghavaraju Kimani, KS, Architect  
EMAIL Address: sanjayr@33holdings.com KSidesign@outlook.com  
Mailing Address: 1145 Hightower Trl Atlanta GA Zip Code: 30350  
Telephone Number 770.265.9392 Email Address: sanjayr@33holdings.com

Address of property to be rezoned: 401 Rose Dr Marietta GA 30060  
Land Lot (s) 0 433 District 17 Parcel 17043300140 Acreage 3.260 Ward 1A Future Land Use: CAC  
Present Zoning Classification: CRC Proposed Zoning Classification: RM-12

**REQUIRED INFORMATION**

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

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

**Copies Required: One (1) - (8 1/2" 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.

DocuSigned by:

X Sandra Lynn Neuse  
Signature of Owner

R. Sanjay  
Signature of Applicant

X Sandra Lynn Neuse  
Print Name

Sanjay Raghavaraju  
Print Name

**FINANCIAL INTEREST**

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

Sanjay Raghavaraju  
Print Name

R. Sanjay  
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.

R. Sanjay  
Signature

Sanjay Raghavaraju  
Please Print

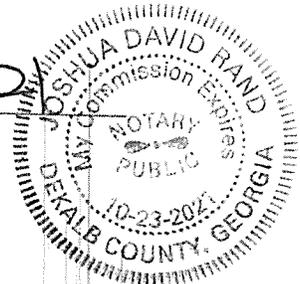
1145 Hightower Trl Atlanta GA 30350  
Address

20-April-2020  
Date

Signed, sealed and delivered in the presence of:

[Signature]

My Commission Expires: 10-23-2021



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

Tuesday, April 21, 2020

**Rezoning Application- Project Description**

Property Address: 401 Rose Dr, Marietta, GA  
Property Size 3.260 Acres  
Developer 33 Holdings LLC

Proposed Zoning: RM-12  
Existing Zoning CRC

The property currently has a 2 story 30,000sf concrete building that has been vacant for quite some time. The site had been developed to have another similar sized building that was never built.

This proposed development will involve demolishing the existing structure and replacing it with thirty-five (35) 2 story townhomes that are more compatible with the surrounding residential developments in use, style and scale.

The Development will use existing curb cuts, and a new private drive to allow for better traffic flows to existing streets and with its neighbors

On site guest parking will be provide per the city's requirement. Guest Parking will be spread throughout the development to be close to the homes.

Dumpsters, mechanical units, meters and other unsightly features will be screened using planting and enclosures.

Each unit will have:

- 2 Car Garage
- Living areas on Main
- 3 Bedrooms on 2<sup>nd</sup> floor

The buildings will be wood framing with Brick/Cement Siding veneer and Asphalt shingle roof(pitched). Energy efficient fixtures, lighting envelop insulation will be standard.

Though The units will have similar floor plans the exterior elevations will be varied through the use of different finishes, roof profiles and other Architectural embellishments.

Landscaped outdoor community green spaces will be provided including walking trails, dog park and open areas.

Sincerely

Samwel K Kimani, Architect  
228 Glenwood Dr,  
Canton GA 30115

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**TO: Marietta Daily Journal**

**FROM: City of Marietta**

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

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS and VARIANCES**

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

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

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

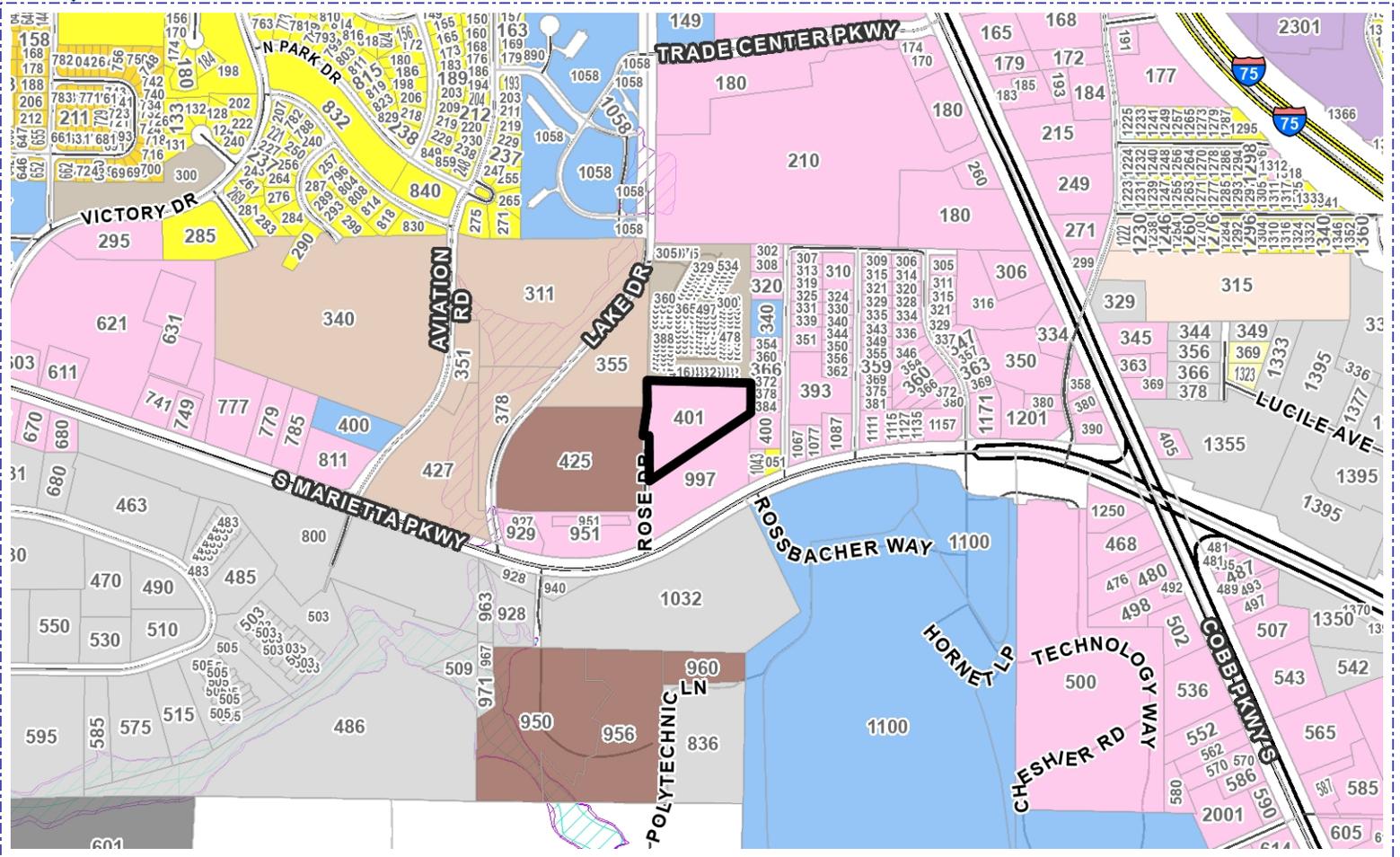
**For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.**

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

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

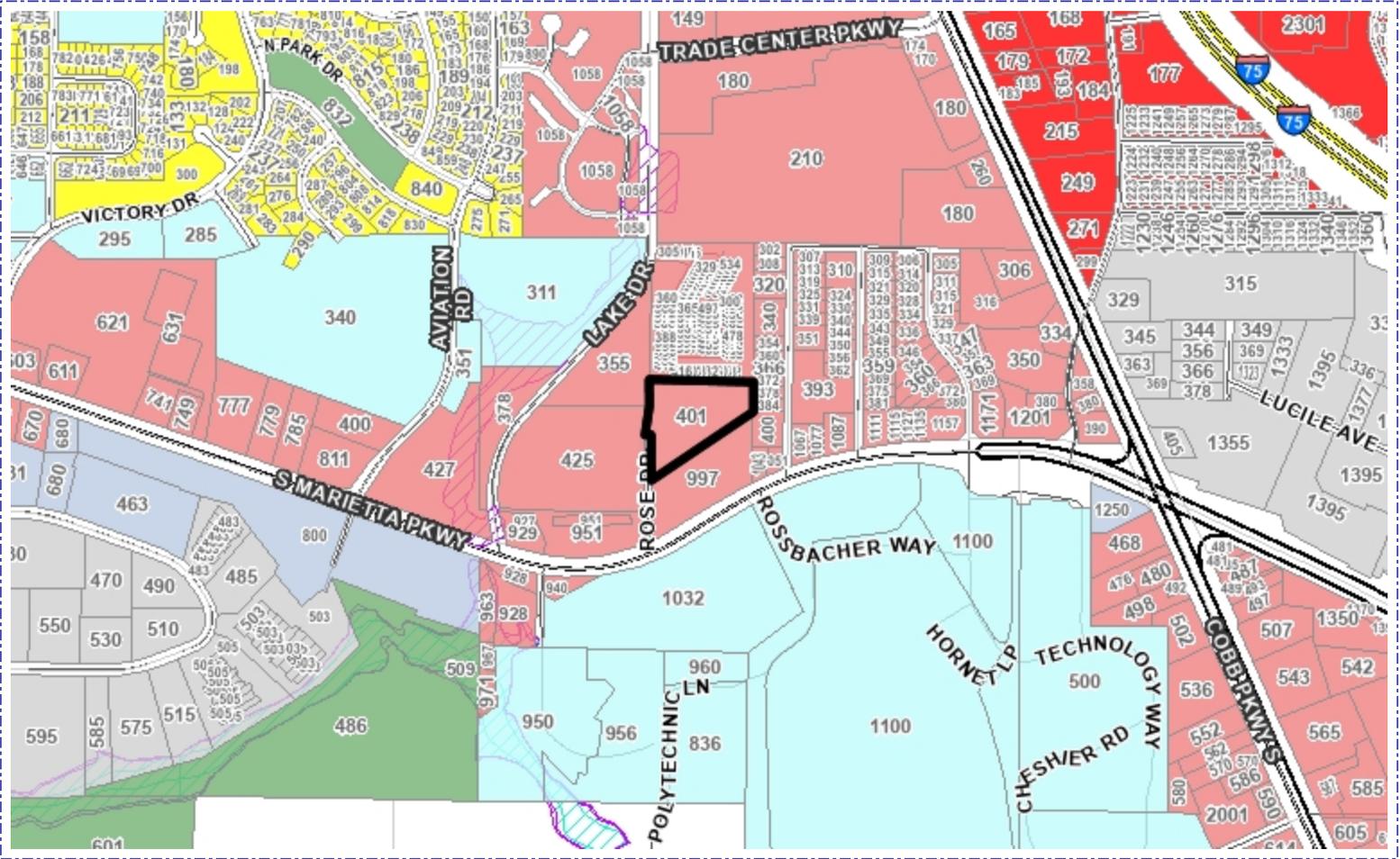


# Rezoning

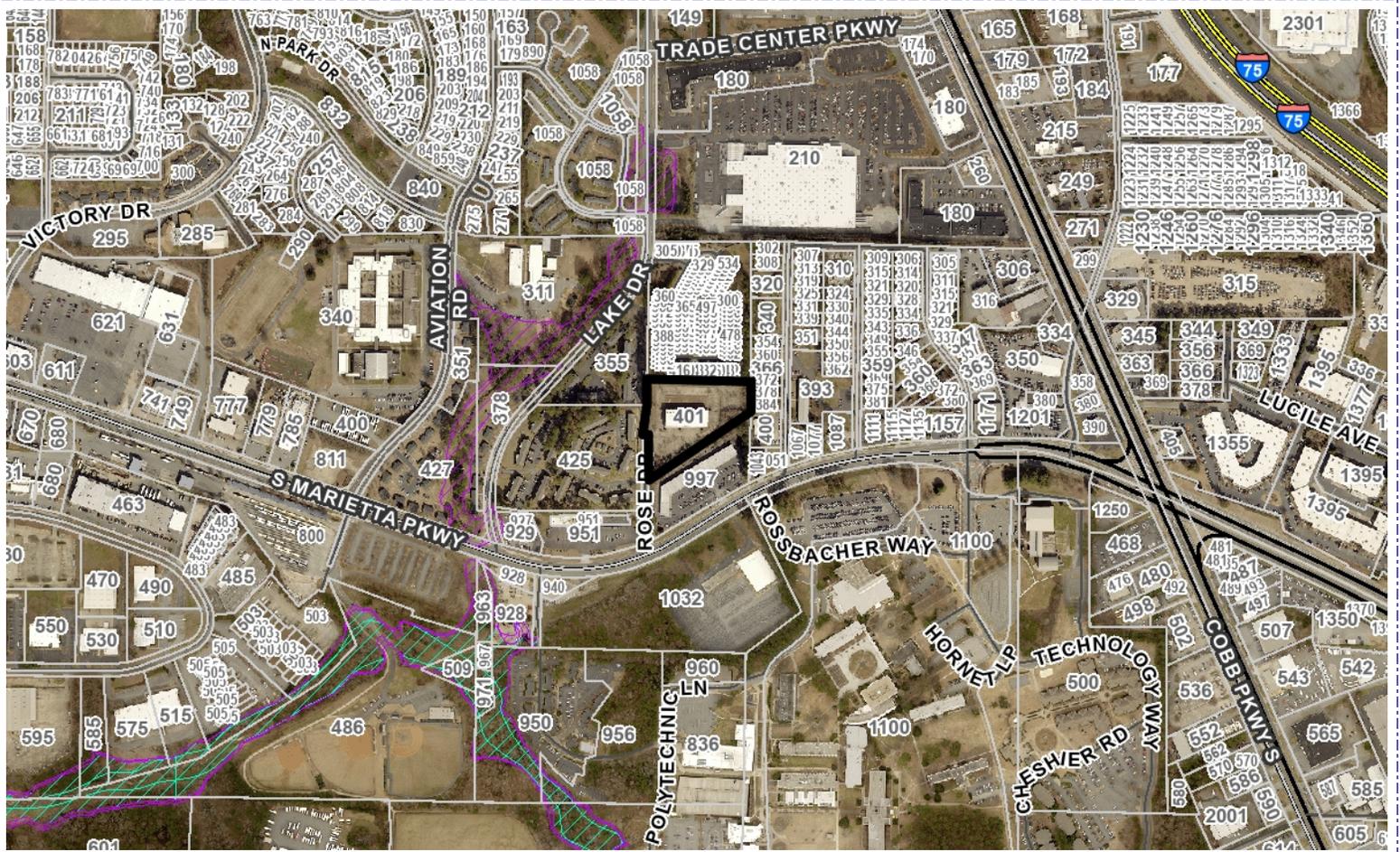


Address	Parcel Number	Acreage	Ward	Zoning	FLU
401 ROSE DR	17043300140	3.609	1A	CRC	CAC

Property Owner:	Board of Regents of the University System of Georgia			<b>Zoning Symbols</b> 
Applicant:	33 Holdings LLC/Sanjay Raghavaraju			
Proposed Zoning:	CRC to RM12			
Agent:				
Proposed Use:				
Planning Commission Date:	06/02/2020			
City Council Hearing Date:	06/10/2020	Case Number: Z2020-23		
City of Marietta Planning & Zoning				



Address	Parcel Number	Acreage	Ward	Zoning	FLU
401 ROSE DR	17043300140	3.609	1A	CRC	CAC
Planning Commission Hearing Date:	06/02/2020	<b>Future Land Use Symbols</b> 			
City Council Hearing Date:	06/10/2020				
Future Land Use:	CAC				
Case Number:	Z2020-23				
Comments:					
<b>City of Marietta Planning &amp; Zoning</b>					



Address	Parcel Number	Acreage	Ward	Zoning	FLU
401 ROSE DR	17043300140	3.609	1A	CRC	CAC

Property Owner:	Board of Regents of the University System of Georgia
Applicant:	33 Holdings LLC/Sanjay Raghavaraju
City Council Hearing Date:	06/10/2020
Planning Commission Hearing Date:	06/02/2020
BZA Hearing Date:	Case Number: Z2020-23
Comments:	
City of Marietta Planning & Zoning	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

EQUIPMENT USED:  
THEODOLITE READING TO 05 SECONDS  
ELECTRONIC DISTANCE MEASUREMENT  
TO .005 FEET.

THE FIELD DATA UPON WHICH THIS PLAT  
IS BASED HAS A HORIZONTAL CLOSURE  
OF 1 IN 64875.

DATE OF FIELD WORK: 3-4-19  
TRAVERSE IS NOT ADJUSTED.

IRON PINS PLACED ARE 1/2" REBAR  
THIS SURVEY HAS BEEN CALCULATED FOR  
CLOSURE BY LATITUDE AND DEPARTURE  
AND IS FOUND TO BE ACCURATE WITHIN  
ONE FOOT IN 305389 FEET

- STORM STRUCTURES**
- ① OUTLET STRUCTURE  
IV 12" HOLE-1092.8  
TOP PERF. PIPE-1094.3
  - ② HEADWALL IV-1094.3
  - ③ SWCB  
TOP-1101.3  
IV OUT-1093.1
  - ④ SWCB  
TOP-1105.1  
IV IN-1097.9  
IV OUT-1097.85
  - ⑤ SWCB  
TOP-1105.2  
IV IN-1099.7  
IV OUT-1099.55
  - ⑥ JB  
TOP-1106.2  
IV OUT-1100.4
  - ⑦ SWCB  
TOP-1106.7  
IV OUT-1101.4
  - ⑧ HEADWALL IV-1098.0
  - ⑨ DWCB  
TOP-1105.3  
IV OUT-1099.05
  - ⑩ HEADWALL IV-1096.4
  - ⑪ SWCB  
TOP-1102.7  
IV OUT-1097.4
  - ⑫ SWCB  
TOP-1103.4  
IV OUT-1097.7
  - ⑬ SWCB  
TOP-1106.3  
IV OUT-1101.4
- \*SEVERAL STRUCTURES COULD NOT BE OPENED



THIS BLOCK RESERVED FOR CLERK OF SUPERIOR COURT

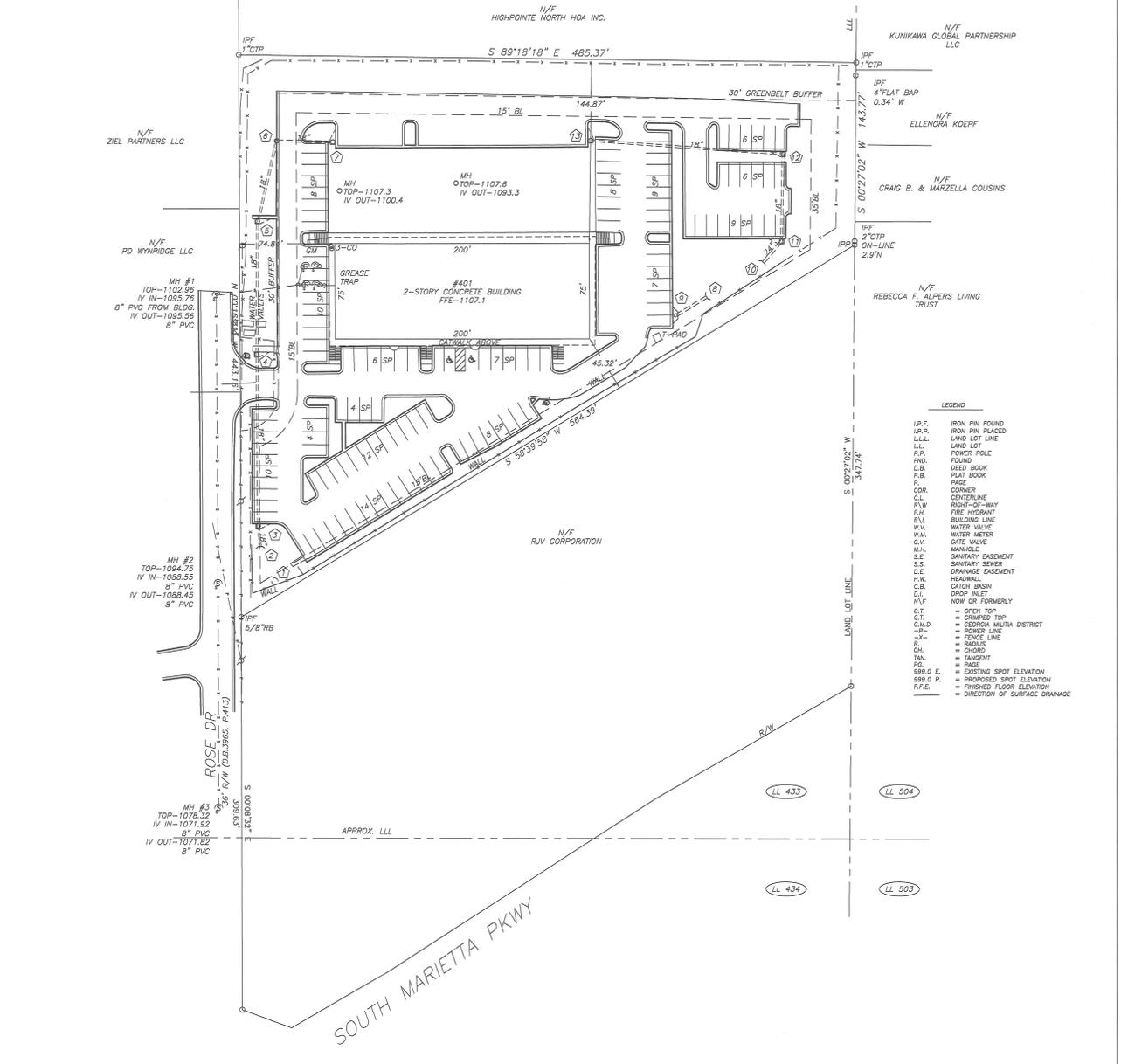
THIS PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAPS.

NO. OF MARSHALS: 0000 COUNTY: GEORGIA  
MAP DATED: 11-2-19

THIS BLOCK RESERVED FOR CLERK OF SUPERIOR COURT

THIS PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAPS.

NO. OF MARSHALS: 0000 COUNTY: GEORGIA  
MAP DATED: 11-2-19



- LEGEND**
- I.P.F. IRON PIN FOUND
  - I.P.P. IRON PIN PLACED
  - L.L. LAND LOT LINE
  - L.L.L. LAND LOT
  - P.R. POWER POLE
  - FND. FOUND
  - D.B. DEED BOOK
  - P.B. PLAT BOOK
  - P. PAGE
  - COR. CORNER
  - C.L. CENTERLINE
  - R/W RIGHT-OF-WAY
  - F.A. FIRE HYDRANT
  - B.L. BUILDING LINE
  - W.V. WATER VALVE
  - W.M. WATER METER
  - G.V. GATE VALVE
  - M.H. MANHOLE
  - S.E. SANITARY EASEMENT
  - S.S. SANITARY SEWER
  - D.E. DRAINAGE EASEMENT
  - H.W. HEADWALL
  - C.B. CATCH BASIN
  - D.I. DRAIN INLET
  - N/O NOW OR FORMERLY
  - O.T. OPEN TOP
  - C.T. CROWNED TOP
  - G.M.D. GEORGIA METRA DISTRICT
  - P- POWER LINE
  - F- FENCE LINE
  - R- ROAD
  - CH. CHORD
  - TAN. TANGENT
  - P.B. PAGE
  - 999.0 E. EXISTING SPOT ELEVATION
  - 999.0 P. PROPOSED SPOT ELEVATION
  - F.F.C. FINISHED FLOOR ELEVATION
  - > DIRECTION OF SURFACE DRAINAGE

**NOTES**

- STRUCTURES VISIBLE ON THE DATE OF SURVEY ARE SHOWN HEREON.
- LOCATIONS ARE ACCURATE ONLY WHERE INDICATED.
- THIS PROPERTY MAY CONTAIN WETLANDS. ALL WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS ARE SUBJECT TO PENALTY BY LAW FOR OBTAINING THESE PROTECTED AREAS WITHOUT THE PROPER PERMIT APPLICATION AND APPROVAL.
- THE CERTIFICATION AS SHOWN HEREON IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THEREFORE, THE UNDERSIGNED AND TIBBITTS LAND SURVEYING, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.

THE UTILITIES SHOWN ARE SHOWN FOR THE CLIENTS CONVENIENCE ONLY. THERE MAY BE OTHER UNDERGROUND UTILITIES NOT SHOWN. THE SURVEYOR ASSUMES RESPONSIBILITY ONLY FOR THE UTILITIES SHOWN. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE OWNER OR OWNERS AGENT SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OR OWNERS AGENT.

THIS PLAT IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. TIBBITTS LAND SURVEYING, INC. WILL NOT ACCEPT ANY RESPONSIBILITY OF LIABILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE PERSON, OR PERSONS, NAMED IN THE TITLE BLOCK.

SOUTH MARIETTA PKWY

**TRACT AREA**  
142,019 S.F.  
3.26 ACRES



THIS PLAT IS A RESTATEMENT 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 SEVERAL INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECOGNITION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUBMITTAL FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES 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 15-8-87.

JUDSON R. TIBBITTS, GAFLS#3051

RETIREMENT SURVEY FOR

THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA ON BEHALF OF KENNESAW STATE UNIVERSITY

LAND LOT	DISTRICT	SECTION	COUNTY
433	17TH		COBB

DATE: 3-22-19 DRAWN BY: BTE CHECKED: JRT JOB NO.: 19040 DISK SERVER

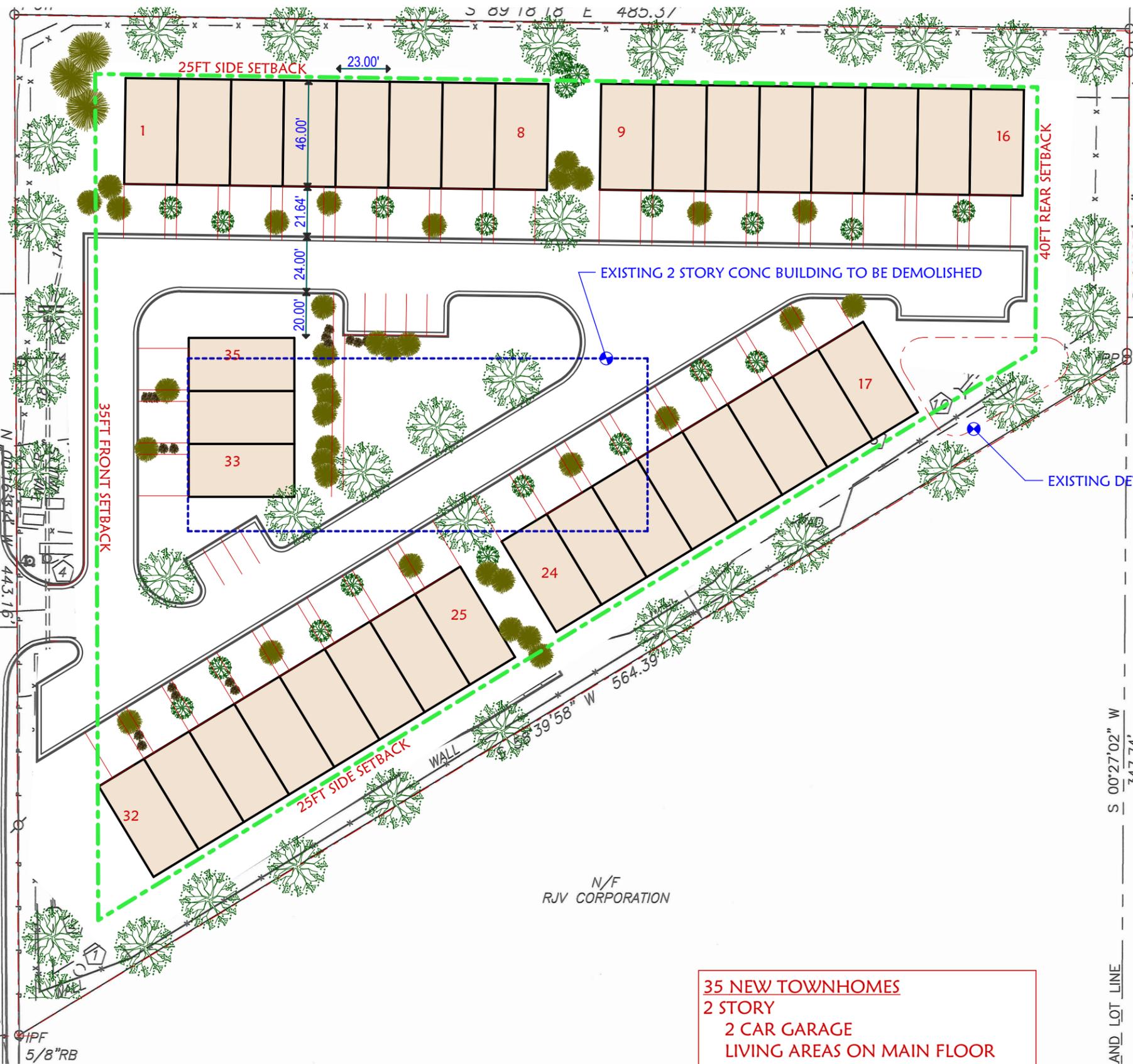
TIBBITTS LAND SURVEYING, INC.  
362 WEST MEMORIAL DRIVE, DALLAS, GEORGIA 30132  
PH: 770-443-1021

N/F  
ZIEL PARTNERS LLC

N/F  
PD WYNRIDGE LLC

MH #1  
TOP-1102.96  
IV IN-1095.76  
8" PVC FROM BLDG.  
IV OUT-1095.56  
8" PVC

MH #2  
TOP-1094.75  
IV IN-1088.55  
8" PVC  
IV OUT-1088.45  
8" PVC



EXISTING 2 STORY CONC BUILDING TO BE DEMOLISHED

EXISTING DETENT

N/F  
RVJ CORPORATION

**35 NEW TOWNHOMES**  
**2 STORY**  
**2 CAR GARAGE**  
**LIVING AREAS ON MAIN FLOOR**  
**3 BEDROOMS ON 2ND FLOOR**

SCALE: 1" = 50'

IPF 1"CTP  
IPF 4"FLAT BAR 0.34' W  
N/F ELLENORA KOEPP

N/F CRAIG B. & MARZELLA COUSINS

IPF 2"OTP ON-LINE 2.9'N

N/F REBECCA F. ALPERS LIVING TRUST

LEGEND

- I.P.F. IRON PIN FOUND
- I.P.P. IRON PIN PLACED
- L.L.L. LAND LOT LINE
- L.L. LAND LOT
- P.P. POWER POLE FOUND
- FND. FOUND
- D.B. DEED BOOK
- P.B. PLAT BOOK
- P. PAGE
- COR. CORNER
- C.L. CENTERLINE
- R\W RIGHT-OF-WAY
- F.H. FIRE HYDRANT
- B\L BUILDING LINE
- W.V. WATER VALVE
- W.M. WATER METER
- G.V. GATE VALVE
- M.H. MANHOLE
- S.E. SANITARY EASEMENT
- S.S. SANITARY SEWER
- D.E. DRAINAGE EASEMENT
- H.W. HEADWALL
- C.B. CATCH BASIN
- D.I. DROP INLET
- N\F NOW OR FORMERLY
- O.T. = OPEN TOP
- C.T. = CRIMPED TOP
- G.M.D. = GEORGIA MILITIA DISTRICT
- P- = POWER LINE

PROPOSED SITE PLAN

01

# The Rose Dr- A Residential DEVELOPMENT

401 ROSE DR MARIETTA, COBB COUNTY, GA

Architect

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678-438-4759, KSiDesign@outlook.com

Friday, May 29, 2020

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

**RE: PROPOSED PROJECT STIPULATIONS AND CONDITIONS**

Property Address: 401 Rose Dr, Marietta, GA  
Property Size 3.260 Acres  
Developer 33 Holdings LLC  
Proposed Zoning: RM-12,  
Existing Zoning: CRC

The undersigned and this firm will be the Project Architect and has been authorized by the project Owner, 33 Holdings LLC to submit this letter of agreeable Stipulations and conditions as part of the Rezoning Applications.

1. This proposed development will involve demolishing the existing structure and replacing it with thirty-five (35) townhomes that are more compatible with the surrounding residential developments in use, style, and scale.
2. On site guest parking will be provided per the city's requirement. Guest Parking will be spread throughout the development to be close to the homes.
3. Dumpsters, mechanical units, meters, and other unsightly features will be screened using planting and enclosures.
4. Each unit with a minimum heated area of at least 1,800sf will have:
  - 2 Car Garage
  - Living areas on Main
  - 3 Bedrooms on 2<sup>nd</sup> floor with Bonus room in the Attic
5. The proposed townhomes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, in compliance with the City of Marietta's "four-sided architecture" requirement.
6. No garage areas within the proposed townhome community shall be converted into heated living space for the units. All garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles
7. Applicant agrees there shall be no "short-term" (defined as less than a one-year lease) rental of homes within the proposed development
8. Applicant agrees to the creation of a mandatory homeowners' association consistent with upscale communities in the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all landscaping and landscaping maintenance of common areas, buffer areas, open space areas, and exterior yard areas around the residences; as well as entrance area; mail kiosk; private street, and the like contained within the proposed residential community.

9. As part of its Application for Rezoning, Applicant requests the following contemporaneous variance be granted:
  - I. Variance to reduce the minimum lot size from 5 ac. to 3.26 ac
  - II. Variance to waive the active recreation requirement. The project will include trails linked to interior sidewalks, a dog park area, and a small community park.
  
10. The Applicant agrees to comply with the following Staff comments. Land Disturbance (LDP) and Building Permit and Construction Drawings (CDs) will reflect compliance to these comments in detail.
  - a. Environmental
    - i. Full site development plans required
    - ii. Sidewalks required along frontage and interior to the project
    - iii. Show turning template of access for Sanitation vehicle for street centerline radii less than 100' (City minimum). Trash corals may be required.
    - iv. Entrance will need to be reconfigured
  - b. Transportation
    - i. Add sidewalk to proposed development to at least the utility pole.
  - c. Emergency Services
    - i. Minimum 35' radius on all turns to fire department access roads, and minimum 20' EOP to EOP.
    - ii. All units will be required to be protected by automatic fire sprinklers.
    - iii. If gated, gates will be required to be set back 50'; 30' wide; and keyed to Marietta Fire's Knox box system.

The proposed residential community shall be a great development, a quality replacement to the existing 30,000sf vacant building, a compatible addition to the surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole.

Thank you for your consideration.

Sincerely



Samwel K Kimani, Architect  
228 Glenwood Dr,  
Canton GA 30115

---



**STAFF REVIEW**

**Variance Case #:** V2020-17                      **Legistar #:** 20200327

**City Council Hearing:**              **Wednesday, June 10<sup>th</sup>, 2020 – 7:00 p.m.**

**Property Owner:**      **Cobb County VA LLC**  
**Richard Baier**  
**4706 Broadway, Suite 240**  
**Kansas City, MO 64112**

**Applicant:**                      **Long Engineering**  
**2550 Heritage Court, Suite 250**  
**Atlanta, GA 30339**

**Address:**                      **1161 Bells Ferry Road**

**Land Lot:**      **941**                      **District:**      **16**                      **Parcel:**      **0030**

**Council Ward:**      **4B**                      **Existing Zoning:**      **LI (Light Industrial)**

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

1. Variance to reduce a portion of the ten (10) foot planted border area along Cobb Parkway North. [*§712.08 (G.2.a)*]
2. Variance to allow more than twelve (12) parking spaces in a row without a planter island. [*§712.08 (G.1.a)*]
3. Request to modify the site plan associated with Z2018-32 (20181183).

**Statement of Fact**

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

**Criteria:**

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

**PICTURES**



**Subject property**

**Staff Review:**

Cobb County VA LLC is requesting variances and modifications to previously approved stipulations for the property at 1161 Bells Ferry Road, which was rezoned from HI (Heavy Industrial) to LI (Light Industrial) in December 2018. The subject property is approximately 11.4 acres with frontage along Cobb Parkway North, Old Highway 41, and Bells Ferry Road. A parking area was constructed on the site in 2000 but has since remained vacant and unused.

Cobb County VA LLC is proposing to build a 78,314 square foot Community-Based Outpatient Clinic for the US Department of Veterans Affairs. The proposal is similar to the plan submitted with the December 2018 rezoning request, except that it includes less paving, no vehicular access to Old Highway 41, and slight reconfiguration of the site. Because the property was rezoned with a stipulation that tied it to a specific site plan, any changes are required to be reviewed by City Council as a zoning amendment.

Further, an issue with the deed has made the provision of the ten (10) foot planted border area along the entire frontage of Cobb Parkway North problematic to the layout of the site. As a result, the application is requesting a variance to eliminate or reduce the planted border area along a portion of Cobb Parkway North as shown on the submitted plan. If approved, staff would ensure that street trees along Cobb Parkway North would be provided in the remaining areas.

The Tree Protection and Landscaping Ordinance also requires no more than twelve (12) parking spaces in a row without a tree island. An exception can be made when parking rows face a continuous island at least five (5) feet in width and containing at least one small or medium canopy tree every twenty feet. The majority of the parking rows meet the condition of having the continuous five (5) foot island except along Cobb Parkway North. In that area, neither the continuous five (5) or ten (10) foot planted border is provided and there is no tree island to separate a row of twenty-four (24) parking spaces.

It should also be noted that sidewalks are missing from the proposed plan. Bells Ferry Road already contains some sidewalks, although they do not appear to be in very good condition. Considering the amount of pedestrian traffic in the area, the addition or improvement of sidewalks on the Bells Ferry Road and Cobb Parkway North frontages would drastically improve pedestrian safety in the area.

Also, during review of the 2018 rezoning, Cobb DOT had recommended extending the right turn deceleration lane on southbound Cobb Parkway North to connect with the right turn lane onto Bells Ferry Road. GDOT may also require this improvement and, if it is required, it will be the responsibility of the applicant to complete the work.

All other conditions of Z2018-32 would remain applicable unless explicitly removed. Based on the new plan, the following variances from the association stipulation letter are probably not necessary and can be eliminated:

- (4)(a) Increase of the allowable, maximum impervious surface area from 75% to 85%
- (4)(c) Waive the ten (10) foot landscape strip/border along Old Highway 41
- (4)(d) Eliminate portions of the five (5) foot landscape strip/border along the service drive

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**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia Land Lot 941, District 16, Parcel 0030, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as **1161 Bells Ferry Road**.

WHEREAS, application has been filed by **FAIRBURN TOWN & COUNTRY APARTMENTS, LTD (THE MOLASKY GROUP OF COMPANIES)** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

**Section 1:** The following property to wit:

All that tract or parcel of land lying and being in land lots 932, 933 940 and 941 of the 16<sup>th</sup> District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

To find the true point of beginning commence at a 1 1/2 inch open top pipe found located at the intersection of the southwesterly right of way of U.S. Highway 41 (300 foot right of way at this point) with the westerly right of way line of Bells Ferry Road (130 foot right of way); thence along said right of way line of U.S. Highway 41 North 64 degrees 29 minutes 42 seconds west 200.00 feet to the TRUE POINT OF BEGINNING; from the True Point of Beginning as thus established run south 15 degrees 12 minutes 26 seconds west 184.06 feet to an iron pin; thence south 13 degrees 34 minutes 34 seconds west 150 feet to an iron pin; thence north 88 degrees 26 minutes 26 seconds east 200.00 feet to a point located on the westerly right of way line of Bells Ferry Road; thence along said right of way line south 01 degree 45 minutes 11 seconds west 34.98 feet to an iron pin; thence leave said right of way line and run south 89 degrees 33 minutes 19 seconds west 200.02 feet to an iron pin; thence south 02 degrees 18 minutes 57 seconds east 71.97 feet to a 1/2 inch rebar found; thence north 89 degrees 31 minutes 48 seconds east 199.81 feet to a 1/2 inch rebar found located on the westerly right of way line of Bells Ferry Road; thence along said right of way line the following courses and distances: South 08 degrees 01 minute 24 seconds east 58 feet to an iron pin; and south 13 degrees 08 minutes 04 seconds east 86.77 feet to an iron pin; thence leave said right of way line and run north 87 degrees 07 minutes 59 seconds west 77.60 feet to an iron pin; thence north 83 degrees 47 minutes 59 seconds west 137.00 feet to an iron pin; thence south 17 degrees 10 minutes 42 seconds east 198.90 feet to an iron pin located on the northerly right of way line of Old U.S. Highway 41 (100 foot right of way); run thence along said right of way the following courses and distances: north 86 degrees 23 minutes 35 seconds west

91.22 feet to a concrete monument found; north 88 degrees 20 minutes 05 seconds west 60.62 feet to an iron pin; and north 88 degrees 50 minutes 58 seconds west 189.85 feet to an iron pin located at intersection of said right of way line with the northeasterly right of way line of the L & N Railroad (66 foot right of way); run thence along said railroad right of way line the following courses and distances: north 35 degrees 50 minutes 07 seconds west 48.60 feet to an iron pin; along the arc of a 1,818.52 foot radius curve to the left, an arc distance of 309.20 feet to an iron pin (said arc being subtended by a chord having a bearing of north 39 degrees 04 minutes 27 seconds west and a length of 308.82 feet); north 45 degrees 39 minutes 31 seconds west 240.03 feet to an iron pin; along the arc of a 1,072.90 foot radius curve to the right an arc distance of 167.12 feet to an iron pin (said arc being subtended by a chord having a bearing of north 41 degrees 42 minutes 55 seconds west and a length of 166.95 feet); thence leave said right of way line and run south 87 degrees 24 minutes 23 seconds east 21.99 feet to a one inch open top pipe found; thence north 28 degrees 50 minutes 37 seconds east 561.71 feet to an iron pin located on the southwesterly right of way line of U.S. Highway 41 (200 foot right-of-way at this point); thence along said right of way line the following courses and distance: south 63 degrees 09 minutes 37 seconds east 450.00 feet to a concrete monument found; south 25 degrees 30 minutes 18 seconds west 50.00 feet to a concrete monument found; and south 64 degrees 29 minutes 42 seconds east 203.27 feet to the iron pin at the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 13.52± acres (588,931 square feet).

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from HI (Heavy Industrial) to LI (Light Industrial).

**Section 3:** The following stipulations are incorporated as conditions of zoning:

- Letter of stipulations from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated December 10, 2018.
- Variance (4)(d) in Letter of stipulations be amended to include “*as shown on the attached plan referenced herein dated October 15, 2018.*”

**Section 4:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**Section 5:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 6:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Rusty Roth  
Rusty Roth, Director  
Department of Development Services

Approved as to form:

Douglas R. Haynie  
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: December 12, 2018

APPROVED:

ATTEST:

Stephanie Guy  
Stephanie Guy, City Clerk

R. Steve Tumlin, Jr.  
R. Steve Tumlin, Jr., Mayor

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

**MARIETTA, GEORGIA**  
EMERSON OVERLOOK  
326 ROSWELL STREET  
SUITE 100  
MARIETTA, GEORGIA 30060  
TELEPHONE (770) 429-1493

**KNOXVILLE, TENNESSEE**  
400 N. CEDAR BLUFF ROAD  
SUITE 500  
KNOXVILLE, TENNESSEE 37923  
TELEPHONE (865) 892-9029

**JACKSONVILLE, FLORIDA**  
10201 CENTURION PARKWAY N.  
SUITE 401  
JACKSONVILLE, FLORIDA 32216  
TELEPHONE (904) 478-1461

**BRENTWOOD, TENNESSEE**  
5200 MARYLAND WAY  
SUITE 301  
BRENTWOOD, TENNESSEE 37027  
TELEPHONE (615) 485-7347

**LEXINGTON, KENTUCKY**  
771 CORPORATE DRIVE  
SUITE 430  
LEXINGTON, KENTUCKY 40503  
TELEPHONE (859) 309-0026

**ORLANDO, FLORIDA**  
7300 WEST SAND LAKE ROAD  
SUITE 500  
ORLANDO, FLORIDA 32819  
TELEPHONE (407) 367-8233

**MECHANICSBURG, PENNSYLVANIA**  
5000 BITTER ROAD  
SUITE 106  
MECHANICSBURG, PENNSYLVANIA 17055  
TELEPHONE (717) 793-2854

December 10, 2018

## Hand Delivered

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

RE: Application for Rezoning - Zoning Case No.: Z2018-32  
(Legistar No. 20181183)  
Applicant: The Molasky Group of Companies  
Property Owner: Fairburn Town & Country Apartments, LTD.  
Property: 13.52 acres, more or less, located on the westerly side of Bells Ferry Road, the northerly side of Old Highway 41, and the southerly side of Cobb Parkway (1161 Bells Ferry Road), Land Lots 932, 933, 940, and 941, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear Shelby:

The undersigned and this firm represent The Molasky Group of Companies, the Applicant (hereinafter referred to as "Applicant"), and Fairburn Town & Country Apartments, LTD., the Property Owner (hereinafter referred to as "Owner" or "Property Owner"), in their request for rezoning of approximately 13.52 acres of property located on the westerly side of Bells Ferry Road, the northerly side of Old Highway 41, and the southerly side of Cobb Parkway, being more particularly known as 1161 Bells Ferry Road, Land Lots 932, 933, 940, and 941, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and various City Staff, reviewing the City's Rezoning Application Analysis, and following the presentation to and hearing before the Planning Commission, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

## MOORE INGRAM JOHNSON & STEELE

Ms. Shelby Little, AICP  
Zoning Manager  
Department of Planning and Zoning  
City of Marietta  
Page 2 of 3  
December 10, 2018

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning category of Heavy Industrial ("HI") to the proposed zoning category of Light Industrial ("LI"), site plan specific to the Site Plan dated October 15, 2018, and filed contemporaneously with the Application for Rezoning. A reduced copy of the Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) All drive aisles within the parking areas of the proposed development shall be a minimum of twenty-four (24) feet in width.
- (3) Applicant agrees to utilize "cut-off, down-glare lighting" for all parking areas within the proposed development.
- (4) As part of its Application for Rezoning, Applicant requests the following contemporaneous variances be granted:
  - (a) Increase of the allowable, maximum impervious surface from seventy-five (75) percent to eighty-five (85) percent;
  - (b) Reduce the standard individual parking space stall dimensions from nine (9) feet by twenty (20) feet to nine (9) feet by eighteen (18) feet;
  - (c) Waive the ten (10) foot landscape strip/border along Old Highway 41;
  - (d) Eliminate portions of the five (5) foot landscape strip/border along the service drive; and
  - (e) Increase the allowable size for a directional sign to sixty (60) square feet.

We believe the requested zoning, together with the referenced Site Plan and the stipulations set forth above, is an appropriate use of the Subject Property while taking into consideration the location of the Property and the uses of properties in the surrounding area. Thank you for your consideration in this request.

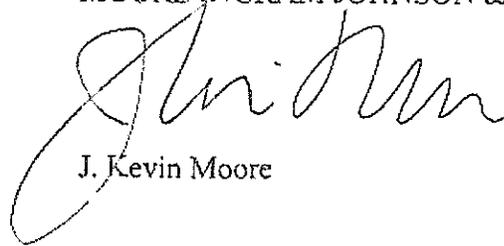
**MOORE INGRAM JOHNSON & STEELE**

Ms. Shelby Little, AICP  
Zoning Manager  
Department of Planning and Zoning  
City of Marietta  
Page 3 of 3  
December 10, 2018

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

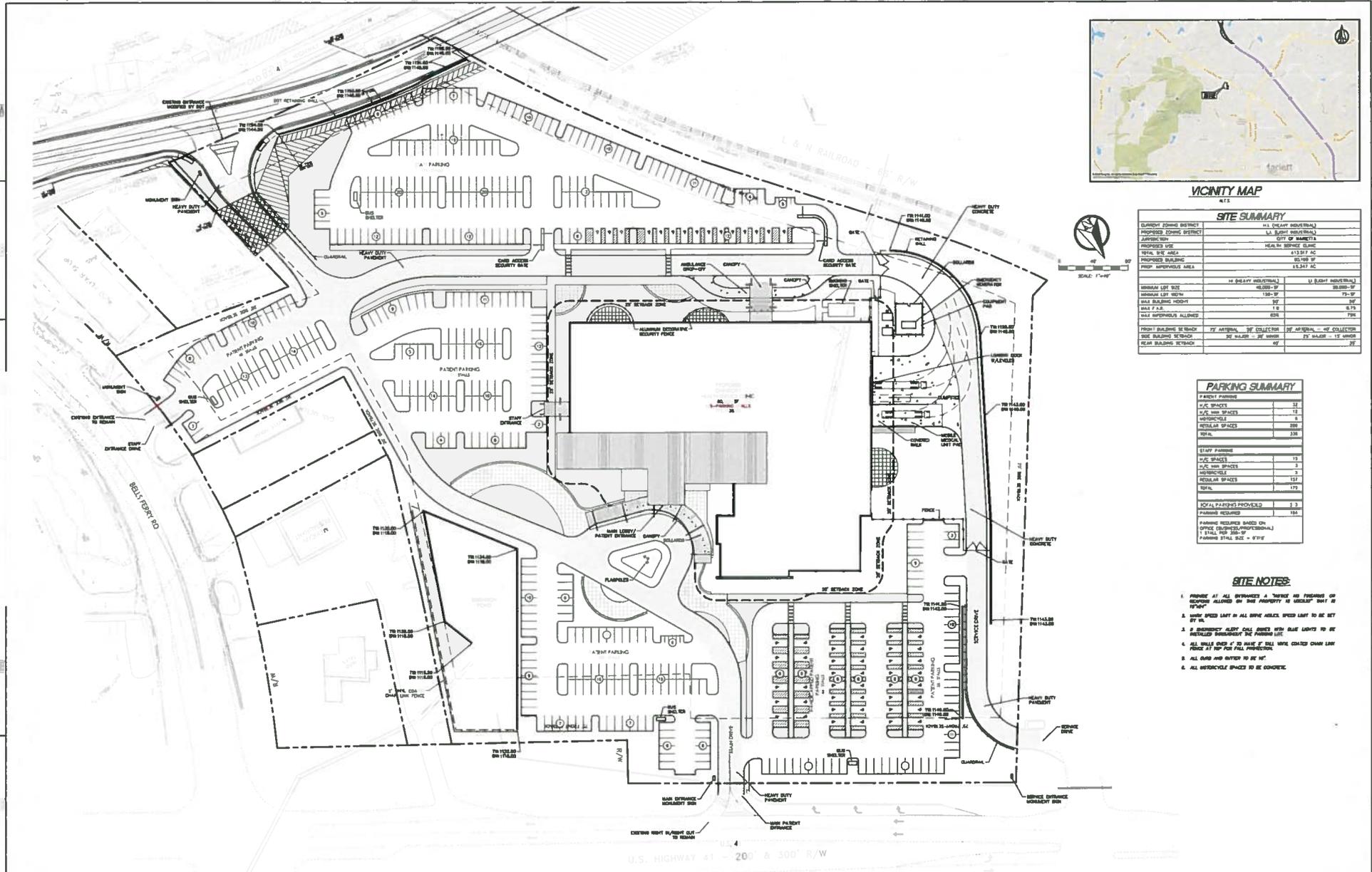
JKM:cc

Attachment

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

The Molasky Group of Companies  
(With Copy of Attachment)

EXHIBIT "A"



**SITE SUMMARY**

CURRENT ZONING DISTRICT	U-1 (URBAN INDUSTRIAL)
PROPOSED ZONING DISTRICT	U-1 (URBAN INDUSTRIAL)
JURISDICTION	CITY OF MARIETTA
PROPOSED USE	HEALTH SERVICE CLINIC
TOTAL SITE AREA	413,517 AC
PROPOSED BUILDING	65,000 SF
PROP. IMPROVED AREA	13,517 AC
MINIMUM LOT SIZE	10,000-SF
MINIMUM LOT WIDTH	100'-0"
MAX. BUILDING HEIGHT	30'
MAX. F.A.R.	1.0
MAX. W/THROUS ALLOWED	50%
FRONT BUILDING SETBACK	25' MINIMUM
REAR BUILDING SETBACK	25' MINIMUM
LEFT BUILDING SETBACK	25' MINIMUM
RIGHT BUILDING SETBACK	25' MINIMUM

**PARKING SUMMARY**

<b>PATIENT PARKING</b>	
C/V SPACES	52
H/V SPACES	12
TOTAL SPACES	64
<b>STAFF PARKING</b>	
C/V SPACES	19
H/V SPACES	3
TOTAL SPACES	22
<b>TOTAL PARKING PROVIDED</b>	
PARKING PROVIDED	86
PARKING REQUIRED BASED ON OFFICE (2000/EMPLOYEE/PROFESSIONAL)	
1 STAFF PER 300-SF	134
PARKING DEFICIT	48

- SITE NOTES**
- PROVIDE AT ALL ENTRANCES A "THREAT" OR "PERIMETER" OF SECURITY ALLOWED ON THE PROPERTY TO "LOCK" DOWN IF NEEDED.
  - NOVY SPEED LIMIT IN ALL DRIVE AREAS. SPEED LIMIT TO BE SET BY VA.
  - A SECURITY ALERT SHALL SOUND FROM BLUE LIGHTS TO BE RETRIEVED IMMEDIATELY BY THE PERSONS USE.
  - ALL WALKWAYS OF 20' WIDE OR MORE SHALL HAVE GRATED CHAIN LINK FENCE AT 4" PITCH FOR FALL PROTECTION.
  - ALL CURBS AND EDGES TO BE 4"
  - ALL VEHICLE SPACES TO BE 6'0"

<p>OWNER</p> <p>VA CBQC - COBB COUNTY, GA</p>	<p>ARCHITECT</p> <p>Lyman Davidson Donley, Inc.</p>	<p>CONTRACTOR</p> <p>FREESE JOHNSON</p>	<p>ENGINEER</p> <p>CONTINIO GROUP</p>	<p>PROJECT</p> <p>VA CBQC - COBB COUNTY, GA</p>	<p>DATE</p> <p>10-15-2018</p>	<p>BY</p> <p>BHR</p>	<p>DATE</p> <p>10-15-2018</p>	<p>BY</p> <p>EGS</p>	<p>PROJECT LOCATION</p> <p>COBB COUNTY, GA</p>	<p>OFFICE OF CONSTRUCTION AND FACILITIES MANAGEMENT</p> <p>Department of Veterans Affairs</p>
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Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-17 Legistar #: 20200327 BZA Hearing Dt: -
City Council Hearing Dt (if applicable) #: 6-10-20 PZ #: 20-121

This is a variance/appeal application for:

Board of Zoning Appeals checkbox

Board of Zoning Appeals

City Council checkbox with X

City Council

Owner's Name COBB COUNTY VA LLC - RICHARD BAIER (MEMBER)

EMAIL Address: rbaier@usfpco.com

Mailing Address 4706 Broadway Suite 240 KC MO Zip Code: 64112 Phone Number 816-352-8791

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: LONG ENGINEERING (AGENT)

EMAIL Address: tandrey@longeng.com

Mailing Address 2550 Heritage Court, Suite 250 Zip Code: 30339 Phone Number 770-951-2495

Address of subject property: 1161 BELLS FERRY ROAD Date of Acquisition:

Land Lot (s) 0941 District 16 Parcel 00030 Acreage 13.5 Zoned LI Ward 4B FLU: CAC

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

Variance to reduce landscape buffer on the west side of the proposed drive along US HWY 41 from 10 feet to 0 feet.

Required Information

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

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

OVER

**CAMPAIGN CONTRIBUTIONS**

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

[Signature]  
Signature of Owner

[Signature]  
Signature of Applicant

Richard Baier  
Print Name

Trevor Andrey (Agent)  
Print Name

**FINANCIAL INTEREST**

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

Trevor Andrey (Agent)  
Print Name

[Signature]  
Signature of Applicant

**APPLICANT CERTIFICATION**

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

[Signature]  
Signature of Applicant

4/10/2020  
Date

TREVOR ANDREY  
Please Print

**OWNER CERTIFICATION**

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

[Signature]  
Signature of Owner

Richard Baier  
Please Print

4706 Broadway Suite 240 Kansas City, MO 64112  
Address

4-10-2020  
Date

Signed, sealed and delivered in the presence of:

[Signature]



KRISTI STUEDLE  
My Commission Expires  
November 4, 2021  
Clay County  
Commission #13473833

My Commission Expires: 11/4/21

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



April 15, 2020

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

RE: Application for Variance  
1161 Bells Ferry Road  
Marietta, GA 30066

Dear Shelby Little,

This letter is to request approval for a City Council variance for the property located at 1161 Bells Ferry Road, Marietta, Georgia. Below describes in detail the reason for a variance request.

1. While we were having the survey completed, we were informed that there's a section of land between our site and Cobb Road that appears to be owned by someone else but we haven't been able to confirm who owns that sliver of land. As a result, the proposed parking layout will set directly against the property line without room for a landscape buffer.
2. This a City Council variance request to reduce the landscape buffer for a portion of the property frontage along HWY 41 from 10 feet to 0 feet.

Thank you for the opportunity to present this variance request, and I look forward to hearing from you.

Sincerely,

Trevor Andrey, PE  
Project Manager

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**TO: Marietta Daily Journal**

**FROM: City of Marietta**

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

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS and VARIANCES**

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

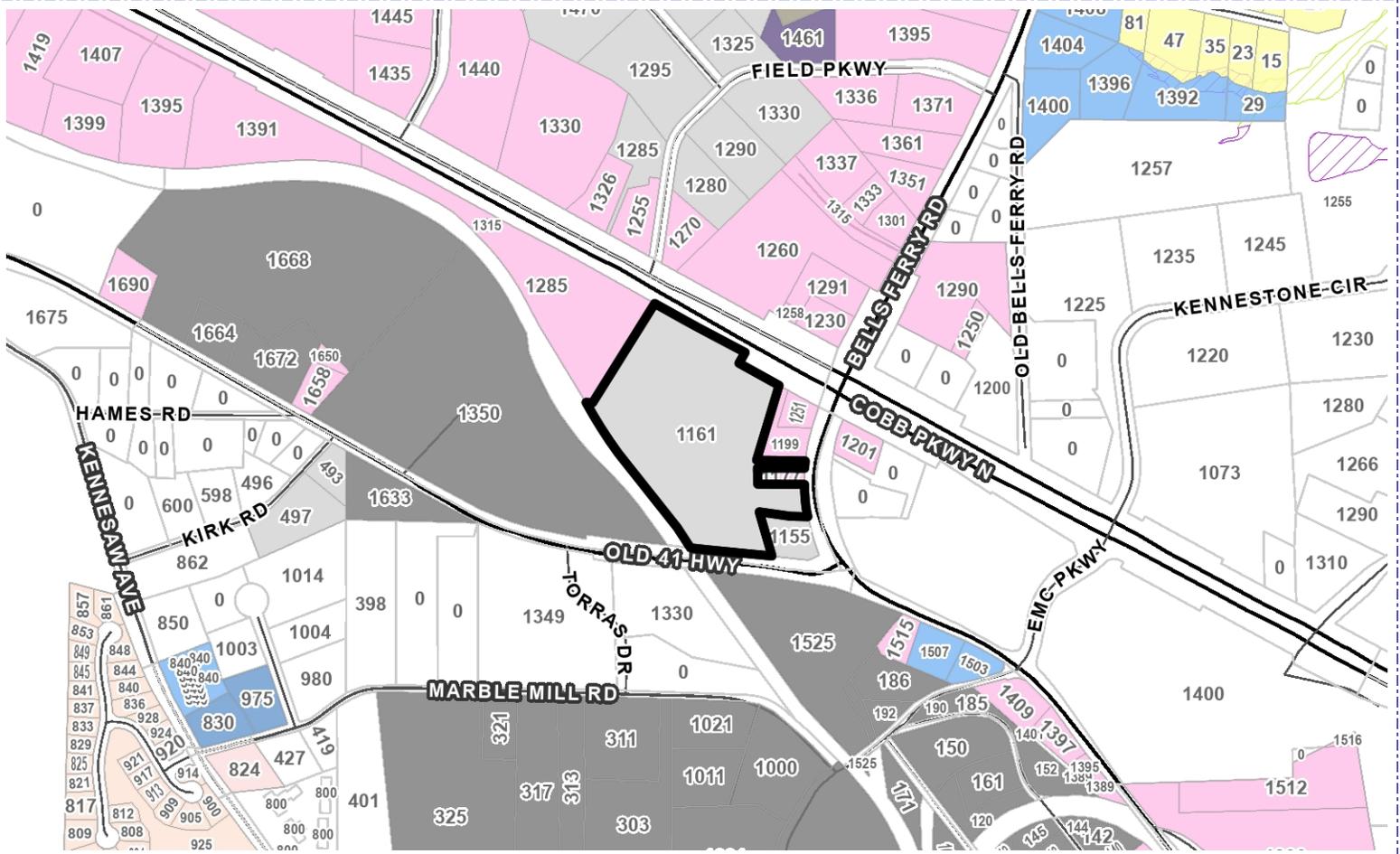
**V2020-17 [VARIANCE] LONG ENGINEERING (COBB COUNTY VA LLC)** are requesting variances for property located in Land Lot 941, District 16, Parcel 0030, 2<sup>nd</sup> Section of Cobb County, Marietta, Georgia and being known as 1161 Bells Ferry Road. Variance to reduce a portion of the 10' planted border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

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



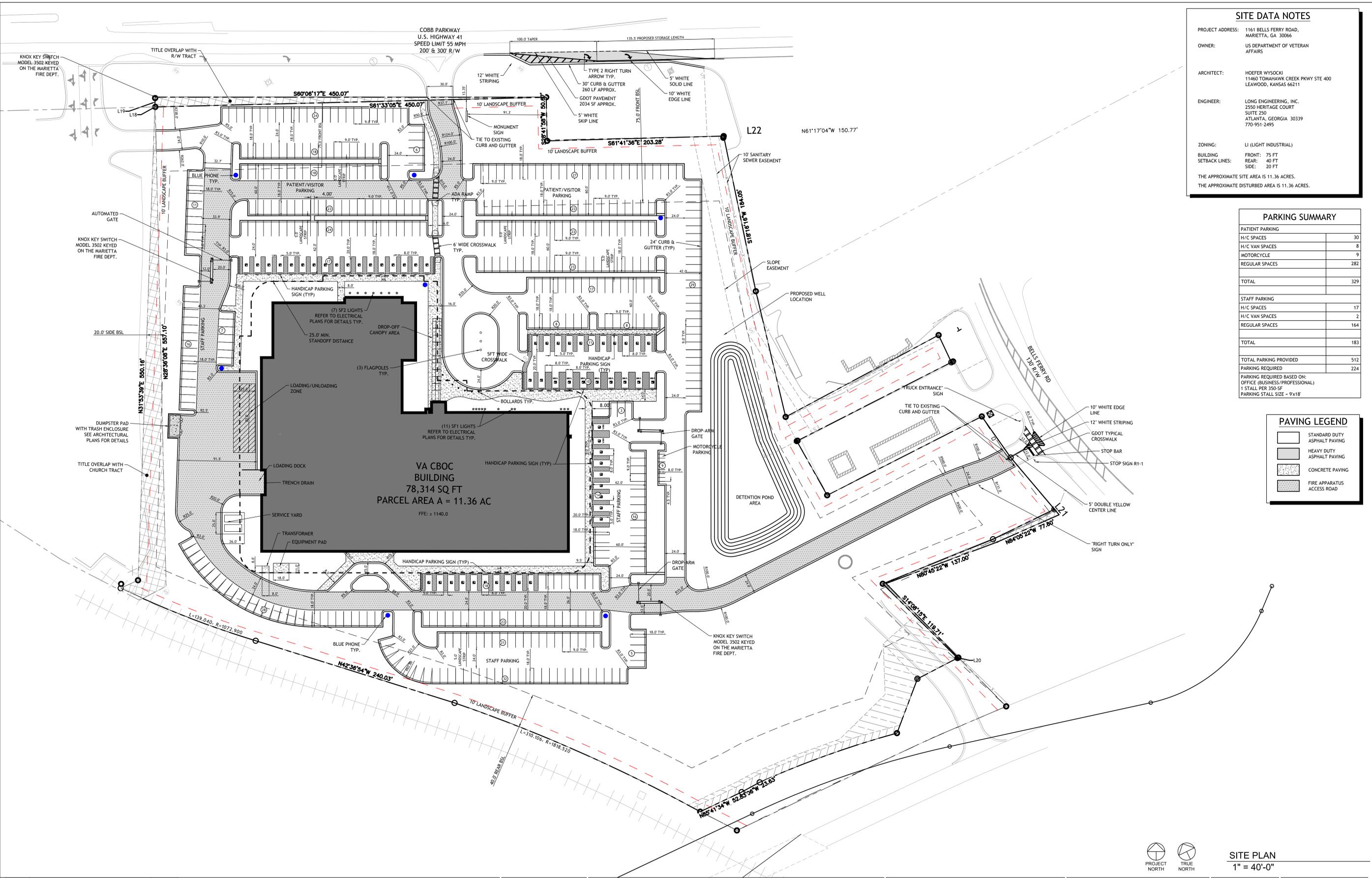
Address	Parcel Number	Acreage	Ward	Zoning	FLU
1161 BELLS FERRY RD	16094100030	13.759	4B	LI	CAC

<p>Property Owner: Cobb County VA - Richard Baier</p>	<p><b>Zoning Symbols</b></p> <ul style="list-style-type: none"> <li>— Railroads</li> <li>— City Limits</li> <li>— Cobb County Pockets</li> <li>— NA</li> <li>— R1 - Single Family Residential (1 unit/acre)</li> <li>— R2 - Single Family Residential (2 units/acre)</li> <li>— R3 - Single Family Residential (3 units/acre)</li> <li>— R4 - Single Family Residential (4 units/acre)</li> <li>— RA4 - Single Family Residential - Attached</li> <li>— RA6 - Single Family Residential - Attached</li> <li>— RA8 - Single Family Residential - Attached</li> <li>— MHP - Mobile Home Park</li> <li>— PRD-SF - Planned Residential Dev. Single Family</li> <li>— RM8 - Multi Family Residential (8 units/acre)</li> <li>— RM10 - Multi Family Residential (10 units/acre)</li> <li>— RM12 - Multi Family Residential (12 units/acre)</li> <li>— RHR - Residential High Rise</li> <li>— PRD-MF - Planned Residential Dev Multi Family</li> <li>— NRC - Neighborhood Retail Commercial</li> <li>— CRC - Community Retail Commercial</li> <li>— RRC - Regional Retail Commercial</li> <li>— PCD - Planned Commercial Development</li> <li>— LI - Light Industrial</li> <li>— HI - Heavy Industrial</li> <li>— PID - Planned Industrial Development</li> <li>— MXD - Mixed Use Development</li> <li>— CBD - Central Business District</li> <li>— OIT - Office Institutional Transitional</li> <li>— LRO - Low Rise Office</li> <li>— OI - Office Institutional</li> <li>— OS - Office Services</li> <li>— OHR - Office High Rise</li> </ul>
<p>Applicant:</p>	
<p>City Council Hearing Date: 06/10/2020</p>	
<p>Acquisition Date:</p>	
<p>Case Number: V2020-17</p>	
<p>City of Marietta Planning &amp; Zoning</p>	

SITE DATA NOTES	
PROJECT ADDRESS:	1161 BELLS FERRY ROAD, MARIETTA, GA 30066
OWNER:	US DEPARTMENT OF VETERAN AFFAIRS
ARCHITECT:	HOEFER WYSOCKI 11460 TOMAHAWK CREEK PKWY STE 400 LEAWOOD, KANSAS 66211
ENGINEER:	LONG ENGINEERING, INC. 2550 HERITAGE COURT SUITE 350 ATLANTA, GEORGIA 30339 770-951-2495
ZONING:	LI (LIGHT INDUSTRIAL)
BUILDING SETBACK LINES:	FRONT: 75 FT REAR: 40 FT SIDE: 20 FT
THE APPROXIMATE SITE AREA IS 11.36 ACRES. THE APPROXIMATE DISTURBED AREA IS 11.36 ACRES.	

PARKING SUMMARY	
PATIENT PARKING	
H/C SPACES	30
H/C VAN SPACES	8
MOTORCYCLE	9
REGULAR SPACES	282
TOTAL	329
STAFF PARKING	
H/C SPACES	17
H/C VAN SPACES	2
REGULAR SPACES	164
TOTAL	183
TOTAL PARKING PROVIDED	512
PARKING REQUIRED	224
PARKING REQUIRED BASED ON: OFFICE (BUSINESS/PROFESSIONAL) 1 STALL PER 350-SF PARKING STALL SIZE = 9'x18'	

PAVING LEGEND	
	STANDARD DUTY ASPHALT PAVING
	HEAVY DUTY ASPHALT PAVING
	CONCRETE PAVING
	FIRE APPARATUS ACCESS ROAD



PROJECT NORTH TRUE NORTH  
**SITE PLAN**  
 1" = 40'-0"

NO.	Description	Date

**CONSULTANTS:**

BOB D. CAMPBELL & CO., INC.  
Structural Engineers - Since 1957

**ARCHITECT/ENGINEERS:**

**HOEFER WYSOCKI**

PROFESSIONAL SEAL

Drawing Title:  
**SITE PLAN**

Approved: Project Director

Project Status: DESIGN DEVELOPMENT 2

Project Title:  
**VA COBB COUNTY CBCC**

Project Number:  
174151

Building Number:

Location: 1263 COBB PKWY NW, MARIETTA, GA 30060

Date: 27 MARCH 2020

Checked:   
Drawn:   
Dwg. of **C-3.0**

**Office of Construction and Facilities Management**

U.S. Department of Veterans Affairs

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 3/23/2020 10:23:39 AM  
 VA FORM 08-6231