1. Agenda

   Documents:

   081220RM.PDF

2. Z2020-07 Cunningham Rd 1520, 1540, 1560

   Documents:

   Z2020-07 CUNNINGHAM RD 1520, 1540, 1560.PDF

3. Z2020-11 Powder Springs St 888, 898

   Documents:

   Z2020-11 POWDER SPRINGS ST 888, 898 (CCONLY 8.12).PDF
   Z2020-11 POWDER SPRINGS ST 888, 898-STIP LTR 5.22.20 (CCONLY 8.12).PDF
   Z2020-11 POWDER SPRINGS ST 888, 898-STIP LTR-ADDL-5.29.20 (CCONLY 8.12).PDF

4. Z2020-13 Freys Gin Rd, Banberry Rd Parcels (CcOnly 8.12)

   Documents:

   Z2020-13 FREYS GIN RD, BANBERRY RD PARCELS (CCONLY 8.12).PDF

5. Z2020-19 Atlanta St 521 (CcOnly 8.12)

   Documents:

   Z2020-19 ATLANTA ST 521 (CCONLY 8.12).PDF

6. Z2020-25 SLUP Delk Industrial Blvd 1998

   Documents:

   Z2020-25 SLUP DELK INDUSTRIAL BLVD 1998.PDF

7. Z2020-26 Commerce Park Dr 590

   Documents:

   Z2020-26 COMMERCE PARK DR 590.PDF

City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda

CITY COUNCIL

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

Wednesday, August 12, 2020 **7:00 PM** **Council Chamber**

CALL TO ORDER:

INVOCATION:

Council Member Joseph Goldstein, Ward 7

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20200614 **Recognition of Kim Gresh**

Presentation of a Proclamation by Mayor Tumlin and Council Member Michelle Cooper Kelly to Kim Gresh in recognition as 2020 Woman of Distinction and her contributions to the community.

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

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

CONSENT AGENDA:

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

MINUTES:

* **20200651** **Special Meeting - July 8, 2020**

Review and approval of the July 8, 2020 Special Meeting minutes.

* **20200652** **Regular Meeting - July 8, 2020**

Review and approval of the July 8, 2020 regular meeting minutes.

* **20200653** **Special Meeting - July 28, 2020**

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

* **20200654** **Special Meeting - July 28, 2020**

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

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

20200038 **Z2020-07 [REZONING] VENTURE COMMUNITIES, LLC**

Z2020-07 [REZONING] VENTURE COMMUNITIES, LLC is requesting the rezoning of 8.782 acres located in Land Lot 9, District 17, Parcels 0040 & 0160 of the 2nd Section, Cobb County, Georgia, and being known as 1520, 1540, & 1560 Cunningham Road from R-20 (Single Family Residential - County) and R-2 (Single Family Residential - 2 units/acre - City) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

Planning Commission recommends Approval with Stipulations

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval including the letter of stipulations and variances from Sean G. Randall of Venture Communities, LLC to Russell J. Roth, Director of Development Services, and Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 4, 2020 and excluding variance #3 (Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit for fee simple townhomes). The motion carried 4-3-0. Mr. Hunter, Ms. McCrae and Mr. McClure opposed.

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

Letter of stipulations and variances from Sean G. Randall of Venture Communities, LLC to Russell J. Roth, Director of Development Services, and Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 4, 2020.

Public Hearing (all parties are sworn in)

20200547 **A2020-04 [ANNEXATION] VENTURE COMMUNITIES, LLC**

A2020-04 [ANNEXATION] VENTURE COMMUNITIES, LLC is requesting the annexation of property located in Land Lot 9, District 17, a portion of Parcel 0040 of the 2nd Section, Cobb County, Georgia and being known as 1520 Cunningham Road, and any associated right of way, consisting of approximately 0.503 acres. Ward 2B.

Planning Commission recommends Approval

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

Public Hearing (all parties are sworn in)

20200548 **CA2020-05 [CODE AMENDMENT]**

CA2020-05 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 9, District 17, a portion of Parcel 0040 of the 2nd Section, Cobb County, Georgia and being known as 1520 Cunningham Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 2B.

Planning Commission recommends Approval

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 6-1-0. Mr. Hunter opposed.

Public Hearing (all parties are sworn in)

20200577 **Z2020-25 [SPECIAL LAND USE PERMIT] RED HARE BREWING CO. LLC**

Z2020-25 [SPECIAL LAND USE PERMIT] RED HARE BREWING CO. LLC is requesting a Special Land Use Permit for 1.2 acres located in Land Lot 715, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1998 Delk Industrial Boulevard from LI (Light Industrial) to LI (Light Industrial) with a special land use permit for a mobile retail food establishment. Ward 1A.

Planning Commission recommends Approval

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

Public Hearing (all parties are sworn in)

20200578 **Z2020-26 [REZONING] ZMW LLLP**

Z2020-26 [REZONING] ZMW LLLP is requesting the rezoning of approximately 3.3 acres located in Land Lot 362, District 17, Parcel 0110 of the 2nd Section, Cobb County, Georgia, and being known as 590 Commerce Park Drive from LI (Light Industrial) to LI (Light Industrial) with an additional use for a bank and/or financial institution. Ward 1A.

Planning Commission recommends Approval

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

Public Hearing (all parties are sworn in)

Council Member Goldstein discloses that he, Elise Goldstein and David Goldstein have accounts with LGE Community Credit Union. Elise Goldstein is the mother of Council Member Goldstein. David Goldstein is the brother of Council Member Goldstein.

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

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

The Planning Commission recommends Approval as Stipulated.
TABLED from the City Council Meeting on June 10, 2020.

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:

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

MOTION TO TABLE BY THE REQUEST OF THE APPLICANT

20200167 **Z2020-13 [REZONING] CAMPUS REALTY ADVISORS, LLC (HARTWOOD INVESTMENTS, LLC)**

Z2020-13 [REZONING] CAMPUS REALTY ADVISORS, LLC (HARTWOOD INVESTMENTS, LLC) are requesting the rezoning of 9.57 acres located in Land Lots 505 & 576, District 17, Parcels 0170, 0720, 0710, 0700, & 0690 of the 2nd Section, Cobb County, Georgia, and being known as 315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road from PRD-SF (Planned Residential Development - Single Family) to PRD-MF (Planned Residential Development - Multi Family). Ward 7A.

The Planning Commission recommends Approval as Stipulated
TABLED from the City Council Meeting on July 8, 2020.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval as stipulated. The motion carried 5-0-0.
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 June 30, 2020.
The access on Banberry Road will be restricted to emergency vehicles only and an additional access point will be opened onto Kathleen Drive.

Applicant submitted a new stipulation letter on August 11, 2020.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:
Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 11, 2020.

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.
TABLED from the City Council Meeting on July 8, 2020.

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

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

1. Letter of stipulations and variances from Rob Hosack and James A. Balli, Taylor English Decisions, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated July 24, 2020.

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

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

* **20200625** **Fifth Modification of Lease Agreement for the Marietta Hilton Conference Center & Hotel**

Motion to approve the Fifth Modification of the Lease Agreement with Marietta Leasehold L.P./Remington Hotel Management due to an accounting error by Marietta Leasehold L.P./Remington Hotel Management. Remington mistakenly paid rent payments for April, May & June for 2020.

Council Members Walker and Goldstein opposed

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

* **20200593** **Precinct Polling Place Change**

Motion to approve an Ordinance making a boundary change to divide Marietta 3A precinct to form the Marietta 3B precinct. The polling place location for Marietta 3B will be located at Iglesia Misionera Asambleas De Dios, 1021 Oregon Trail, Marietta, GA 30008. The remaining portion of Marietta 3A will continue to vote at Pleasant Grove Missionary Baptist Church, 566 Whitlock Ave NW, Marietta, GA 30064.

Second Reading

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

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20200634** **Property & Casualty/Miscellaneous Coverage**

Motion to approve the City of Marietta/BLW property & casualty and other miscellaneous coverage, premiums, and companies utilized for the policy period of August 17, 2020, to August 17, 2021.

6. Public Safety Committee: Reggie Copeland, Chairperson

7. Public Works Committee: Grif Chalfant, Chairperson

* **20200612** **Booth Road**

Motion designating Booth Road from Powder Springs Street to Sandtown Road as a No Through Truck street for the City portion of Booth Road.

***** **20200613** **Atlanta 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 Atlanta Street from a utility pole at 55 Atlanta Street to the building at 55 Atlanta Street. The property is currently owned by 55 Atlanta Street Office Building LLC - Keith Cristal. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at the location are moved underground.

Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than $10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.

Council Member Goldstein Abstaining

OTHER BUSINESS:

20200655 **BLW Actions of August 10, 2020**

Review and approval of the August 10, 2020, actions and minutes of Marietta Board of Lights and Water.

* **20200681** **Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway**
Project Parcel 5 - Eagle Lube Land, LLC - 686 Powder Springs Street:

Motion authorizing acquisition of a portion of property and easements at 686 Powder Springs Street for the Powder Springs Streetscape - Sandtown Rd to S Marietta Parkway Project in exchange for $18,500.00 and the stipulations listed:
1. Project activity shall not disturb the slope or grade of the lot or alter the subsurface in such a way that the structural integrity of the lot is harmed.
2. Parking Area:
a. The owner and any successors in title shall have access over and across the existing parking or access areas which become situated within the future right of way. The owner/successor in title shall have access and use rights of ingress and egress to utilize such area for parking and restriping as deemed necessary by the Owner but only after review and approval by the City of any areas contained within the right-of-way. The City shall maintain all areas within the future right of way.
b. Construction activity shall not eliminate any existing parking spaces on site. The temporary easement area and future right of way overlapping any existing parking lot area, shall be returned to its original or better condition including being paved and providing for parking of vehicles.
3. All existing stormwater drainage piping along the Parcel's boundary and frontage shall be maintained, re-constructed or replaced with adequate facilities to manage runoff in an as adequate or better condition as exists today.
4. Project activity shall not include staging or storage of porta potties, vehicles, or equipment on the property at any time.
5. All grassy areas affected shall be reseeded with true fescue seed and covered with straw to assist in the sewing of the seed. In any event, the grassy areas shall be returned to as good as or better condition as existing prior to the Project activity. More specifically,
a. All disturbed areas must be seeded, fertilized, and mulched as soon as the final grade is achieved. Also, these disturbed areas must be protected until permanent vegetation is established.
b. A double row of Georgia DOT type "c" silt fence or an approved high- performance silt fence must be installed between the land disturbing activities and the structure, right of way or private access points in an appropriate location.
6. All Temporary Easements and Driveway Easements will terminate upon completion and acceptance of the same by the City of Marietta.

* **20200682** **Bouldercrest Drive Sidewalk Enhancements**
Project Parcel 10 - Sterling M. Smith - 571 Bouldercrest Drive

Motion authorizing acquisition of the easements at 571 Bouldercrest Drive from Sterling M. Smith for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for $660.00 and the stipulation as listed below.
1. Take out pine tree.

* **20200683** **Bouldercrest Drive Sidewalk Enhancements**
Project Parcel 3 - Ricky T. Payne and Dianne Payne - 495 Bouldercrest Drive

Motion authorizing acquisition of the easements at 495 Bouldercrest Drive from Ricky T. Payne and Dianne Payne for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for $1,967.00.

* **20200684** **540 Powder Springs Street**

Motion to authorize the acquisition of property owned by Club Office Park Condominium Association on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference. In addition, the City Attorney is given authority to negotiate and close on the property at a price not to exceed $30,000.00.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT:

VENTURE COMMUNITIES

5500 Interstate North Parkway, Suite 150, Atlanta, GA 30328

August 4, 2020

Mr. Russell J. Roth, Director of Development Services
Ms. Shelby Little, Planning and Zoning Manager
City of Marietta
Department of Development Services
205 Lawrence Street, Marietta, Georgia 30060

RE: Stipulation Letter: Application for Rezoning; Application Z 2020-07 Cunningham Road.
Applicant: Venture Communities, LLC
Property Owners: Steven A. Cunningham, Carolyn Swanson and Harry W. Cunningham
Property: 8.782 acres, more or less, located on the west side of Cunningham Road at 1520, 1540 & 1560 Cunningham Road, Marietta, Georgia 30008; Land Lots 8 & 9, 17th District, 2nd Section, Cobb County, Georgia.

Dear Rusty and Shelby:

Venture Communities, LLC, the Applicant (hereinafter "Applicant") in the Application for Rezoning with regard to approximately 8.782 acres, more or less, located on the west side of Cunningham Road at 1520, 1540 & 1560 Cunningham Road, Marietta, Georgia 30008; Land Lots 8 & 9, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property") is pleased to present the following information for your consideration. After meeting with planning and zoning staff and various City of Marietta departmental representatives, reviewing the Staff Comments and Recommendations, reviewing the uses of surrounding properties, we are submitting this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property.

The proposed stipulations are as follows:

1. Applicant seeks rezoning of the Subject Property from the existing zoning category of R-2 Residential to the proposed zoning category of PRD-SF per the City of Marietta ("City") ordinances for the construction of Fee Simple Townhome, specific to the original Site Plan prepared by BH&D Engineering, Inc. dated May 11, 2020 and then revised by BH&D Engineering, Inc, revision dated July 10, 2020. A reduced copy of the revised Site Plan from April 30, 2019 is attached hereto as Exhibit "A" and incorporated herein by reference.

2. The Subject Property shall be developed for a residential community consisting of a maximum of fifty-nine (59) townhomes. The entire site is comprised of 8.782+/- acres and is planned for a total of 59 homes or a maximum density of 6.7 units per acre.

3. Applicant agrees the minimum house size for the homes in the proposed development shall be 1,700 square feet of heated and cooled living space. It is anticipated that the typical product constructed will range from 1,850 to 2,450+ square feet of heated and cooled living space.

4. Homes within the proposed community shall be substantially similar in style and architecture to the elevations attached hereto as Exhibit "B. All homes will have similar front elevations and shall, as a general rule, use a combination of masonry (i.e. brick, stone or stacked stone or any combination thereof) and stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof. Side and rear elevations may also utilize masonry (i.e. brick, stone, stacked stone or any combination thereof) as well as stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof.

5. The proposed community shall have public streets to be maintained by the City/County after the community is released to the City upon completion of the Applicant maintenance period. All driveways shall be constructed in such a manner as to minimize parking in fronts of homes and homeowners will be instructed to use designated off-street parking when driveways are full of vehicles. Adequate off-street parking shall be provided in accordance with City standards. All streets and off-street parking shall be constructed and maintained to City Department of Transportation ("City DOT") standards.

6. Applicant agrees to the creation of a mandatory homeowners association ("HOA"). The HOA shall be solely responsible among other things, strict architectural control, the upkeep and maintenance of all front, rear and side yards of all homes, common areas, amenities, and amenity areas; including the entrance areas, pavilion, dog park, Open Space (see Site Plan Exhibit "A"), mail kiosk, boundary buffers, fencing, off-street parking and other items so constructed by the Applicant.

7. Additionally, and in conjunction with the creation of the mandatory HOA, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed community.

8. All homes shall have a minimum of a 2-car garage. Garages shall be primarily used for the parking of vehicles and shall not be converted to other uses. The Applicant shall include this restriction in the covenants to be enforced by the HOA. In addition, the HOA shall be empowered by the covenants to discourage any parking in front of homes (except in designated off-street parking areas) and to encourage, whenever possible, that homeowners park cars in the garage. The HOA shall have authority to issue monetary fines to homeowners for violations of these covenants. It is further understood; the Applicant shall be permitted to utilize the garage of the model home as the sales office for the community, if Applicant so desires. Prior to the issuance of a permanent certificate of occupancy for the model home, the sales office will be converted to garage space.

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

10. Landscaping of the entrance areas as well as the frontage of the proposed community along all public streets, shall be professionally designed by a registered landscape architect and professionally implemented, which shall include the installation of an irrigation system, where appropriate. Maintenance of the entrance area and public street frontage at the entrance shall be by the mandatory HOA as set forth in the declaration of covenants, easements, and restrictions. All detention ponds shall be professionally landscaped in accordance with any applicable City standards.

11. The submission of a Landscape Plan, designed by a registered landscape architect, during Plan Review process which shall be subject to staff review and approval and which shall include the sodded yards throughout the residential development and irrigated, as necessary.

12. Any streetlights installed within the proposed community will comply with the current City of Marietta Street Lighting Ordinance and shall be environmentally sensitive with down lighting.

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

14. Electric and communications transformers, all mechanical and HVAC equipment and all trash and/or garbage receptacles shall be enclosed and/or concealed from view through landscaping or similar measures as long as such efforts toward shielding or concealment do not interfere with utility placement.

15. Applicant agrees the stormwater management facilities and system, hydrology, stormwater management and downstream considerations including, but not limited to, recommendations regarding the shall be constructed and installed consistent with all requirements of the City of Marietta Public Works and the City Engineer.

16. Per the report from Stephen Modica of Gaia Environmental Consulting, LLC dated on January 31, 2020, as reviewed and accepted by the City indicated there are no state waters on this site and therefore no undisturbed state waters' buffers will be necessary as the Applicant proceeds with a land development plan.

17. Compliance with the recommendations from the City of Marietta Public Works Director and the City Engineer with respect to traffic/transportation issues, including the following:

    a. Applicant shall construct decel lanes at both entrances as right-of-way ("ROW") which has been given or can be given by Applicant will allow. It appears as if the 50' taper and perhaps some small piece of the actual decel lane is all that can be built at either entrance at this time. Please reference the traffic study performed by A&R Engineering, Inc. dated August 3, 2020 a copy of which has been given to the City ("Traffic Study").

b. Current Cobb County DOT standards specify that any community in excess of 50 units must have a left turn lane into the community. Per the Traffic Study and in consultation with our civil engineer, Applicant believes there does not exist enough ROW to properly construct the left turn lane into the community at the main entrance or the secondary entrance. Thus, a variance may be necessary regarding both left turn lanes.

18. All setbacks shall be as shown on the referenced Site Plan.

19. Applicant agrees to the installation of interior sidewalks along all interior streets as per the attached Site Plan.

20. Applicant shall construct an open-air pavilion and fire pit with appropriate landscaping for the use and enjoyment of the homeowners. The pavilion shall be constructed per the attached Site Plan adjacent to the Open Space. In addition, a dog park shall be constructed adjacent to the mail kiosk per the attached Site Plan. The pavilion, Open Space and dog park and landscaping associated with these amenities shall be maintained by the HOA.

21. Applicant will need a variance regarding the 25% or 2.2 acres of Open Space per the City ordinance. Currently, the Site Plan has approximately 20% or 1.72 acres of Open Space.

22. All construction vehicles will be parked on-site on the Property at all times. No construction vehicles shall be parked on Cunningham Road or other surrounding streets to the proposed development.

23. Adherence to the following construction hours:

    a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1st to March 31st.
    b. 7:00 a.m. until 8:00 p.m., Monday through Friday, from April 1 to September 30th.
    c. 9:00 a.m. until 6:00 p.m. on Saturdays.
    d. No outside work on Sundays unless approved ahead of time by the City's Director of Development Services.

24. The Director of Development Services shall have the authority to approve minor modifications and revisions as the Development Proposal proceeds through Plan Review process and thereafter, except for those:
    a. Increase the density of the residential community.
    b. Violate the City of Marietta Zoning or Developmental Ordinances and Regulations.
    c. Expressly contravene the existing policies and procedures of the City of Marietta.
    d. Require the granting of a Waiver or a Variance.

We believe the requested zoning, together with the revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole.

Thank you in advance for your consideration of this project.

Sean G. Randall
Venture Communities, LLC
5500 Interstate North Parkway, Suite 150
Sandy Springs, Georgia 30328
Mobile Phone: (770) 616-7515
E-Mail: seanr@totalporpertyadvisors.com

See Attachments

Exhibit "A" Site Plan

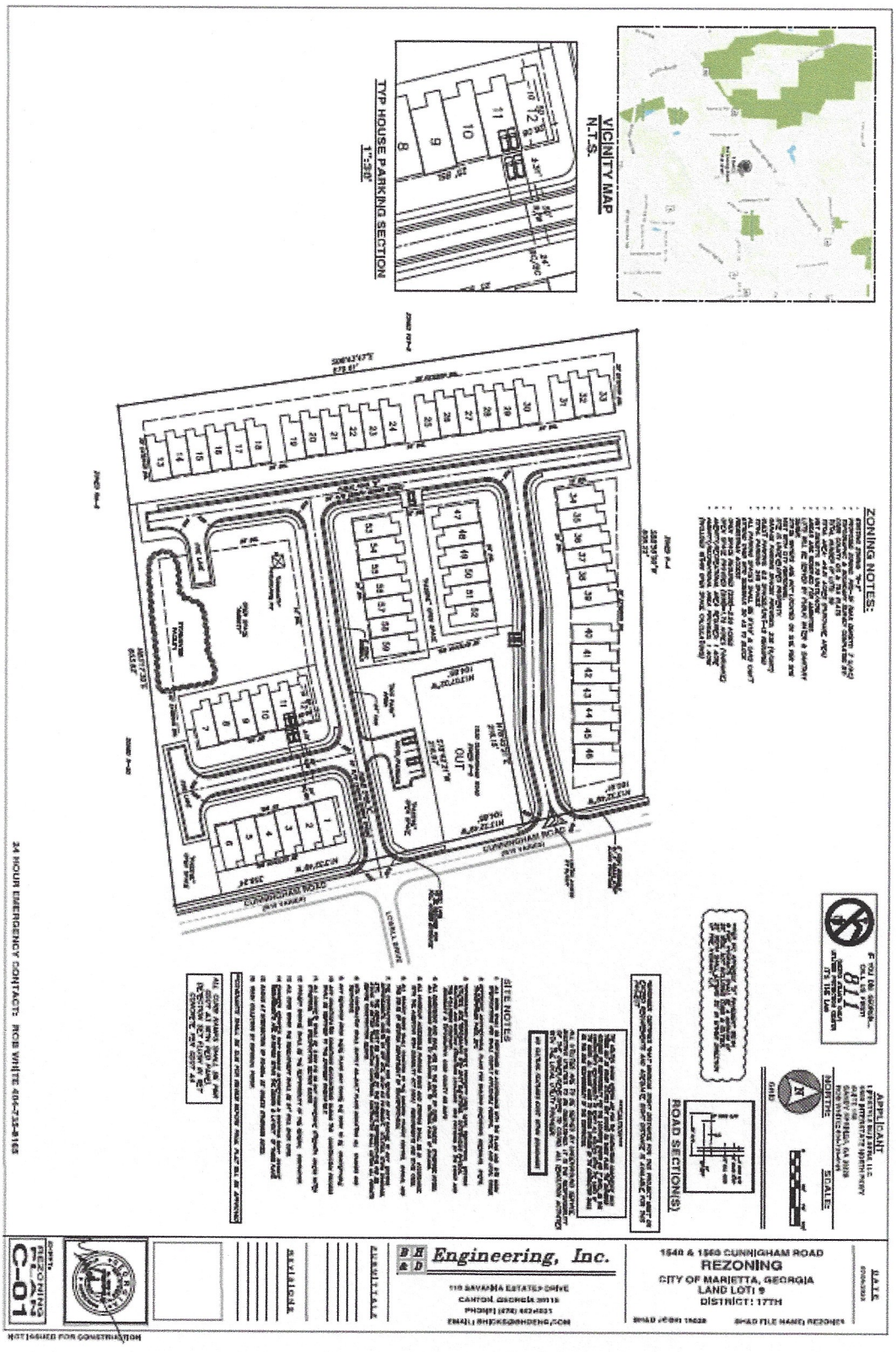
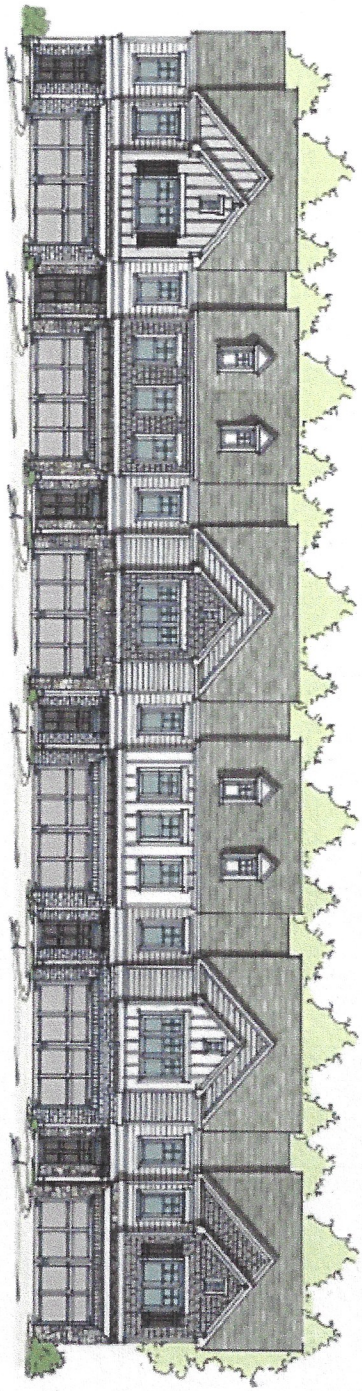


Exhibit "B" Product Front Elevations



A 001

MAIN STREET Designs

FRONT ELEVATIONS

CITY OF MARIETTA

VENTURE COMMUNITIES

3500 INTERSTATE NORTH PARKWAY
SUITE 80- SANDY SPRINGS, GA. 30328

Other Product Photos from Heritage Ridge (White Circle, City of Marietta)
26' Wide Single Family Detached – See Side/Rear Elevation Treatments by Venture Communities

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-07 **LEGISTAR: #20200038**

LANDOWNERS: **Steven Allen Cunningham**
1560 Cunningham Road
Marietta, GA 30008

Harry William Cunningham
172 Camden Knoll
Dallas, GA 30157

Carolyn Swanson
894 Poplar Springs Road
Dallas, GA 30157

APPLICANT: **Venture Communities, LLC**
5500 Interstate North Parkway, Suite 150
Sandy Springs, GA 30328

AGENT: **n/a**

PROPERTY ADDRESS: **1520, 1540, & 1560 Cunningham Road**

PARCEL DESCRIPTION: **District 17, Land Lot 9, Parcels 0040 & 0160**

AREA: ±8.782 **COUNCIL WARD: 2B**

EXISTING ZONING: **R-20 (Single Family Residential – County) &**
R-2 (Single Family Residential 2 units/acre – City)

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

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

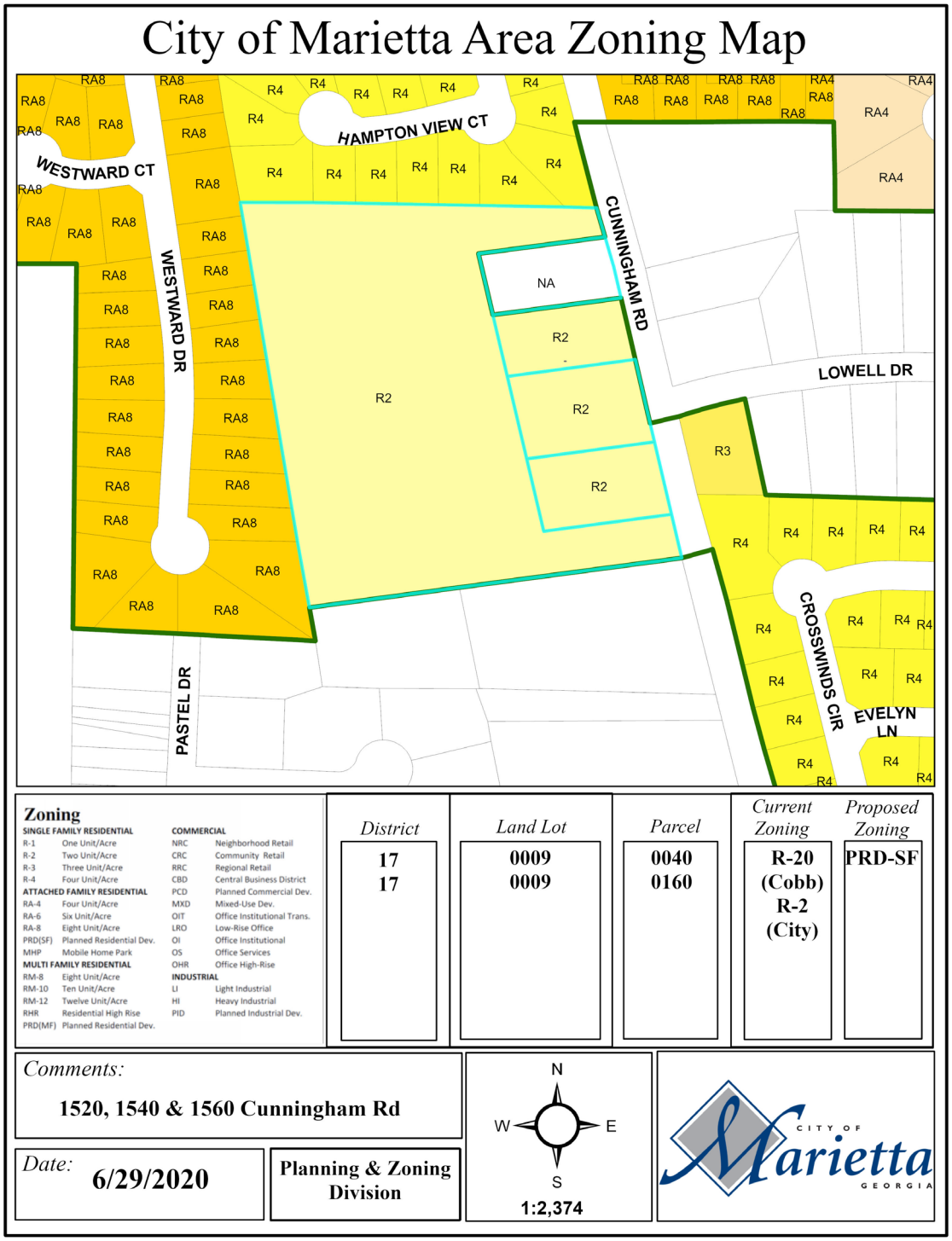
REASON FOR REQUEST: **To build a fifty-nine (59) unit townhome community**

PLANNING COMMISSION HEARING: Tuesday, August 4th, 2020 – 6:00 pm

CITY COUNCIL HEARING: **Wednesday, August 12th, 2020 – 7:00 pm**

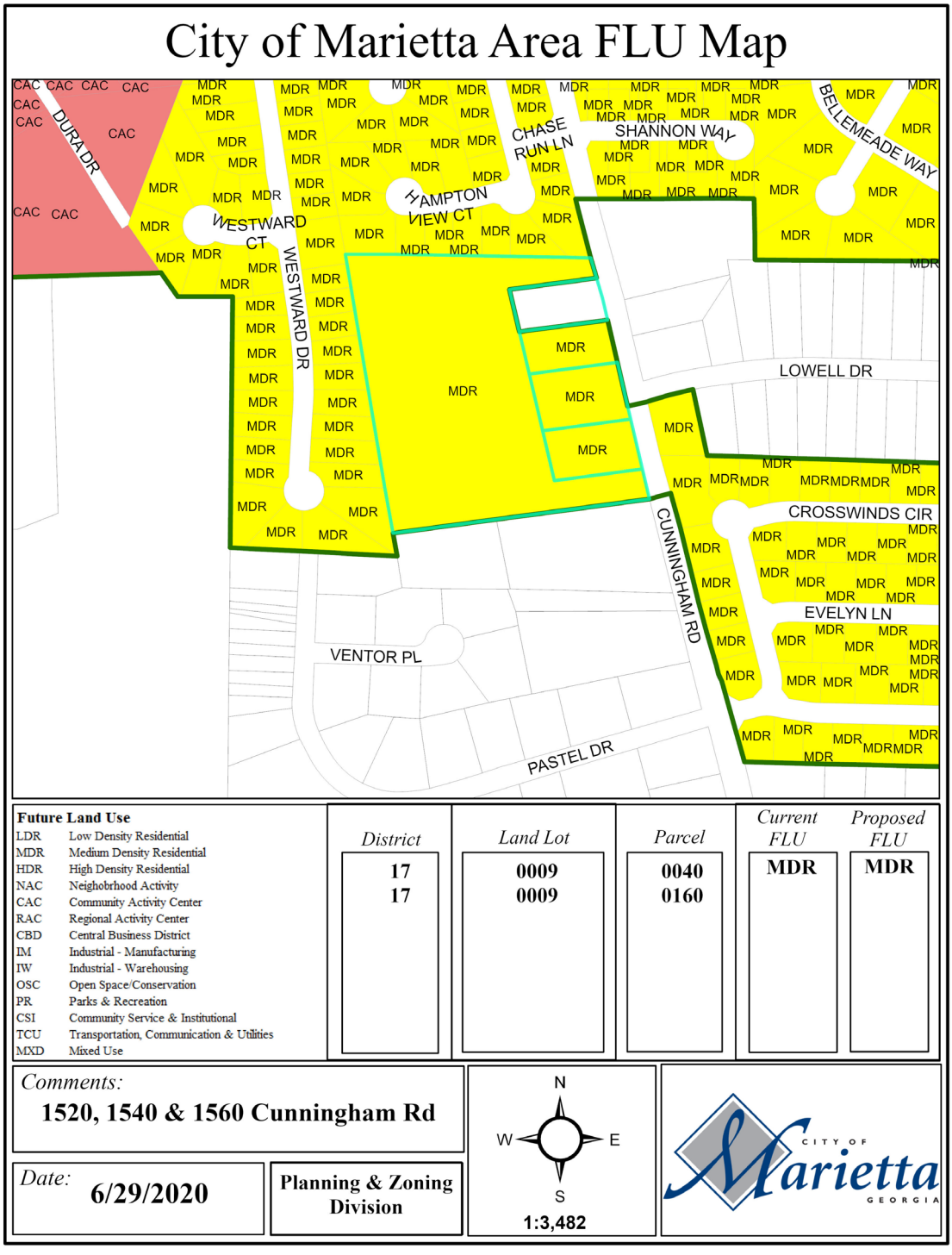
Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



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

FLU MAP



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

PICTURES OF PROPERTY

1540 Cunningham Road

1540 & 1560 Cunningham Road

Western portion of property

Western portion of property

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

STAFF ANALYSIS

Location Compatibility

Venture Communities, LLC is requesting the rezoning of 8.81 acres at 1520, 1540, & 1560 Cunningham Road to PRD-SF (Planned Residential Development – Single Family) for the construction of fifty-nine (59) new townhomes. The property at 1520 Cunningham Road is 0.5 acres in size and is currently zoned R-20 (Single Family Residential) in Cobb County. The remaining 8.3 acres are within the City of Marietta and zoned R-2 (Single Family Residential – 2 units/acre). There are three (3) single family residences on the property.

The Westview Subdivision, zoned RA-8 (Single Family Residential – Attached), is located immediately to the west; while Hampton Chase, zoned R-4 (Single Family Residential – 4 units/acre) is to the north. A church, zoned R-20 in Cobb County, is directly to the south. Across Cunningham Road to the east is a single-family residential neighborhood zoned RM-12 in Cobb County, as well.

Use Potential and Impacts

The proposed development would consist of fifty-nine (59) townhomes arranged along a new, public roadway with two access points from Cunningham Road. Fifty-nine (59) townhomes on 8.81 acres yields a density of 6.7 units per acre, which is comparable to the surrounding residential area. The proposed density is lower than other, recently approved townhouse developments in the City, 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%
Booth Road Townhomes	51	6.42	7.94	29.6%
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%

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 guest parking spaces and driveway depths required for townhome communities developed under PRD-SF. However, the following variance would be necessary:

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

Concerning the open space and recreation requirements, the applicant has indicated the entire site will be graded for the development and that there will be 1.72 acres of passive recreation provided (approximately 19.5% of the site), but no active recreational feature would be provided. The applicant has indicated that a 59-unit homeowner's association could not afford the maintenance expense an active amenity requires. As a result, the following variances are being requested:

- Variance to waive the active recreation feature. [*§708.09 (B.2.i)*]
- Variance to waive the 25% open space requirement to allow the entire site to be disturbed. [*§708.09 (H)*]

Marietta's Comprehensive Plan, last updated in October 2017, designates the future land use (FLU) of these parcels as Medium Density Residential (MDR). Properties with a FLU of MDR are appropriate for single family detached homes, clustered housing, and townhomes with densities ranging from five (5) to eight (8) units per acre. The requested PRD-SF zoning at a density of 6.7 units/acre is consistent with and supported by the City's Comprehensive Plan.

Environmental Impacts

Most of the site was wooded until sometime in the 1990s when most of the trees were cleared. The vegetation that has taken its place is not mature and contains a lot of invasive shrubbery. City maps indicate state waters running from north to south; however, after numerous site visits, City Engineering staff and a private consultant determined no state waters are present. The proposed plan by Venture Communities will again clear the site of all vegetation. However, the resulting development will be expected to comply with the Tree Protection and Landscaping Ordinance as well as the City's stormwater requirements.

Economic Functionality

The subject property has contained at least two homes on it since the 1950s; and currently there are three residences on the 8.81 acres. This translates to a density of 0.34 units/acre, which is low for a suburban environment. While the property is functional as currently zoned, the property could support the proposed higher density, which is similar to other developments in the surrounding area.

Infrastructure

This proposed development would have new public streets that would comply with the required minimum width of fifty (50) feet and would have internal sidewalks. Sidewalks are also shown along the Cunningham Road property frontage and would fill in a large, existing gap in sidewalk in this area. Because the proposed neighborhood contains more than fifty-one (51) units, two vehicular access points to arterial or collector roads are required. Although Cunningham Road functions as a collector road, the City Thoroughfare Map classifies it as a local road. As a result, the following variance is required:

- Variance to allow a single-family development with more than 51 dwelling units provide two access points to a local street, rather than arterial or collector street. [*§730.01 (A)*]

A 150-foot acceleration lane and a 150-foot deceleration lane with appropriate tapers will be required by Public Works but is not shown on the plan. A variance would be required to omit these features.

Overhead Electrical/Utilities

There are overhead utility lines on the opposite side of Cunningham Road, so there should be no conflicts with new street trees or buildings. All new utilities for the development will be required to be underground.

History of Property

This property, except for 1520 Cunningham Road, was annexed into the City of Marietta in 2005 and rezoned from R-20 to R-2 (Z2005-31). The purpose of the annexation was not to develop the property but to make another property across Cunningham Road (Crosswinds Subdivision) eligible for annexation and development in the City limits.

Historical Impacts

There is no indication that any historical structures or features are located at this site.

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 will become the General Plan.

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

ANALYSIS & CONCLUSION

Venture Communities, LLC is requesting the rezoning of 8.81 acres at 1520, 1540, & 1560 Cunningham Road to PRD-SF for the construction of fifty-nine (59) new townhomes and would include the annexation of 0.5 acres from Cobb County. The properties are currently zoned R-20 in Cobb County and R-2 in the City and currently contain three (3) single family residences. Surrounding properties are also zoned residential and include RA-8, R-4, R-20 (Cobb), and RM-12 (Cobb).

The proposed development would be arranged along a new, public roadway with two access points from Cunningham Road. Fifty-nine (59) townhomes on 8.81 acres yields a density of 6.7 units per acre, which is comparable to the surrounding residential area. The proposed density is lower than other, recently approved townhouse developments in the City.

The following variances would be necessary to develop the property as shown on the submitted plan:

1. Variance to waive the active recreation feature. [*§708.09 (B.2.i)*]
2. Variance to waive the 25% open space requirement to allow the entire site to be disturbed. [*§708.09 (H)*]
3. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit for fee simple townhomes. [*§708.09 (H)*]
4. Variance to allow a single-family development with more than 51 dwelling units provide two access points to a local street, rather than arterial or collector street. [*§730.01 (A)*]
5. Variance to waive the required acceleration and deceleration lanes.

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 will become the General Plan

Marietta's Comprehensive Plan designates the future land use (FLU) of these parcels as Medium Density Residential (MDR). Properties with a FLU of MDR are appropriate for single family detached homes, clustered housing, and townhomes with densities ranging from five (5) to eight (8) units per acre. The requested PRD-SF zoning at a density of 6.7 units/acre is consistent with and supported by the City's Comprehensive Plan.

Prepared by: Shelby Gritter

Approved by: Rusty Roth

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

DATA APPENDIX CONTINUED

COBB COUNTY WATER & WASTEWATER

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

- Full site development plans required (Cobb Water and Sewer Authority approval required).
- A second entrance will be required based on the number of units proposed (as shown on 7/10/20 email update)
- All streets must comply with City standards
- Sidewalks required along frontage. Some interior sidewalks as proposed will require crosswalks.
- Acceleration and deceleration lanes will be required

TRANSPORTATION

What is the road affected by the proposed change?	Cunningham Road
What is the classification of the road?	Collector
What is the traffic count for the road?	4,100 (2016 Cobb)
Estimated # of trips generated by the proposed development?	Daily 287
Estimated # of pass-by cars entering proposed development?	AM 28
Do sidewalks exist in the area?	PM 30
Transportation improvements in the area?	0
If yes, what are they?	Yes

- Center left turn lane along Cunningham Road connecting with center lane to south and north is recommended.

- Acel/decel lane is required per City Code; however, Transportation is willing to waive the Acel lane requirement if the developer agrees to the center lane construction above.
- 25' deceleration lane taper to begin at southern property line of out parcel.
- 5' sidewalk with 2' grass strip required along entire parcel frontage of Cunningham Road.
- Recommend developer continue sidewalk improvements across outparcel frontages.
- Request 15' right of way donation across entire parcel frontage.
- Entirety of Cunningham Road to the south of this parcel is owned and maintained by Cobb DOT - Cobb DOT approval required.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	54 Chestnut Hill
Distance of the nearest station?	1.9 Miles
Most likely station for 1st response?	54
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:

- All units will be required to be protected throughout by an approved automatic fire sprinkler system per Marietta City Code 2-6-140.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site?	Yes_____	No___x___
If not, can this site be served?	Yes_____	No___x___

What special conditions would be involved in serving this site?

Not Marietta Power territory

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

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Dunleith Elementary School**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**625**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**564**
Current enrollment of Middle School:	**1,390**
Current enrollment of High School:	**2,455**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**22**
New schools pending to serve this area:	**0**
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 #: 22020-07 Legistar #: 2020-0038 PZ #: —
Planning Commission Hearing: 8-4-20 City Council Hearing: 8-18-20

Owner's Name Steven Allen Cunningham
EMAIL Address: stevecunningham@mindspirng.com
Mailing Address 1560 Cunningham Road, Marietta, GA Zip Code: 30008 Telephone Number (404) 307-7106

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant: Venture Communities, LLC (c/o Sean G. Randall)
EMAIL Address: seanr@totalpropertyadvisors.com
Mailing Address 5500 Interstate North Pkwy., Ste. 150, Sandy Springs, GA Zip Code: 30328
Telephone Number (770) 616-7517 Email Address: terric@venture-ga.com

Address of property to be rezoned: 1520, 1540, 1560 Cunningham Road, Marietta, Georgia
Land Lot (s) ~~889~~ 0009 District 17th Parcel _____ Acreage 8.782 Ward 2B Future Land Use: MDR
Present Zoning Classification: R-2 R4(city) Proposed Zoning Classification: PRD-SF
17000900040 and 17000900160

REQUIRED INFORMATION

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

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

CAMPAIGN CONTRIBUTIONS

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

Signature of Owner

Steven Allen Cunningham
Print Name

Signature of Applicant

Sean G. Randall
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.

Sean G. Randall
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

Steven Allen Cunningham
Please Print

1560 Cunningham Road, Marietta, GA 30008-4040
Address

6/17/2020
Date

Signed, sealed and delivered in the presence of:

My Commission Expires: 12-04-2022

S. MANCINAS NOTARY PUBLIC GEORGIA COBB COUNTY EXPIRES December 4, 2022

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

Marietta GEORGIA

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

APPLICATION FOR REZONING

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

For Office Use Only:

Application #: Z 2020-07 Legistar #: 2020038 PZ #: —

Planning Commission Hearing: 8-4-20 City Council Hearing: 8-18-20

Owner's Name Harry William Cunningham

EMAIL Address: mchc002@aol.com

Mailing Address 172 Camden Knoll, Dallas, GA Zip Code: 30157 Telephone Number (770) 401-3340

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Venture Communities, LLC (c/o Sean G. Randall)

EMAIL Address: seanr@totalpropertyadvisors.com

Mailing Address 5500 Interstate North Pkwy., Ste. 150, Sandy Springs, GA Zip Code: 30328

Telephone Number (770) 616-7517 Email Address: terric@venture-ga.com

Address of property to be rezoned: 1520, 1540, 1560 Cunningham Road, Marietta, Georgia

Land Lot (s) 8 & 9 District 17th Parcel _____ Acreage 8.782 Ward _____ Future Land Use: MDR

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

REQUIRED INFORMATION

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

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2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee ($500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
   If providing (24"x 36") then **5** copies REQUIRED.
   The following information must be included:
   - Specific use or uses proposed for the site
   - Acreage, bearing and distances, other dimensions, and location of the tract(s)
   - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
   - Detention/retention areas, and utility easements
   - Public or private street(s) - right of way and roadway widths, approximate grades
   - Location and size of parking area with proposed ingress and egress
   - Specific types and dimensions of protective measures, such as buffers
   - Landscaping
   - Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

CAMPAIGN CONTRIBUTIONS

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

Harry William Cunningham
Signature of Owner

Signature of Applicant

Harry William Cunningham
Print Name

Sean G. Randall
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.

Sean G. Randall
Print Name

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

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Harry William Cunningham
Signature

Harry William Cunningham
Please Print

172 Camden Knoll, Dallas, GA 30157
Address

Harry William Cunningham

6-17-2020
Date

Rita Sexton
Notary Public
Expires - October 20, 2023
Paulding County
State of Georgia

Signed, sealed and delivered in the presence of:

Rita Sexton

My Commission Expires: 10/20/23

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

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

APPLICATION FOR REZONING

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

For Office Use Only:

Application #: Z2020-07 Legistar #: 20200038 PZ #: —

Planning Commission Hearing: 8-4-20 City Council Hearing: 8-18-20

Owner's Name Carolyn Swanson

EMAIL Address: swanson_c@bellsouth.net

Mailing Address 894 Poplar Springs Road, Dallas, GA Zip Code: 30157 Telephone Number (770) 713-5558

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Venture Communities, LLC (c/o Sean G. Randall)

EMAIL Address: seanr@totalpropertyadvisors.com

Mailing Address 5500 Interstate North Pkwy., Ste. 150, Sandy Springs, GA Zip Code: 30328

Telephone Number (770) 616-7517 Email Address: terric@venture-ga.com

Address of property to be rezoned: 1520, 1540, 1560 Cunningham Road, Marietta, Georgia

Land Lot (s) 8 & 9 District 17th Parcel _____ Acreage 8.782 Ward _____ Future Land Use: MDR

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

REQUIRED INFORMATION

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2. Legal Description. **Legal description must be in a WORD DOCUMENT.**
3. Application fee ($500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
   If providing (24"x 36") then **5** copies REQUIRED.
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   - 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.

Carolyn Swanson
Signature of Owner

Signature of Applicant

Carolyn Swanson
Print Name

Sean G. Randall
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.

Sean G. Randall
Print Name

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

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

Carolyn Swanson
Signature

Carolyn Swanson
Please Print

894 Poplar Springs Road, Dallas, GA 30157 Carolyn Swanson
Address

6·17·2020
Date

Rita Sexton
Notary Public
Expires - October 20, 2023
Paulding County
State of Georgia

Signed, sealed and delivered in the presence of:

Rita Sexton

My Commission Expires: 10/20/23

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

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

APPLICATION FOR ANNEXATION

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

For Office Use Only:

Application#: A2020-04 Legistar#: 2020 0547 PZ #: —

PC Hearing: 8-4-20 CC Hearing: 8-18-20

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

Dear Mayor and Council:

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

Property Owner's Name (please print): Steven Allen Cunningham

Address of property to be Annexed: 1520 Cunningham Road, Marietta, Georgia

Land Lot 8 & 9 District: 17th Parcel: _____ Number of Acres: _____

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

Steven Allen Cunningham 6/17/2020 (404) 307-7106
(Property owner's signature) *(Date)* *(Telephone Number)*

Property owner's EMAIL: stevecunningham@mindspirng.com

Property owner's mailing address if different from property being annexed:
1560 Cunningham Road, Marietta, GA 30008-4040

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

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

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

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

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

APPLICATION FOR ANNEXATION

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

For Office Use Only:

Application#: A2020-04 Legistar#: 2020547 PZ #: —

PC Hearing: 8-4-20 CC Hearing: 8-18-20

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

Dear Mayor and Council:

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

Property Owner's Name (please print): Carolyn Swanson

Address of property to be Annexed: 1520 Cunningham Road, Marietta, Georgia

Land Lot 8 & 9 District: 17th Parcel: _____ Number of Acres: _____

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

Carolyn Swanson 6-17-2020 (770) 713-5558
(Property owner's signature) *(Date)* *(Telephone Number)*

Property owner's EMAIL: swanson_c@bellsouth.net

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

894 Poplar Springs Road, Dallas, GA 30157

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

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

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

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

Marietta
GEORGIA

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

APPLICATION FOR ANNEXATION

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

For Office Use Only:

Application#: A2020-04 Legistar#: 20200547 PZ #: —

PC Hearing: 8-4-20 CC Hearing: 8-~~10~~ 12-20

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

Dear Mayor and Council:

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

Property Owner's Name (please print): Harry William Cunningham

Address of property to be Annexed: 1520 Cunningham Road, Marietta, Georgia

Land Lot 8 & 9 District: 17th Parcel: _____ Number of Acres: _____

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

Harry William Cunningham 6-17-2020 (770) 401-3340
(Property owner's signature) *(Date)* *(Telephone Number)*

Property owner's EMAIL: mchc002@aol.com

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

172 Camden Knoll, Dallas, GA 30157

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

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

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

1. Legal Description.
2. One (1) copy of survey.
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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

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

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, August 4th, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, August 12th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-07 [REZONING] VENTURE COMMUNITIES, LLC is requesting the rezoning of 8.782 acres located in Land Lot 9, District 17, Parcels 0040 & 0160 of the 2nd Section, Cobb County, Georgia, and being known as 1520, 1540, & 1560 Cunningham Road from R-20 (Single Family Residential – County) and R-2 (Single Family Residential – 2 units/acre – City) to PRD-SF (Planned Residential Development – Single Family). Ward 2B.

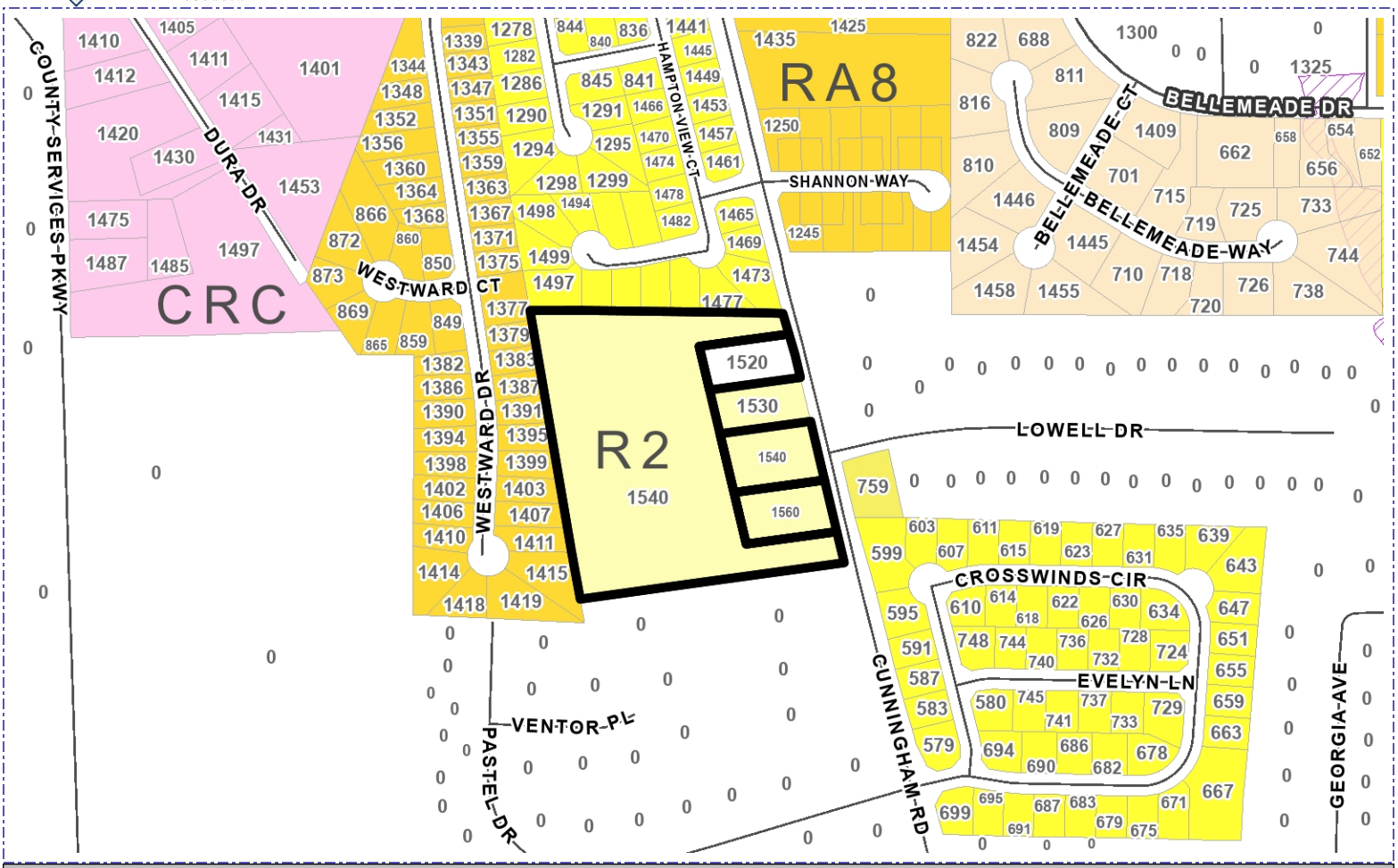
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

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

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1540 CUNNINGHAM RD	17000900040	0.731	2B	R2	MDR
1560 CUNNINGHAM RD	17000900160	0.642	2B	R2	MDR
1540 CUNNINGHAM RD	17000900040	6.963	2B	R2	MDR
1520 CUNNINGHAM RD		0.543		NA	MDR

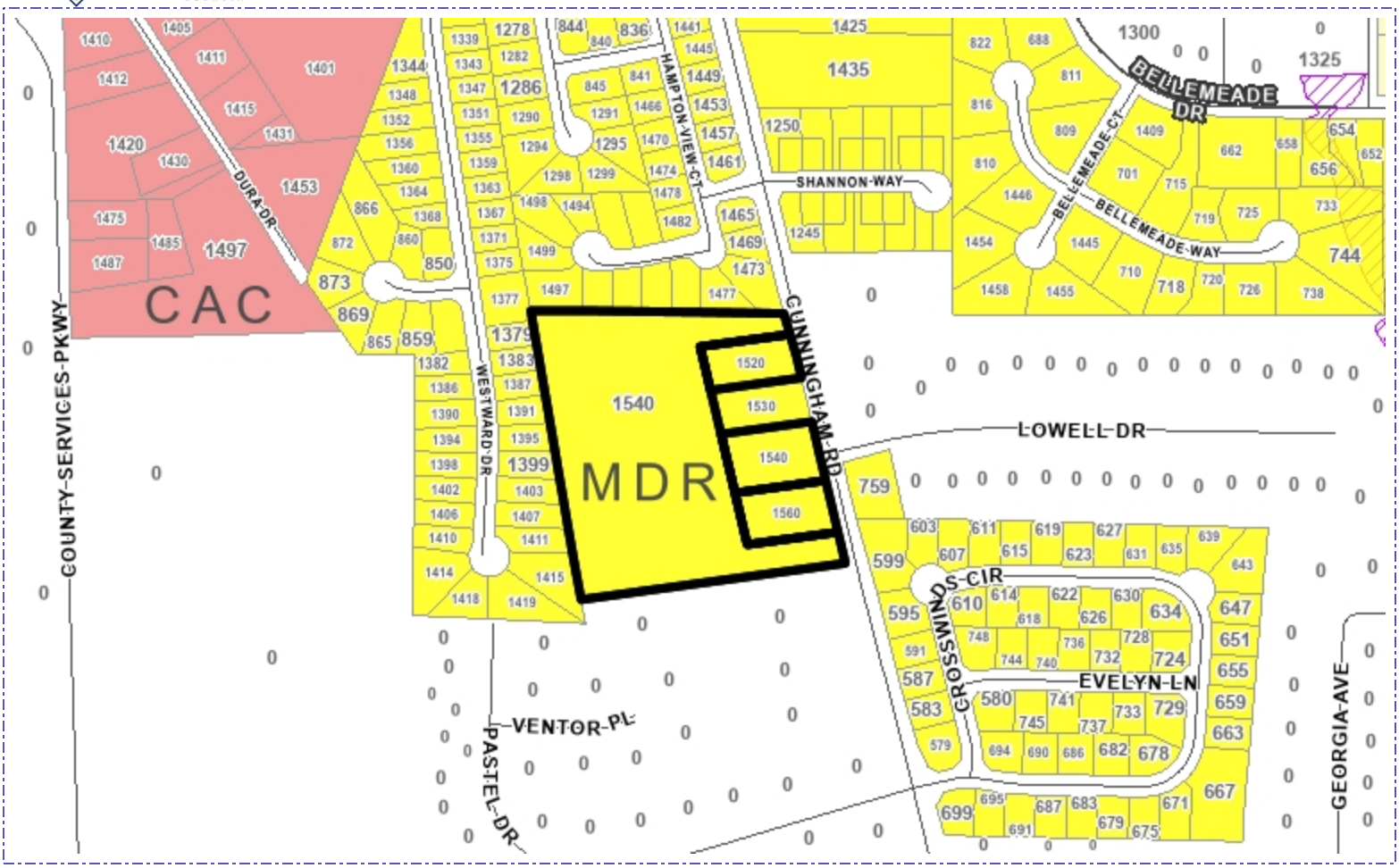
Property Owner:	Cunningham/Swanson
Applicant:	Venture Communities
Proposed Zoning:	R4 (Cty), R2 to PRD-SF
Agent:	
Proposed Use:	
Planning Commission Date:	08/04/2020
City Council Hearing Date:	08/12/2020
Case Number:	Z2020-07

City of Marietta Planning & Zoning

Zoning Symbols

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

Future Land Use



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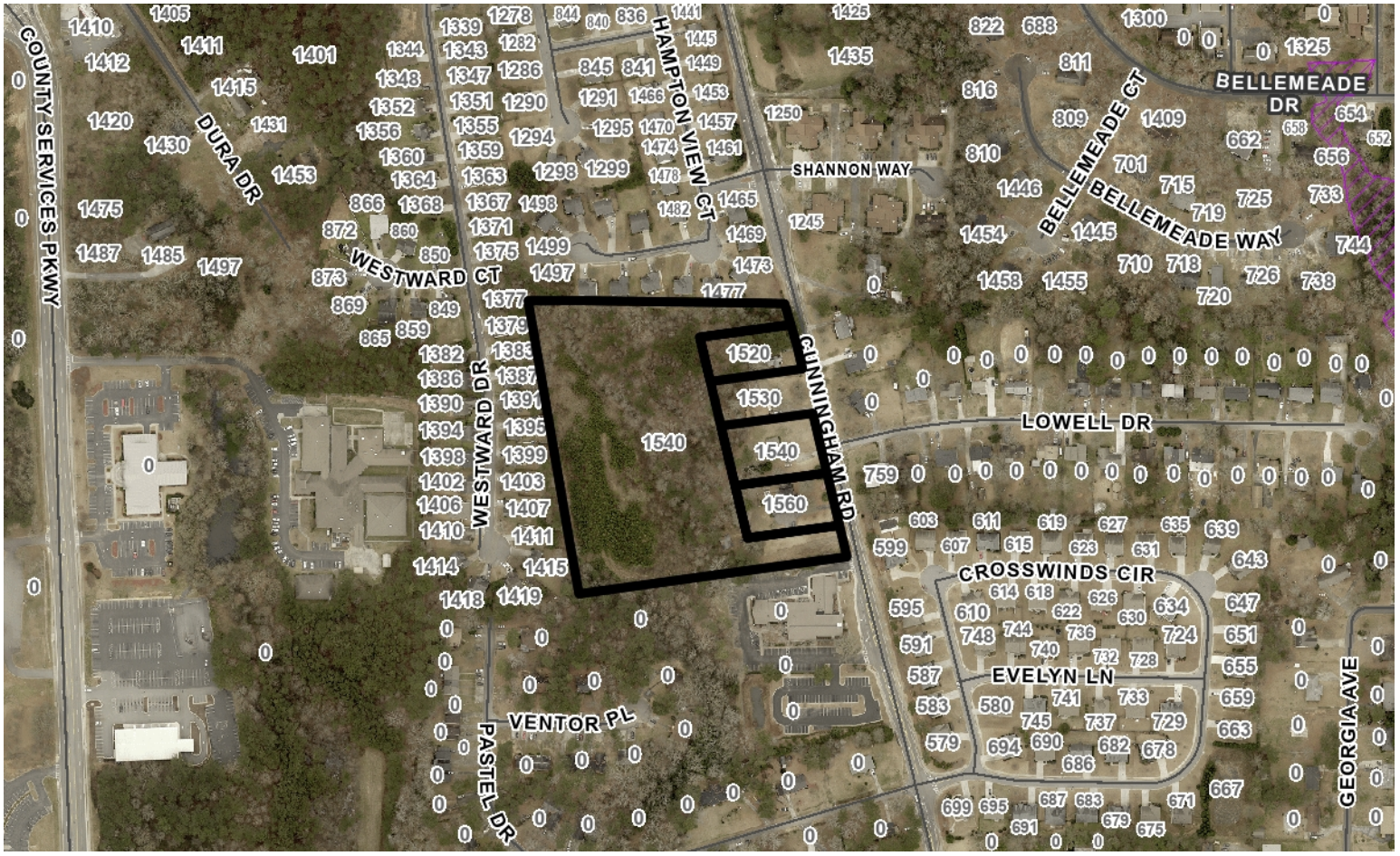
Planning Commission Hearing Date:	08/04/2020
City Council Hearing Date:	08/12/2020
Future Land Use:	MDR
Case Number:	Z2020-07
Comments:	

Future Land Use Symbols

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

City of Marietta Planning & Zoning

Aerial Map



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1540 CUNNINGHAM RD	17000900040	6.963	2B	R2	MDR
1520 CUNNINGHAM RD		0.543		NA	MDR

Property Owner: Cunningham/Swanson

Applicant: Venture Communities

City Council Hearing Date: 08/12/2020

Planning Commission Hearing Date: 08/04/2020

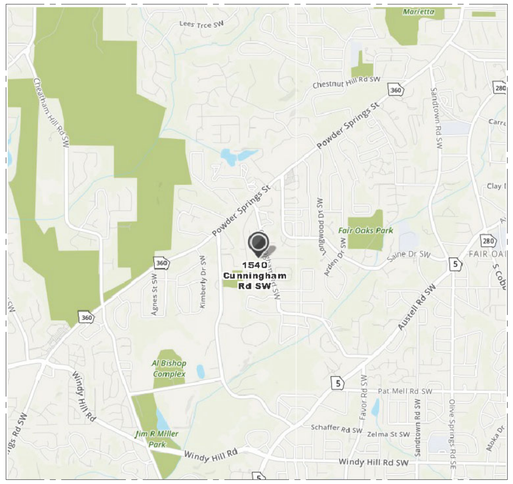
BZA Hearing Date: Case Number: Z2020-07

Comments:

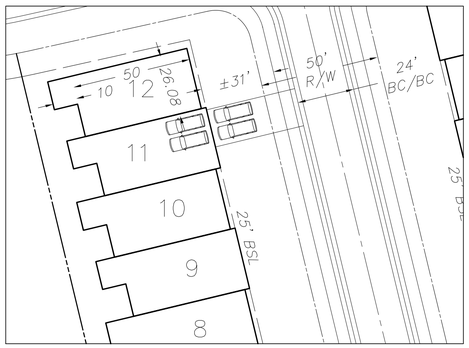
City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets



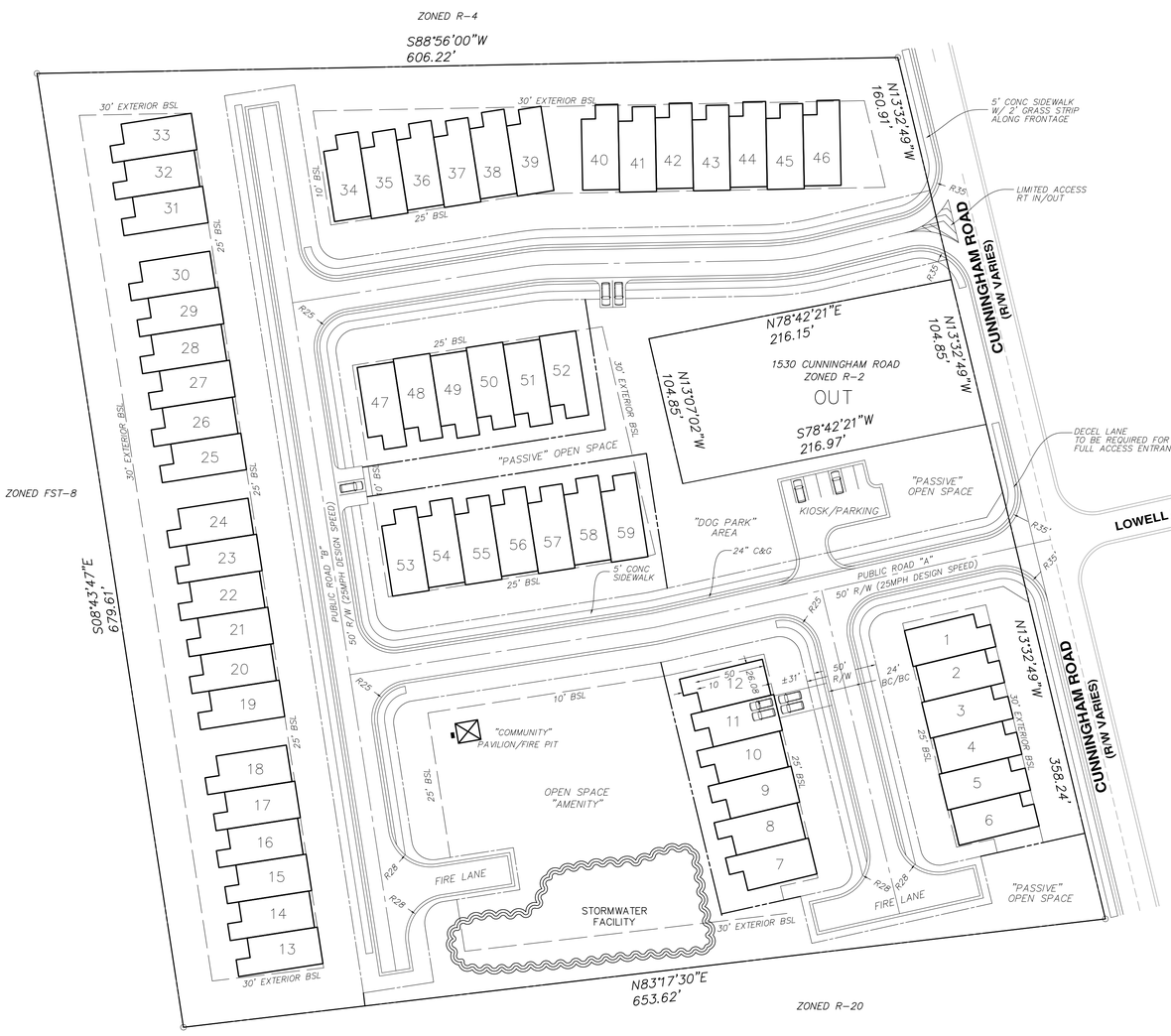
VICINITY MAP
N.T.S.



TYP HOUSE PARKING SECTION
1":30'

ZONING NOTES:

- EXISTING ZONING: "R-2"
- PROPOSED ZONING: PRD-SF (MAX DENSITY: 7 U/AC)
- TOPOGRAPHIC & BOUNDARY SURVEY COMPLETED BY: COBB COUNTY GIS & TAX PLATS
- TOTAL NUMBER OF LOTS: 59
- TOTAL AREA: ±8.81 ACRES (PURCHASE AREA)
- NET DENSITY: 6.70 UNITS/ACRE
- AREAS ARE RESERVED FOR AMENITIES.
- LOTS WILL BE SERVED BY PUBLIC WATER & SANITARY SEWER.
- STATE WATERS ARE NOT LOCATED ON SITE PER SITE VISIT WITH CITY PERSONNEL.
- SITE IS UNDEVELOPED PROPERTY.
- GARAGE PARKING SPACES PROVIDED: 236 (4/UNIT)
- GUEST PARKING: 0.2 SPACES/UNIT=12 REQUIRED
- TOTAL PARKING: 248 SPACES
- ALL PARKING SPACES SHALL BE 9'X19' & CARS CAN'T EXTEND OVER INTO SIDEWALK SO AS TO BLOCK PEDESTRIAN ACCESS
- OPEN SPACE REQUIRED (25%)=2.20 ACRES
- OPEN SPACE PROVIDED (20%)=1.72 ACRES (VARIANCE)
- AMENITY/RECREATIONAL AREA REQUIRED: 1 ACRE
- AMENITY/RECREATIONAL AREA PROVIDED: 1 ACRE (INCLUDED WITHIN OPEN SPACE CALCULATIONS)



IF YOU DIG GEORGIA...
CALL US FIRST!
811
(METRO ATLANTA ONLY)
UTILITIES PROTECTION CENTER
IT'S THE LAW

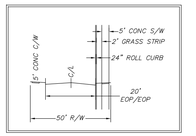
APPLICANT

LIFESTYLE BUILDERS, LLC
5500 INTERSTATE NORTH PKWY
SUITE 150
SANDY SPRINGS, GA 30328
ROB WHITE: 404-735-9165

NORTH: **SCALE:**

GRID

**PER IFC APPENDIX "D" PAVEMENT WIDTH @ FIRE HYDRANTS SHALL BE A MINIMUM OF 26' WIDE, NOT INCLUDING CURB & GUTTER. 26' WIDTH SHALL EXTEND 20' IN EITHER DIRECTION OF FIRE HYDRANT C/L



ROAD SECTION(S)

*ENGINEER CERTIFIES THAT MINIMUM SIGHT DISTANCE FOR THIS PROJECT MEET OR EXCEED REQUIREMENTS AND ADEQUATE SIGHT DISTANCE IS AVAILABLE FOR THIS PROJECT

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

ALL UTILITIES ARE TO BE SERVED BY UNDERGROUND SERVICE, EXISTING UTILITIES TO BE DEMOLISHED. IT IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER TO COORD. ALL DEMOLITION ACTIVITIES WITH THE LOCAL UTILITY PROVIDER.

NO CULTURE FEATURES EXIST WITHIN BOUNDARIES

SITE NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE AND LOCAL CODES.
2. REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
3. TOPOGRAPHIC BOUNDARY SURVEY, PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY THE OWNER AND THE FOLLOWING COMPANY:
   BOUNDARY & TOPOGRAPHY: COBB COUNTY GIS MAPS
4. ALL DIMENSIONS AND RADII ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO BUILDINGS ARE TO OUTSIDE FACE OF BUILDING.
5. ALL HANDICAP ACCESSIBLE PARKING SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
6. ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION.
7. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, ONSITE OR OFF SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS. CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
8. SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
9. ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
10. ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE ENGINEER IMMEDIATELY.
11. ALL CONCRETE SHALL BE 3,000 PSI 28 DAY COMPRESSIVE STRENGTH. UNLESS NOTED OTHERWISE. SEE SPECIFICATION SECTION 03300.
12. PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
13. ALL CURB WITHIN THE DEVELOPMENT SHALL BE 24" ROLL BACK CURB.
14. ENGINEER CERTIFIES THAT MINIMUM INTERSECTION & STOPPING SIGHT DISTANCE REQUIREMENTS ARE SATISFIED WITHIN THE DESIGN & LAYOUT OF THESE PLANS.
15. RADIUS AT INTERSECTION OF ROADS= 25' UNLESS OTHERWISE NOTED.
16. TRASH COLLECTION BY INDIVIDUAL PICKUP.

**COVENANTS SHALL BE DUE FOR REVIEW BEFORE FINAL PLAT WILL BE APPROVED

ALL CURB RAMPS SHALL BE PER GDOT A3 WITH RED PANEL DETECTION SET FLUSH IN WET CONCRETE PER GDOT A4

24 HOUR EMERGENCY CONTACT: ROB WHITE 404-735-9165

DATE
07/09/2020

1540 & 1560 CUNNIGHAM ROAD
REZONING
CITY OF MARIETTA, GEORGIA
LAND LOT: 9
DISTRICT: 17TH

BH&D JOB#: 19038 **BH&D FILE NAME: REZONE5**

Engineering, Inc.
B H & D
110 SAVANNA ESTATES DRIVE
CANTON, GEORGIA 30115
PHONE: (678) 462-4021
EMAIL: BHICKS@BHDENG.COM

SUBMITTALS

REVISIONS

GEORGIA
REGISTERED
No. 028411
PROFESSIONAL
ENGINEER
MICHAEL P HENDERSON

SHEET:
REZONING PLAN
C-01

NOT ISSUED FOR CONSTRUCTION

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

REZONING APPLICATION ANALYSIS

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

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

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

PROPERTY ADDRESS: 888 & 898 Powder Springs Street

PARCEL DESCRIPTION: 17014100200 & 17014000190

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

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

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

FUTURE LAND USE: LDR (Low Density Residential)

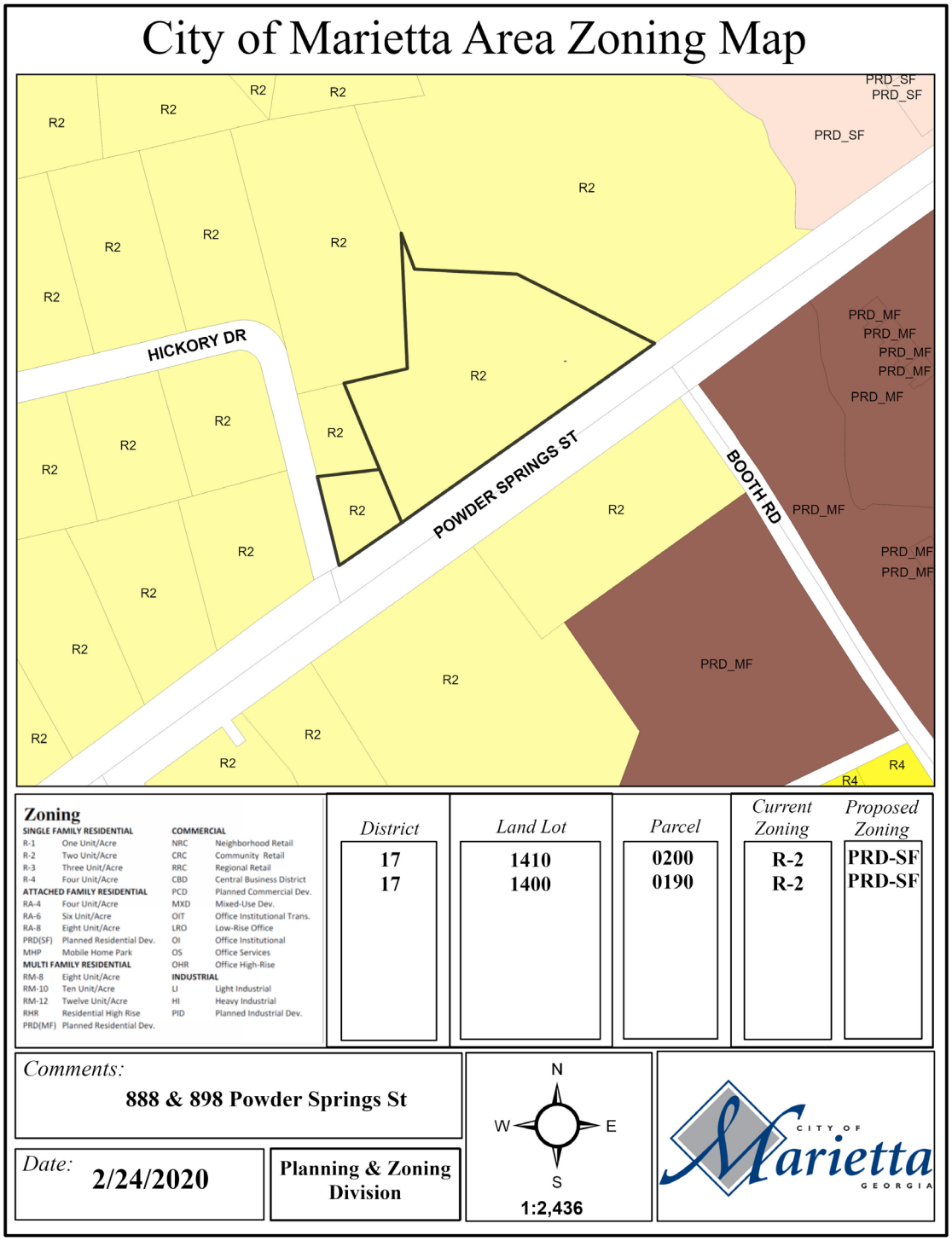
REASON FOR REQUEST: The applicant is requesting the rezoning of the subject properties from R-2 to PRD-SF to develop a new residential community with eleven (11) detached single-family houses.

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

CITY COUNCIL HEARING: Wednesday, August 12th, 2020 – 7:00 p.m.

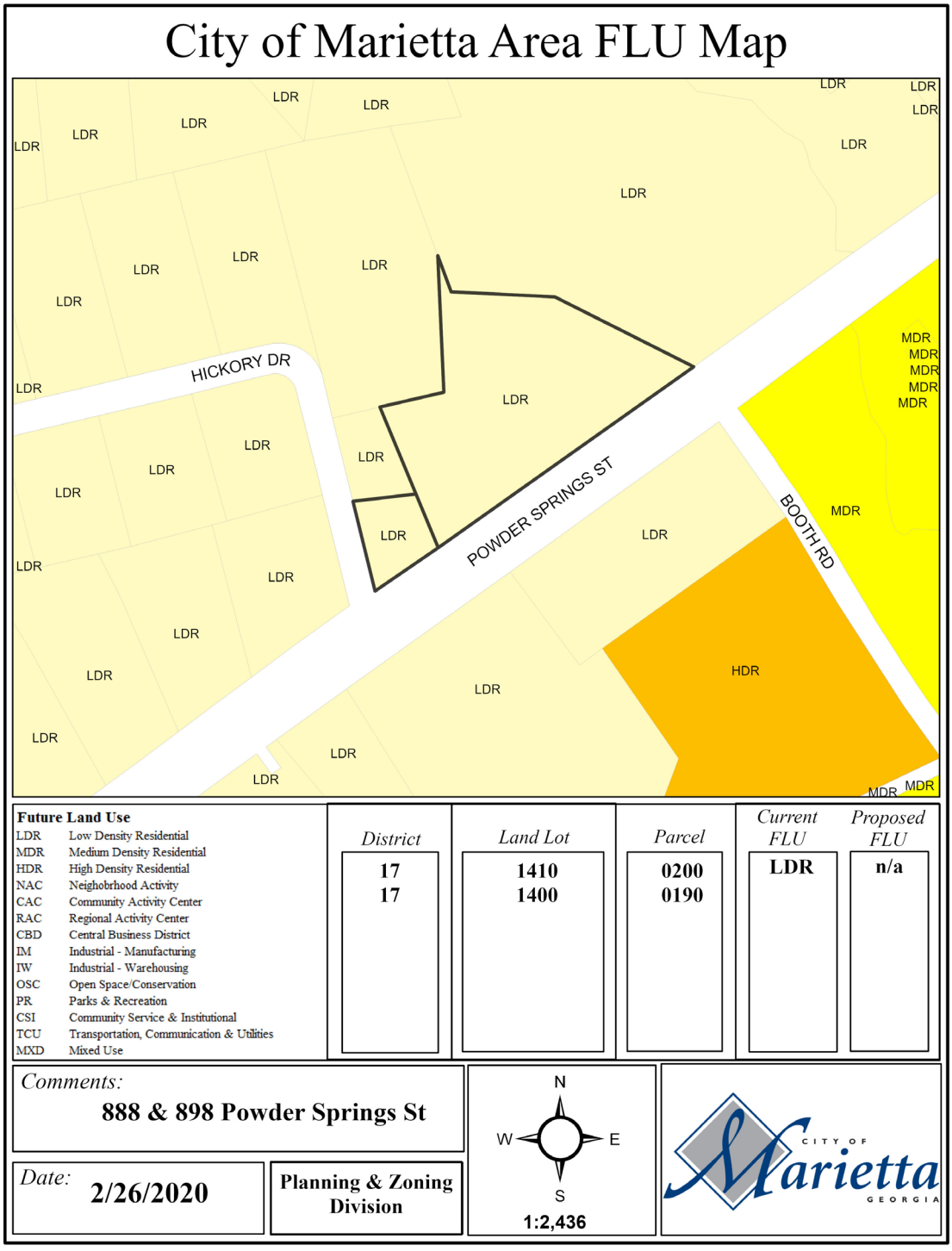
Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



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

FLU MAP



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

PICTURES OF PROPERTY

888 Powder Spring Street

898 Powder Springs Street

Facing Powder Springs Street from Hickory Drive

Facing Hickory Drive from Powder Springs Street

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

STAFF ANALYSIS

Location Compatibility

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

Use Potential and Impacts

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

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

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

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

Environmental Impacts

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

Economic Functionality

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

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

Infrastructure

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

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

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

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

Overhead Electrical/Utilities

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

History of Property

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

Other Issues

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

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

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

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

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

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

ANALYSIS & CONCLUSION

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

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

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

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

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

Prepared by: Jason Hunt

Approved by: Rusty Roth

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

DATA APPENDIX

CITY OF MARIETTA - WATER

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

CITY OF MARIETTA - WASTEWATER

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

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

Additional Comments:

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

TRANSPORTATION

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

Additional Comments:

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

EMERGENCY SERVICES

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

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

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x___ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

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

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

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

Marietta GEORGIA

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

APPLICATION FOR REZONING

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

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

Owner's Name *Stephen Thompson*

EMAIL Address:

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

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: *Ali Ghadrdan*

EMAIL Address: *alighadrdan@yahoo.com*

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

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

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

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

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

REQUIRED INFORMATION

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

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

CAMPAIGN CONTRIBUTIONS

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

Signature of Owner

Signature of Applicant

Stephen Thompson

Print Name

Ali Ghadrdan

Print Name

FINANCIAL INTEREST

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

Ali Ghadrdan

Print Name

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

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

Signature

Ali Ghadrdan

Please Print

2075 Fairport way Marietta GA 30062

Address

2/14/2020

Date

Signed, sealed and delivered in the presence of:

My Commission Expires: 11/11/21

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

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

Letter of Intent
And
Application For Rezoning

Springfield Subdivision

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

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

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

Submitted by:

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

INTRODUCTION TO SPRINGFIELD RESIDENTIAL DEVELOPMENT

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

DESCRIPTION OF PROPOSED DEVELOPMENT

1.) Entrance and Border of the Development

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

2.) Description of the Single-Family Homes

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

3.) Springfield Subdivision Site Plan

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

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **July 17, 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 request at the City Council meeting held on Wednesday, August 12th, 2020, 7:00 p.m., City Hall, for a final decision to be made.

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

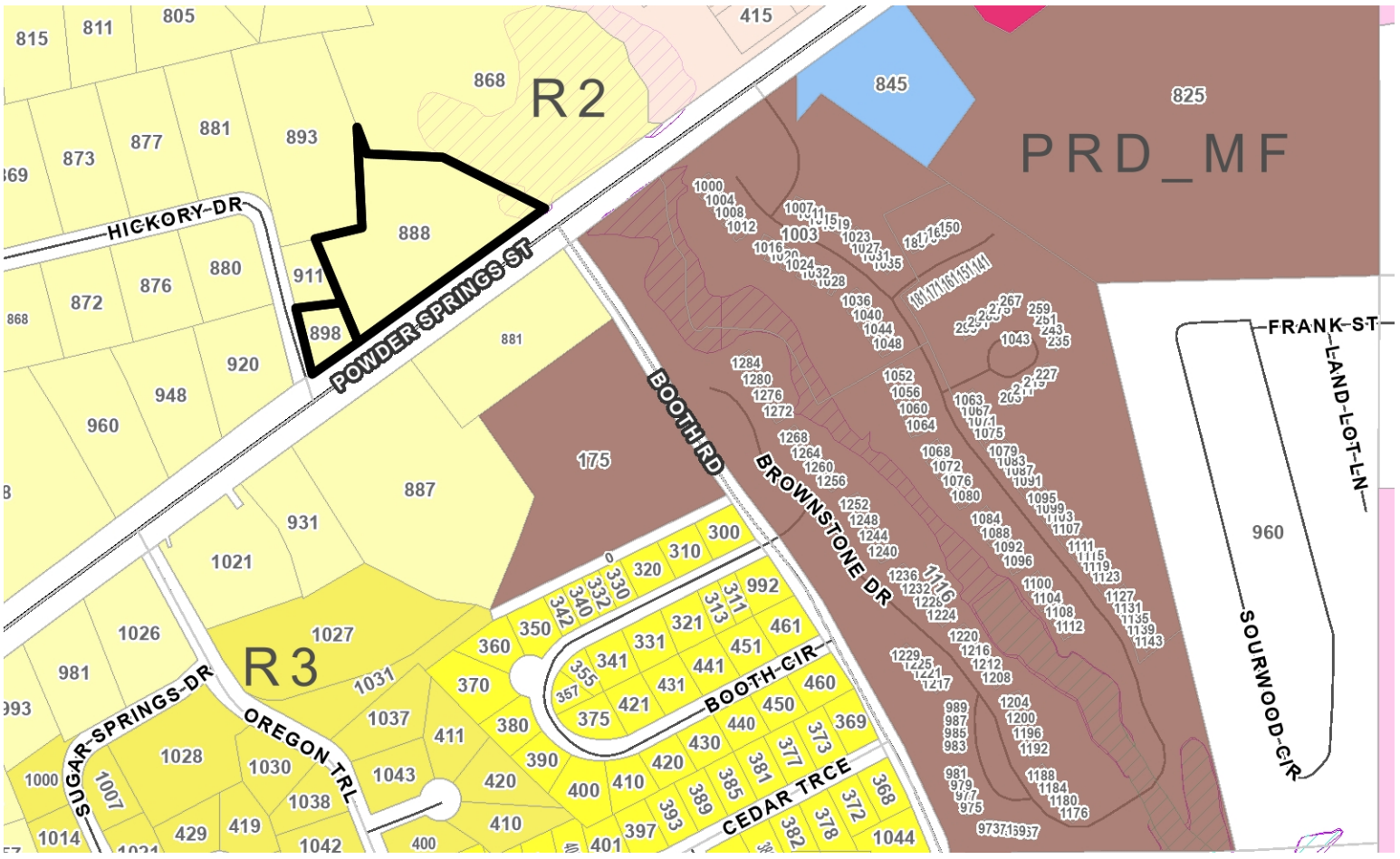
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

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

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



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

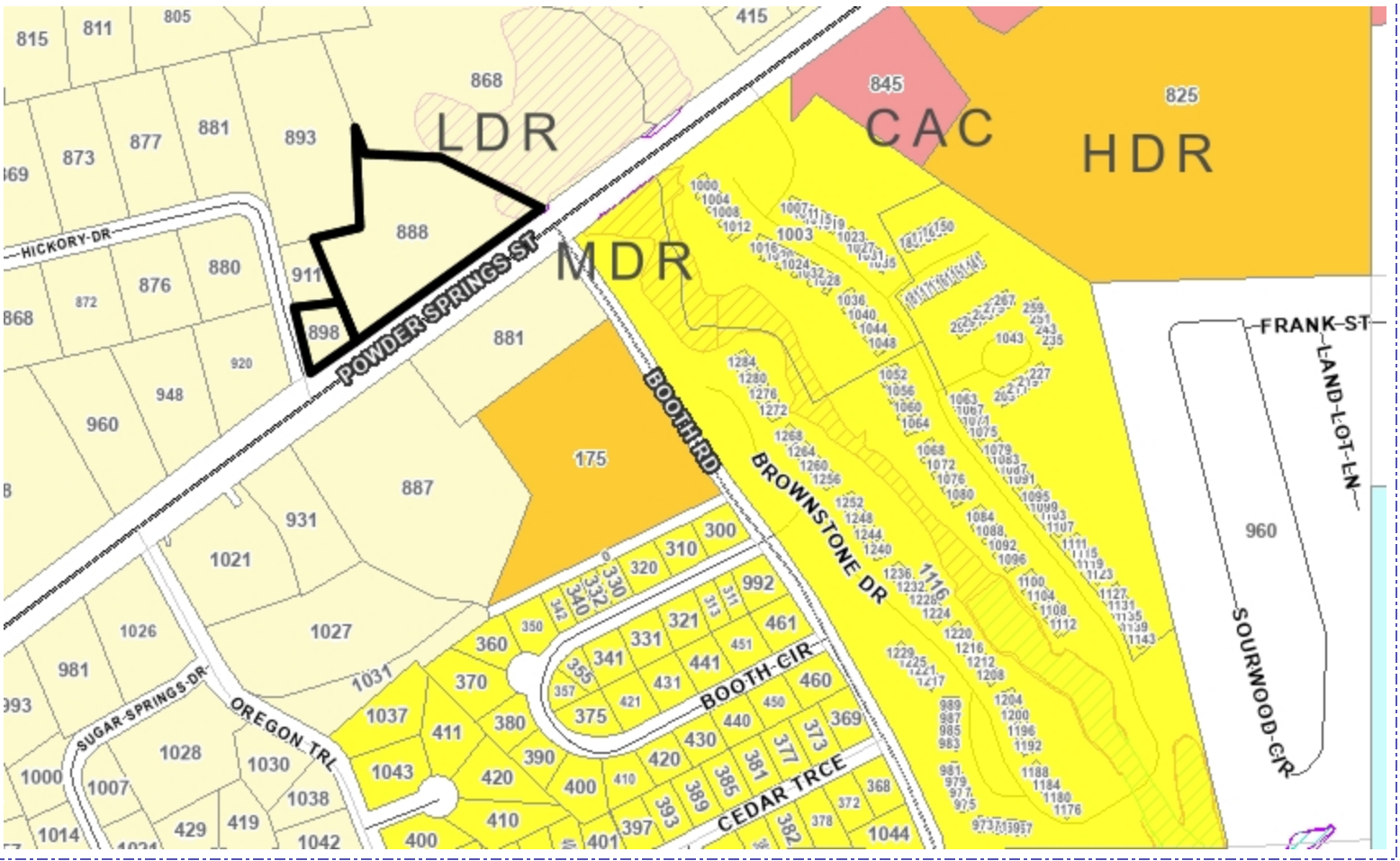
Property Owner:	Stephen Thompson
Applicant:	Ali Ghadrdan
Proposed Zoning:	R2 to PRD-SF
Agent:	
Proposed Use:	
Planning Commission Date:	06/02/2020
City Council Hearing Date:	08/12/2020
Case Number:	Z2020-11

City of Marietta Planning & Zoning

Zoning Symbols

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

Future Land Use



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

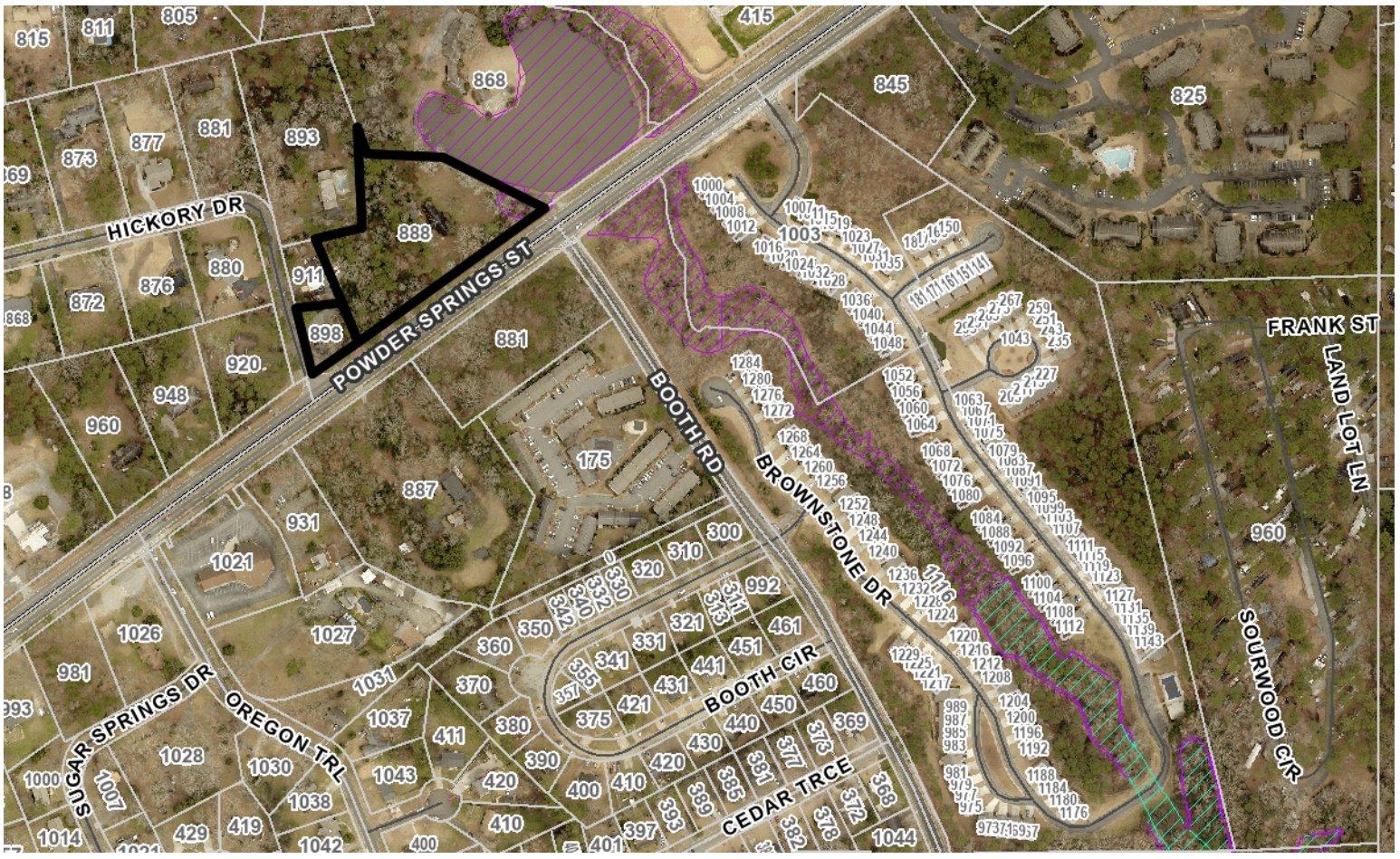
Planning Commission Hearing Date:	06/02/2020
City Council Hearing Date:	08/12/2020
Future Land Use:	LDR
Case Number:	
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

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

Aerial Map



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

Property Owner: Stephen Thompson

Applicant: Ali Ghadrdan

City Council Hearing Date: 08/12/2020

Planning Commission Hearing Date: 06/02/2020

BZA Hearing Date: Case Number: Z2020-11

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

PROPOSED DEVELOPMENT AND TRAFFIC OERATIONS
TECHNICAL MEMORANDUM

To: Mark Rice
Director of Public Works, City of Marietta

Ali Ghadrdan, Mona Properties Inc.

From: Daniel B. Dobry, Jr., P.E., PTOE, AICP

Date: July 16, 2020

Re: Rezoning for Residential Subdivision
Mona Properties Inc., City of Marietta, Georgia

Mona Properties Inc. is actively pursuing an application to rezone a 3.146-acre parcel on the east side of the Hickory Drive, north of Powder Springs Street SW/GA 360; Z2020-11. The request is to rezone the parcel from R-2 (Single Family Residential – 2 units/acre) to PRD-SF (Planned Residential Development – Single Family). There will be a single access point on Hickory Drive (right-in/right-out with a deceleration lane) to the proposed residential development.

Site Map

The location of the property in relation to the area wide roadway network is shown on Figure 1.

Figure 1: Site Location Relative to Adjacent Roadway Network

Site Plan

The site plan for this proposed development is shown on Figure 2.

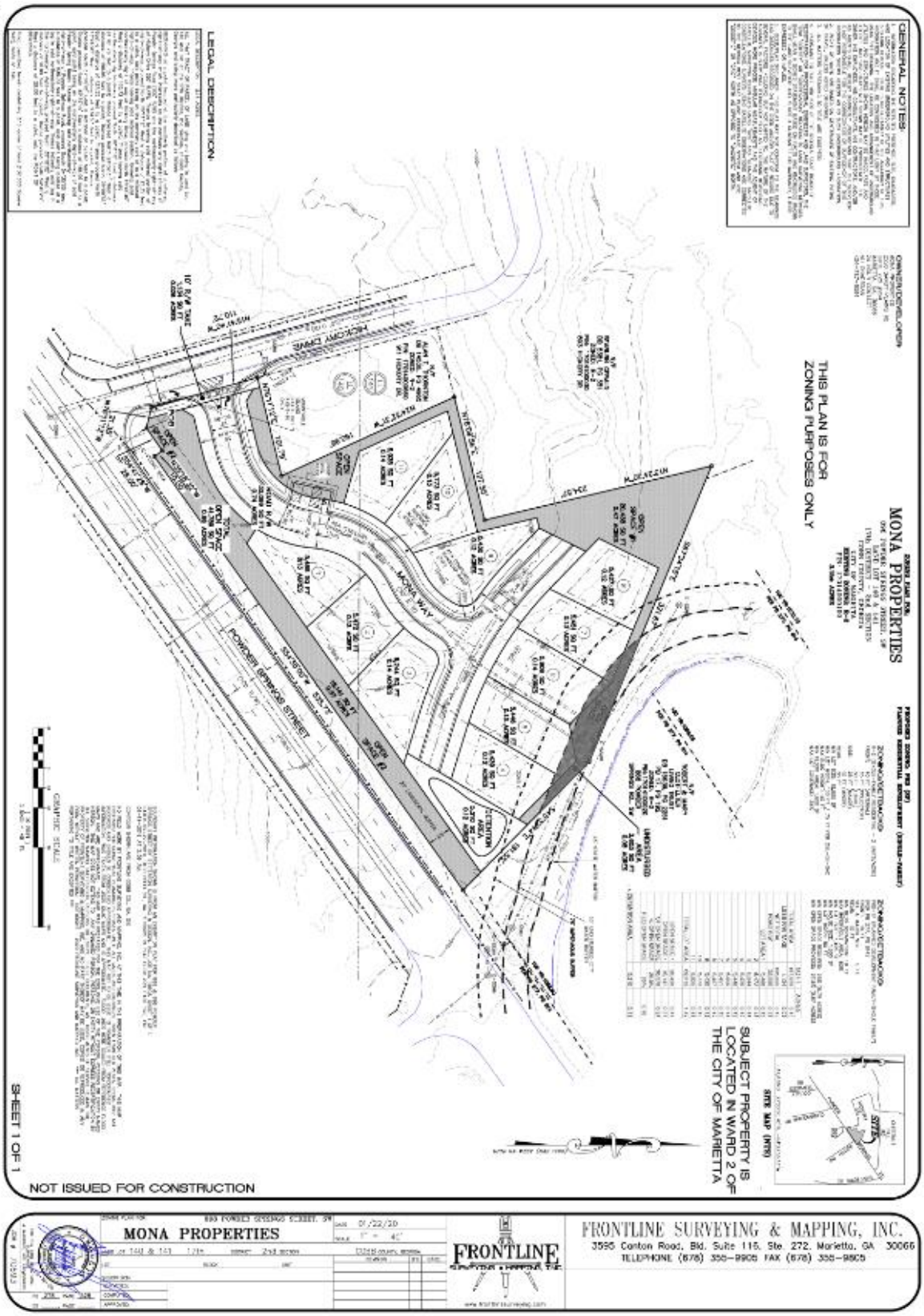


Figure 2: Proposed Development Site Plan

Trip Generation

The requested rezoning would result in the construction of 11 single family dwelling units. The anticipated number of trips from the proposed develop were estimated using the Institute of Transportation Engineers' Trip Generation Manual, 10th edition. The estimated two-way daily plus morning and evening peak hour generated trips are shown in the following table.

Description	LUC	Unit	Quantity	Daily	AM Peak			PM Peak		
				Two-way	Enter	Exit	Total	Enter	Exit	Total
Single Family Detached Housing	210	D.U.	11	136	3	10	13	7	5	12

From the trip generation information the new development is forecasted to have 13 or less cars enter and exit the residential development during both peak hours.

Site Observations

Hickory Drive is classified by the Georgia Department of Transportation (GDOT) as a local road with 1-lane in each direction and a posted speed limit of 30 mph at the proposed development. In the vicinity of the planned entrance to the subdivision Hickory Drive has a "No Thru Street" sign and a No Trucks symbol sign installed. In addition slightly further to the north is a speed hump. Powder Springs Street SW/GA 360 is classified by GDOT as a minor arterial with 2-travel lanes in each direction and a center turn lane. The roadway has a posted speed limit of 45 mph.

A.M. Site Observations

- Powder Springs Street: From approximately 7:45 am to 8:45 am there were 16 eastbound vehicles turning left to proceed northbound onto Hickory Drive. Vehicles did not have to wait long because the traffic traveling westbound on Powder Spring Street was low to moderate with many gaps to make the left turn. There were no more than 2 vehicles at a time in the center turn lane waiting to make the left turn. For westbound Powder Springs Street there were 4 vehicles that made a right turn onto Hickory Drive.
- Hickory Drive: From approximately 7:45 am to 8:45 am there were 6 vehicles making a southbound right turn onto Powder Springs Street and 3 vehicles making a left turn. The right turning vehicles did not have that long to wait because of light traffic. The left turning vehicles typically turned into the center turn lane and then waited for a gap in traffic eastbound to merge. There were no more than 2 vehicles at a time on Hickory Drive waiting to make turns.

Image 1: Hickory Drive north of Powder Springs Street

From Image 1 it is seen that traffic turning onto Hickory Drive from Powder Springs Street will have adequate sight distance to see traffic entering and existing the proposed residential development.

P.M. Site Observations

- Powder Springs Street: From approximately 5:00 pm to 6:00 pm there were 16 eastbound vehicles turning left to proceed northbound on Hickory Drive. Vehicles did have to wait for gaps in traffic because the traffic traveling westbound on Powder Spring Street was moderate to heavy. Primarily the gaps in traffic were provided by the traffic signal at Chestnut Hill Road metering westbound traffic. There were no more than 3 vehicles at a time waiting to make the left turn. There was only 1 vehicle traveling westbound that made a right turn onto Hickory Drive.
- Hickory Drive: From approximately 5:00 pm to 6:00 pm there were 24 vehicles making a southbound right turn onto Powder Springs Street. The right turning vehicles did have to wait for gaps in the westbound traffic to make the turn. There were no more than 2 vehicles at a time waiting to make turns. During this time period, 0 vehicles turned left. One potential reason that no driver turned left to proceed eastbound on Powder Springs Street is that traffic from the residential area around Hickory Drive is using the traffic signal at Chestnut Hill Road to make the left turn during Powder Springs Street's red phase.

Image 2: Powder Springs Street facing west

Operations

With the deceleration lane into the proposed residential development, right turning traffic will be out of the through lane and not impede Hickory Drive traffic. Southbound Hickory Drive queuing traffic at Powder Springs Street will not impede exiting traffic from the development as the exiting traffic is forced to turn right because of the channelization. This exiting traffic is, however, forced to traverse Hickory Drive to Chestnut Hill Road to get to Powder Springs Street even though Hickory Drive is posted as a “No Thru Street”.

Summary and Conclusions

Mona Properties is requesting to rezone a parcel on the east side of Hickory Drive north of Powder Springs Street to construct an 11 dwelling unit residential subdivision. Impacts to traffic operations are expected to be insignificant for the following reasons:

- ✓ A total of 13 or less cars total cars are entering and exiting during each of the morning and evening peak hours,
- ✓ The residential subdivision entrance will have a deceleration lane so right turning traffic into the subdivision will be out of the Hickory Drive through lane.
- ✓ The entrance will be right-in/right-out so subdivision exiting traffic will not be impeded by southbound Hickory Drive queued at Powder Springs Road.
- ✓ Adequate sight distance is available for both directions of Powder Springs Street to observe entering and exiting operations at the residential subdivision entrance.

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GENERAL NOTES:

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND 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 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEODETIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.

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

ZONING PLAN FOR:

MONA PROPERTIES

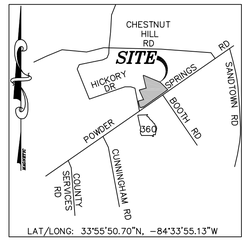
898 POWDER SPRINGS STREET, SW
LAND LOT 140 & 141
17th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA
CITY OF MARIETTA
EXISTING ZONING: R-2
PIN: 17014000190
3.15± ACRES

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

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

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

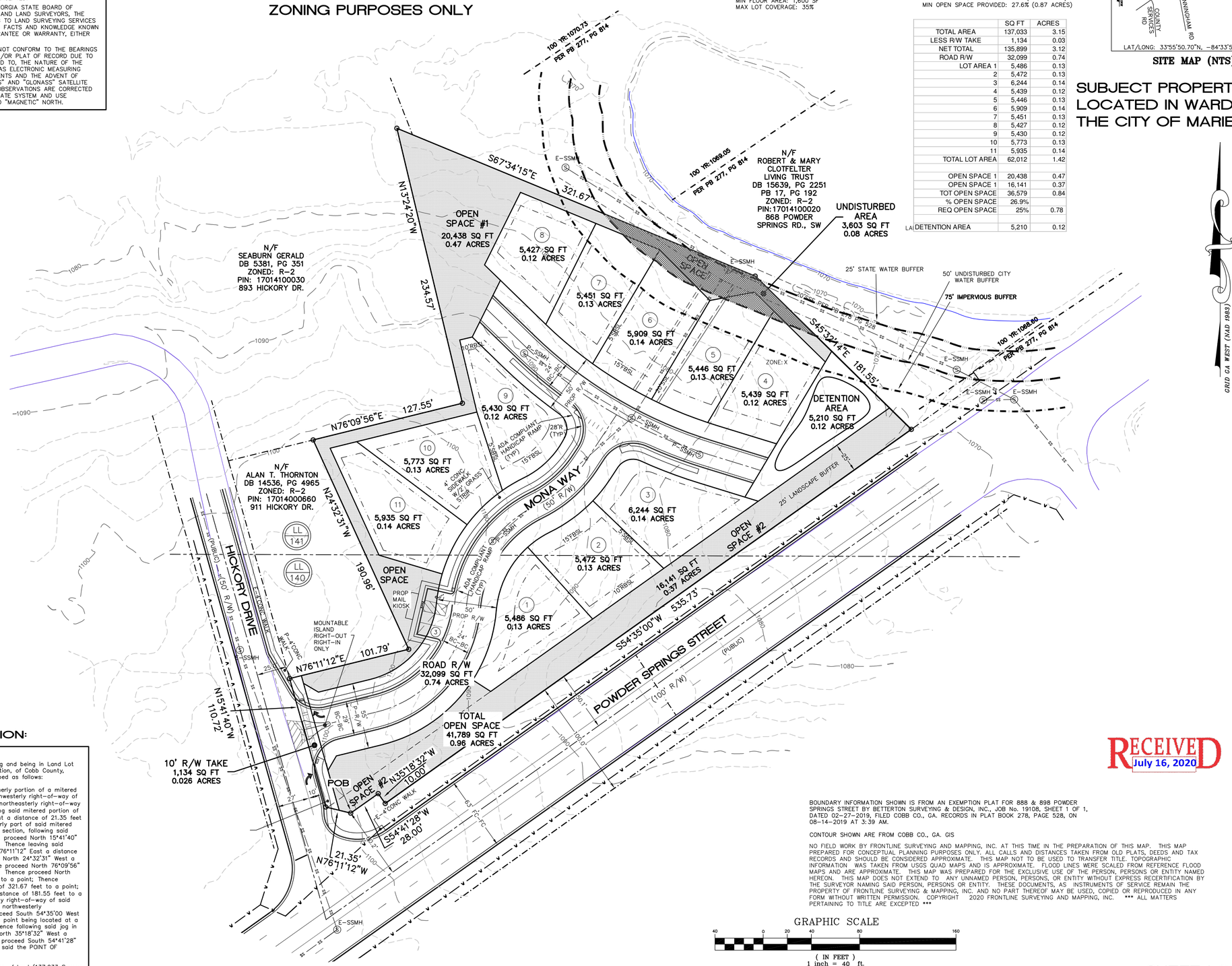
	SQ FT	ACRES
TOTAL AREA	137,033	3.15
LESS R/W TAKE	1,134	0.03
NET TOTAL	135,899	3.12
ROAD R/W	32,099	0.74
LOT AREA 1	5,486	0.13
2	5,472	0.13
3	6,244	0.14
4	5,439	0.12
5	5,446	0.13
6	5,909	0.14
7	5,451	0.13
8	5,427	0.12
9	5,430	0.12
10	5,773	0.13
11	5,935	0.14
TOTAL LOT AREA	62,012	1.42
OPEN SPACE 1	20,438	0.47
OPEN SPACE 1	16,141	0.37
TOT OPEN SPACE	36,579	0.84
% OPEN SPACE	26.9%	
REQ OPEN SPACE	25%	0.78
LA DETENTION AREA	5,210	0.12



SITE MAP (NTS)

THIS PLAN IS FOR ZONING PURPOSES ONLY

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



LEGAL DESCRIPTION:

LEGAL DESCRIPTION - 3.15 ACRES

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

BEGINNING at a point located at the southerly portion of a mitered right-of-way which intersects on the northwesterly right-of-way of Powder Springs Road (100' R/W) and the northeasterly right-of-way of Hickory Drive (50' R/W); Thence following said mitered portion of right-of-way, proceed North 76°11'12" West a distance of 21.35 feet to a point, said point being on the northerly part of said mitered right-of-way; Thence leaving said mitered section, following said northeasterly right of way of Hickory Drive, proceed North 15°41'40" West a distance of 110.72 feet to a point; Thence leaving said northeasterly right-of-way proceed North 76°11'12" East a distance of 101.79 feet to a point; Thence proceed North 24°32'31" West a distance of 190.96 feet to a point; Thence proceed North 76°09'56" East a distance of 127.55 feet to a point; Thence proceed North 13°24'20" West a distance of 234.57 feet to a point; Thence proceed South 67°34'15" East a distance of 321.67 feet to a point; Thence proceed South 45°32'14" East a distance of 181.55 feet to a point, said point being on the northwesterly right-of-way of said Powder Spring Road; Thence following said northwesterly right-of-way of Powder Spirngs Road, proceed South 54°35'00 West a distance of 535.73 feet to a point, said point being located at a jog in said northwesterly right-of-way; Thence following said jog in the northwesterly right-of-way, proceed North 35°18'32" West a distance of 10.00 feet to a point; Thence proceed South 54°41'28" West a distance of 28.00 feet to a point, said the POINT OF BEGINNING.

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

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

CONTOUR SHOWN ARE FROM COBB CO., GA. GIS

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

RECEIVED July 16, 2020

NOT ISSUED FOR CONSTRUCTION

SHEET 1 OF 1

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

ZONING PLAN FOR: MONA PROPERTIES
898 POWDER SPRINGS STREET, SW
LAND LOT 140 & 141 17th DISTRICT 2nd SECTION
LOT BLOCK UNIT
SUBDIVISION
DATE 01/22/20
SCALE 1" = 40'
COBB COUNTY, GEORGIA
REVISION BY: DATE:
SURVEYED:
COMPUTED:
APPROVED:
PB 278 PAGE 528
DB ____ PAGE ____

GEORGIA REGISTERED No. 3402 PROFESSIONAL LAND SURVEYOR THOMAS EDWARD PEAVY, IV 06-30-20
FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF#000631

JOB # 70693

\\PE2950\Shares\Z_Drive\dwg 70000 - 79999\70693.dwg, 898 Powder Springs St - Zoning Plan, 6/30/2020 11:49:46 AM, CAM

Hickory Custom Homes, LLC

May 22, 2020

Via Hand Delivery and Email

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

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

Dear Ms. Little:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Ali Ghadrdan
Managing Partner

Peter "Beau" Durham
Partner and General Counsel

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

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

Exhibit "A"

GENERAL NOTES

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

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

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

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

THIS PLAN IS FOR
ZONING PURPOSES ONLY

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

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

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

SITE MAP (NTS)

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

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

UNDISTURBED
AREA
3,803 SQ FT
0.08 ACRES

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

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

OPEN SPACE #1
21,198 SQ FT
0.49 ACRES

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

DETENTION
AREA
5,210 SQ FT
0.12 ACRES

OPEN SPACE #2
18,606 SQ FT
0.38 ACRES

MONA WAY

ROAD R/W
32,008 SQ FT
0.73 ACRES

TOTAL
OPEN SPACE
46,301 SQ FT
1.06 ACRES

POWDER SPRINGS STREET

HICKORY DRIVE

POB

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

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

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

CONTOUR SHOWN ARE FROM COBB CO., GA. GIS

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

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

LEGAL DESCRIPTION:

LEGAL DESCRIPTION - 3.15 ACRES

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

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

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

NOT ISSUED FOR CONSTRUCTION

SHEET 1 OF 1

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

FRONTLINE SURVEYING & MAPPING, INC.

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

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

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

JOB # 70693

WARNING!

Hickory Custom Homes, LLC

May 29, 2020

Via Hand Delivery and Email

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

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

Dear Ms. Little:

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

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

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

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

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

Sincerely,

A-Ghadrdan

Ali Ghadrdan
Managing Partner

Peter "Beau" Durham
Partner and General Counsel

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

Exhibit "A"

GENERAL NOTES:

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

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

ZONING PLAN FOR:

MONA PROPERTIES

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

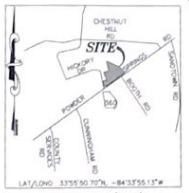
THIS PLAN IS FOR ZONING PURPOSES ONLY

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

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

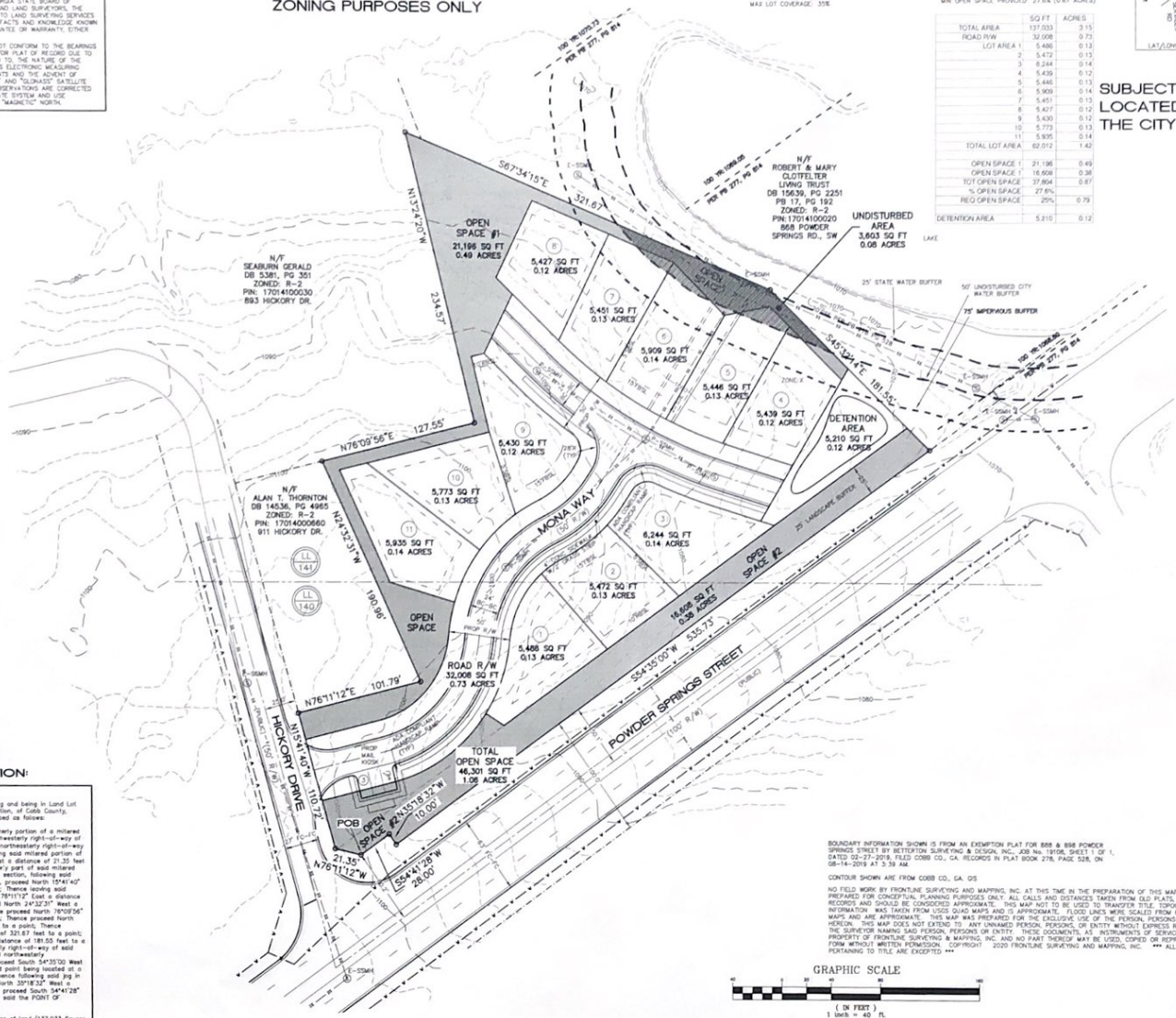
ZONING/SETBACKS:
PRD-SF (PLANNED DEVELOPMENT FAMILY-SINGLE FAMILY)
(PER PB 277, PG 81A)
FRONT: 15 FT
SIDE & MAJOR SIDE: 5 FT
REAR: 10 FT
MIN BLDG SEPARATION: 10 FT
MAX IMPERVIOUS AREA: 60%
MIN LOT SIZE: 5,425 SF
MIN HOUSE SIZE: 1,600 SF
MIN LOT WIDTH: 50 FT
MIN OPEN SPACE REQUIRED: 25% (0.79 ACRES)
MIN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

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



SITE MAP (NTS)

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



LEGAL DESCRIPTION:

LEGAL DESCRIPTION - 3.15 ACRES

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

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

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

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

CONTOUR SHOWN ARE FROM COBB CO., GA. GIS

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

NOT ISSUED FOR CONSTRUCTION

SHEET 1 OF 1

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

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

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

JOB # 70693

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

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

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

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

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

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

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

July 8, 2020

Via E-Mail Only

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

RE: Application for Rezoning - Zoning Case No.: Z2020-13
(Legistar No. 20200167)
Applicant: Campus Realty Advisors, LLC
Property Owner: Hartwood Investments, LLC
Property: 9.57 acres, more or less, located on the easterly side of Freys Gin Road and the southerly side of Banberry Road, northeasterly of Cobb Parkway, being more particularly known as 1222, 1230, 1238, and 1246 Banberry Road and 315 Freys Gin Road, Land Lot 1282, 16th District, and Land Lot 505, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia

Dear Shelby:

The undersigned and this firm represent Campus Realty Advisors, LLC, the Applicant (hereinafter referred to as "Applicant"), and Hartwood Investments, LLC, the Property Owner (hereinafter referred to as "Property Owner"), in their request for rezoning of approximately 9.57 acres of property located on the easterly side of Freys Gin Road and the southerly side of Banberry Road, northeasterly of Cobb Parkway, being more particularly known as 1222, 1230, 1238, and 1246 Banberry Road and 315 Freys Gin Road, Land Lot 1282, 16th District, and Land Lot 505, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and various City Staff, reviewing the City's Rezoning Application Analysis, and following presentation to and hearing before the City Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the

grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the prior letters of agreeable stipulations and conditions dated and submitted on June 30, 2020, and July 6, 2020. The proposed, revised stipulations are as follows:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning category of PRD-SF (Planned Residential Development – Single Family) to the proposed zoning category of PRD-MF (Planned Residential Development – Multi-Family), with reference to the revised Site Plan, last revised July 2, 2020, and filed on July 6, 2020, with the revised stipulation letter. A reduced copy of the revised Site Plan is attached as Exhibit "A" and incorporated herein by reference.

(2) The Subject Property consists of 9.57 acres, more or less, and shall be developed for a student housing development, containing a maximum of one hundred fifty-eight (158) units, and no more than four hundred fifty-five (455) bedrooms; and by this stipulation, the referenced Site Plan shall be revised to conform to these decreases in density.

(3) Access from Freys Gin Road shall include installation of a deceleration lane; as well as, sidewalk, curb, and gutter.

(4) The proposed development shall have a minimum of 2.8 acres of open space consisting of passive recreation and buffer areas.

(5) The proposed development shall have an active recreation area consisting of a clubhouse and pool.

(6) There shall be no vehicular access to Banberry Road. Vehicular access to the proposed community shall be from Freys Gin Road and Kathleen Drive only.

(7) The proposed community unit configurations shall be in compliance with The University System of Georgia Guidelines for student housing with respect to health-related protocols and policies.

(8) Applicant agrees marketing materials; including, but not limited to, electronic and web-based, shall be targeted and directed to student populations at Kennesaw State University and Life University.

(9) Applicant agrees the proposed community shall be limited to no more than one (1) resident per bedroom, which restriction shall be included in all leases.

(10) There shall be no drop-off, location or provision for any commercial rental scooter operation or business.

(11) Vehicular access to the proposed community from Freys Gin Road and Kathleen Drive shall be secured access, through gates available only to management staff, emergency services, approved maintenance vendors residents and their acknowledged guests; except for limited access to clubhouse and leasing areas.

(12) Access to units shall be secured; controlled and available only to residents and management staff through the means of access cards and the like.

(13) Applicant agrees the proposed community shall have 24-hour, on-site, management and personnel.

(14) There shall be 24-hour surveillance and security, including coordination with local law enforcement. Applicant shall coordinate a safety and security plan with local law enforcement.

(15) Applicant agrees the proposed community shall have a policy that all leases shall be a minimum of twelve (12) months based on the academic calendar (except in the case of any potential master lease with the University for student residents or students that sign leases after the start of the fall term on the condition those leases expire at the end of the academic year).

(16) Applicant agrees the proposed community shall have student directed and oriented amenities and programs.

(17) Applicant agrees the proposed community shall provide and make available student-oriented programming and study opportunities through coordination with Kennesaw State University and/or Life University, if agreeable, which can provide the opportunity for off-campus learning centers and dedicated space at the proposed community.

(18) Applicant agrees to utilize best efforts to coordinate with Kennesaw State University regarding any opportunity to honor former University President Betty Siegel. By way of example, naming a street, amenity area or building in her honor.

(19) The overall exterior elevations for the proposed community shall be substantially similar to the elevations attached collectively as Exhibit "B" and incorporated herein by reference.

(20) There shall be a thirty (30) foot greenbelt buffer located along the northerly boundary of the Property, adjacent to residential properties located along Banberry Road. This greenbelt buffer shall be graded and replanted with landscaping and trees to provide for visual screening.

(21) All lighting within the proposed community, including parking lot lighting and exterior lighting for the buildings, shall be designed to not illuminate beyond the Property's boundaries.

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

(a) Variance to disturb and replant the thirty (30) foot buffer adjacent to residential;
(b) Variance to allow thirty-five (35) percent (161 parking spaces) of the provided parking spaces (460) to be eight and one half (8½) feet wide and sixteen (16) feet deep; and
(c) Variance to increase the allowable impervious surface coverage from sixty (60) percent to sixty-five (65) percent.

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

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

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

Campus Realty Advisors, LLC
(With Copies of Attachments)

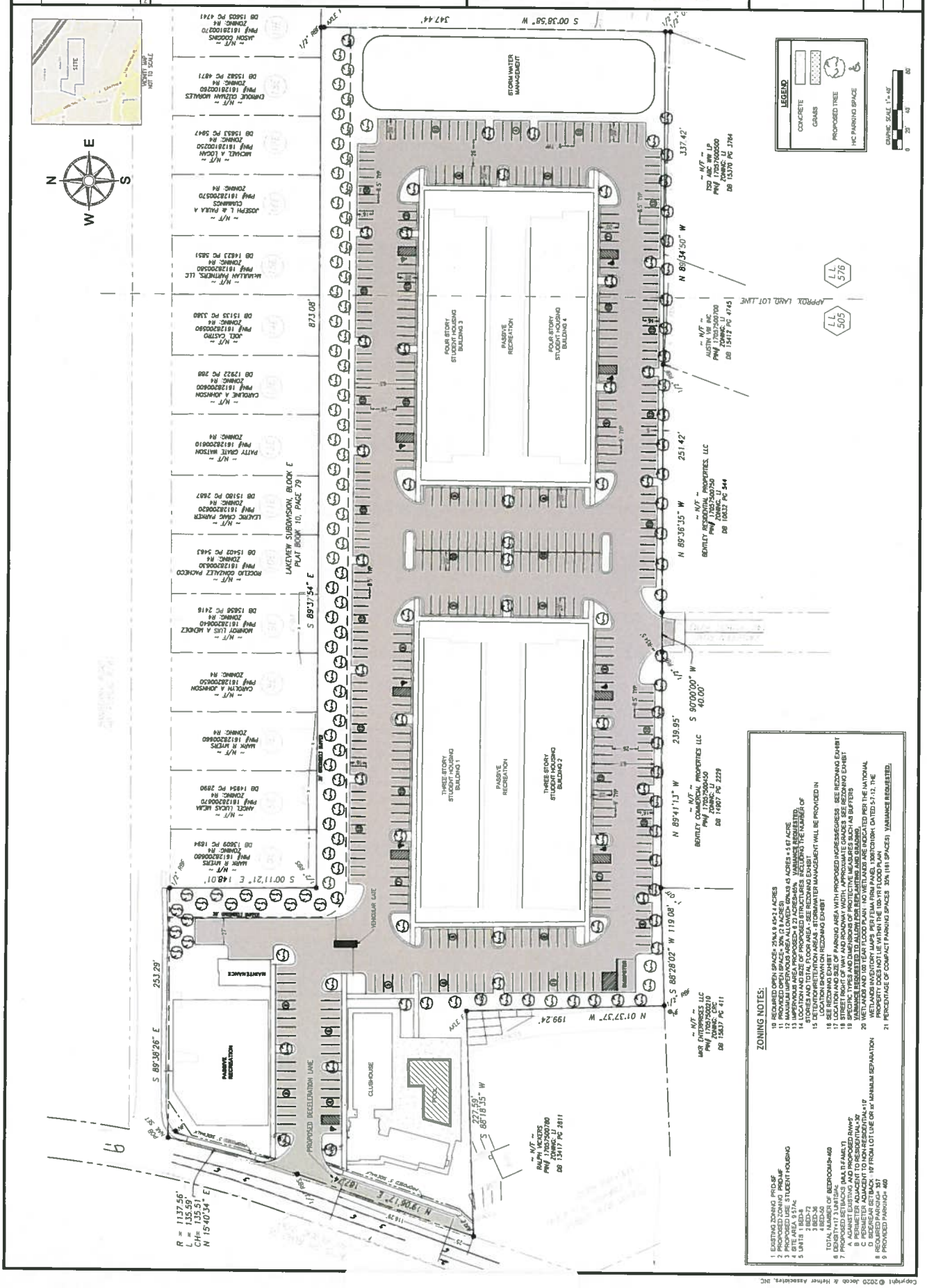

REZONING EXHIBIT
KSU-MARIETTA CAMPUS STUDENT HOUSING
CAMPUS REALTY ADVISORS
MARIETTA, GEORGIA
JACOB & HEFNER ASSOCIATES
4411 Suwanee Dam Road, Suite 350
Suwanee, GA 30024
PHONE: (770) 680-3593
www.jacobandhefner.com
F884
SCALE: 1"=40'
LEGEND
CONCRETE
GRASS
PROPOSED TREE
HC PARKING SPACE
GRAPHIC SCALE 1"=40'
STORM WATER MANAGEMENT
FOUR STORY STUDENT HOUSING BUILDING 3
PASSIVE RECREATION
FOUR STORY STUDENT HOUSING BUILDING 4
THREE STORY STUDENT HOUSING BUILDING 1
THREE STORY STUDENT HOUSING BUILDING 2
VEHICULAR GATE
MAINTENANCE
CLUBHOUSE
PROPOSED DECELERATION LANE
LAKEVIEW SUBDIVISION, BLOCK E
PLAT BOOK 10, PAGE 79
APPROX. LAND LOT LINE
LL 505
LL 576
ZONING NOTES:
1 EXISTING ZONING PROJ-SF
2 PROPOSED ZONING PROJ-MF
3 PROPOSED USE STUDENT HOUSING
4 SITE AREA 9.57Ac
5 UNITS 1 BED-8
2 BED-72
3 BED-36
4 BED-50
TOTAL NUMBER OF BEDROOMS=460
6 DENSITY=17.3 UNITS/Ac
7 PROPOSED SETBACKS (MULTI-FAMILY)
A ADJACENT EXISTING AND PROPOSED RAW-5
B PERIMETER ADJACENT TO RESIDENTIAL=30'
C PERIMETER ADJACENT TO NON-RESIDENTIAL=10'
D SIDEREAR SETBACK 10' FROM LOT LINE OR 20' MINIMUM SEPARATION
8 REQUIRED PARKING= 357
9 PROVIDED PARKING= 460
10 REQUIRED OPEN SPACE= 25%X 9.45=2.4 ACRES
11 PROVIDED OPEN SPACE= 30% (2.8 ACRES)
12 MAXIMUM IMPERVIOUS AREA ALLOWED= 60%X9.45 ACRES = 5.67 ACRE
13 IMPERVIOUS AREA PROPOSED= 6.23 ACRES=65% VARIANCE REQUESTED.
14 LOCATION AND SIZE OF PROPOSED STRUCTURES INCLUDING THE NUMBER OF STORIES AND TOTAL FLOOR AREA - SEE REZONING EXHIBIT
15 DETENTION/RETENTION AREAS - STORMWATER MANAGEMENT WILL BE PROVIDED IN LOCATION SHOWN ON REZONING EXHIBIT
16 SEE REZONING EXHIBIT
17 LOCATION AND SIZE OF PARKING AREA WITH PROPOSED INGRESS/EGRESS SEE REZONING EXHIBIT
18 STREET RIGHT OF WAY AND ROADWAY WIDTH, APPROXIMATE GRADES SEE REZONING EXHIBIT
19 SPECIFIC TYPES AND DIMENSIONS OF PROTECTIVE MEASURES SUCH AS BUFFERS VARIANCE REQUESTED TO ALLOW FOR REPLANTING AND GRADING.
20 WETLANDS AND 100 YEAR FLOOD PLAIN NO WETLANDS ARE INDICATED PER THE NATIONAL WETLANDS INVENTORY MAPS PER FEMA FIRM PANEL 13067C0109H, DATED 5-7-12, THE PROPERTY DOES NOT LIE WITHIN THE 100-YR FLOOD PLAIN
21 PERCENTAGE OF COMPACT PARKING SPACES 35% (161 SPACES) VARIANCE REQUESTED.
Copyright © 2020 Jacob & Hefner Associates, Inc.

EXHIBIT "A"

EXHIBIT "B"

1 3-Story Building Elevation 1
3/32" = 1'-0"

3 3-Story Building Elevation 2
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

Preliminary Elevations - 3-Story Building

06/02/20

KSU STUDENT HOUSING
317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES P.C.

1 3-Story Building Elevation 3
3/32" = 1'-0"

2 3-Story Building Elevation 4
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

Preliminary Elevations - 3-Story Building

06/02/20

KSU STUDENT HOUSING
317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES P.C.

1 4-Story Building Elevation 1
3/32" = 1'-0"

2 4-Story Building Elevation 2
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

Preliminary Elevations - 4-Story Building

06/02/20

KSU STUDENT HOUSING
317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES P.C.

1 4-Story Building Elevation 3
3/32" = 1'-0"

2 4-Story Building Elevation 4
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

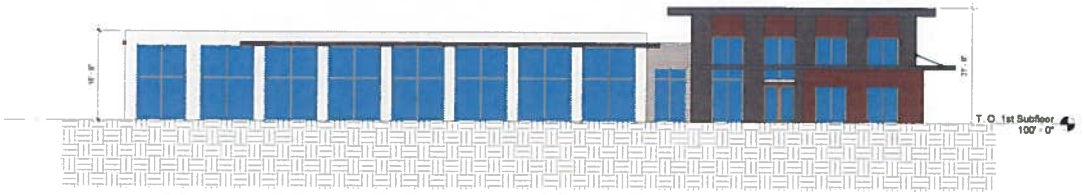
Preliminary Elevations - 4-Story Building

06/02/20

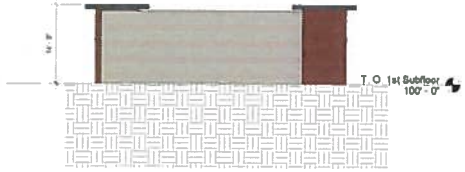
KSU STUDENT HOUSING
317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES PC

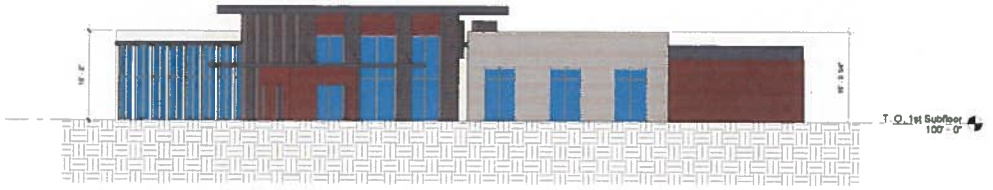
5 Maintenance Shop - North Elevation
3/32" = 1'-0"



1 Clubhouse - North Elevation
3/32" = 1'-0"

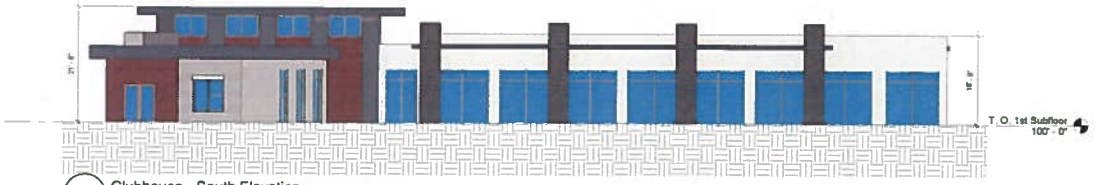


6 Maintenance Shop - West Elevation
3/32" = 1'-0"

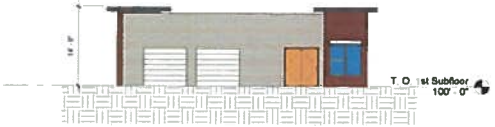


2 Clubhouse - West Elevation
3/32" = 1'-0"

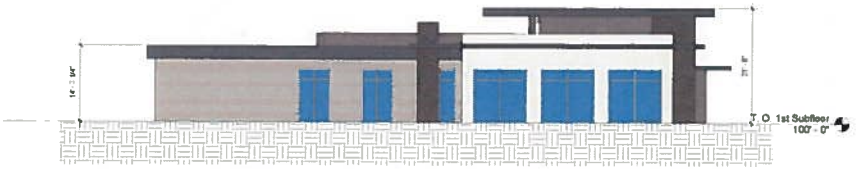
7 Maintenance Shop - South Elevation
3/32" = 1'-0"



3 Clubhouse - South Elevation
3/32" = 1'-0"



8 Maintenance Shop - East Elevation
3/32" = 1'-0"



4 Clubhouse - East Elevation
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

Preliminary Elevations - Clubhouse & Maintenace

06/02/20

KSU STUDENT HOUSING
317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES PC

CLUBHOUSE PERSPECTIVE

06/02/20

KSU STUDENT HOUSING

317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES PC

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-13 **LEGISTAR: 20200167**

LANDOWNERS: **Hartwood Investments, LLC**
315 Freys Gin Rd
Marietta, GA 30067

APPLICANT: **Campus Realty Advisors, LLC**
3101 Towercreek Pkwy
Suite 420
Atlanta, GA 30339-3206

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

PROPERTY ADDRESS: **1222, 1230, 1238, & 1246 Banberry Road & 315 Freys Gin Road**

PARCEL DESCRIPTION: **16128200720, 16128200710, 16128200700, 16128200690, & 17050500170**

AREA: **~9.58 acres** **COUNCIL WARD: 7A**

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

REQUEST: **PRD-MF (Planned Residential Development – Multi-Family)**

FUTURE LAND USE: **IW (Industrial Warehousing)**

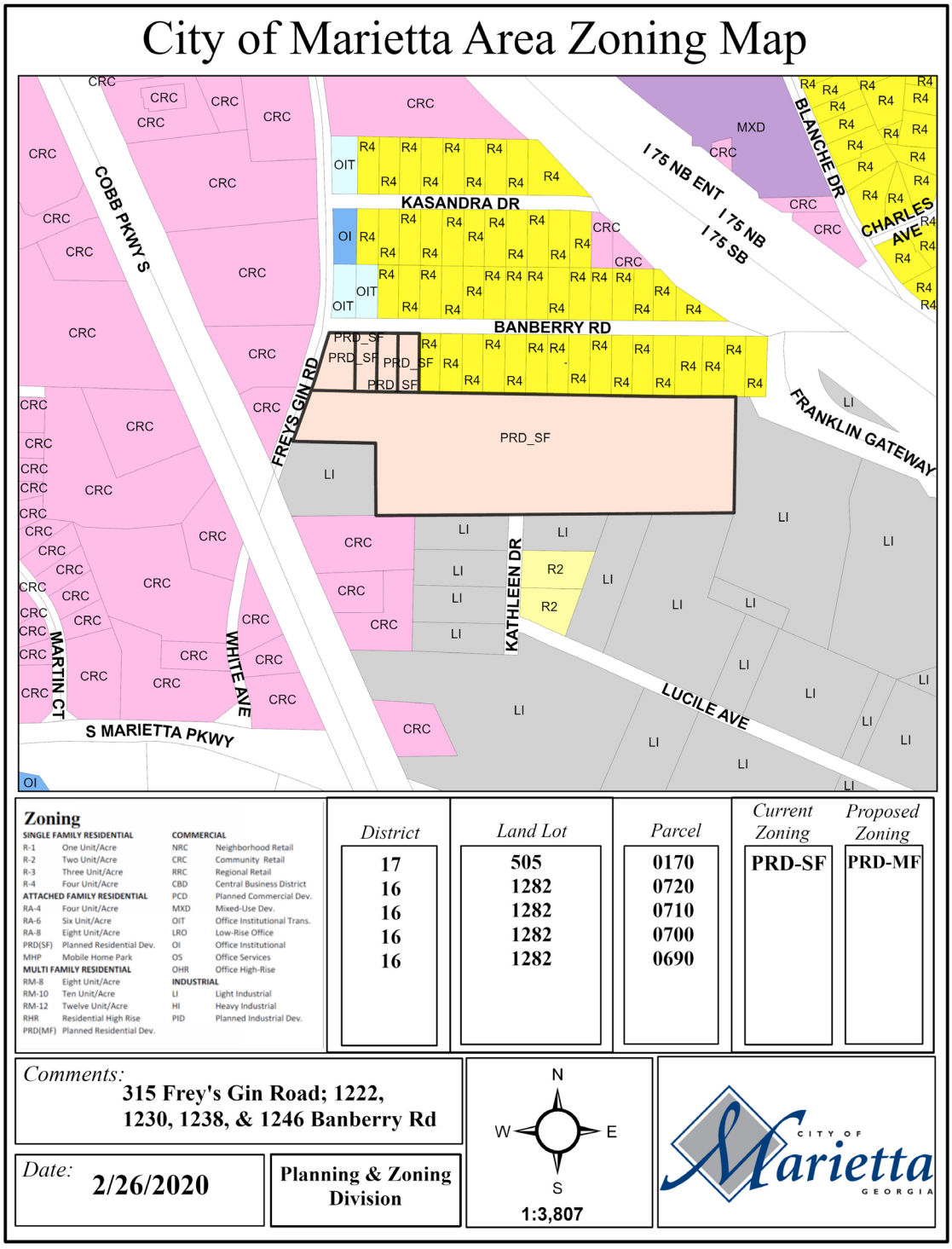
REASON FOR REQUEST: The applicant is requesting the rezoning of the subject properties from PRD-SF to PRD-MF to develop 2 – 3-story multi-family buildings and 2 – 4-story multi-family buildings marketed towards student housing for the nearby Kennesaw State University Marietta campus.

PLANNING COMMISSION HEARING: Wednesday, July 1st, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: **Wednesday, August 12th, 2020 – 7:00 p.m.**

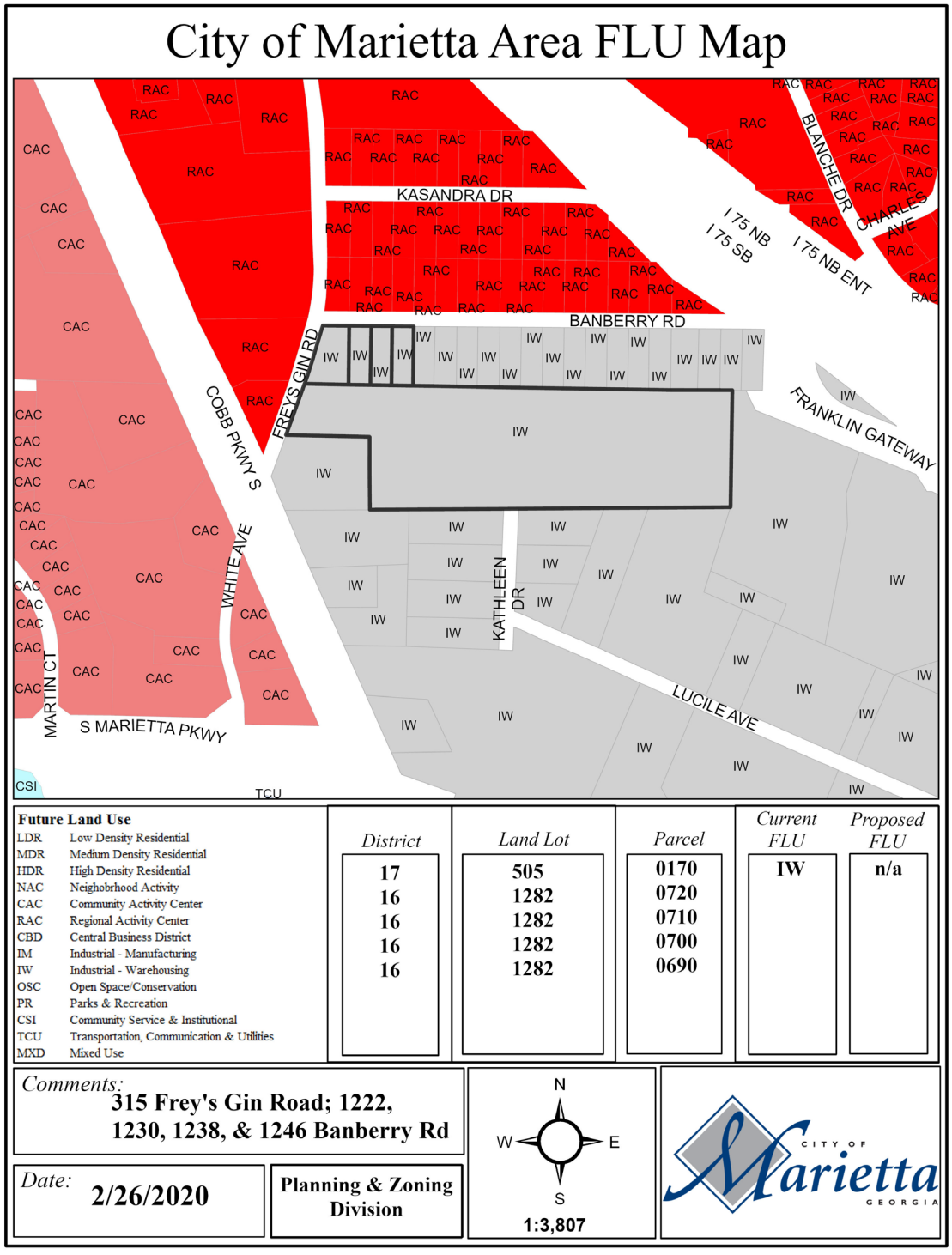
Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



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

FLU MAP



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

PICTURES OF PROPERTY

Existing facility (315 Freys Gin Road)

Vacant lots along Banberry Road

Access from Cobb Parkway North to Freys Gin Road

Auto salvage yard

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

STAFF ANALYSIS

Location Compatibility

The applicant is requesting to consolidate and rezone five parcels (315 Freys Gin Road and 1222, 1230, 1238, & 1246 Banberry Road) into a 9.57-acre property for four (4) multi-family buildings. The site was recently rezoned to PRD-SF (Planned Residential Development – Single-Family) for a 123-unit townhouse community (Z2019-19). Most of the property remains an active auto salvage yard on the previous industrial land and the remainder of the site is vacant. Adjacent properties to the north are zoned R-4 (Single family Residential – 4 units/ac) and OIT (Office Institution Transitional); CRC (Community Retail Commercial) to the southwest; and LI (Light Industrial) to the south, west, and east.

Use Potential and Impacts

The applicant wishes to rezone the property from PRD-SF to PRD-MF (Planned Residential Development - Multi-Family) to develop apartment-style student housing built out with 460 individual rooms and 166 complete units. Since the property is within a quarter (1/4) of a mile from the Kennesaw State University-Marietta campus, the units will be marketed towards students. The leases would be for individual bedrooms with a private bathroom but would be organized into one-, two-, three-, and four-bedroom units with shared living and kitchen areas. The Zoning Ordinance defines an apartment unit as *one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.* As a result, the density calculation would be based on 166 complete units (shared living and kitchen space) and would be 17.33 units/acre for this proposal. (*If the density were determined based on acreage and proposed number of bedrooms, the density of the development would be 48.07 units/acre*.)

When a PRD-MF district abuts a single-family residential district or use, a 30-foot buffer is required. The applicant is requesting a variance to disturb and replant the buffer adjacent to the homes on Banberry Road. Buffers are to consist of a permanent wall or solid fence no less than six feet in height, with the finished side facing outward, and a screen of evergreen plantings. The plans provided show two staggered rows of trees within the replanted buffer. The following variance would be required to disturb the buffer as shown:

- Variance to disturb and replant the 30-foot buffer adjacent to residential. [§708.14 (I.) and §710.05 (A)]

The Future Land Use (FLU) Map designates the subject property as IW (Industrial Warehousing). IW is intended for industrial uses that support light industrial, office/warehouse, and distribution uses. The Comprehensive Plan notes the importance of protecting IW districts from encroachment of residential uses and the rezoning of IW properties to any residential designation is highly discouraged. Although the properties are already zoned residential, the rezoning request is to a higher density residential creating more of a residential encroachment. Therefore, the request to rezone from PRD-SF to PRD-MF is not supported by the City's Comprehensive Plan.

Environmental Impacts

The majority of the subject property has been operating as an auto salvage facility for 60 years or more. The City's earliest aerial photography data from 1961 shows the property as a well-established auto salvage and wrecking yard. If approved, a Phase II environmental study would be required and reviewed during the site plan review process.

The applicant must provide a 30-foot landscape buffer with a 6-foot high wall or fence along the perimeter that is adjacent to single family residential properties.

Economic Functionality

The properties on Banberry Road have been historically used as residences until the structures were demolished by the current owner within the past ten years. Had the houses not been demolished, it is likely they would still be functioning as residences.

The property at 315 Freys Gin Road functions as a legally nonconforming use for auto salvage; however, it is not a functional use as currently zoned.

Infrastructure

The Zoning Ordinance requires that multifamily developments containing more than 100 units must provide at least two access points to arterial or collector streets. The proposed development provides access to Banberry and Freys Gin Road (both collector streets). The developer shows a deceleration lane along Freys Gin Road and a proposed gated access at the entry to the housing units. According to Marietta Fire, the gates shown are not 30' wide and, "*though there are two entrances, the newly adopted codes require the entrances to be separated a distance apart equal to not less than 1/2 of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses*."

Public Works recommends that the entrance along Freys Gin Road should provide a right-in/right-out access only.

Parking for apartments is based on the number of bedrooms per unit. Requirements are given for one-, two-, and three- bedroom options and range from 1.7 spaces per unit to 2.2 spaces. There is no listed requirement for a four-bedroom apartment. Since the 460 bedrooms would be leased individually, a reasonable assumption will be that most or all the occupants would have a car. The provided plan does not include enough parking spaces to provide one space for each of the 460 bedrooms, nor are there any additional spaces allocated for the amenity areas.

Of the proposed 449 parking spaces, 162 spaces are smaller than the typical standard parking space size. The typical size for parking spaces are 9 feet by 20 feet; compact spaces

can be no less than 9 feet by 16 feet and can make up no more than 25% (89 spaces) of the required parking spaces. Even with the reduced amount of parking and parking space area, the amount of paving on the site exceeds that allowed in PRD-MF. As a result, the applicant is requesting the following variances:

- Variance to allow 45% (162 parking spaces) of the provided parking spaces (449) to be 9 feet wide and 16 feet deep. [§716.08 (C.4)]
- Variance to increase the impervious surface coverage from 60% to 65%. [§708.14 (H)]

Sidewalks will be required along Freys Gin and Banberry frontage. All sidewalks must be constructed or improved to a 5-foot-wide sidewalk and 2-foot-wide landscape strip.

The Fire code requires any dead-ends in Fire Apparatus Access roads greater than 150' must be provided with an approved fire apparatus turn around (*use figure D103.1 {IFC 2018 503.2.5}*).

The elementary school serving this area would be Lockheed and/or Park Street. The site would have access to water, sewer, and electricity.

Overhead Electrical/Utilities

There are existing overhead power poles along Banberry Road as shown on the site plan provided. All structures must be at least 10 feet away from the power lines. If the power poles or utility lines are affected by the development, they must be relocated underground at the developer's expense. This would also minimize potential conflicts with street trees.

History of Property

The subject properties were recently rezoned from LI and R-4 to PRD-SF in June of 2019 (Z2019-19) with variances specific to the development presented.

There are no special land use permits granted for the subject properties.

Other Issues

Although the PRD-MF category is a site-specific zoning that allows a developer flexibility – there are some minimum and maximum standards that apply. For instance, the required minimum floor areas are noted:

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

The applicant has stated the proposed floor areas would meet these standards.

The plan submitted is a general plan that is required with the rezoning application; based on the information provided, the overall design appears to generally comply with the PRD-MF standards. A detailed plan will be required prior to land disturbance and must include a tree plan, architectural elevations, and a detailed site plan.

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

ANALYSIS & CONCLUSION

The applicant is requesting to consolidate and rezone five parcels (315 Freys Gin Road and 1222, 1230, 1238, & 1246 Banberry Road) into a 9.57-acre property for four (4) multi-family buildings. The site was recently rezoned to PRD-SF (Planned Residential Development – Single-Family) for a 123-unit townhouse community (Z2019-19). Most of the property remains an active auto salvage yard on the previous industrial land and the remainder of the site is vacant.

The applicant wishes to rezone the property from PRD-SF to PRD-MF (Planned Residential Development - Multi-Family) to develop apartment-style student housing built out with 460 individual rooms and 166 complete units. Since the property is within a quarter (1/4) of a mile from the Kennesaw State University-Marietta campus, the units will be marketed towards students. The leases would be for individual bedrooms with a private bathroom but would be organized into one-, two-, three-, and four-bedroom units with shared living and kitchen areas. The Zoning Ordinance defines an apartment unit as *one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.* As a result, the density calculation would be based on 166 complete units (shared living and kitchen space) and would be 17.33 units/acre for this proposal. (*If the density were determined based on acreage and proposed number of bedrooms, the density of the development would be 48.07 units/acre.*)

Collectively, if the rezoning request is approved, the following variances would be necessary:

1. Variance to disturb and replant the 30-foot buffer adjacent to residential. [§708.14 (I.) and §710.05 (A)]
2. Variance to allow 45% (162 parking spaces) of the provided parking spaces (449) to be 9 feet wide and 16 feet deep. [§716.08 (C.4)]
3. Variance to increase the impervious surface coverage from 60% to 65%. [§708.14 (H)]

The Future Land Use (FLU) Map designates the subject property as IW (Industrial Warehousing). IW is intended for industrial uses that support light industrial, office/warehouse, and distribution uses. The Comprehensive Plan notes the importance of protecting IW districts from encroachment of residential uses and the rezoning of IW properties to any residential designation is highly discouraged. Although the properties are already zoned residential, the rezoning request is to a higher density residential creating more of a residential encroachment. Therefore, the request to rezone from PRD-SF to PRD-MF is not supported by the City's Comprehensive Plan.

Prepared by: Jasi Hunt

Approved by: Rusty Roth

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

DATA APPENDIX

CITY OF MARIETTA - WATER

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

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	Approximately 50'
Size of the sewer line?	8" in Freys Gin and in Banberry
Capacity of the sewer line?	A.D.F. Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

Additional Comments:

- Full site development plans required
- Phase I & II environmental assessment required
- Prefer main entrance on Freys Gin and not Banberry. Freys Gin access will be limited to right in and right out due to proximity to nearby intersection.
- A traffic study has been provided

TRANSPORTATION

What is the road affected by the proposed change?	Frey's Gin Rd and Banberry Rd
What is the classification of the road?	Collector
What is the traffic count for the road?	unknown
Estimated # of trips generated by the proposed development?	Daily **unknown** AM PM
Estimated # of pass-by cars entering proposed development?	unknown
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	

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

EMERGENCY SERVICES

Nearest city or county fire station from the development?	52 - 149 Dodd St
Distance of the nearest station?	0.7 Miles
Most likely station for 1st response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:

- Gates require 50' setback from public ROW, 30' wide minimum, powered gates shall be provided with and maintain a Knox Key Switch model 3502 keyed to the Marietta Fire Department system.
- Private drive accessing the Townhome section needs to be addressed. Any dead-ends in Fire Apparatus Access roads greater than 150' shall be provided with an approved fire apparatus turn around (use figure D103.1 {IFC 2018 503.2.5})
- All buildings shall be protected by an approved automatic fire sprinkler system as required by Marietta City Code 2-6-140.
- We have reviewed the attached site plan, and the gates shown are not 30' wide. Though there are two entrances the newly adopted codes require the entrances to be separated a distance apart equal to not less than 1//2 of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC 503.1.1-Appendix D)

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?

Marietta Power is serving or has served all parcels listed on application.

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

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	**Lockheed Elementary & Park Street Elementary**
Middle School Servicing Development:	**Marietta Middle School**
High School Servicing Development:	**Marietta High School**
Capacity at Elementary School:	**Lockheed 775 / Park Street 550**
Capacity at Middle School:	**1,350**
Capacity at Marietta Sixth Grade Academy:	**775**
Capacity at High School:	**2,150**
Current enrollment of Elementary School:	**Lockheed 690 / Park Street 536**
Current enrollment of Middle School:	**1,338**
Current enrollment of High School:	**2,381**
Number of students generated by present development:	**0**
Number of students projected from the proposed development:	**0**
New schools pending to serve this area:	**0**
Comments:	

Marietta GEORGIA

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

APPLICATION FOR REZONING

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

For Office Use Only:

Application #: 22020-13 Legistar #: 20200167 PZ #: 20-65

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

Owner's Name Hartwood Investments, L.L.C.

EMAIL Address: Tate1919@comcast.net

Mailing Address 315 Freys Gin Road Zip Code: 30067 Telephone Number (770) 771-2257

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant Representative: Moore Ingram Johnson & Steele, LLP – J. Kevin Moore
Applicant: Campus Realty Advisors, LLC

EMAIL Address: rherron@campusrealtyadvisors.com

Mailing Address Suite 420 3101 Towercreek Parkway, Atlanta, GA Zip Code: 30339-3206

Telephone Number (770) 975-2120 Email Address: rherron@campusrealtyadvisors.com

Address of property to be rezoned: 315 Freys Gin Road 1222, 1230, 1238, 1246 Banberry Road

Land Lot (s) 12820 05050 District 16 17 Parcel 0720 0710 0700, 0690, 0170 Acreage 9.57± Ward 7A Future Land Use: IW

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

REQUIRED INFORMATION

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

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

ATTACHMENT TO APPLICATION FOR REZONING

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

Applicant: **Campus Realty Advisors, LLC**
Titleholder: **Hartwood Investments, L.L.C.**

PARCEL LISTING

Parcel No.	Address
16 12820 0720	1222 Banberry Road
16 12820 0710	1230 Banberry Road
16 12820 0700	1238 Banberry Road
16 12820 0690	1246 Banberry Road
17 05050 0170	315 Freys Gin Road

ATTACHMENT TO APPLICATION FOR REZONING

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

Applicant: **Campus Realty Advisors, LLC**
Titleholder: **Hartwood Investments, L.L.C.**

DESCRIPTION OF THE PROPOSED DEVELOPMENT/PROJECT

The Application for Rezoning has been submitted by Campus Realty Advisors, LLC ("Applicant") for the purpose of providing much-needed additional housing for students attending the Kennesaw State University ("KSU") Marietta Campus. This housing will be "Purpose-Built Student Housing" which is designed and operated to cater specifically to college students and provide a living and learning experience for upper class and graduate students.

The property which is the subject of the Application for Rezoning is an assemblage of five parcels totaling 9.57 acres, more or less, located in Land Lot 1282, 16th District, and Land Lot 505, 17th District, 2nd Section, Cobb County, Georgia, and are more particularly identified in the Parcel Listing submitted with the Application for Rezoning (hereinafter collectively the "Property" or the "Subject Property"). The Rezoning Application seeks approval of a request to rezone the Subject Property from the current PRD-SF zoning classification to the PRD-MF classification. The Property is currently operating as an auto salvage yard.

The Property is located on the east side of Freys Gin Road (315 Freys Gin Road) and the south side of Banberry Road (1222, 1230, 1238 and 1246 Banberry Road). It is less than one-quarter mile from the entrance to the KSU Marietta Campus, and it will be easy for students to walk to campus via pedestrian crosswalks from the Property to campus. Applicant proposes the construction of approximately one hundred seventy (170) student housing units that will serve approximately four hundred sixty (460) students. The units will be a mixture of townhomes and flats. Each student will sign an individual lease for their bedroom and private bathroom, and each unit will have a common living room and kitchen shared by the residents in that unit. The proposed development will have surface parking for all residents and additional visitor parking. It will include a clubhouse with amenity spaces, including, but not limited to, study rooms, computer lab, fitness center, and common gathering areas. There will be a thirty (30) foot landscape buffer along the residentially zoned properties along the adjacent Banberry Road.

Applicant will supplement its Application for Rezoning throughout the rezoning process with additional items, including, but not limited to, updated and revised Zoning Plans if necessary, a landscape plan for buffer areas and proposed open space areas, elevations and floorplans, and details for open space and amenity plans. A detailed letter of agreeable zoning stipulations and conditions will be submitted on behalf of Applicant prior to the hearings before the Planning Commission and City Council. Any required variances will be set forth in detail during the rezoning process.

Applicant looks forward to working with the City of Marietta to provide much-needed housing for the students in this area of the City. It is fortunate for all to be able to provide a walkable and student-centered living environment this close to the university, while at the same time eliminating a current land use that would be better suited for a more industrial location.

PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

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

Applicant: **Campus Realty Advisors, LLC**
Property Owner: **Hartwood Investments, L.L.C.**

HARTWOOD INVESTMENTS, L.L.C.

BY: _____
J. Tate Beavers
Managing Member

Date Executed: February 13, 2020

Address: 315 Freys Gin Road
Marietta, Georgia 30067

Telephone: (770) 771-2257
E-mail: Tate1919@comcast.net

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires: _____

My Commission Expires February 6, 2021

[Notary Seal]

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

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

Applicant: **Campus Realty Advisors, LLC**
Titleholder: **Hartwood Investments, L.L.C.**

CAMPUS REALTY ADVISORS, LLC

BY: _____
Randall W. Herron, Manager

Date Executed: February 12, 2020

Signed, sealed, and delivered in the presence of:

Carolyn E. Cook

Notary Public
My Commission Expires: 01-10-2023

[Notary Seal]

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

Applicant Address:

Campus Realty Advisors, LLC
Suite 420
3101 Towercreek Parkway
Atlanta, Georgia 30339-3206
(770) 975-2120
E-mail: rherron@campusrealtyadvisors.com

ATTACHMENT TO APPLICATION FOR REZONING

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

Applicant: **Campus Realty Advisors, LLC**
Titleholder: **Hartwood Investments, L.L.C.**

Representative for Applicant and Property Owner:

MOORE INGRAM JOHNSON & STEELE, LLP

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

Attorneys for Applicant and Property Owner

Date Executed: February 17, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
Commission Expires: January 10, 2023

[Notarial Seal]

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

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

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

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

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following rezoning request at the City Council meeting held on **Wednesday, August 12th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-13 [REZONING] CAMPUS REALTY ADVISORS, LLC (HARTWOOD INVESTMENTS, LLC) are requesting the rezoning of 9.57 acres located in Land Lots 505 & 576, District 17, Parcels 0170, 0720, 0710, 0700, & 0690 of the 2nd Section, Cobb County, Georgia, and being known as 315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road from PRD-SF (Planned Residential Development – Single Family) to PRD-MF (Planned Residential Development – Multi Family). Ward 7A.

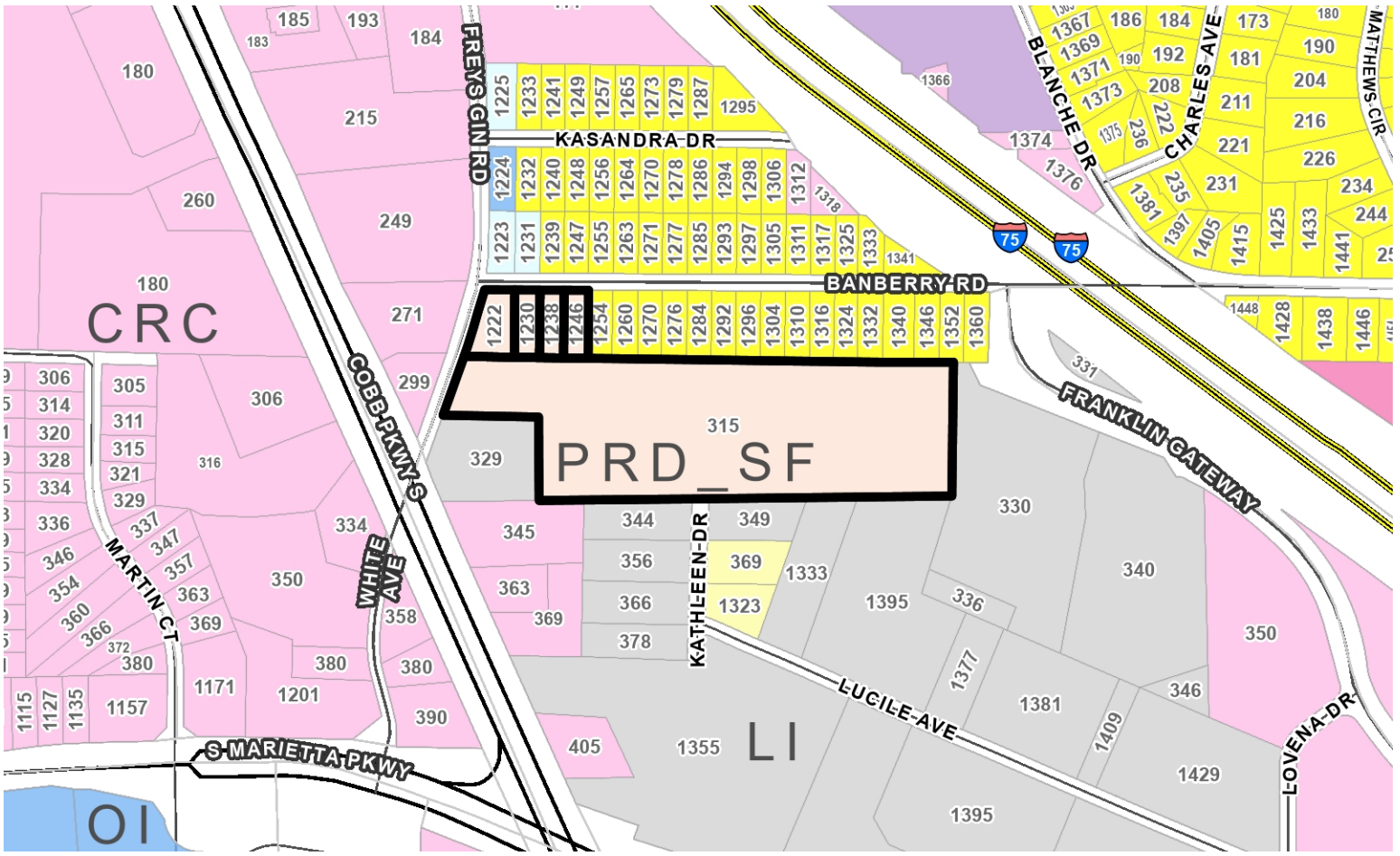
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

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

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1246 BANBERRY RD	16128200690	0.217	7A	PRD_SF	IW
1238 BANBERRY RD	16128200700	0.21	7A	PRD_SF	IW
1230 BANBERRY RD	16128200710	0.22	7A	PRD_SF	IW
315 FREYS GIN RD	17050500170	8.044	7A	PRD_SF	IW
1222 BANBERRY RD	16128200720	0.347	7A	PRD_SF	IW

Property Owner: Hartwood Investments

Applicant: Campus Realty Advisors

Proposed Zoning: PRD-SF to PRD-MF

Agent: J. Kevin Moore, Esq.

Proposed Use:

Planning Commission Date: 07/01/2020

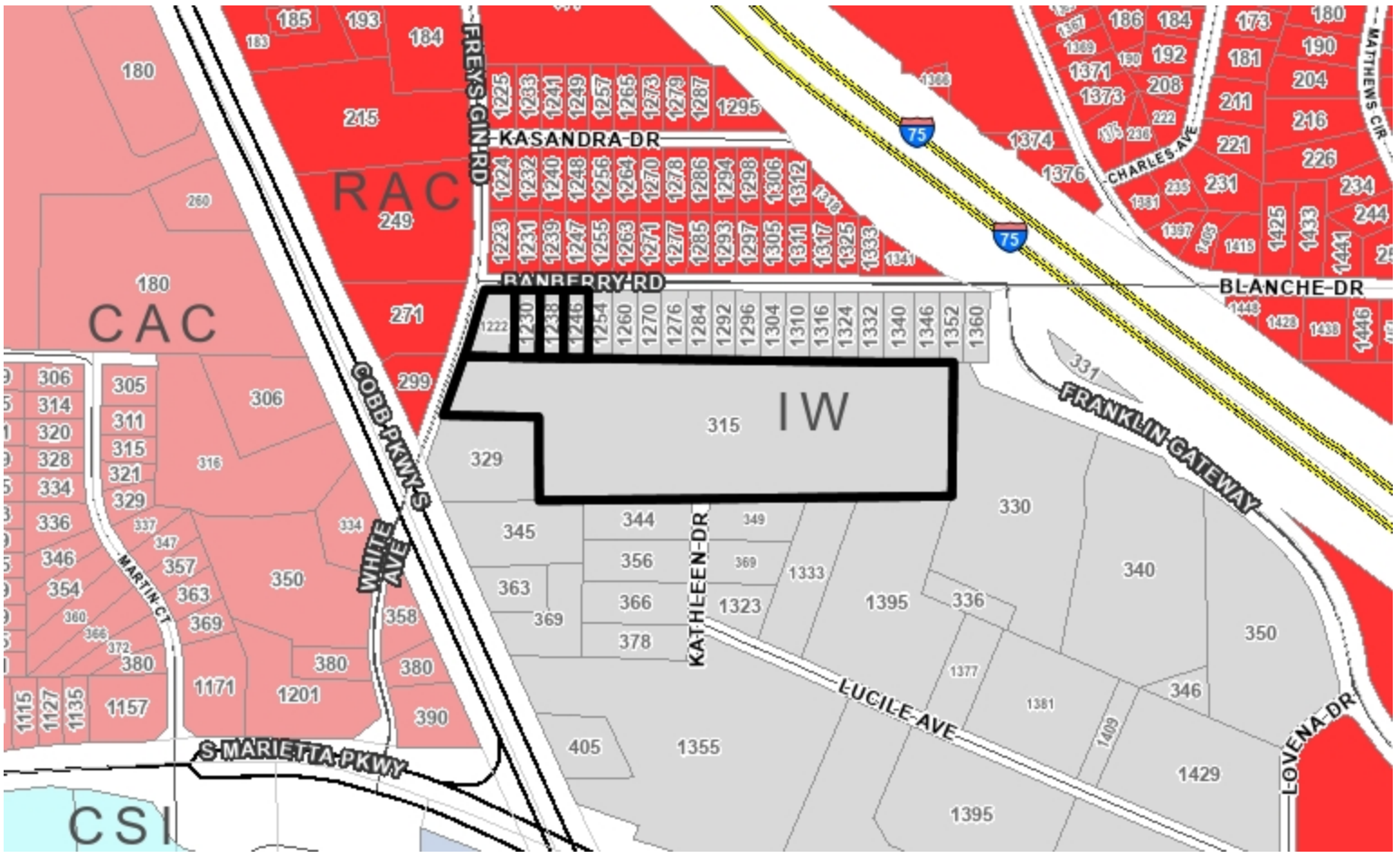
City Council Hearing Date: 08/12/2020 Case Number: Z2020-13

City of Marietta Planning & Zoning

Zoning Symbols

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

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1246 BANBERRY RD	16128200690	0.217	7A	PRD_SF	IW
1238 BANBERRY RD	16128200700	0.21	7A	PRD_SF	IW
1230 BANBERRY RD	16128200710	0.22	7A	PRD_SF	IW
315 FREYS GIN RD	17050500170	8.044	7A	PRD_SF	IW
1222 BANBERRY RD	16128200720	0.347	7A	PRD_SF	IW

Planning Commission Hearing Date: 07/01/2020

City Council Hearing Date: 08/12/2020

Future Land Use: IW

Case Number: Z2020-13

Comments:

City of Marietta Planning & Zoning

Future Land Use Symbols

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

Aerial Map

Address	Parcel Number	Acreage	Ward	Zoning	FLU
1246 BANBERRY RD	16128200690	0.217	7A	PRD_SF	IW
1238 BANBERRY RD	16128200700	0.21	7A	PRD_SF	IW
1230 BANBERRY RD	16128200710	0.22	7A	PRD_SF	IW
315 FREYS GIN RD	17050500170	8.044	7A	PRD_SF	IW
1222 BANBERRY RD	16128200720	0.347	7A	PRD_SF	IW

Property Owner: Hartwood Investments

Applicant: Campus Realty Advisors

City Council Hearing Date: 08/12/2020

Planning Commission Hearing Date: 07/01/2020

BZA Hearing Date:

Case Number: Z2020-13

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

1 3-Story Building Elevation 1
3/32" = 1'-0"

3 3-Story Building Elevation 2
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

Preliminary Elevations - 3-Story Building

06/02/20

KSU STUDENT HOUSING

317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES P.C.

1 3-Story Building Elevation 3
3/32" = 1'-0"

2 3-Story Building Elevation 4
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

Preliminary Elevations - 3-Story Building

06/02/20

KSU STUDENT HOUSING

317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES P.C.

1 4-Story Building Elevation 1
3/32" = 1'-0"

2 4-Story Building Elevation 2
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

Preliminary Elevations - 4-Story Building

06/02/20

KSU STUDENT HOUSING

317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES P.C.

1 4-Story Building Elevation 3
3/32" = 1'-0"

2 4-Story Building Elevation 4
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

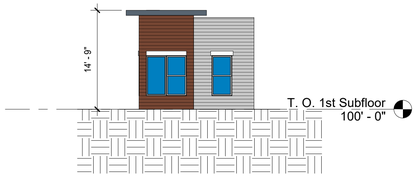
Preliminary Elevations - 4-Story Building

06/02/20

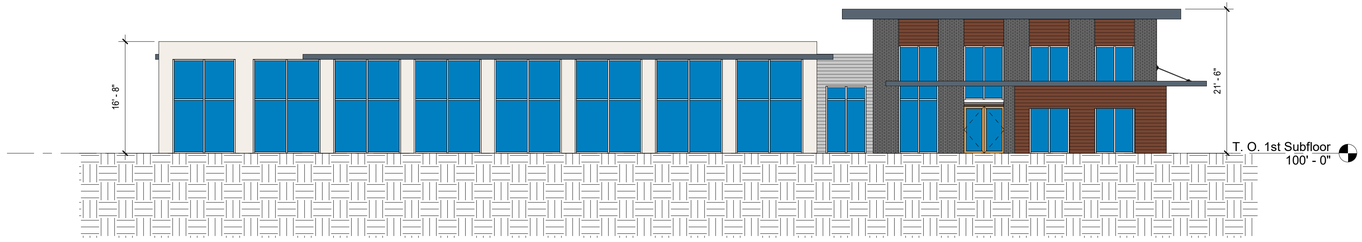
KSU STUDENT HOUSING

317 FREY'S GIN ROAD
MARIETTA, GEORGIA

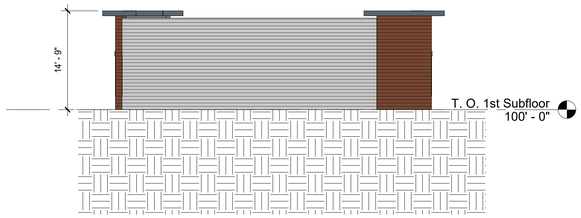
rosemann & ASSOCIATES P.C.



5 Maintenance Shop - North Elevation
3/32" = 1'-0"



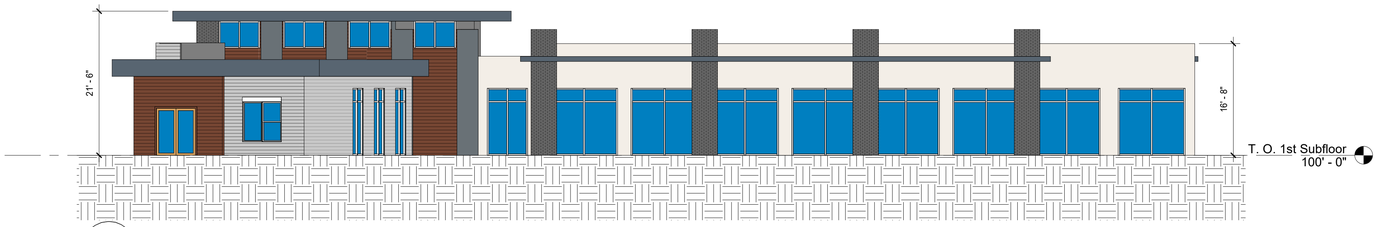
1 Clubhouse - North Elevation
3/32" = 1'-0"



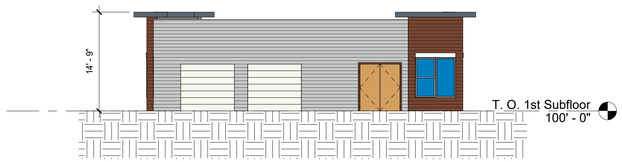
6 Maintenance Shop - West Elevation
3/32" = 1'-0"

2 Clubhouse - West Elevation
3/32" = 1'-0"

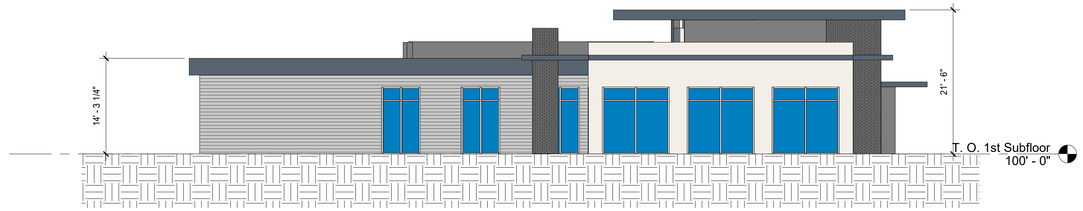
7 Maintenance Shop - South Elevation
3/32" = 1'-0"



3 Clubhouse - South Elevation
3/32" = 1'-0"



8 Maintenance Shop - East Elevation
3/32" = 1'-0"



4 Clubhouse - East Elevation
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE

Preliminary Elevations - Clubhouse & Maintenace

06/02/20

KSU STUDENT HOUSING

317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES P.C.

CLUBHOUSE PERSPECTIVE

06/02/20

KSU STUDENT HOUSING

317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann & ASSOCIATES P.C.

BANBERRY ROAD
(40' PUBLIC R/W)

N
W E
S

SITE

VICINITY MAP
NOT TO SCALE

POB NAIL SET

S 89°38'26" E 253.29'

R = 1137.56'
L = 135.59'
CH= 135.51'
N 15°40'34" E

1/2" RBF

PASSIVE RECREATION

MAINTENANCE

27' SCHOOL BUFFER

PROPOSED 5' SIDEWALK

S 00°11'21" E 148.01'

1/2" RBS

4' CLF

30' GREENBELT BUFFER

~ N/F ~
MARK R. MYERS
PIN# 16128200680
ZONING: R4
DB 13609 PG 1694

~ N/F ~
ANGEL LUCAS MEJIA
PIN# 16128200670
ZONING: R4
DB 14954 PG 2890

~ N/F ~
MARK R. MYERS
PIN# 16128200660
ZONING: R4

~ N/F ~
CAROLYN A. JOHNSON
PIN# 16128200650
ZONING: R4

~ N/F ~
MONROY LUIS A MENDEZ
PIN# 16128200640
ZONING: R4
DB 15656 PG 2416

~ N/F ~
ROGELIO GONZALEZ PACHECO
PIN# 16128200630
ZONING: R4
DB 15402 PG 5463

~ N/F ~
LEARIC CRAIG PARKER
PIN# 16128200620
ZONING: R4
DB 15180 PG 2687

~ N/F ~
PATTY GRATE WATSON
PIN# 16128200610
ZONING: R4

~ N/F ~
CAROLINE A. JOHNSON
PIN# 16128200600
ZONING: R4
DB 12922 PG 288

~ N/F ~
JOEL CASTRO
PIN# 16128200590
ZONING: R4
DB 15135 PG 3380

~ N/F ~
McMULLAN PARTNERS, LLC
PIN# 16128200580
ZONING: R4
DB 14623 PG 5851

~ N/F ~
JOSEPH L & PAULA A CUMMINGS
PIN# 16128200570
ZONING: R4

~ N/F ~
MICHAEL A LOGAN
PIN# 16128100250
ZONING: R4
DB 15653 PG 5947

~ N/F ~
ENRIQUE GUZMAN MORALES
PIN# 16128100260
ZONING: R4
DB 15582 PG 4871

~ N/F ~
JASON GOGGINS
PIN# 16128100270
ZONING: R4
DB 15605 PG 4741

5E 6E 7E 8E 9E 10E 11E 12E 13E 14E 15E 16E 17E 18E 19E

LAKEVIEW SUBDIVISION, BLOCK E
PLAT BOOK 10, PAGE 79

S 89°37'54" E 873.08'

1/2" RBF

AXLE F

FREYS GIN ROAD SE
(40' PUBLIC R/W)

1/2" RBS

PROPOSED DECELERATION LANE

N 19°06'17" E 187.74'

PROPOSED 5' SIDEWALK

VEHICULAR GATE

CLUBHOUSE

POOL

THREE-STORY STUDENT HOUSING BUILDING 1

PASSIVE RECREATION

THREE-STORY STUDENT HOUSING BUILDING 2

FOUR-STORY STUDENT HOUSING BUILDING 3

PASSIVE RECREATION

FOUR-STORY STUDENT HOUSING BUILDING 4

STORM WATER MANAGEMENT

347.44'

S 00°38'58" W

8.5' TYP.

9' TYP.

63'

26'

20'

16'

227.59'
S 88°18'35" W

3 SPACES

WALL

BLDG.

9 SPACES

~ N/F ~
RALPH VICKERS
PIN# 17057500780
ZONING: LI
DB 13417 PG 2811

199.24'
N 01°37'37" W

COBB PARKWAY
(A.K.A U.S. HIGHWAY 41)
(PUBLIC R/W VARIES)

DUMPSTER

S 88°28'02" W 119.08'

1" OTF

N/F 1/2" RBF

~ N/F ~
MKR ENTERPRISES LLC
PIN# 17057500210
ZONING: CRC
DB 15637 PG 411

N 89°41'13" W 239.95'

~ N/F ~
BENTLEY COMMERCIAL PROPERTIES LLC
PIN# 17057500450
ZONING: LI
DB 14907 PG 2229

1/2" RBF

S 90°00'00" W
40.00'

R34.5'

KATHLEEN ROAD
(40' PUBLIC R/W)

N 89°36'35" W 251.42'

~ N/F ~
BENTLEY RESIDENTIAL PROPERTIES, LLC
PIN# 17057500750
ZONING: LI
DB 10632 PG 544

1/2" RBF

6' WOOD FENCE

~ N/F ~
AUSTIN VIII INC
PIN# 17057500700
ZONING: LI
DB 15412 PG 4745

N 89°34'50" W 337.42'

1/2" RBF

~ N/F ~
TSO ABC WW LP
PIN# 17057600500
ZONING: LI
DB 15370 PG 3764

1/2" O

APPROX. LAND LOT LINE

L.L. 505

L.L. 576

ZONING NOTES:

1. EXISTING ZONING: PRD-SF
2. PROPOSED ZONING: PRD-MF
3. PROPOSED USE: STUDENT HOUSING.
4. SITE AREA: 9.57Ac.
5. UNITS 1 BED-8
   2 BED-72
   3 BED-36
   4 BED-50
   TOTAL NUMBER OF BEDROOMS=460
6. DENSITY=17.3 UNITS/Ac.
7. PROPOSED SETBACKS (MULTI-FAMILY)
   A. AGAINST EXISTING AND PROPOSED R/W=5'
   B. PERIMETER ADJACENT TO RESIDENTIAL=30'
   C. PERIMETER ADJACENT TO NON-RESIDENTIAL=10'
   D. SIDE/REAR SETBACK - 10' FROM LOT LINE OR xx' MINIMUM SEPARATION
8. REQUIRED PARKING= 357
9. PROVIDED PARKING= 460
10. REQUIRED OPEN SPACE= 25%X 9.45=2.4 ACRES.
11. PROVIDED OPEN SPACE= 30% (2.8 ACRES)
12. MAXIMUM IMPERVIOUS AREA ALLOWED= 60%X9.45 ACRES = 5.67 ACRE.
13. IMPERVIOUS AREA PROPOSED= 6.23 ACRES=65% **VARIANCE REQUESTED.**
14. LOCATION AND SIZE OF PROPOSED STRUCTURES, INCLUDING THE NUMBER OF STORIES AND TOTAL FLOOR AREA - SEE REZONING EXHIBIT,
15. DETENTION/RETENTION AREAS - STORMWATER MANAGEMENT WILL BE PROVIDED IN LOCATION SHOWN ON REZONING EXHIBIT.
16. SEE REZONING EXHIBIT.
17. LOCATION AND SIZE OF PARKING AREA WITH PROPOSED INGRESS/EGRESS - SEE REZONING EXHIBIT.
18. STREET RIGHT OF WAY AND ROADWAY WIDTH, APPROXIMATE GRADES. SEE REZONING EXHIBIT.
19. SPECIFIC TYPES AND DIMENSIONS OF PROTECTIVE MEASURES SUCH AS BUFFERS **VARIANCE REQUESTED TO ALLOW FOR REPLANTING AND GRADING.**
20. WETLANDS AND 100 YEAR FLOOD PLAIN - NO WETLANDS ARE INDICATED PER THE NATIONAL WETLANDS INVENTORY MAPS. PER FEMA FIRM PANEL 13067C0109H, DATED 5-7-12, THE PROPERTY DOES NOT LIE WITHIN THE 100-YR FLOOD PLAIN
21. PERCENTAGE OF COMPACT PARKING SPACES: 35% (161 SPACES) **VARIANCE REQUESTED.**

LEGEND
CONCRETE
GRASS
PROPOSED TREE
H/C PARKING SPACE

RECEIVED
July 6, 2020

GRAPHIC SCALE 1"= 40'
0 20' 40' 80'

No.	DESCRIPTION	Date
1	SUBMIT TO CLIENT	07/02/20
2		
3		
4		
5		
6		
7		

REZONING EXHIBIT

KSU-MARIETTA CAMPUS STUDENT HOUSING
CAMPUS REALTY ADVISORS
MARIETTA, GEORGIA

JACOB & HEFNER ASSOCIATES
4411 Suwanee Dam Road, Suite 350
Suwanee, GA 30024
PHONE: (770) 680-3593
www.jacobandhefner.com

F884

SCALE: 1"=40'

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taylor | english
decisions

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

July 24, 2020

VIA EMAIL: SLittle@mariettaga.gov
AND REGULAR MAIL

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

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

Dear Shelby:

After receiving input and feedback from interested parties, a unanimous recommendation for approval by the Marietta Planning Commission and direction from the Mayor and Council during a public hearing on July 8, 2020, 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. The plan reduces the homes from 49 to 40 and reduces the density from 13 to 10.6 u.p.a. while maintaining the underground detention desired by the neighbors. 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 1,400 square feet.[1]

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 1.2 acres 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.

[1] The price points shall be $300,000 to $350,000 and up.

5. Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which shall contain covenants, rules, and regulations applicable to the proposed residential community.

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

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

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

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

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

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

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

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

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

overall landscape plan for the proposed community as shown on the attached landscape plan (see attached).

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

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

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

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

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

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

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

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

18. Applicant requests approval of the following contemporaneous variances:

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

    b. Section 730.01 Table L and Section 726.03 A to allow the minimum access/utility easement width for a private road from 50 feet to32 feet.[2]

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

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

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

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

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

Sincerely,

TAYLOR ENGLISH DECISIONS, LLC

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

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

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

REZONING APPLICATION ANALYSIS

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

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

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

AGENT: **n/a**

PROPERTY ADDRESS: **521 Atlanta Street**

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

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

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

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

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

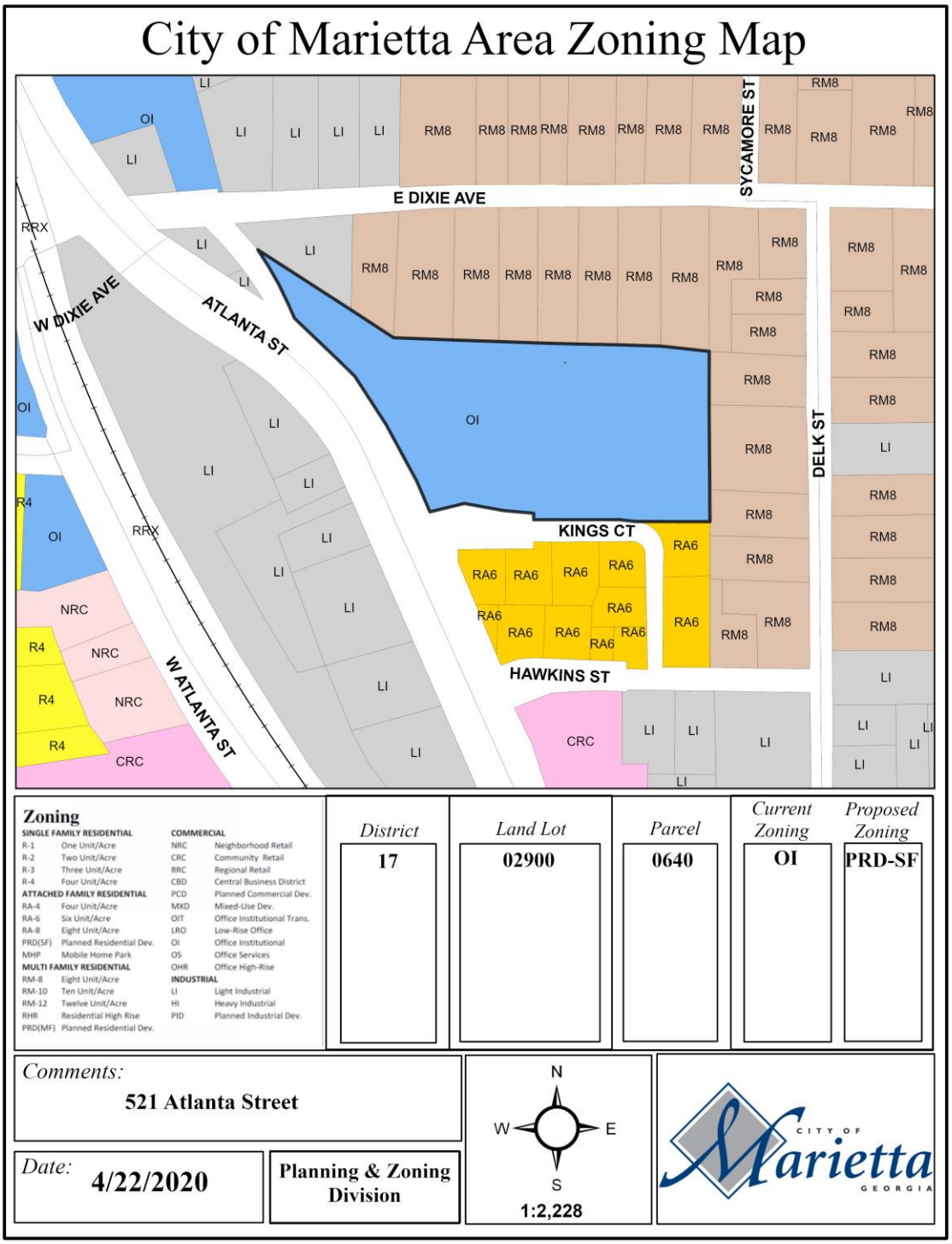
REASON FOR REQUEST: To build forty-nine (49) townhomes with access from Kings Court.

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

CITY COUNCIL HEARING: Wednesday, August 12th, 2020 – 7:00 p.m.

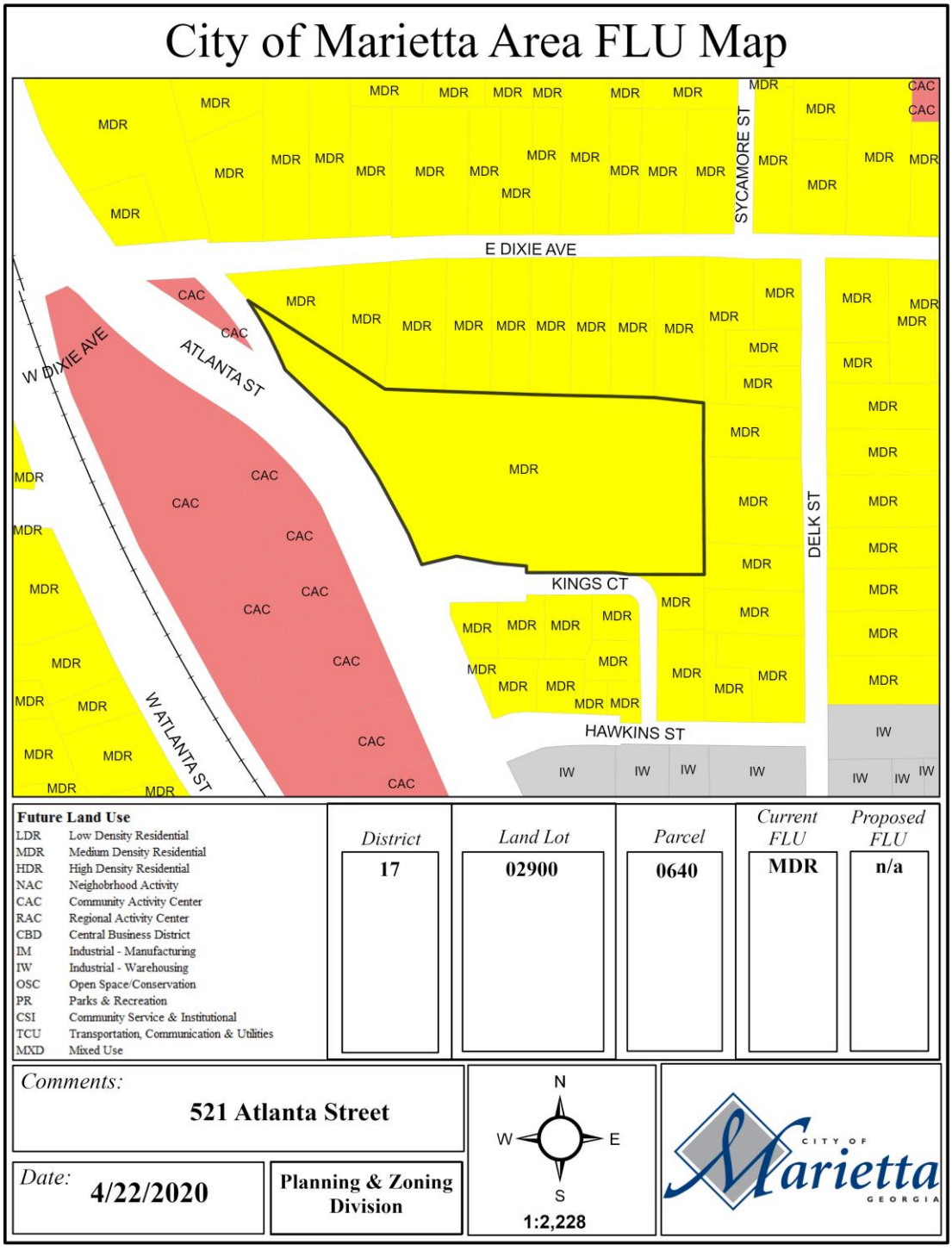
Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP



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

FLU MAP



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

PICTURES OF PROPERTY

521 Atlanta Street

521 Atlanta Street

Corner of Kings Court and Atlanta Street

Kings Court

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

STAFF ANALYSIS

Location Compatibility

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

Use Potential and Impacts

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

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

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

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

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

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

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

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

Environmental Impacts

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

Economic Functionality

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

Infrastructure

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

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

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

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

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

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

Overhead Electrical/Utilities

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

History of Property

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

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

Historical Impacts

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

Other Issues

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

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

ANALYSIS & CONCLUSION

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

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

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

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

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

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

Prepared by: _____

Approved by: _____

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

DATA APPENDIX

CITY OF MARIETTA - WATER

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

CITY OF MARIETTA - WASTEWATER

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

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

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

TRANSPORTATION

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

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

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

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

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

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

MARIETTA POWER - ELECTRICAL

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

What special conditions would be involved in serving this site?

Additional comments:

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

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

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

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

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

APPLICATION FOR REZONING

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

For Office Use Only:

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

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

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

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

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

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Pulte Home Company, LLC

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

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

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

Address of property to be rezoned: 521 Atlanta Street SE

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

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

REQUIRED INFORMATION

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

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

CAMPAIGN CONTRIBUTIONS

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

Waymon Ahart

Signature of Owner

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

Print Name

Waymon AHART

_____

Signature of Applicant

Pulte Home Company, LLC

By: _____ Its: _____

Print Name

FINANCIAL INTEREST

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

Pulte Home Company, LLC

By: _____ Its: _____

Print Name

_____

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

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

_____

Signature

Pulte Home Company, LLC

By: _____ Its: _____

Please Print

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

Address

_____

Date

Signed, sealed and delivered in the presence of:

_____ **My Commission Expires:**_____

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

CAMPAIGN CONTRIBUTIONS

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

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

FINANCIAL INTEREST

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

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

OWNER/APPLICANT CERTIFICATION

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

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

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

Signed, sealed and delivered in the presence of:

Lisa R. Foltz

My Commission Expires: 4-18-2021

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

taylor | english
decisions

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

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

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

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

Sincerely,

TAYLOR ENGLISH DECISIONS, LLC

Rob Hosack
rhosack@tedecisions.com

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

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

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following rezoning request at the City Council meeting held on **Wednesday, August 12th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

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

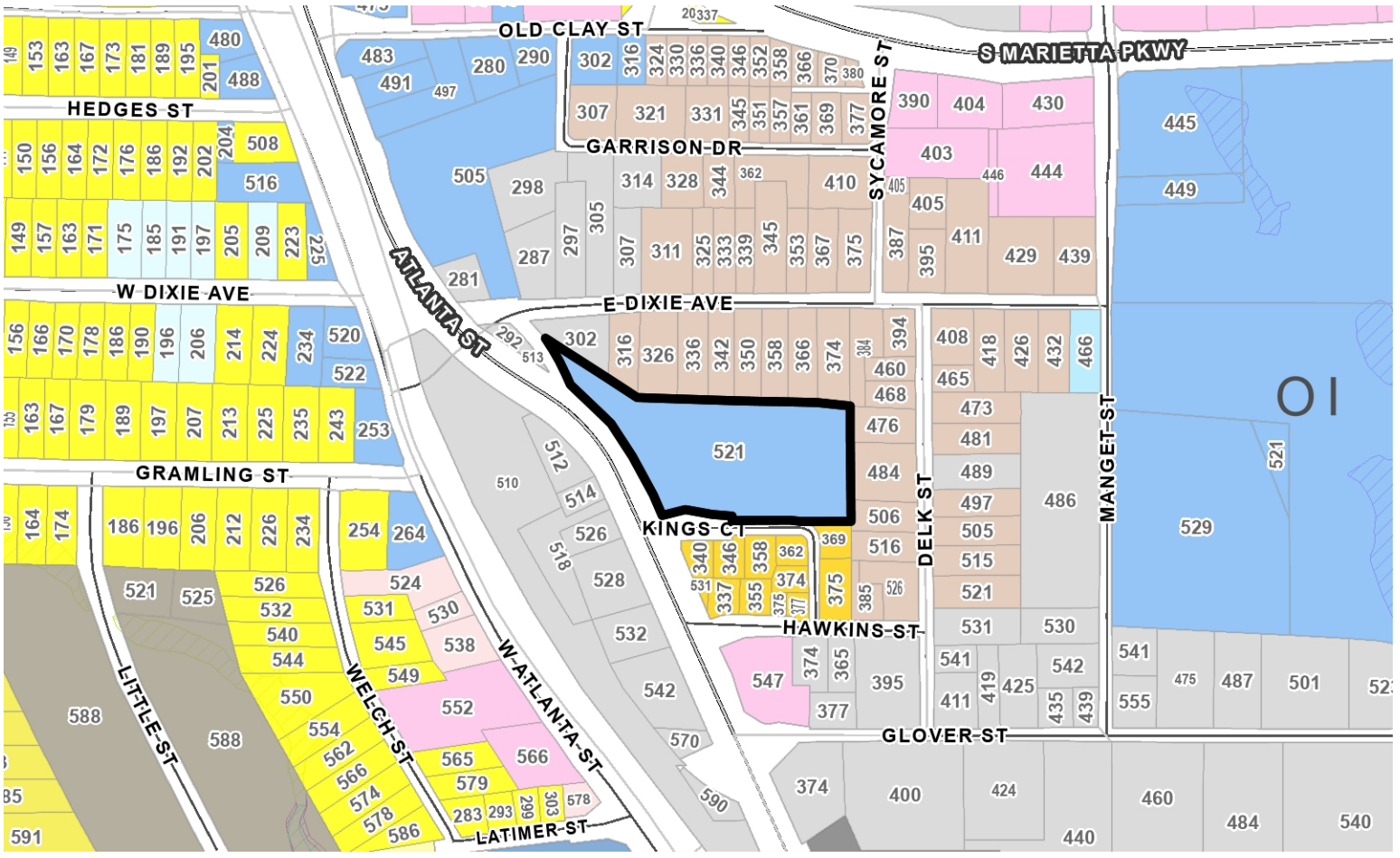
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

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

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



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

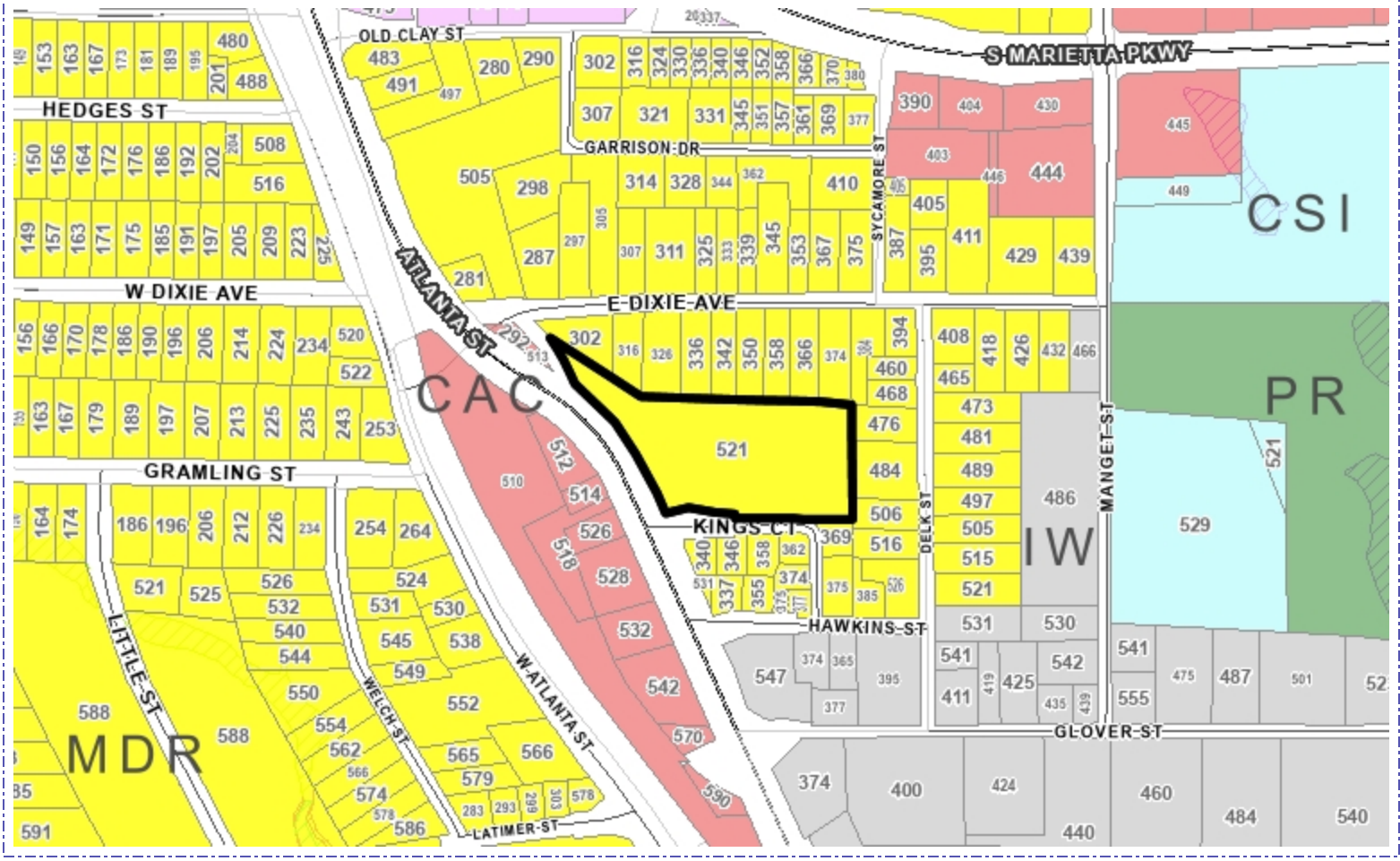
Property Owner:	Waymon Ahart, Trustee
Applicant:	Pulte Home Company
Proposed Zoning:	OI to PRD-SF
Agent:	
Proposed Use:	
Planning Commission Date:	
City Council Hearing Date:	08/12/2020 Case Number: Z2020-19

City of Marietta Planning & Zoning

Zoning Symbols

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

Future Land Use



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

Planning Commission Hearing Date:

City Council Hearing Date: 08/12/2020

Future Land Use: MDR

Case Number: Z2020-19

Comments:

City of Marietta Planning & Zoning

Future Land Use Symbols

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

Aerial Map

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

Property Owner: Waymon Ahart, Trustee

Applicant: Pulte Home Company

City Council Hearing Date: 08/12/2020

Planning Commission Hearing Date:

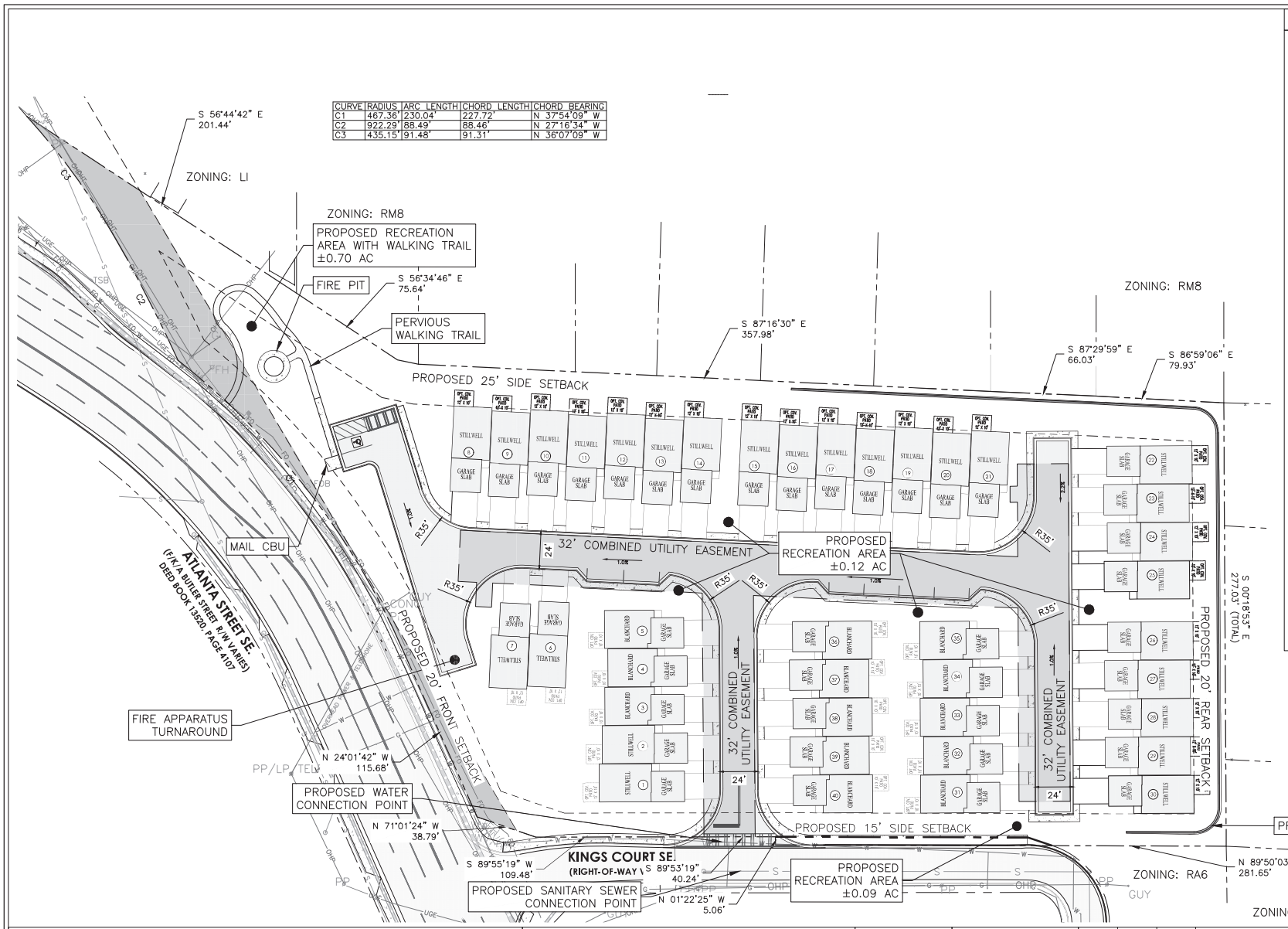
BZA Hearing Date: Case Number: Z2020-19

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets



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

SITE NOTES:

SITE AREA:
TOTAL AREA: ±3.77 ACRES

SITE ZONING:
EXISTING ZONING: OI
PROPOSED ZONING: PRD

ZONING REQUIREMENTS:

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: 40
PROPOSED UNIT DENSITY: 10.6 UNITS/ACRE
PROPOSED IMPERVIOUS SURFACE: 59%
PROPOSED OPEN SPACE: 32%

RECREATION AREA:
REQUIRED RECREATION AREA: 1 AC/50 UNITS (0.8 AC)
PROPOSED RECREATION AREA: 1.2 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 (160)
PROPOSED PARKING: 4 SPACES/UNIT (160)
REQUIRED GUEST PARKING: 0.2 SPACES/UNIT (8)
PROPOSED GUEST PARKING: 8

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. ADDITIONAL VARIANCES AS DEPICTED ON THE SITE PLAN AND APPROVED BY THE MAYOR AND CITY COUNCIL.

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

MAXWELL-REDDICK AND ASSOCIATES
ENGINEERING • LAND SURVEYING
40 JOE KENNEDY BLVD
STATESBORO, GA 30458
(912)489-7112 OFFICE
2500 NORTHWINDS PKWY
SUITE 360
ALPHARETTA, GA 30009
(404)693-1618 OFFICE

COPYRIGHT © 2020 BY MAXWELL-REDDICK AND ASSOCIATES

REVISIONS:
1

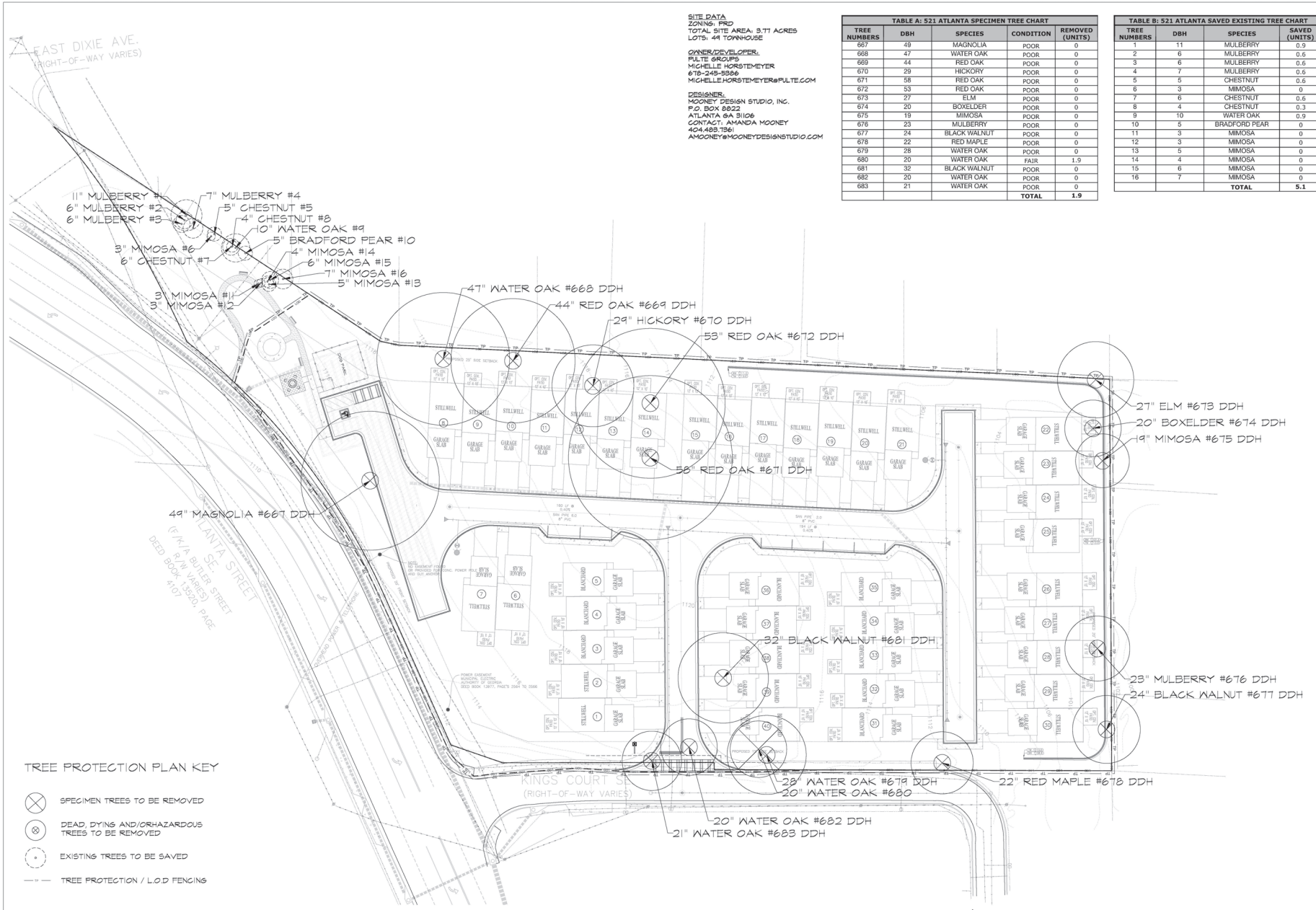
DESIGNED:	DRAWN BY:	CHECKED:
GSU	GSU	___

DATE: JULY 22, 2020
JOB NO.: 2019-261

PROPOSED SUBDIVISION
521 ATLANTA ST
MARIETTA, GA

REZONE PLAN

DRAWING NUMBER
1
1 OF 1 SHEETS



SITE DATA
ZONING: PRD
TOTAL SITE AREA: 3.77 ACRES
LOTS: 44 TOWNHOUSE

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

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

TABLE A: 521 ATLANTA SPECIMEN TREE CHART

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

TABLE B: 521 ATLANTA SAVED EXISTING TREE CHART

TREE NUMBERS	DBH	SPECIES	SAVED (UNITS)
1	11	MULBERRY	0.9
2	6	MULBERRY	0.6
3	6	MULBERRY	0.6
4	7	MULBERRY	0.6
5	5	CHESTNUT	0.6
6	3	MIMOSA	0
7	6	CHESTNUT	0.6
8	4	CHESTNUT	0.3
9	10	WATER OAK	0.9
10	5	BRADFORD PEAR	0
11	3	MIMOSA	0
12	3	MIMOSA	0
13	5	MIMOSA	0
14	4	MIMOSA	0
15	6	MIMOSA	0
16	7	MIMOSA	0
		TOTAL	5.1

TREE PROTECTION PLAN KEY

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

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

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

ZONING: PRD
MUNICIPALITY: CITY OF MARIETTA

Owner:

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

Drawn by:

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

521 ATLANTA
SCHEME 5

GEORGIA REGISTERED LANDSCAPE ARCHITECT AMANDA K. MOONEY
07.22.20

REVISIONS

TREE LOCATION AND PROTECTION PLAN

SCALE:

SHEET:

TPR1

DATE: 07.22.20

PLANT SCHEDULE ALL

DECIDUOUS TREES	QTY	BOTANICAL / COMMON NAME	CONT	MIN. CAL	MIN. HT	UNIT PER	UNIT TOTAL	%
	3	Acer buergerianum / Trident Maple	B & B	4"CAL		0.8	2.4	8.5
	16	Acer saccharum / Sugar Maple	B & B	4"CAL		0.8	12.8	28.0
	16	Quercus shumardii / Shumard Red Oak	B & B	4"CAL		0.8	12.8	23.2
EVERGREEN TREES	**QTY**	**BOTANICAL / COMMON NAME**	**CONT**	**CAL**	**HT**			
	24	Cryptomeria japonica / Cryptomeria	B & B		7'-8'	0.6	14.4	20.6
	28	Ilex opaca / American Holly	B & B		7'-8'	0.6	16.8	19.5

TOTAL: 82 TREES — TOTAL: 59.2 UNITS

TREE DENSITY CALCULATIONS

SITE DATA: TOTAL AREA OF SITE	3.77 ACRES
DENSITY REQUIREMENTS: 17 UNITS PER ACRE 17 X 3.77 UNITS/ACRE	64.09 UNITS
SAVED SPECIMEN TREES	0
SAVED EXISTING TREES (TABLE B)	5.1
UNITS REQ. TO BE PLANTED	58.99 UNITS
TREE COMPLIANCE: REQUIRED UNITS	58.99 UNITS
UNITS PROVIDED (PLANTED ON SITE)	59.2 UNITS

* REQUIREMENT MET

TREE PROTECTION PLAN KEY

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

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

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

ZONING: PRD
MUNICIPALITY: CITY OF MARIETTA

Owner:

PULTE GROUP
2475 NORTHWINDS PKWY
SUITE 600, ALPHARETTA GA 30009
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521 ATLANTA SCHEME 5

GEORGIA REGISTERED LANDSCAPE ARCHITECT AMANDA K. MOONEY
07.22.20

REVISIONS

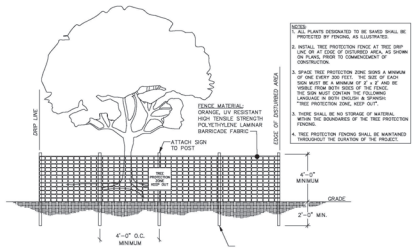
TREE REPLACEMENT PLAN

SCALE:

SHEET:

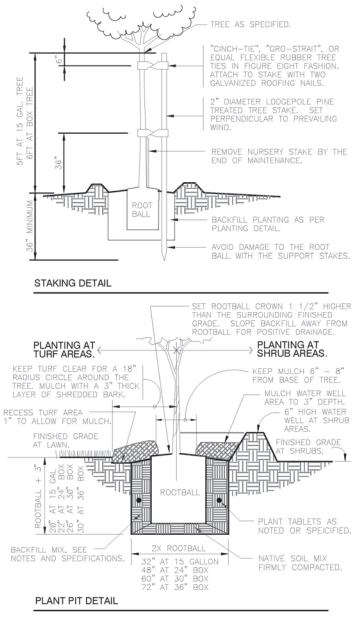
TPR2

DATE: 07.22.20



1 TREE PROTECTION FENCE

1" = 1" P-GD-OT



2 TREE SINGLE STAKE PLANTING

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

GENERAL PLANTING NOTES:

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

ZONING: PRD
MUNICIPALITY: CITY OF MARIETTA

Owner:

PULTE GROUP
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SUITE 600, ALPHARETTA GA 30009
MICHELLE HORSTEMEYER:
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521 ATLANTA SCHEME 5

GEORGIA REGISTERED LANDSCAPE ARCHITECT AMANDA K. MOONEY
07.22.20

REVISIONS

DETAILS

SCALE:

SHEET:
TPR3

DATE: 07.22.20

REFERENCE NOTES SCHEDULE

SYMBOL	PAVING DESCRIPTION	QTY	DETAIL
P-101	BELGARD MELVILLE PAVER	225 sf	

SYMBOL	SITE FURNISHINGS DESCRIPTION	QTY	DETAIL
S-101	BENCH	3	
S-102	ADIRONDACK CHAIRS	4	
	FIRE PIT	1	

PLANT SCHEDULE ALL

DECIDUOUS TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	HT
	3	Acer buergerianum / Trident Maple	B & B	4"CAL	
	16	Acer saccharum / Sugar Maple	B & B	4"CAL	
	16	Quercus shumardii / Shumard Red Oak	B & B	4"CAL	

EVERGREEN TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	HT
	24	Cryptomeria japonica / Cryptomeria	B & B		7'-8'
	26	Ilex opaca / American Holly	B & B		7'-8'

SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT	CAL	HT
	156	Azalea indica 'Formosa' / 'Formosa Azalea	3 gal		
	145	Cleyera japonica / Cleyera	3 gal		
	76	Gardenia jasminoides 'Frostproof' / 'Frostproof Gardenia	3 gal		
	128	Ilex cornuta 'Carissa' / 'Carissa Holly	3 gal		
	114	Ilex vomitoria 'Nana' / 'Dwarf Yaupon	3 gal		
	116	Juniperus chinensis / Juniper	3 gal		
	37	Loropetalum chinense / Loropetalum	3 gal		
	24	Morella cerifera / Wax Myrtle	3 gal		
	125	Rhododendron Encore 'Radiat' / 'Autumn Sunburst' Azalea	3 gal		

GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT	SPACING
	66	Annuals -- / Annuals	4"pot	12" o.c.
	867	Liriope muscari 'Super Blue' / Big Blue Liriope	1 gal	18" o.c.
	49,566 sf	Sod -- / Bermuda Sod	sf	

LANDSCAPE PLAN
SCALE 1"=30'-0"

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

ZONING: PRD
MUNICIPALITY: CITY OF MARIETTA

Owner:

PULTE GROUP
2475 NORTHWINDS PKWY
SUITE 600, ALPHARETTA GA 30009
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521 ATLANTA
SCHEME 5

GEORGIA REGISTERED LANDSCAPE ARCHITECT AMANDA K. MOONEY
07.22.20

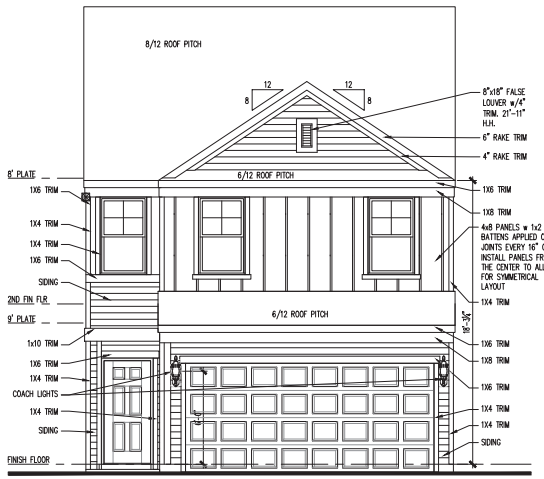
REVISIONS

LANDSCAPE PLAN

SCALE:

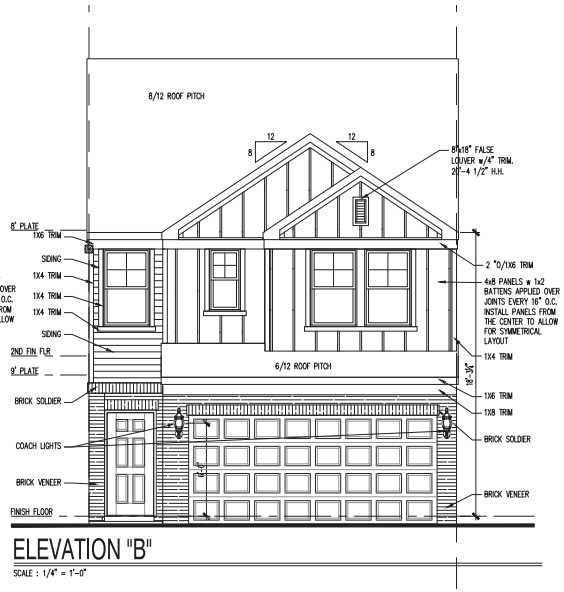
SHEET:
L1

DATE: 07.22.20



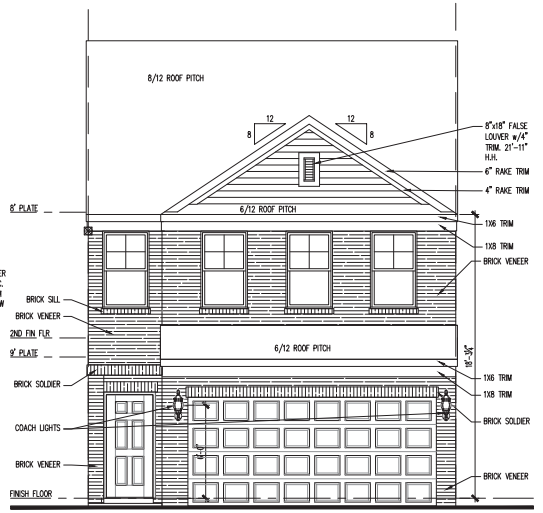
ELEVATION "A"

SCALE : 1/4" = 1'-0"



ELEVATION "B"

SCALE : 1/4" = 1'-0"



ELEVATION "C"

SCALE : 1/4" = 1'-0"

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NOTE: SCALES NOTED ON DRAWINGS RELATE TO FULL SIZE PLOTS ON 22x34 SHEETS – 11x17 SHEETS REPRESENT 1/2 SCALE PLOTS

Southeast Zone
2475 Northwinds Pkwy. Suite 600
Alpharetta, GA 30009 (770) 381-3450

PulteGroup

MANNFORD
FRONT ELEVATION "A", "B" & "C"
FRONT ENTRY GARAGE

PRODUCTION MANAGER
PAH
CURRENT RELEASE DATE: 08/15/2016

REV #	DATE / DESCRIPTION
	VC 081519
△	
△	
△	
△	
△	
△	
△	
△	

PROJECT TYPE
MULTI-FAMILY

COMMUNITY NAME
SOUTHEAST CHARLOTTE

LAWSON COMMUNITY ID
N/A

GARAGE HANDING
GARAGE LEFT

SPECIFICATION LEVEL
N/A

PLAN NAME
LAUREN/MASON

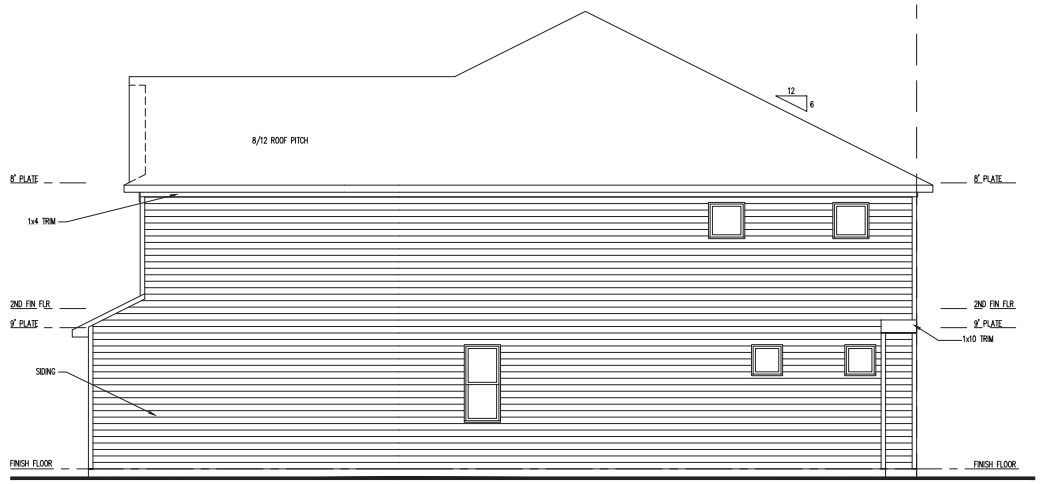
NPC PLAN NUMBER
N/A

LAWSON PLAN ID

LEGACY PLAN NUMBER / NAME
same as current

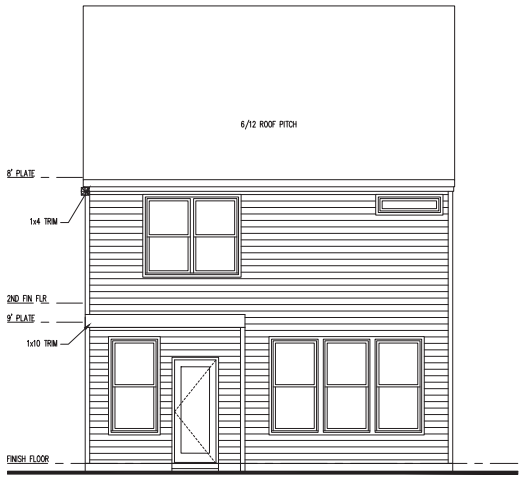
SHEET
3.1a

PLOTTED: July 16, 2020 / Rick Obos / L:\ELEVATION.DWG



RIGHT SIDE ELEVATION

SCALE : 1/4" = 1'-0"



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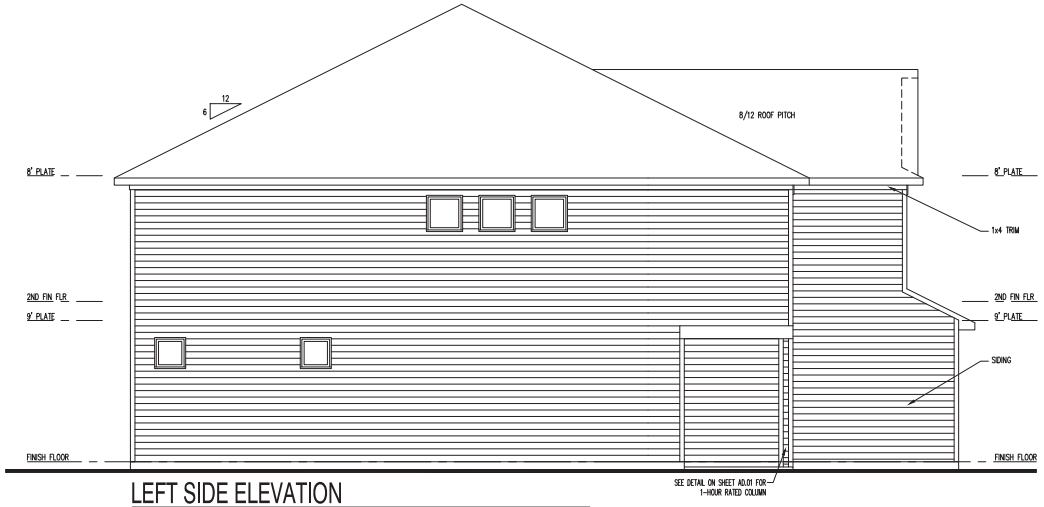

LEFT SIDE ELEVATION

SCALE : 1/4" = 1'-0"

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Southeast Zone
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Alpharetta, GA 30009 (770) 381-3450

PulteGroup

MANNFORD
SIDE AND REAR ELEVATIONS
FRONT ENTRY GARAGE

PRODUCTION MANAGER
PAH
CURRENT RELEASE DATE: 08/15/2016

REV #	DATE / DESCRIPTION
	VC 081519

PROJECT TYPE
MULTI-FAMILY

COMMUNITY NAME
SOUTHEAST CHARLOTTE

LAWSON COMMUNITY ID
N/A

GARAGE HANDING
GARAGE LEFT

SPECIFICATION LEVEL
N/A

PLAN NAME
LAUREN/MASON

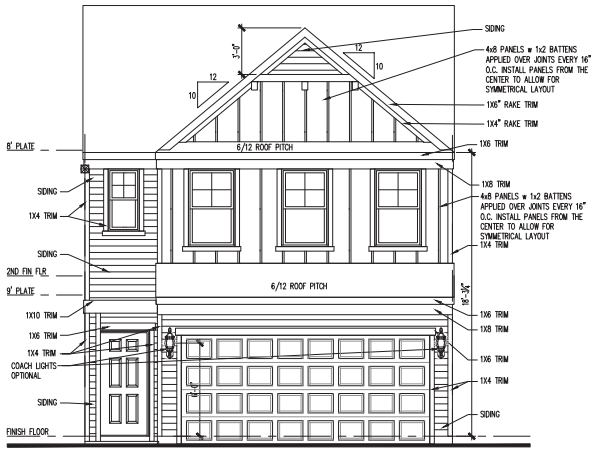
NPC PLAN NUMBER
N/A

LAWSON PLAN ID

LEGACY PLAN NUMBER / NAME
same as current

SHEET
3.2a

PLOTTED: July 16, 2020 / Rick Gibbs / L-ELEVATIONS.DWG



ELEVATION "A"

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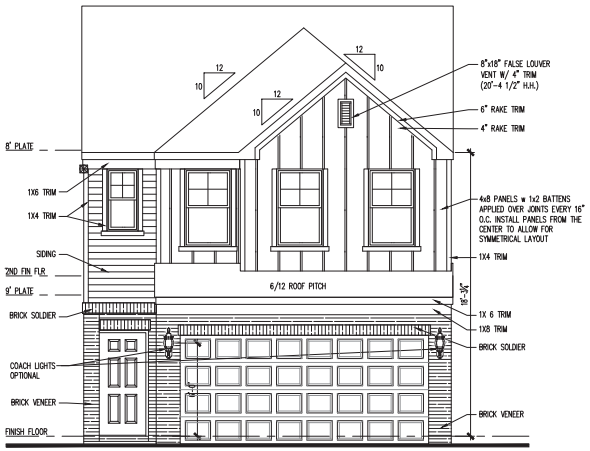

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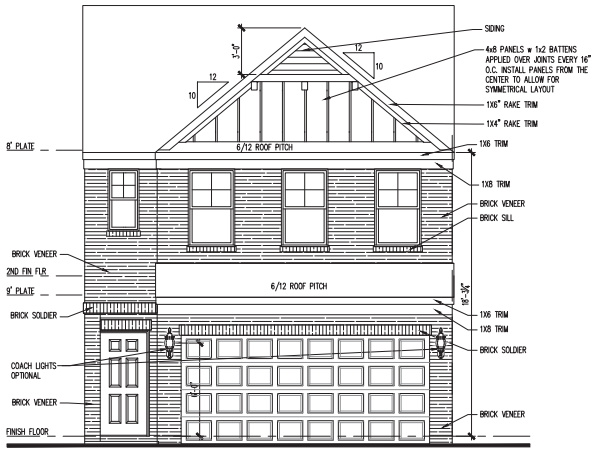

ELEVATION "C"

SCALE : 1/4" = 1'-0"

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BLANCHARD
FRONT ELEVATION "A", "B" & "C"
FRONT ENTRY GARAGE

PRODUCTION MANAGER
PAH
CURRENT RELEASE DATE: 08/15/2016

REV #	DATE / DESCRIPTION
	VC 081519
1	
2	
3	
4	
5	
6	
7	
8	

PROJECT TYPE
MULTI- FAMILY

COMMUNITY NAME
SOUTHEAST CHARLOTTE
LAWSON COMMUNITY ID
N/A

GARAGE HANDING
GARAGE LEFT

SPECIFICATION LEVEL
N/A

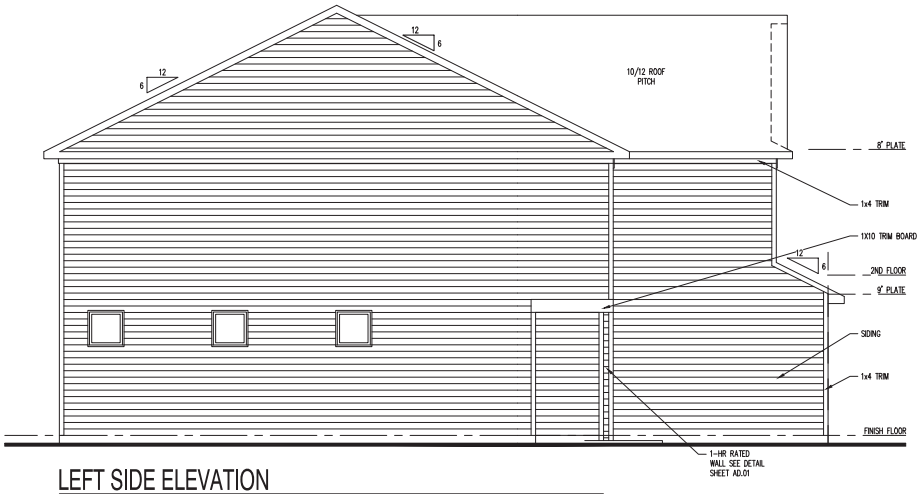
PLAN NAME
LAUREN/MASON
NPC PLAN NUMBER
N/A
LAWSON PLAN ID

LEGACY PLAN NUMBER / NAME
same as current

SHEET
3.1a

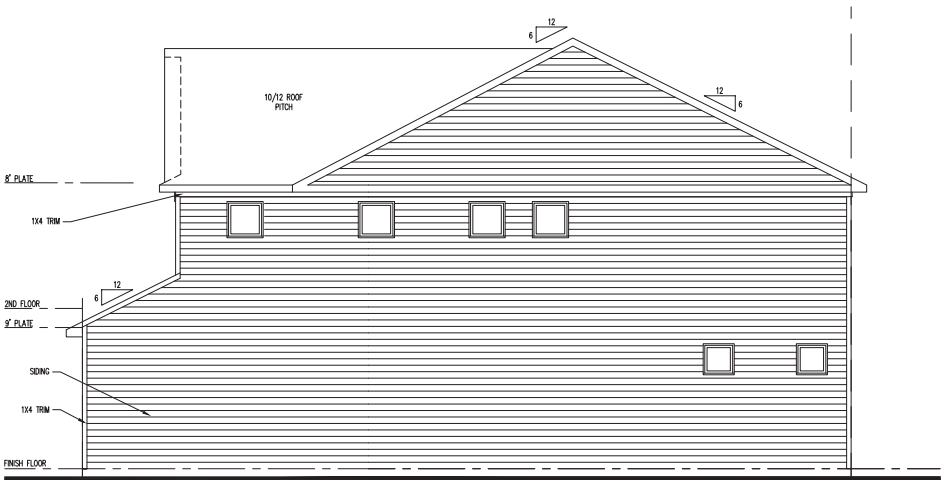
NOTE: SCALES NOTED ON DRAWINGS RELATE TO FULL SIZE PLOTS ON 22x34 SHEETS - 11x17 SHEETS REPRESENT 1/2 SCALE PLOTS

PLOTTED: July 16, 2020 / Rick Obos / L:\ELEVATION.DWG



LEFT SIDE ELEVATION

SCALE : 1/4" = 1'-0"



RIGHT SIDE ELEVATION

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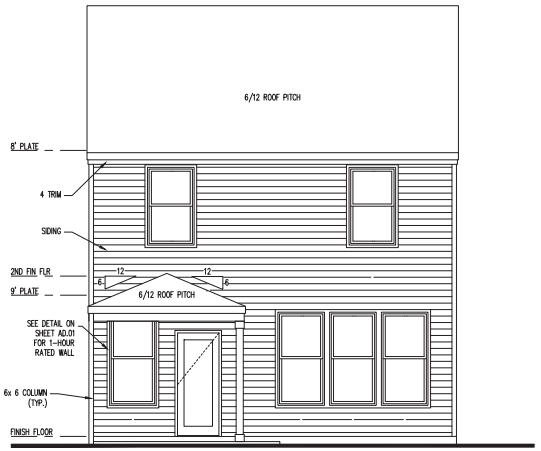

REAR ELEVATION

SCALE : 1/4" = 1'-0"

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BLANCHARD
SIDE AND REAR ELEVATIONS
FRONT ENTRY GARAGE

PRODUCTION MANAGER
PAH
CURRENT RELEASE DATE: 08/15/2016

REV #	DATE / DESCRIPTION
1	VC 081519
2	
3	
4	
5	
6	
7	
8	
9	

PROJECT TYPE
MULTI- FAMILY

COMMUNITY NAME
SOUTHEAST CHARLOTTE

LAWSON COMMUNITY ID
N/A

GARAGE HANDING
GARAGE LEFT

SPECIFICATION LEVEL
N/A

PLAN NAME
LAUREN/MASON

NPC PLAN NUMBER
N/A

LAWSON PLAN ID

LEGACY PLAN NUMBER / NAME
same as current

SHEET
3.2a

NOTE: SCALES NOTED ON DRAWINGS RELATE TO FULL SIZE PLOTS ON 22x34 SHEETS - 11x17 SHEETS REPRESENT 1/2 SCALE PLOTS

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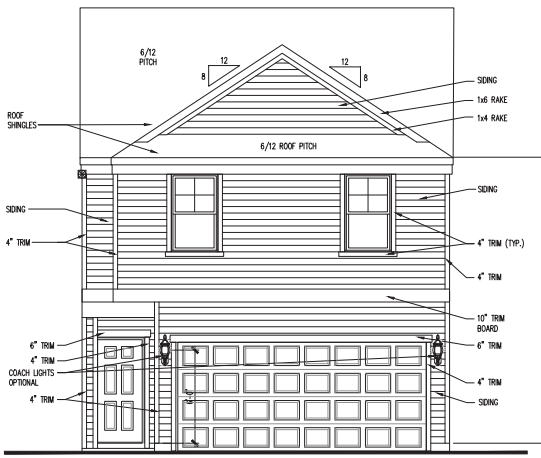

ELEVATION "A"

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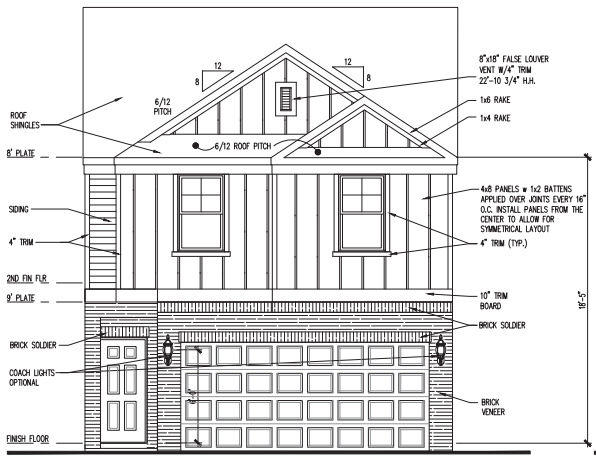

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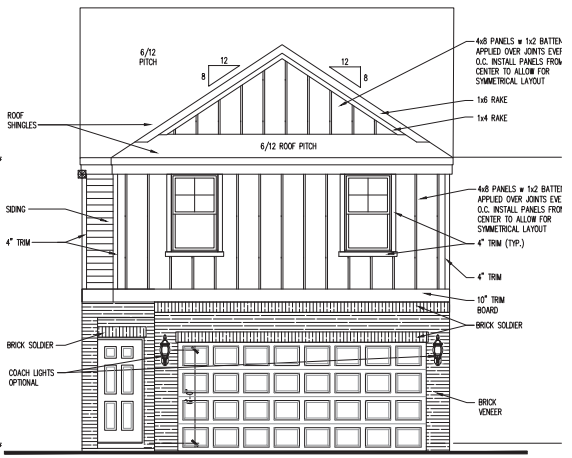

ELEVATION "C"

SCALE : 1/4" = 1'-0"

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STILLWELL
FRONT ELEVATION "A", "B" & "C"
FRONT ENTRY GARAGE

PRODUCTION MANAGER
PAH
CURRENT RELEASE DATE: 08/15/2016

REV #	DATE / DESCRIPTION
	VC 081519
1	
2	
3	
4	
5	
6	
7	
8	

PROJECT TYPE
MULTI-FAMILY

COMMUNITY NAME
SOUTHEAST CHARLOTTE

LAWSON COMMUNITY ID
N/A

GARAGE HANDING
GARAGE LEFT

SPECIFICATION LEVEL
N/A

PLAN NAME
LAUREN/MASON

NPC PLAN NUMBER
N/A

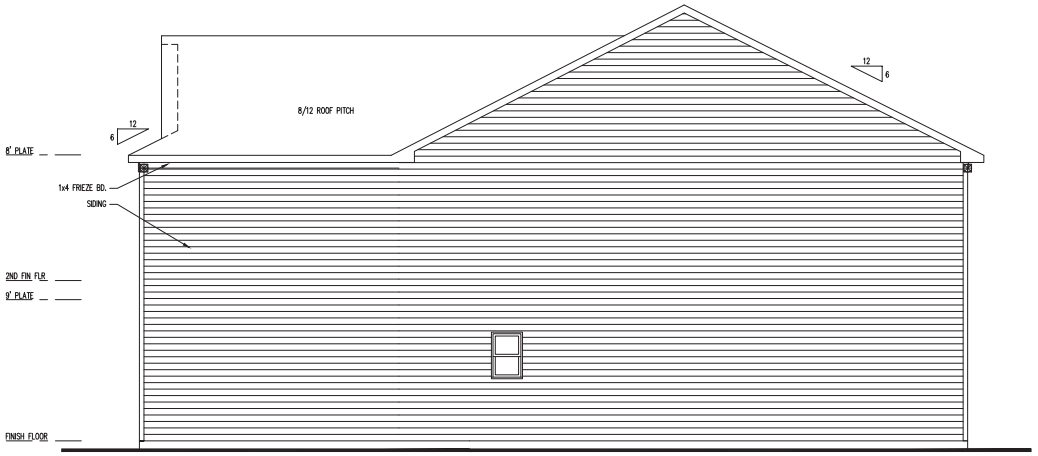
LAWSON PLAN ID

LEGACY PLAN NUMBER / NAME
same as current

SHEET
3.1a

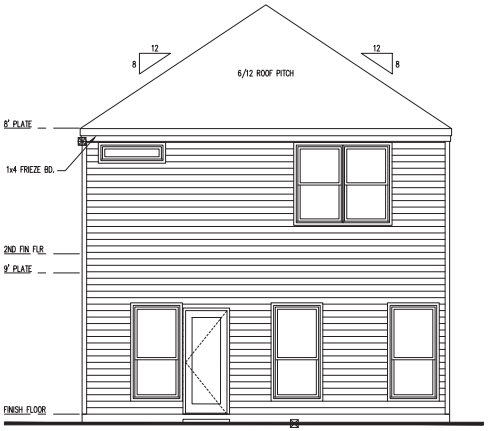
NOTE: SCALES NOTED ON DRAWINGS RELATE TO FULL SIZE PLOTS ON 22x34 SHEETS - 11x17 SHEETS REPRESENT 1/2 SCALE PLOTS

PLOTTED: July 17, 2020 / 65a 08m / L:\ELEVATION.DWG



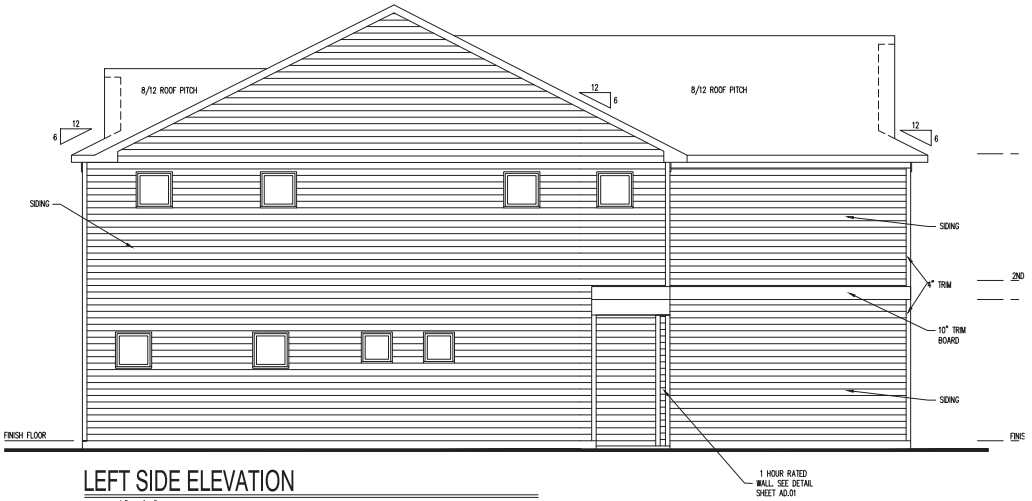
RIGHT SIDE ELEVATION

SCALE : 1/4" = 1'-0"



REAR ELEVATION

SCALE : 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE : 1/4" = 1'-0"

(c) Copyright Pulte Home Corporation - 2020

Southeast Zone
2475 Northwinds Pkwy. Suite 600
Alpharetta, GA 30009 (770) 381-3450

PulteGroup

STILLWELL
SIDE AND REAR ELEVATIONS
FRONT ENTRY GARAGE

PRODUCTION MANAGER
PAH
CURRENT RELEASE DATE: 08/15/2016

REV #	DATE / DESCRIPTION
	VC 081519

PROJECT TYPE: MULTI- FAMILY

COMMUNITY NAME: SOUTHEAST CHARLOTTE
LAWSON COMMUNITY ID: N/A

GARAGE HANDING: GARAGE LEFT

SPECIFICATION LEVEL: N/A

PLAN NAME: LAUREN/MASON
NPC PLAN NUMBER: N/A
LAWSON PLAN ID:

LEGACY PLAN NUMBER / NAME: same as current

SHEET: 3.2a

NOTE: SCALES NOTED ON DRAWINGS RELATE TO FULL SIZE PLOTS ON 22x34 SHEETS - 11x17 SHEETS REPRESENT 1/2 SCALE PLOTS

PLOTTED: July 17, 2020 / Rick Gibbs / L-ELEVATION.DWG

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

SPECIAL LAND USE PERMIT APPLICATION ANALYSIS

ZONING CASE #: Z2020-25 LEGISTAR #: 20200577

LANDOWNERS: 1998 Delk Industrial LLC
P.O. Box 133277
Atlanta, GA 30333

APPLICANT: Red Hare Brewing Co. LLC – Roger Davis
1998 Delk Industrial Blvd.
Marietta, GA 30067

PROPERTY ADDRESS: 1998 Delk Industrial Boulevard

PARCEL DESCRIPTION: 17071500150

AREA: 1.18 COUNCIL WARD: 1A

EXISTING ZONING: LI (Light Industrial)

REQUEST: LI (Light Industrial) with SLUP – Special Land Use Permit

FUTURE LAND USE MAP
RECOMMENDATION: IW (Industrial Warehousing)

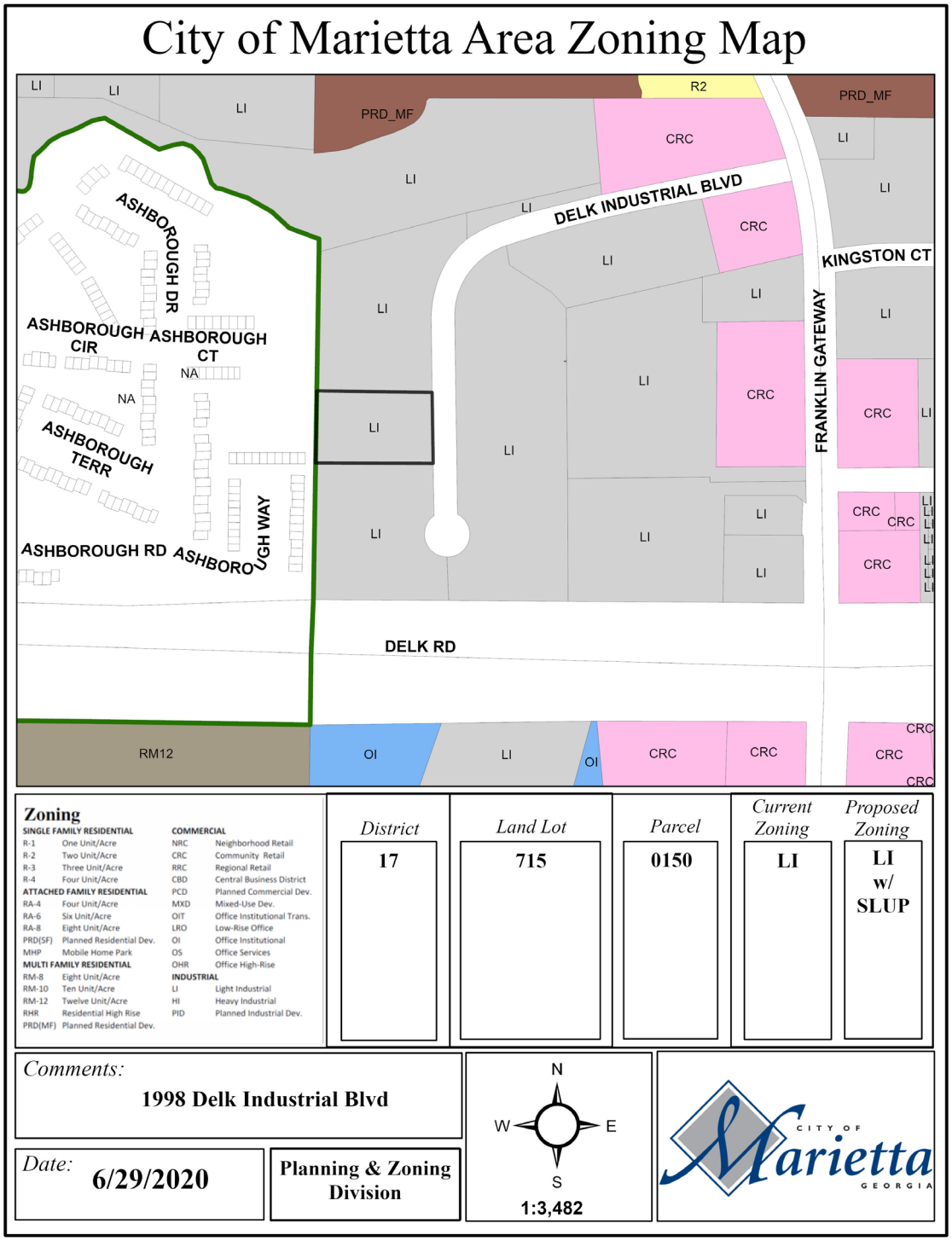
REASON FOR REQUEST: The applicant is requesting a SLUP in order to operate a mobile retail food establishment (food truck) as an accessory to its primary business.

PLANNING COMMISSION HEARING: Tuesday, August 4, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, August 12, 2020 – 7:00 p.m.

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

MAP



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205 Lawrence Street
Marietta, Georgia 30060
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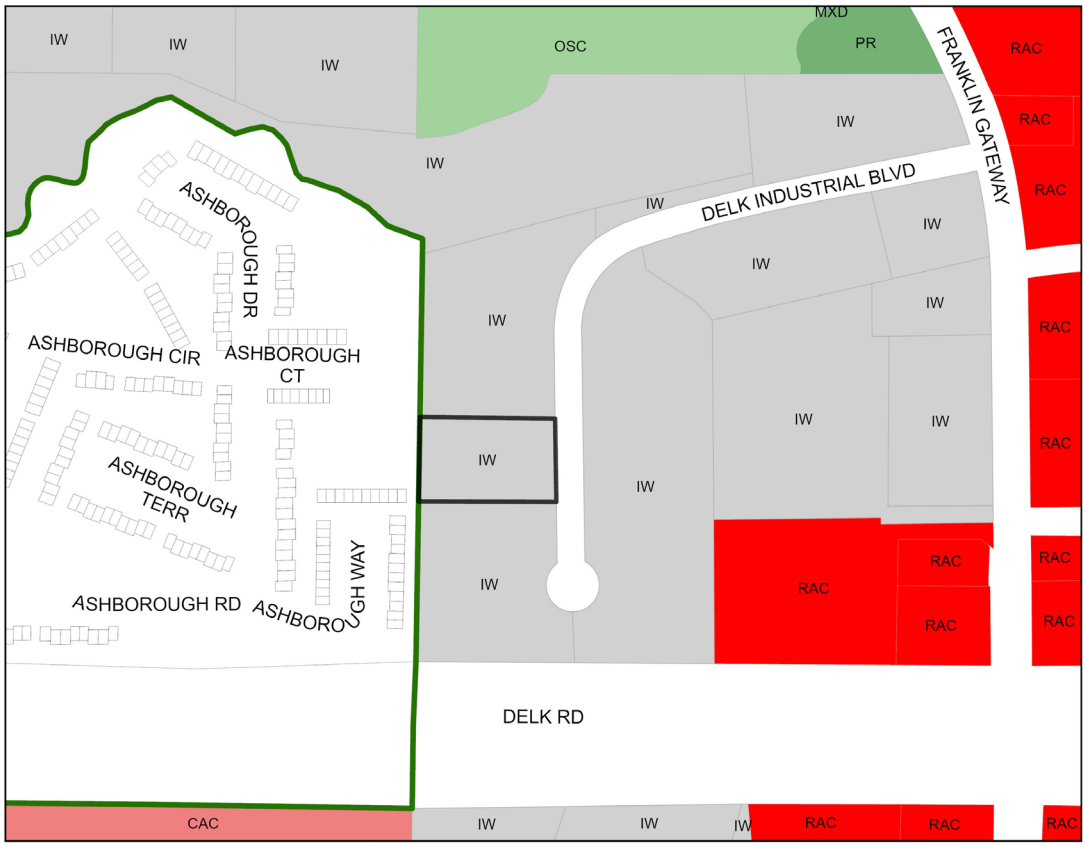
City of Marietta Area FLU Map



Future Land Use

LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
NAC	Neighobrhood Activity
CAC	Community Activity Center
RAC	Regional Activity Center
CBD	Central Business District
IM	Industrial - Manufacturing
IW	Industrial - Warehousing
OSC	Open Space/Conservation
PR	Parks & Recreation
CSI	Community Service & Institutional
TCU	Transportation, Communication & Utilities
MXD	Mixed Use

District	*Land Lot*	*Parcel*	*Current FLU*	*Proposed FLU*
17	715	0150	IW	n/a

Comments: **1998 Delk Industrial Blvd**

Date: **6/29/2020**

Planning & Zoning Division

N W E S

1:3,482

CITY OF Marietta GEORGIA

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

PICTURES OF PROPERTY

1998 Delk Industrial Boulevard

Proposed food truck location – to the right of the main entrance

Proposed food truck location left of the main entrance

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

STAFF ANALYSIS

Location Compatibility

Red Hare Brewing Co. LLC is seeking a Special Land Use Permit (SLUP) for the property at 1998 Delk Industrial Boulevard. The subject property and all surrounding properties are zoned LI (Light Industrial), except the property to the rear (west of the property) that is zoned RM-12 – Residential Multi-family in unincorporated Cobb County. The 1.2 acre property has been operated by Red Hare Brewing Co. since 2011. The surrounding businesses consist of wholesale, sales office, contractors, and other related industrial businesses. The applicant wishes to add to its location a mobile retail food establishment (food truck) to operate permanently on the property.

Use Potential and Impacts

The applicant's SLUP request would allow a food truck to operate and remain on-site permanently. The food truck would operate six (6) days a week during normal business hours, which are listed as:

Tuesday-Thursday 3:00-9:00pm
Friday 3:00-10:00pm
Saturday 12:00-10:00pm
Sunday 12:30-7:00pm

The subject property currently has outdoor seating in the front yard and toward the northeastern section of the site. Based on the submitted site plan, the applicant proposes two potential locations for the food truck – one directly in front of building, left of the main entrance; and the other to the side of building, right of the main entrance. Either placement must be at least 10 feet from the main structure per Marietta Fire Department.

As conditionally allowed by the Director of Development Services, mobile retail food establishments are allowed on property zoned LI according to the restrictions listed below:

a) Written permission of the property owner is obtained.
b) Such use does not last longer than 3 days consecutively and 12 days annually.
c) These uses shall be located at least 50 feet from any property line and not within any public right-of-way or City owned property, unless otherwise authorized by the City.
d) If property is within fifty (50) feet of a residentially zoned parcel, measured property line to property line, then food truck operations shall cease at 9:00 p.m.
e) Adequate paved parking, ingress and egress are provided on site.
f) A temporary use permit is applied for and approved by the Director of the Department of Development Services.
g) The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to Mobile Retail Establishments; all such variance requests must be submitted to City Council. Variances for mobile food establishments shall be considered according to the criteria defined under §712.01 (E).

Staff does not have the authority to allow a food truck for more than twelve (12) days a year. In addition, based on the subject property's proximity to a residential property, current regulations require that the food truck operation must cease at 9:00 p.m. Any relief from these conditions could only be authorized by City Council. Although the subject property has never operated as an eating establishment, it has provided regular outdoor seating for guests.

The subject property's Future Land Use designation is IW (Industrial Warehousing). The purpose of IW is to *provide areas that can support light industrial, office/warehouse and distribution uses, and the vehicular traffic associated with such uses*. Compatible zonings include LI, OS, and PID. The food truck is an accessory use to support the existing business, which is compatible with a future land use of IW and may also support the surrounding industrial businesses. Therefore, this SLUP request is supported by the City's Comprehensive Plan.

Environmental Impacts

Food service qualifies as an MS4 "highly-visible pollutant source" facility due to food waste. Proof of proper methods for grease and wash water storage and disposal would be required. Otherwise, no floodplains, wetlands, topographical concerns, streams, or endangered species are present on the site.

Economic Functionality

There has been consistend business license history on the property, suggesting it is a functioning property as currently zoned. Broadening the types of allowed uses may increase the occupancy of the building. However, because the property was built specifically for industrial use, it does not contain the aspects of food preparation and/or disposal that is needed to operate any eating establishment.

It should also be noted that Red Hare Brewing Co. LLC has discussed a proposal to add a location on the Marietta Square.

Infrastructure

The proposed locations for the food truck would not be within any parking area so the existing amount of parking spaces would be maintained. The site plan provided does not have the parking spaces clearly marked. However, aerial images indicate there are approximately seventeen (17) spaces on site, which would satisfy the requirements for a manufacturing facility with an accessory food trailer.

This request for a food truck should not have any additional impacts on the education, water, sewer, electricity, or other public infrastructure in the area as long as the proper food disposal practices are conducted.

History of Property

The Board of Zoning Appeals previously approved the following variances:

- V2014-57: Variance to reduce the required landscape buffer from 50' to 10' to accommodate new parking lot with the stipulation that the City Arborist inspect the property to determine whether additional evergreen trees should be required, as described and depicted in that certain letter dated October 27, 2014 from D. Boyd Johnson to the City of Marietta Board of Zoning Appeals.

  ***This parking area was never built.*

- V2015-19: Variance to allow the use of metal siding on the front and side of a building facing a roadway.

There is no history of any Special Land Use Permits or rezonings for the subject property.

Other Issues

Based on the current pandemic state, the outdoor seating area shall comply with social distancing orders and all utility hook ups shall be screened from view from the public right-of-way.

City Council shall consider, at a minimum, the following in its determination of whether or not to grant a Special Land Use Permit:

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

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

ANALYSIS & CONCLUSION

Red Hare Brewing Co. LLC is seeking a Special Land Use Permit (SLUP) for the property at 1998 Delk Industrial Boulevard. The subject property and all surrounding properties are zoned LI, except the property to the rear that is zoned RM-12 in Cobb County. The 1.2 acre parcel has been operated by Red Hare Brewing Co. since 2011. The surrounding businesses consist of wholesale, sales office, contractors, and other related industrial businesses. The applicant wishes to add to its location a mobile retail food establishment (food truck) to operate permanently on the property.

The applicant's SLUP request would allow a food truck to operate six (6) days a week during normal business hours. The subject property currently has outdoor seating in the front yard and toward the northeastern section of the site. Based on the submitted site plan, the applicant proposes two potential locations for the food truck – one directly in front of building, left of the main entrance; and the other to the side of building, right of the main entrance. Either placement must be at least 10 feet from the main structure per Marietta Fire Department.

Staff does not have the authority to allow a food truck for more than twelve (12) days a year. In addition, based on the subject property's proximity to a residential property, the food truck operation must cease at 9:00 p.m. unless explicitly authorized by City Council to operate later. Although the subject property has never operated as an eating establishment, it has provided regular outdoor seating for guests.

The subject property's Future Land Use designation is IW, which is compatible with LI, OS, and PID zonings. The food truck is an accessory use to support the existing business, which is compatible with a future land use of IW. Therefore, this SLUP request is supported by the City's Comprehensive Plan.

Prepared by: Jasi Thut

Approved by: Rusty Roth

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

DATA APPENDIX

CITY OF MARIETTA - WATER

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

CITY OF MARIETTA - WASTEWATER

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

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	Yes
What percentage of the property is in the flood plain?	20%
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	Yes
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Additional Comments:

- Full site development plans required
- Site plans must address what methods will be proposed for used grease, wash water storage and/or disposal

TRANSPORTATION

What is the road effected by the proposed change?	Delk Industrial Boulevard
What is the classification of the road?	Local
What is the traffic count for the road?	NA
Estimated # of trips generated by the proposed development?	NA
Estimated # of pass-by cars entering proposed development?	NA
Do sidewalks exist in the area?	No
Transportation improvements in the area?	None
If yes, what are they?	

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

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	1160 Franklin Gateway
Distance of the nearest station?	0.3 miles
Most likely station for 1st response?	55
Service burdens at the nearest city fire station (under, at, or above capacity)?	Under

Comments:

- Unit can be no closer than 10 feet from the building.
- All state requirements for food truck or mobile food vendors must be met.
- If variable food trucks, each will have to be inspected each time. If same vendor and same unit inspection not required each time.
-

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x___ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440
Rusty Roth, AICP, Director

APPLICATION FOR SPECIAL LAND USE PERMIT

(Owner/Applicant/or Representative must be present at all public hearings)

For Office Use Only:

Application#: Z2020-25 Legistar#: 20200577 PZ #: 20-187

PC Hearing: 8/4/2020 CC Hearing : 8/12/2020 BZA Hearing: n/a

[X] Planning Commission/City Council [ ] Board of Zoning Appeals

Owner's Name 1998 Delk Industrial LLC

Address PO Box 133277, Atlanta, GA Zip Code: 30333

Telephone Number: 404 806 4452 Email Address: rmccaffrey@tamarackinv.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Red Hare Brewing Co. LLC - Roger Davis

Address 1998 Delk Industrial Blvd, Marietta, GA Zip Code: 30067

Telephone Number 770-331-8763 Email Address: roger@redharebrewing.com

Address of property for which special land use is requested:

1998 Delk Industrial Blvd Date of Acquisition: June 2019

Land Lot (s) 715 District 17 Parcel 0150 Acreage 1.18 Zoned LI Ward 1A FLU IW

List the special land use permit requested (please attach any additional information):

Food truck as part of our outdoor patio to operate 6 days a week during our regular brewery tasting hours

Required Information

1. Application fee: Board of Zoning Appeals ($250) or Planning Commission/City Council ($500)
2. Completed notarized application. **The original application must be submitted with ALL original signatures – Copies of the application or signature(s) will NOT be accepted.**
3. Legal description of property. **Legal description must be in a WORD DOCUMENT.**
4. Site plan: One copy scaled to an 8 ½" X 11" size. If larger than 11" x 17", will need 25 copies. Site plan must be drawn to scale prepared by an architect, engineer, (P.E. or Civil Engineer), whose state registration is current and valid.
5. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

OVER

CAMPAIGN CONTRIBUTIONS

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

Signature of Owner

J. RYAN MCCAFFREY
Print Name

Signature of Applicant

Roger Davis
Print Name

FINANCIAL INTEREST

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

Print Name

Roger Davis
Signature of Applicant

OWNER/APPLICANT CERTIFICATION

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

Signature

Roger DAVIS
Please Print

1998 Delk Industrial Blvd. Marietta, GA 30067
Address

6-23-20
Date

Signed, sealed and delivered in the presence of:

Notary Public State of Florida
Holly A Mann
My Commission GG 343007
Expires 07/27/2023

My Commission Expires: 7/27/23

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

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

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, August 4th, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, August 12th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-25 [SPECIAL LAND USE PERMIT] RED HARE BREWING CO. LLC is requesting a Special Land Use Permit for 1.2 acres located in Land Lot 715, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1998 Delk Industrial Boulevard from LI (Light Industrial) to LI (Light Industrial) with a special land use permit for a mobile retail food establishment. Ward 1A.

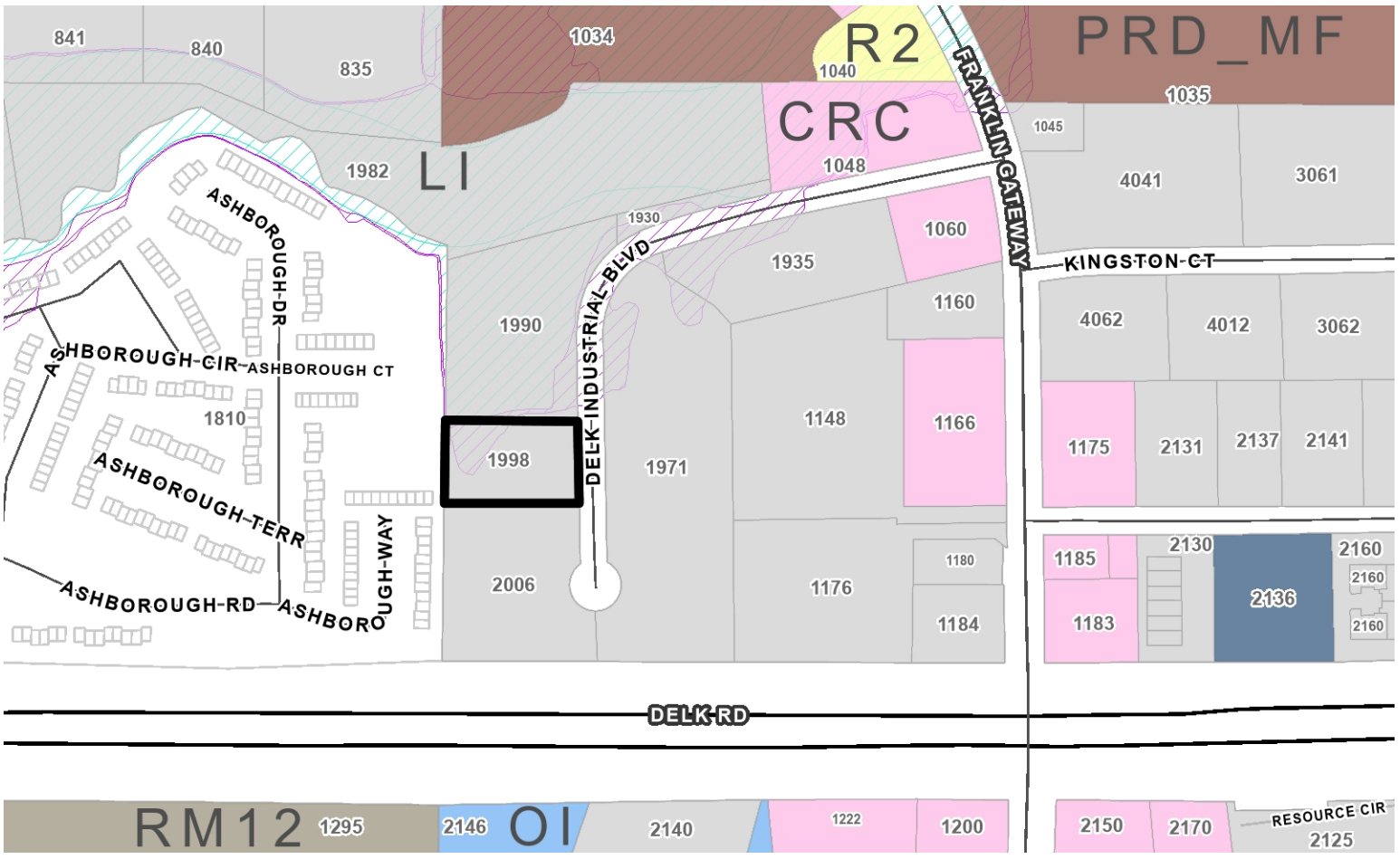
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

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

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Special Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1998 DELK INDUSTRIAL BLVD	17071500150	1.207	1A	LI	IW

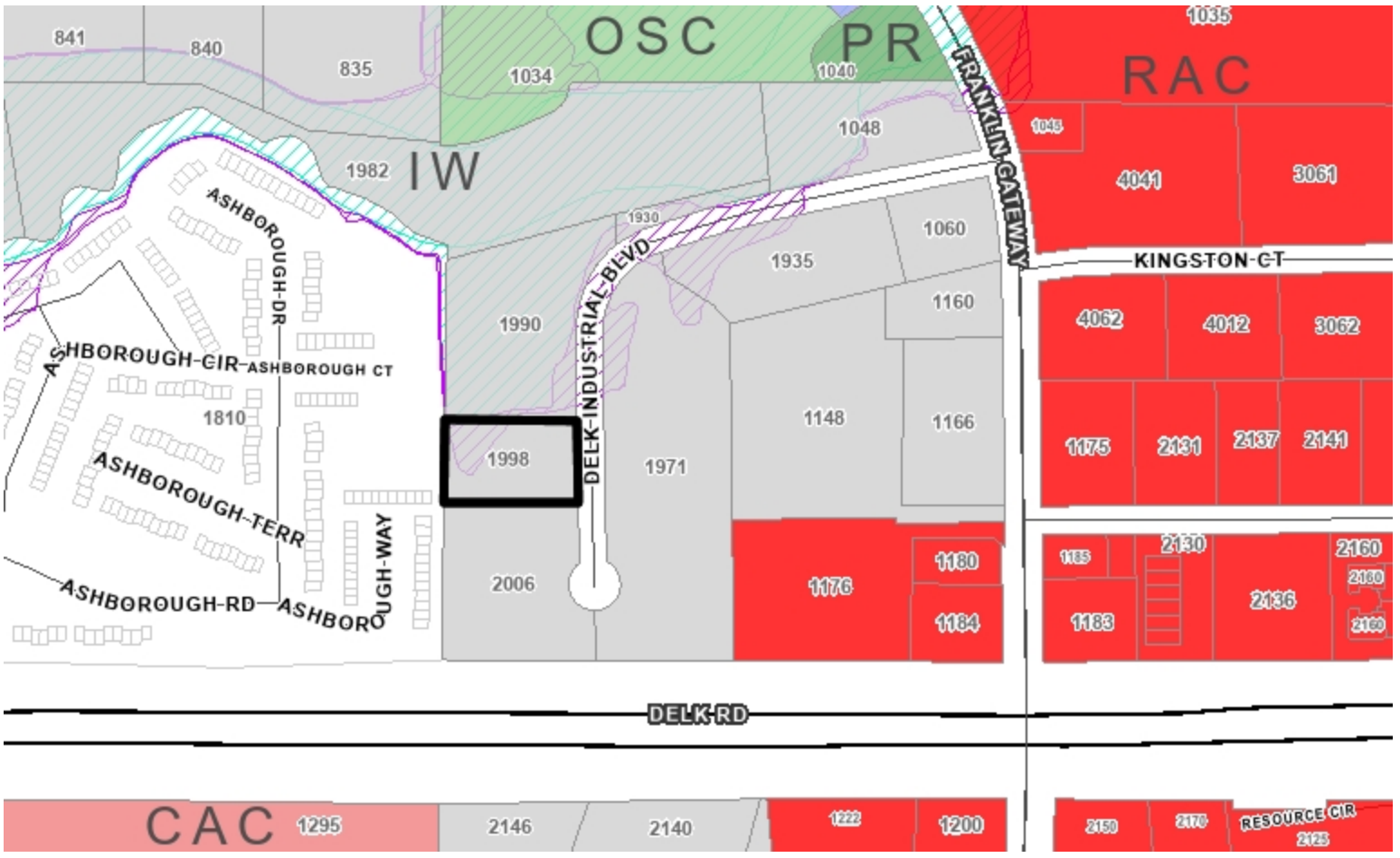
Property Owner:	1998 Delk Industrial LLC
Applicant:	Red Hare Brewing Co, LLC/Roger Davis
Agent:	
Proposed Use:	
Planning Commission Hearing Date:	08/04/2020
City Council Hearing Date:	08/12/2020
Case Number:	Z2020-25 SLUP

City of Marietta Planning & Zoning

Zoning Symbols

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

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1998 DELK INDUSTRIAL BLVD	17071500150	1.207	1A	LI	IW

Planning Commission Hearing Date:	08/04/2020
City Council Hearing Date:	08/12/2020
Future Land Use:	IW
Case Number:	Z2020-25 SLUP
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

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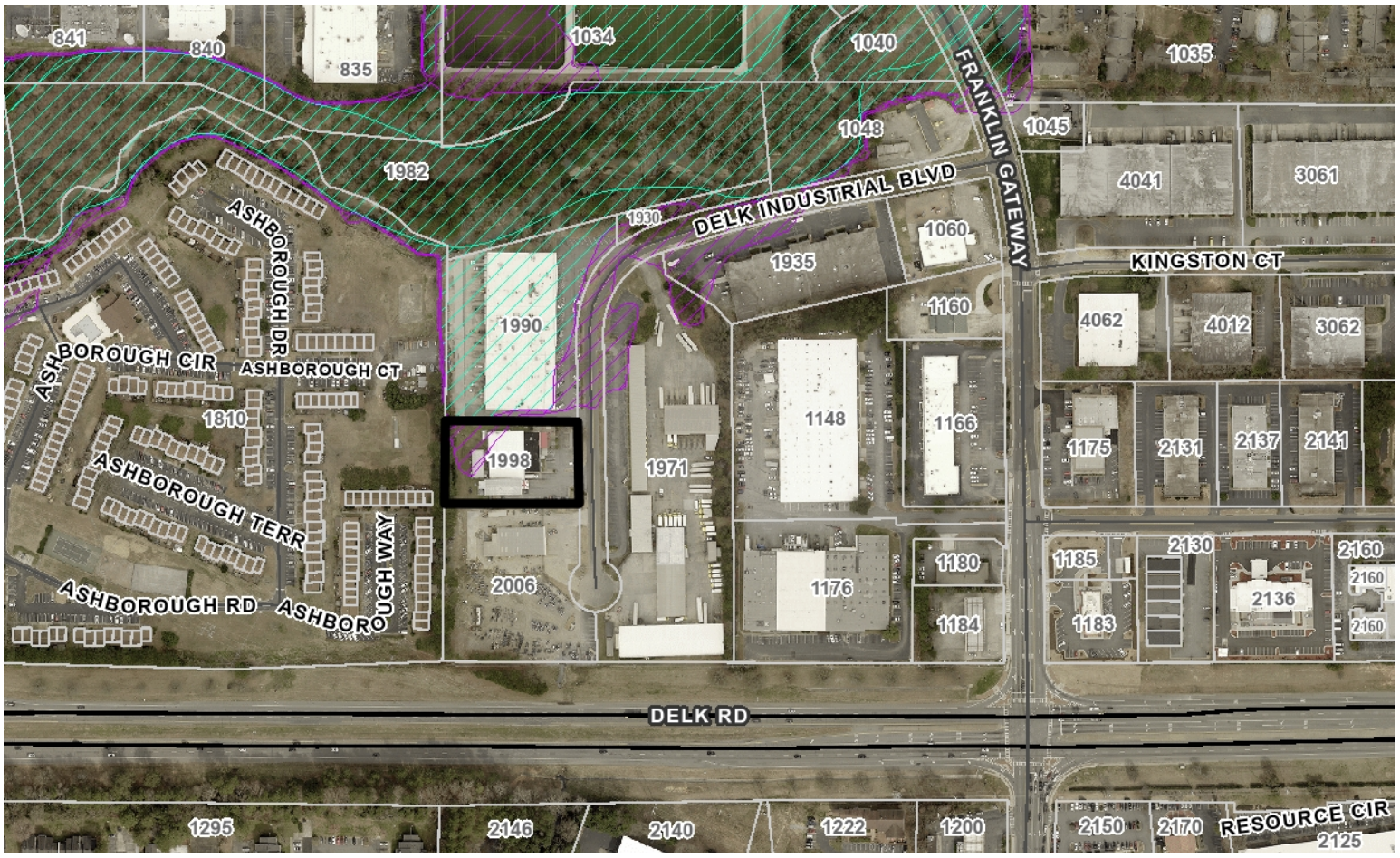
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities

Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1998 DELK INDUSTRIAL BLVD	17071500150	1.207	1A	LI	IW

Property Owner: 1998 Delk Industrial LLC

Applicant: Red Hare Brewing Co, LLC/Roger Davis

City Council Hearing Date: 08/12/2020

Planning Commission Hearing Date: 08/04/2020

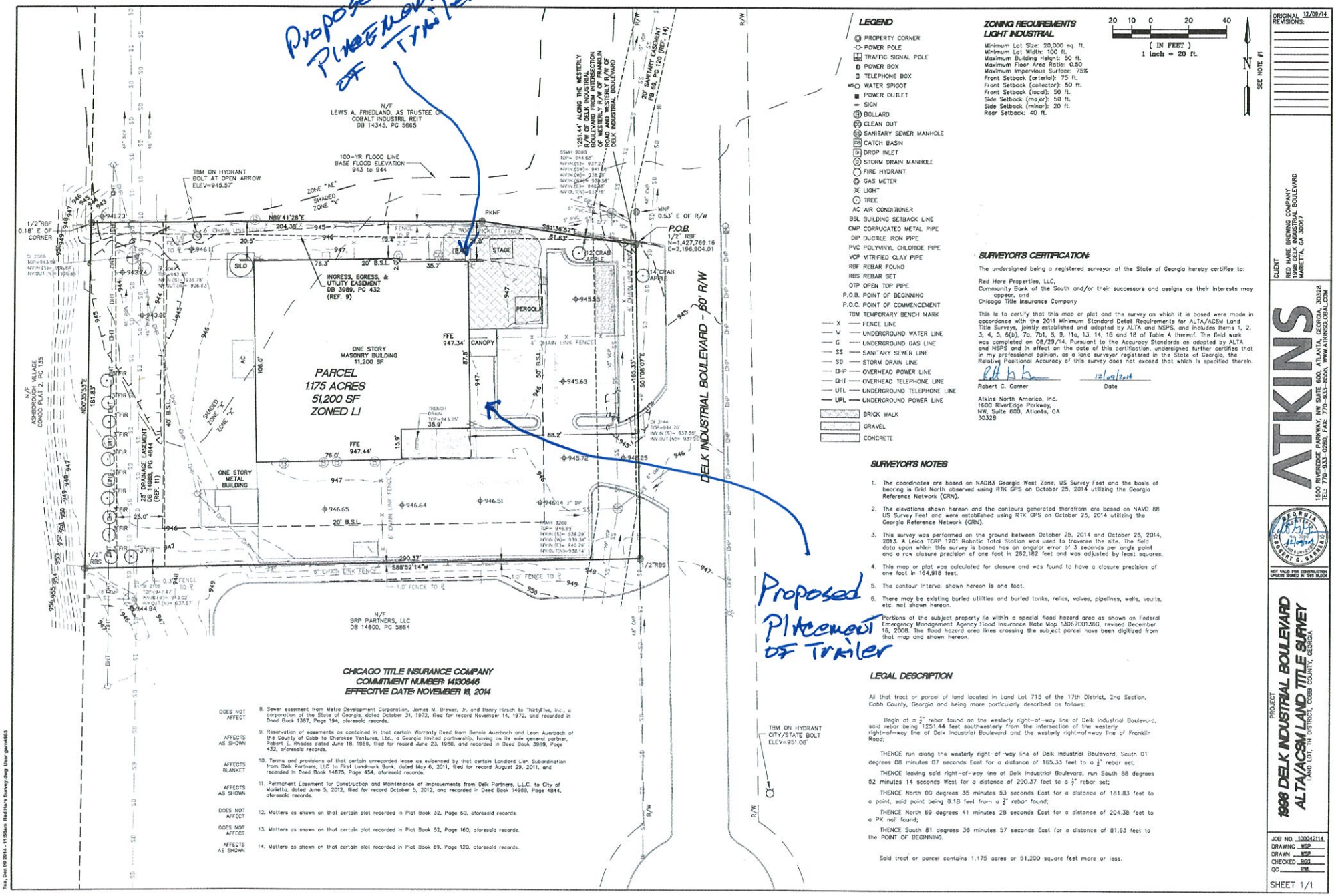
BZA Hearing Date: Case Number: Z2020-25 SLUP

Comments:

Legend

- Railroads
- City Limits
- Cobb County Pockets

City of Marietta Planning & Zoning



LEGEND

- PROPERTY CORNER
- POWER POLE
- TRAFFIC SIGNAL POLE
- POWER BOX
- TELEPHONE BOX
- WATER SPIGOT
- POWER OUTLET
- SIGN
- BOLLARD
- CLEAN OUT
- SANITARY SEWER MANHOLE
- CATCH BASIN
- DROP INLET
- STORM DRAIN MANHOLE
- FIRE HYDRANT
- GAS METER
- LIGHT
- TREE
- AC AIR CONDITIONER
- BSL BUILDING SETBACK LINE
- CMP CORRUGATED METAL PIPE
- DIP DUCTILE IRON PIPE
- PVC POLYVINYL CHLORIDE PIPE
- VCP VITRIFIED CLAY PIPE
- RBF REBAR FOUND
- RBS REBAR SET
- OTP OPEN TOP PIPE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- TBM TEMPORARY BENCH MARK
- FENCE LINE
- UGW UNDERGROUND WATER LINE
- UG UNDERGROUND GAS LINE
- SS SANITARY SEWER LINE
- SD STORM DRAIN LINE
- OHP OVERHEAD POWER LINE
- OHT OVERHEAD TELEPHONE LINE
- UTL UNDERGROUND TELEPHONE LINE
- UPL UNDERGROUND POWER LINE
- BRICK WALK
- GRAVEL
- CONCRETE

ZONING REQUIREMENTS LIGHT INDUSTRIAL

Minimum Lot Size: 20,000 sq. ft.
Minimum Lot Width: 100 ft.
Maximum Building Height: 50 ft.
Maximum Floor Area Ratio: 0.50
Maximum Impervious Surface: 75%
Front Setback (arterial): 75 ft.
Front Setback (collector): 50 ft.
Front Setback (local): 50 ft.
Side Setback (major): 50 ft.
Side Setback (minor): 20 ft.
Rear Setback: 40 ft.

20 10 0 20 40
(IN FEET)
1 inch = 20 ft.

N

SEE NOTE #1

SURVEYOR'S CERTIFICATION

The undersigned being a registered surveyor of the State of Georgia hereby certifies to:

Red Hare Properties, LLC,
Community Bank of the South and/or their successors and assigns as their interests may appear, and
Chicago Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 7a, 7b1, 8, 9, 11a, 13, 14, 16 and 18 of Table A thereof. The field work was completed on 08/29/14. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Georgia, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Robert G. Garner — 12/09/2014 Date

Atkins North America, Inc.
1600 RiverEdge Parkway,
NW, Suite 600, Atlanta, GA
30328

SURVEYOR'S NOTES

1. The coordinates are based on NAD83 Georgia West Zone, US Survey Feet and the basis of bearing is Grid North observed using RTK GPS on October 25, 2014 utilizing the Georgia Reference Network (GRN).
2. The elevations shown hereon and the contours generated therefrom are based on NAVD 88 US Survey Feet and were established using RTK GPS on October 25, 2014 utilizing the Georgia Reference Network (GRN).
3. This survey was performed on the ground between October 25, 2014 and October 26, 2014, 2013. A Leica TCRP 1201 Robotic Total Station was used to traverse the site. The field data upon which this survey is based has an angular error of 3 seconds per angle point and a raw closure precision of one foot in 262,182 feet and was adjusted by least squares.
4. This map or plat was calculated for closure and was found to have a closure precision of one foot in 164,918 feet.
5. The contour interval shown hereon is one foot.
6. There may be existing buried utilities and buried tanks, relics, valves, pipelines, wells, vaults, etc. not shown hereon.
7. Portions of the subject property lie within a special flood hazard area as shown on Federal Emergency Management Agency Flood Insurance Rate Map 13067C0136G, revised December 16, 2008. The flood hazard area lines crossing the subject parcel have been digitized from that map and shown hereon.

CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NUMBER: 1430846
EFFECTIVE DATE: NOVEMBER 18, 2014

DOES NOT AFFECT	8. Sewer easement from Metro Development Corporation, James M. Brewer, Jr. and Henry Hirsch to Thirty/five, Inc., a corporation of the State of Georgia, dated October 31, 1972, filed for record November 14, 1972, and recorded in Deed Book 1367, Page 194, aforesaid records.
AFFECTS AS SHOWN	9. Reservation of easements as contained in that certain Warranty Deed from Bennie Auerbach and Leon Auerbach of the County of Cobb to Cherokee Ventures, Ltd., a Georgia limited partnership, having as its sole general partner, Robert E. Rhodes dated June 18, 1986, filed for record June 23, 1986, and recorded in Deed Book 3989, Page 432, aforesaid records.
AFFECTS BLANKET	10. Terms and provisions of that certain unrecorded lease as evidenced by that certain Landlord Lien Subordination from Delk Partners, LLC to First Landmark Bank, dated May 6, 2011, filed for record August 29, 2011, and recorded in Deed Book 14875, Page 454, aforesaid records.
AFFECTS AS SHOWN	11. Permanent Easement for Construction and Maintenance of Improvements from Delk Partners, L.L.C. to City of Marietta, dated June 5, 2012, filed for record October 5, 2012, and recorded in Deed Book 14988, Page 4844, aforesaid records.
DOES NOT AFFECT	12. Matters as shown on that certain plat recorded in Plat Book 32, Page 60, aforesaid records.
DOES NOT AFFECT	13. Matters as shown on that certain plat recorded in Plat Book 52, Page 160, aforesaid records.
AFFECTS AS SHOWN	14. Matters as shown on that certain plat recorded in Plat Book 69, Page 120, aforesaid records.

LEGAL DESCRIPTION

All that tract or parcel of land located in Land Lot 715 of the 17th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Begin at a ½" rebar found on the westerly right-of-way line of Delk Industrial Boulevard, said rebar being 1251.44 feet southwesterly from the intersection of the westerly right-of-way line of Delk Industrial Boulevard and the westerly right-of-way line of Franklin Road;

THENCE run along the westerly right-of-way line of Delk Industrial Boulevard, South 01 degrees 08 minutes 07 seconds East for a distance of 165.33 feet to a ½" rebar set;

THENCE leaving said right-of-way line of Delk Industrial Boulevard, run South 88 degrees 52 minutes 14 seconds West for a distance of 290.37 feet to a ½" rebar set;

THENCE North 00 degrees 35 minutes 53 seconds East for a distance of 181.83 feet to a point, said point being 0.18 feet from a ½" rebar found;

THENCE North 89 degrees 41 minutes 28 seconds East for a distance of 204.38 feet to a PK nail found;

THENCE South 81 degrees 36 minutes 57 seconds East for a distance of 81.63 feet to the POINT OF BEGINNING.

Said tract or parcel contains 1.175 acres or 51,200 square feet more or less.

CLIENT
RED HARE BREWING COMPANY
1960 DELK INDUSTRIAL BOULEVARD
MARIETTA, GA 30067

ATKINS
1600 RIVEREDGE PARKWAY, NW SUITE 600, ATLANTA, GEORGIA, 30328
TEL: 770-933-0280, FAX: 770-933-8668, WWW.ATKINSGLOBAL.COM

GEORGIA — ROBERT G. GARNER — 24706 — REGISTERED LAND SURVEYOR
NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN RED BLOCK

ORIGINAL 12/09/14
REVISIONS:

PROJECT
1960 DELK INDUSTRIAL BOULEVARD
ALTA/ACSM LAND TITLE SURVEY
LAND LOT, 1TH DISTRICT, COBB COUNTY, GEORGIA

JOB NO. 100042114
DRAWING WSP
DRAWN WSP
CHECKED RGG
QC RWL

SHEET 1/1

Either Placement will work
Just 1 Placement Needed

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

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-26 **LEGISTAR: 20200578**

LANDOWNERS: **Jeffery M. Jones, ZMW LLP**
3396 Robinson Farms Trace
Marietta, GA 30068

APPLICANT: **Same as above**

AGENT: **N/A**

PROPERTY ADDRESS: **590 Commerce Park Drive**

PARCEL DESCRIPTION: **17 03620 0110**

AREA: ~3.277 acres **COUNCIL WARD: 1A**

EXISTING ZONING: **LI (Light Industrial)**

REQUEST: **LI (Light Industrial) with an additional use as a bank or financial institution**

FUTURE LAND USE: **IW (Industrial Warehousing)**

REASON FOR REQUEST: The applicant is requesting the rezoning of the subject property from LI to LI with an additional use in order to operate as a bank.

PLANNING COMMISSION HEARING: Tuesday, August 4th, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, August 12th, 2020 – 7:00 p.m.

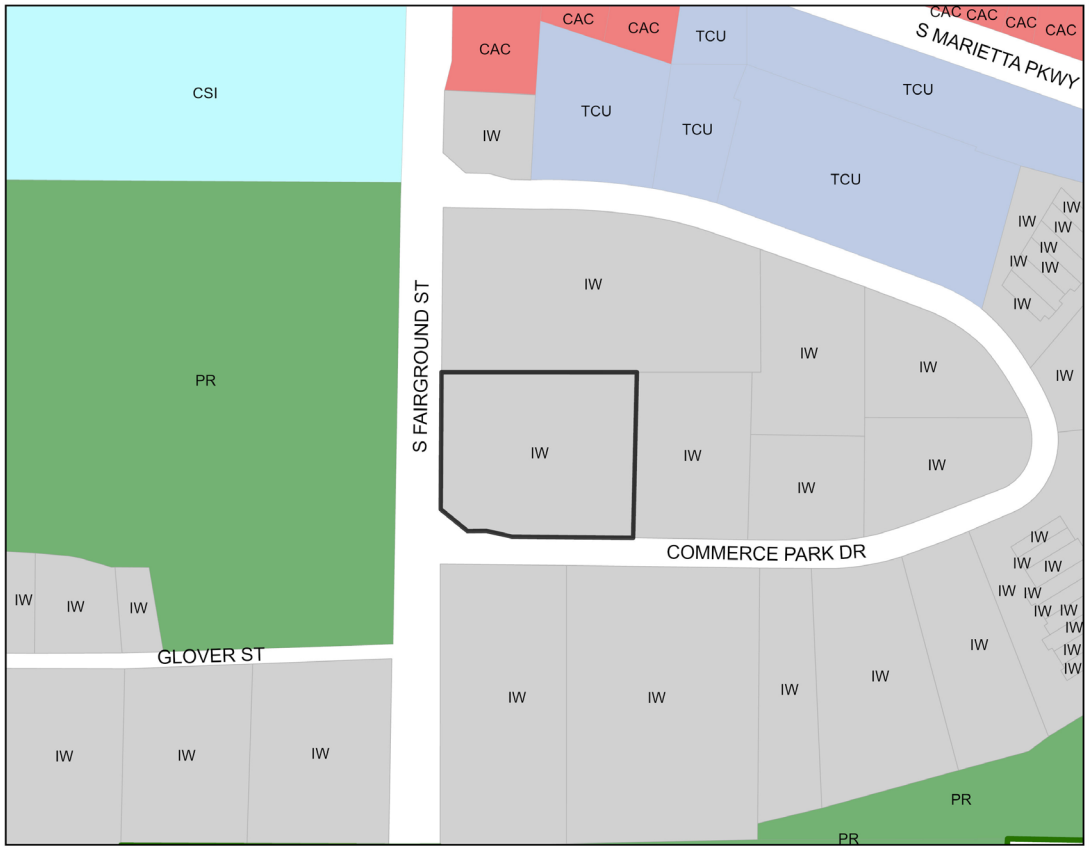
Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

MAP

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

FLU MAP

City of Marietta Area FLU Map



Future Land Use

LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
NAC	Neighobrhood Activity
CAC	Community Activity Center
RAC	Regional Activity Center
CBD	Central Business District
IM	Industrial - Manufacturing
IW	Industrial - Warehousing
OSC	Open Space/Conservation
PR	Parks & Recreation
CSI	Community Service & Institutional
TCU	Transportation, Communication & Utilities
MXD	Mixed Use

District	*Land Lot*	*Parcel*	*Current FLU*	*Proposed FLU*
17	362	0110	IW	n/a

Comments:
590 Commerce Park Dr

Date: **1/9/2020**

Planning & Zoning Division

N W E S
1:3,482

CITY OF Marietta GEORGIA

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

PICTURES OF PROPERTY

Subject property at 590 Commerce Park Dr

Front setback portion of subject property

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

STAFF ANALYSIS

Location Compatibility

The applicant, ZMW LLP, is requesting the rezoning of 590 Commerce Park Drive from LI (Light Industrial) to LI with an additional use so that an individual suite may be used by LGE Credit Union. The property has been used as an office park with businesses such as insurance companies, tool repairs/services, and a real estate agency. The property is approximately 3.277 acres and sits at the corner of South Fairground Street and Commerce Park Drive. The parcels to the east, north, and south of the subject property are also zoned LI, while the property across South Fairground Street to the west is zoned OI (Office Institutional). The applicant's request is to allow the operation of a bank in a Light Industrial zoning district.

Use Potential and Impacts

The subject property contains a one-story building, approximately 39,769 square feet in size, that was built in 1996. The building has consistently been used for various professional offices such as real estate agency, insurance office, tool repair, and warehousing. The applicant is not proposing any changes to the site as a part of this request. LGE Credit Union wishes to relocate from 430 Commerce Park Drive to the subject property due to the proximity of the new location to the old location. However, despite both properties being zoned Light Industrial, banks or financial institutions are not listed as a permitted use in LI zoning districts. An additional use would be required to operate a bank at the new location.

The applicant has stated that only one suite will be used as a bank and a walk-up ATM will be installed near the front entrance of the building. Modern banks operate similarly to other professional and administrative offices in that most customer transactions are conducted on-line and the offices are primarily used by employees. Since this location is on the edge of the industrial area and easily accessible to a collector road, a low intensity use such as a bank is appropriate and consistent in character and impact to other industrial uses.

The Future Lane Use (FLU) of this parcel, as specified in the City's Comprehensive Plan is Industrial Warehousing (IW). The purpose of IW is to *provide areas that can support light industrial, office/warehouse and distribution uses, and the vehicular traffic associated with such uses*. It is important to protect IW districts from encroachment of residential uses and the rezoning of IW properties to any residential designation is highly discouraged. Compatible zonings include LI, OS, and PID. The proposed zoning and usage of LI with an additional usage of a bank is consistent and supported by the City's Comprehensive Plan.

Environmental Impacts

Because the applicant is not proposing any site modifications, there should be no negative environmental impacts resulting from this rezoning. No floodplains, wetlands, topographical concerns, streams, or endangered species are present on the site.

Economic Functionality

There has been consistent business license history on the property, suggesting it is a functioning property as currently zoned. Broadening the types of allowed uses may increase the occupancy of the building. However, because the property was built specifically for office use, it does not contain the visibility and options for signage that most retail and personal service businesses need to thrive.

Infrastructure

There are no site modifications being proposed. The subject property contains approximately 157 parking spaces for the 39,769 square foot building, or one parking space for every 300 square feet. The applicant has stated thirty-five (35) parking spaces will be designated for the bank. Section 716.07 requires professional and general offices have one space for every 350 square feet, while banks are required to have one space for every 300 square feet of building area. Based on the provided parking spaces and building square footage, parking is provided at approximately one space for every 253 square feet of building space. As a result, there are enough parking spaces on site to satisfy the City's parking requirement.

Otherwise, allowing a bank as a permitted use on this property should not have any additional impacts on the transportation, education, water, sewer, electricity, or other public infrastructure in the area.

History of Property

The Board of Zoning Appeals approved variances for a parking expansion at this property in 2008. Per V2008-24 the following variances were granted:

- Variance to increase the maximum impervious surface coverage from 75% to 78.99% *[§708.26 (H)]*
- Variance to reduce the required rear yard setback for an accessory structure from ten (10) feet to five (5) feet *[§708.26 (F)]*.

There is no history of any Special Land Use Permits or rezonings for the subject property.

Overlay District Issues

This property is located within Tier B of the Commercial Corridor Design Overlay District. According to the City's Ordinance, "*the general purpose of the Tier B design overlay is to encourage private development to integrate some pedestrian design features and aesthetic improvements into automobile-oriented corridors…"* [*§712.09 (G)*]. Compliance with the Overlay requirements would only be expected if the renovation cost of construction exceeds 50% of the building's value.

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

ANALYSIS & CONCLUSION

ZMW LLP is requesting the rezoning of 590 Commerce Park Drive from LI to LI with an additional use so that an individual suite may be used by LGE Credit Union. The property is approximately 3.277 acres and sits at the corner of South Fairground Street and Commerce Park Drive. The parcels to the east, north, and south of the subject property are also zoned LI, while the property across South Fairground Street to the west is zoned OI. The applicant's request is to allow the operation of a bank in a Light Industrial zone.

The subject property contains a one-story building, approximately 39,769 square feet in size, that was built in 1996. The building has consistently been used for various professional offices such as real estate agency, insurance office, tool repair, and warehousing. The applicant is not proposing any changes to the site. LGE Credit Union to the subject property due to the proximity of the new location to the old location. However, despite both properties being zoned Light Industrial, banks or financial institutions are not listed as a permitted use in LI zoning districts. Since banks operate similarly to other professional offices in LI, the proposed use should not have any adverse impact to the surrounding area.

The Board of Zoning Appeals previously approved the following variances (V2008-24) for a parking expansion at this property in 2008. These variances would need to be included if the property were to be rezoned as requested:

- Variance to increase the maximum impervious surface coverage from 75% to 78.99% *[§708.26 (H)]*
- Variance to reduce the required rear yard setback for an accessory structure from ten (10) feet to five (5) feet *[§708.26 (F)]*.

The Future Lane Use (FLU) of this parcel, as specified in the City's Comprehensive Plan is Industrial Warehousing (IW). The purpose of IW is to *provide areas that can support light industrial, office/warehouse and distribution uses, and the vehicular traffic associated with such uses*. It is important to protect IW districts from encroachment of residential uses and the rezoning of IW properties to any residential designation is highly discouraged. Compatible zonings include LI, OS, and PID. The proposed zoning and usage of LI with an additional usage of a bank is consistent and supported by the City's Comprehensive Plan.

Prepared by:_____

Approved by: Rusty Roth

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

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	6" along parking lot, 10" in Commerce Park Dr, and a 14" in Fairground 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"
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	Yes
What percentage of the property is in the flood plain?	20%
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	Yes
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Additional Comments:

- Full site development plans required
- Site plans must address what methods will be proposed for used grease, wash water storage and/or disposal

TRANSPORTATION

What is the road affected by the proposed change? _____
What is the classification of the road? _____
What is the traffic count for the road? _____
Estimated # of trips generated by the proposed development? _____
Estimated # of pass-by cars entering proposed development? _____
Do sidewalks exist in the area? _____
Transportation improvements in the area? _____
If yes, what are they? _____

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

DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	149 Dodd St
Distance of the nearest station?	1.5 miles
Most likely station for 1st response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	Under

Comments:

- Accessibility Analysis Worksheet will be required with any alteration or renovation to commercial spaces. Should be included with building permit documents.
- Requirements for improvements will greatly depend on how much construction will be done to the new space to provide the area of function needed. Not enough information to provide detailed expectations.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes___x___ No_____

If not, can this site be served? Yes_____ No_____

What special conditions would be involved in serving this site?

Additional comments:

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Marietta GEORGIA

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

APPLICATION FOR REZONING

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

For Office Use Only:

Application #: Z2020-26 **Legistar #:** 20200578 **PZ #:** 20-189

Planning Commission Hearing: 8/4/2020 **City Council Hearing:** 8/12/2020

Owner's Name Jeffery M. Jones, ZMW LLLP

EMAIL Address: Jefferyjo1@gmail.com

Mailing Address 3396 Robinson Farms Trace Zip Code: 30068 Telephone Number 678-522-0310

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property to be rezoned: 590 Commerce Park Dr

Land Lot (s) 362 District _____ Parcel _____ Acreage _____ Ward _____ Future Land Use: _____

Present Zoning Classification: LI Proposed Zoning Classification: LI w/ add'l use

REQUIRED INFORMATION

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

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

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

CAMPAIGN CONTRIBUTIONS

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

Signature of Owner

Jeffrey M. Jones
Print Name

Signature of Applicant

Print Name

FINANCIAL INTEREST

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

Print Name

Signature of Applicant

OWNER/APPLICANT CERTIFICATION

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

Signature

Jeffrey M. Jones
Please Print

3396 Robinson Ferry Trace, Marietta, GA 30068
Address

6-18-2020
Date

T W WRIGHT
Notary Public - State of Georgia
Cobb County
My Commission Expires Sep 21, 2021

Signed, sealed and delivered in the presence of: T. W. Wright

T W Wright My Commission Expires: 9-21-2021

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

LGE
Community Credit Union®

Ladies and Gentlemen,

LGE Community Credit Union for the last 40 years had its main office and an ancillary branch located at 430 Commerce Park Drive. Cobb County Public Safety purchased and moving into that location displacing our branch operation forcing a move of the branch operation to a nearby location. We chose 590 Commerce Park Drive, because of its proximity to the former branch and the convenience to long term members who have been utilizing that branch, many from the Lockheed Martin location just down the street.

Additionally, LGE had a similar operation for several years in the very same location for which we are requesting a variance to continue that use. All that we request is the ability, to utilize this space to continue servicing members in Marietta that use LGE for their banking needs mainly through concierge personnel available inside the building. We would very much appreciate your consideration in granting of this request.

Sincerely,

Chris A. Leggett
President/CEO

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

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

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, August 4th, 2020, 6:00 P.M.,** City Hall, for a recommendation to the City Council at their meeting on **Wednesday, August 12th, 2020, 7:00 p.m.,** City Hall, for a final decision to be made.

Z2020-26 [REZONING] ZMW LLLP is requesting the rezoning of approximately 3.3 acres located in Land Lot 362, District 17, Parcel 0110 of the 2nd Section, Cobb County, Georgia, and being known as 590 Commerce Park Drive from LI (Light Industrial) to LI (Light Industrial) with an additional use for a bank and/or financial institution. Ward 1A.

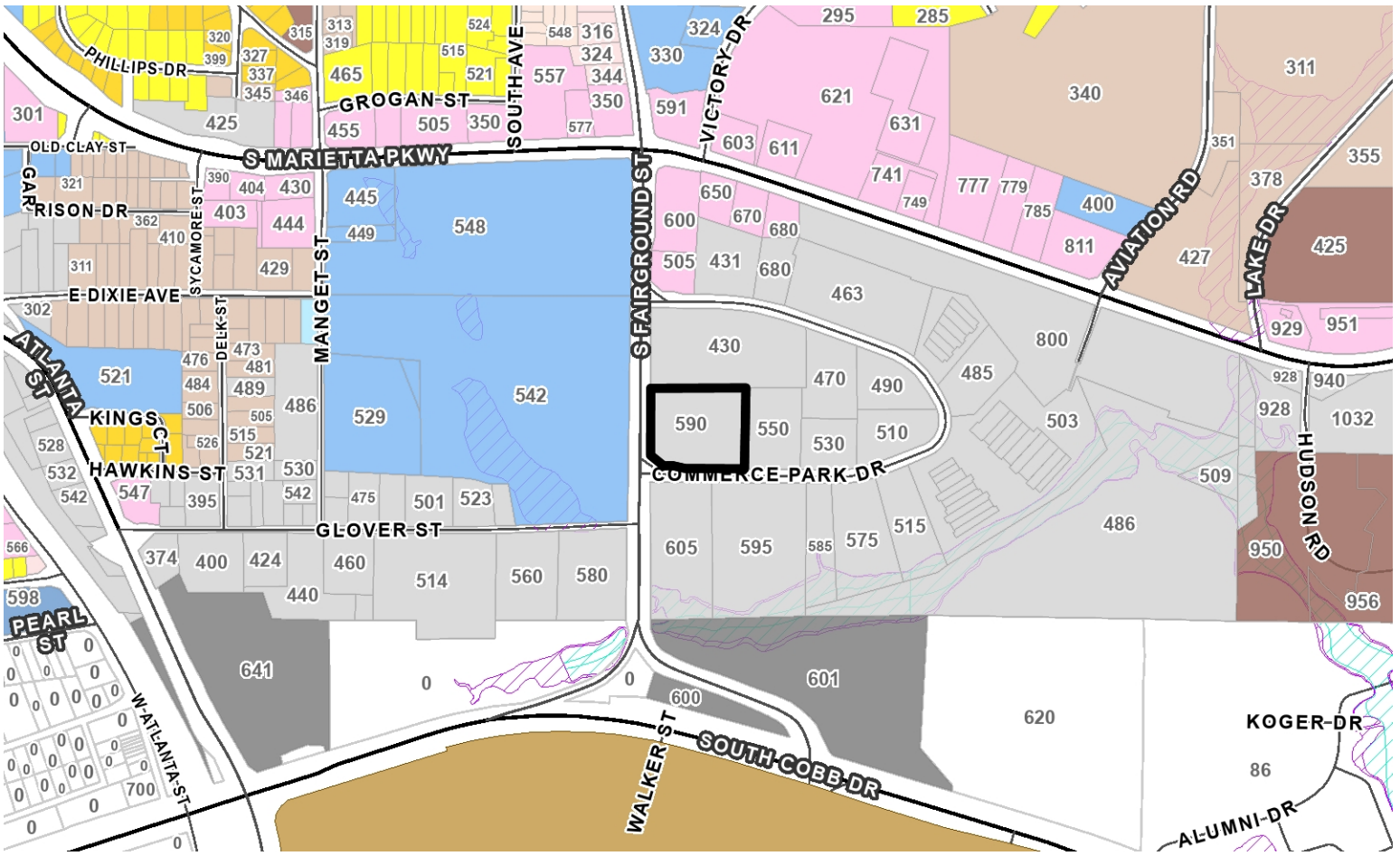
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

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

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
590 COMMERCE PARK DR	17036200110	3.277	1A	LI	IW

Property Owner: ZMW, LLLP

Applicant:

Proposed Zoning: LI to LI w/add'l use as bank

Agent:

Proposed Use:

Planning Commission Date: 08/04/2020

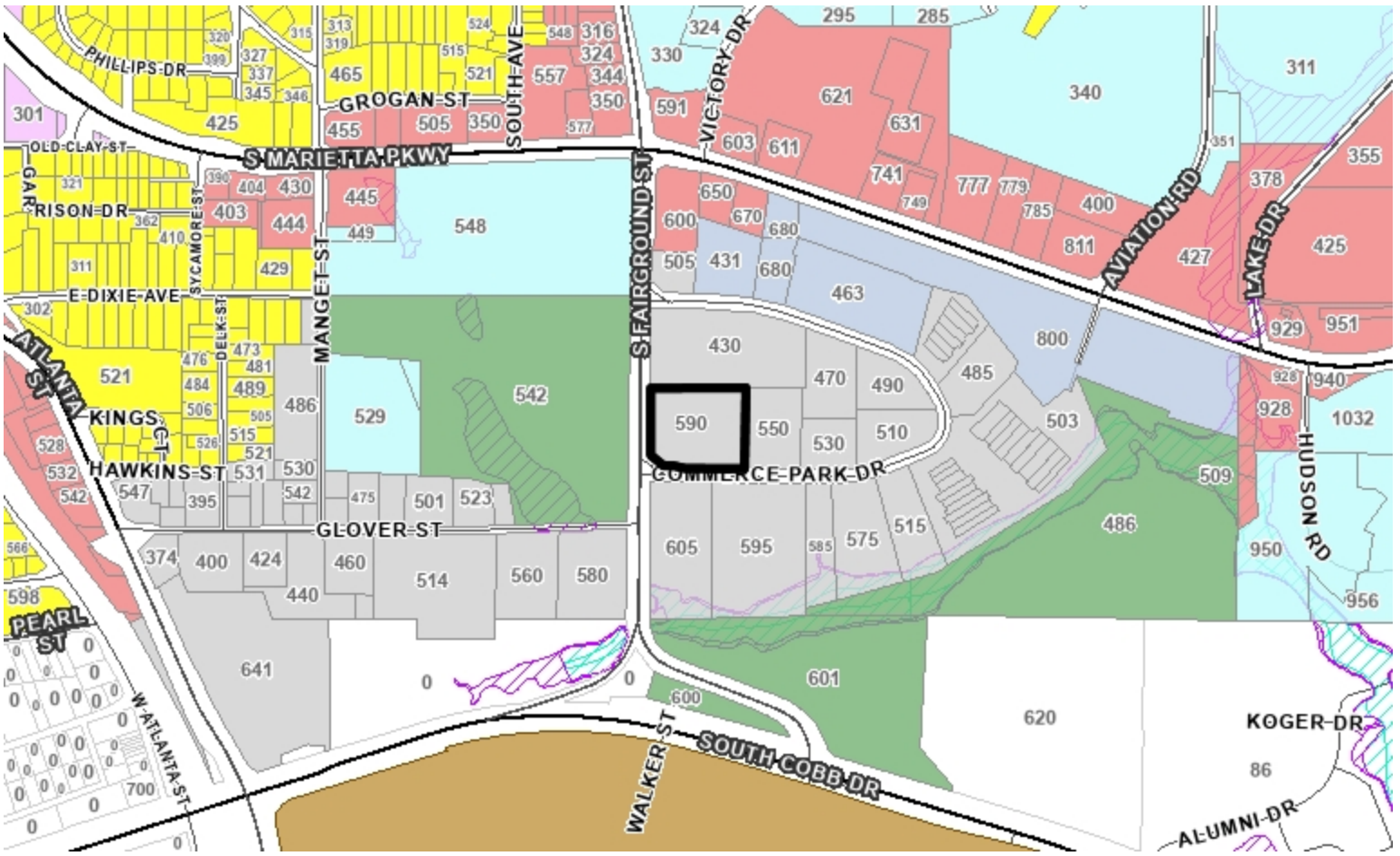
City Council Hearing Date: 08/12/2020 Case Number: Z2020-26

City of Marietta Planning & Zoning

Zoning Symbols

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

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
590 COMMERCE PARK DR	17036200110	3.277	1A	LI	IW

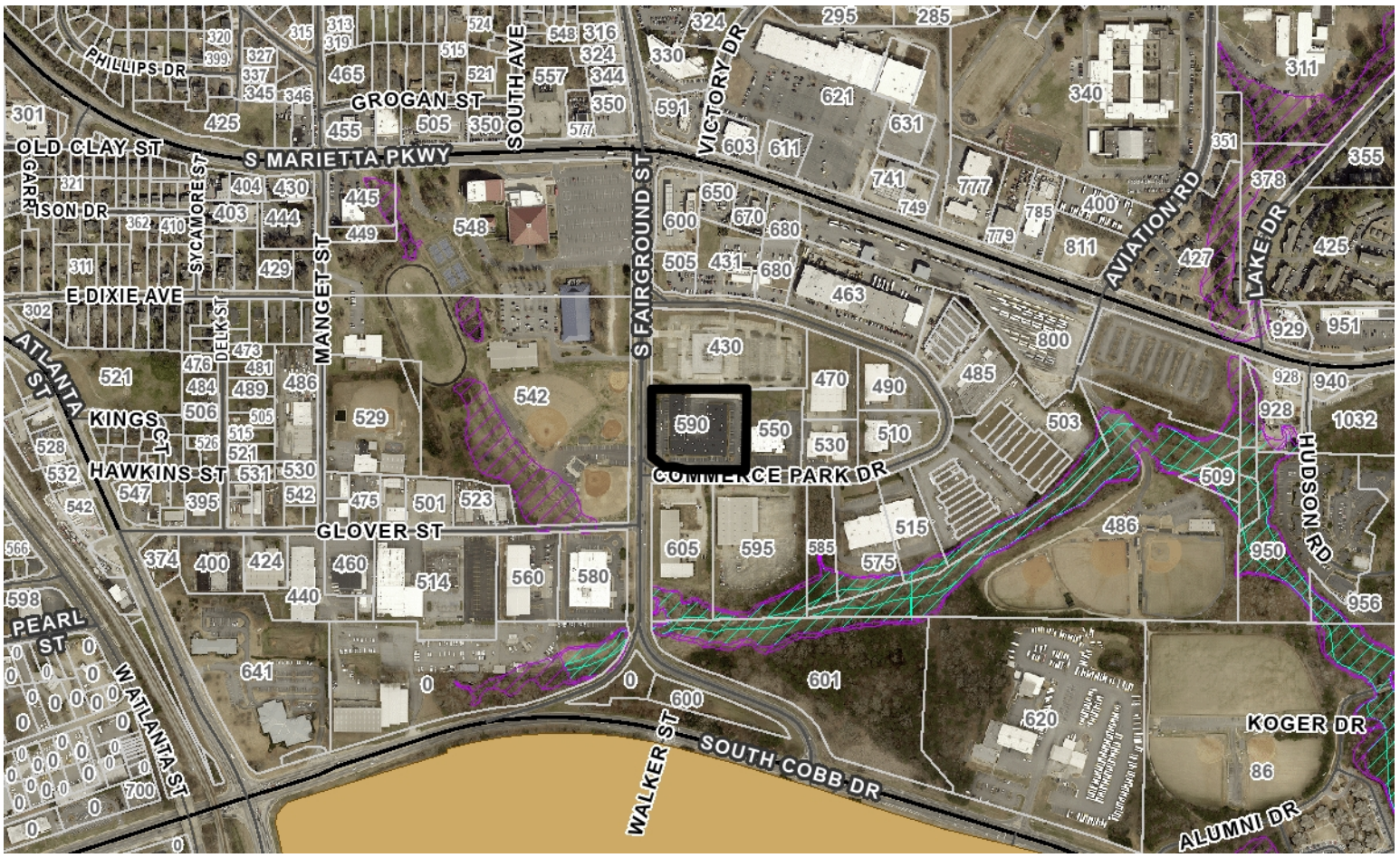
Planning Commission Hearing Date:	08/04/2020
City Council Hearing Date:	08/12/2020
Future Land Use:	IW
Case Number:	Z2020-26
Comments:	

City of Marietta Planning & Zoning

Future Land Use Symbols

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

Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
590 COMMERCE PARK DR	17036200110	3.277	1A	LI	IW

Property Owner: ZMW, LLLP

Applicant:

City Council Hearing Date: 08/12/2020

Planning Commission Hearing Date: 08/04/2020

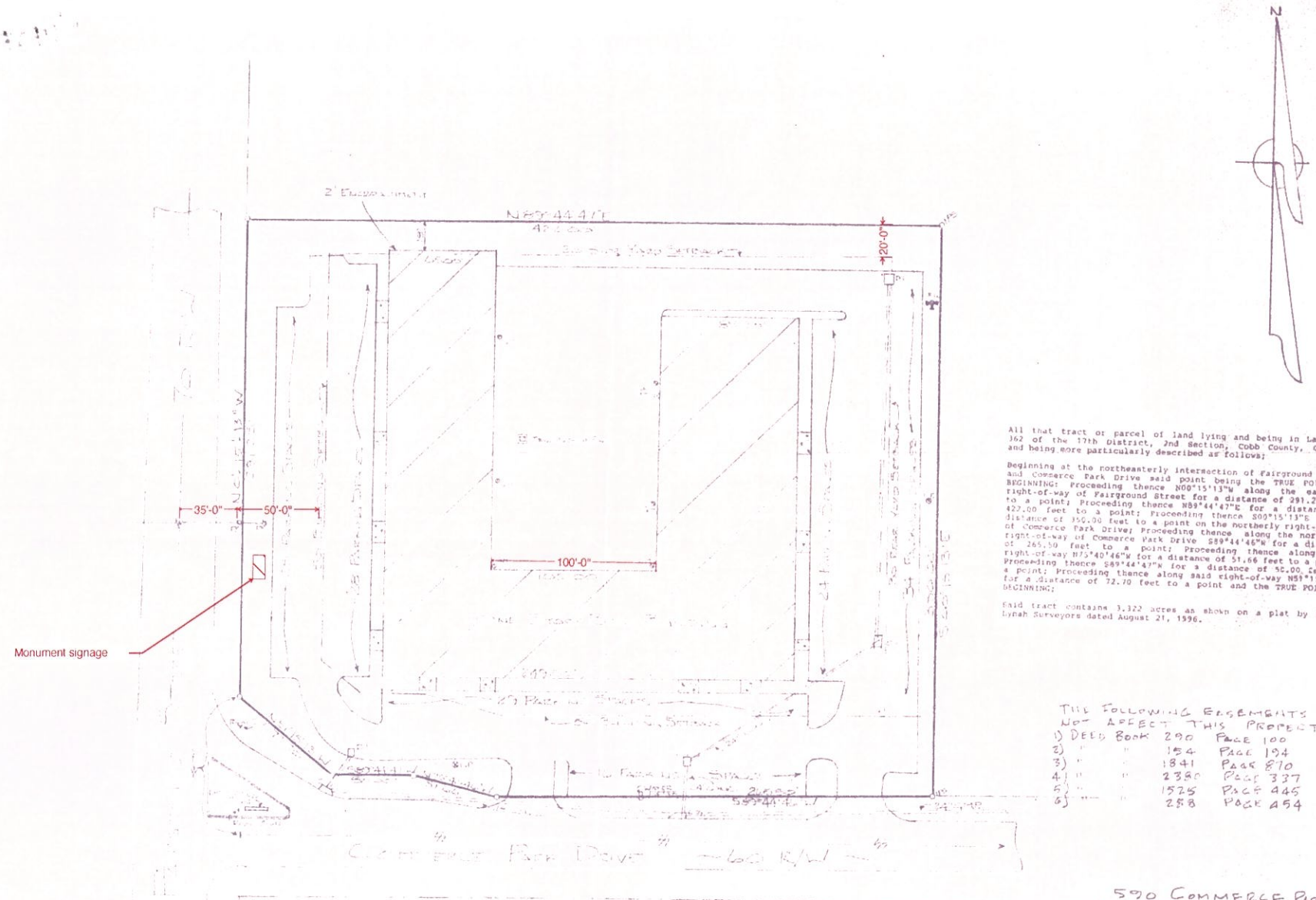
BZA Hearing Date: Case Number: Z2020-26

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets



All that tract or parcel of land lying and being in Land Lot 362 of the 17th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows;

Beginning at the northeasterly intersection of Fairground Street and Commerce Park Drive said point being the TRUE POINT OF BEGINNING: Proceeding thence N00°15'13"W along the easterly right-of-way of Fairground Street for a distance of 291.25 feet to a point; Proceeding thence N89°44'47"E for a distance of 422.00 feet to a point; Proceeding thence S00°15'13"E for a distance of 350.00 feet to a point on the northerly right-of-way of Commerce Park Drive; Proceeding thence along the northerly right-of-way of Commerce Park Drive S89°44'46"W for a distance of 265.50 feet to a point; Proceeding thence along said right-of-way N75°40'46"W for a distance of 51.66 feet to a point; Proceeding thence S89°44'47"W for a distance of 50.00 feet to a point; Proceeding thence along said right-of-way N51°15'13"W for a distance of 72.70 feet to a point and the TRUE POINT OF BEGINNING;

Said tract contains 3.322 acres as shown on a plat by D. W. Lynah Surveyors dated August 21, 1996.

THE FOLLOWING EASEMENTS DO NOT AFFECT THIS PROPERTY

1) DEED BOOK 290 PAGE 100
2) " " 154 PAGE 194
3) " " 1841 PAGE 870
4) " " 2380 PAGE 337
5) " " 1525 PAGE 445
6) " " 288 PAGE 454

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION BETTER THAN ONE FOOT IN 10,000 FEET.

A TOPCON GTS-3 WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

GEORGIA REGISTERED No. 1846 LAND SURVEYOR DAVID W. LYNAH

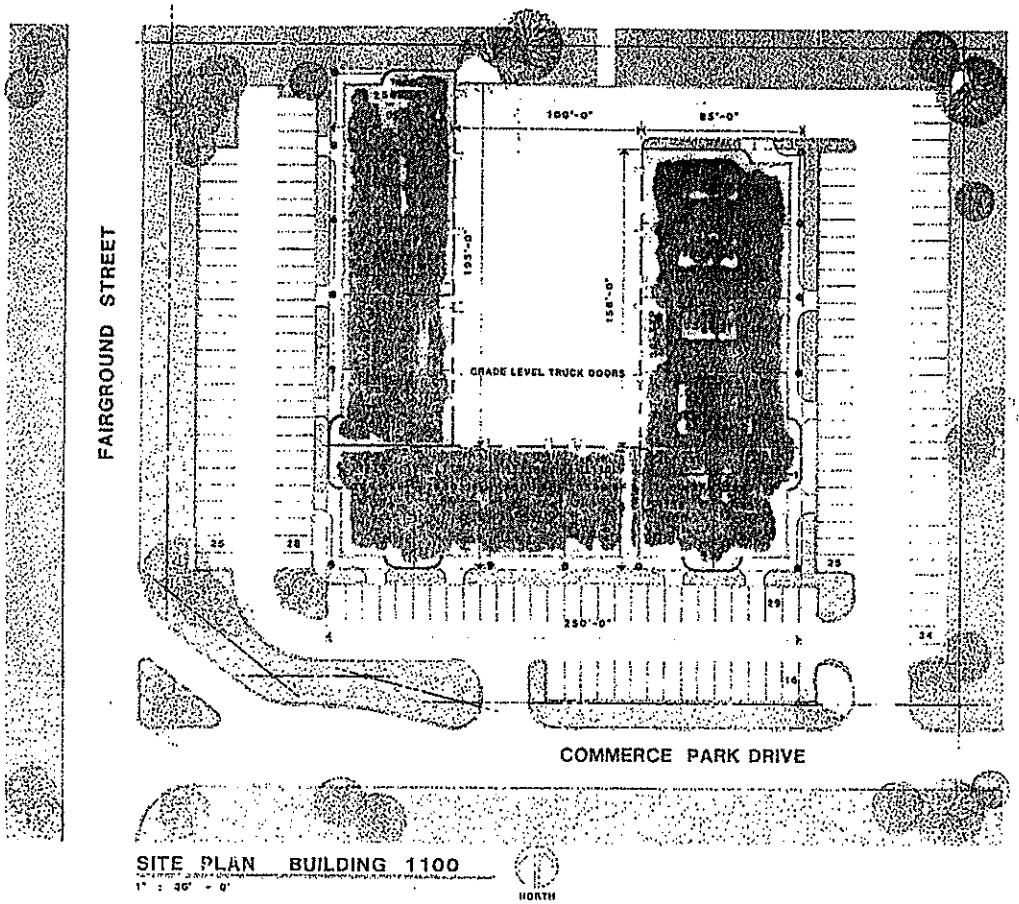
CHECK THIS DATE [illegible] THE ELEV[illegible] OFFICIAL FLOOD MAP AND FOUND REFER [illegible] LOT [illegible] IS NOT IN AN AREA HAVING [illegible] FLOOD HAZARD

COMMUNITY 130226 -50F

590 COMMERCE PARK DRIVE

Survey For:
BILLY M. JONES & WACHCOVIA BANK OF GEORGIA
AKA
BUILDING # 1100, MARIETTA COMMERCE PARK
Land Lot 362, District 17TH
2ND SECTION, COBB County, Georgia
Scale 1" = 40' Date AUGUST 21, 1996

D. W. Lynah Surveyors
Smyrna, Georgia (404) 433-2060



SITE PLAN BUILDING 1100

1" = 30' - 0"

NORTH

1100 COMMERCE PARK DRIVE

42435 SF TOTAL
157 SPACES

SPECIAL FEATURES

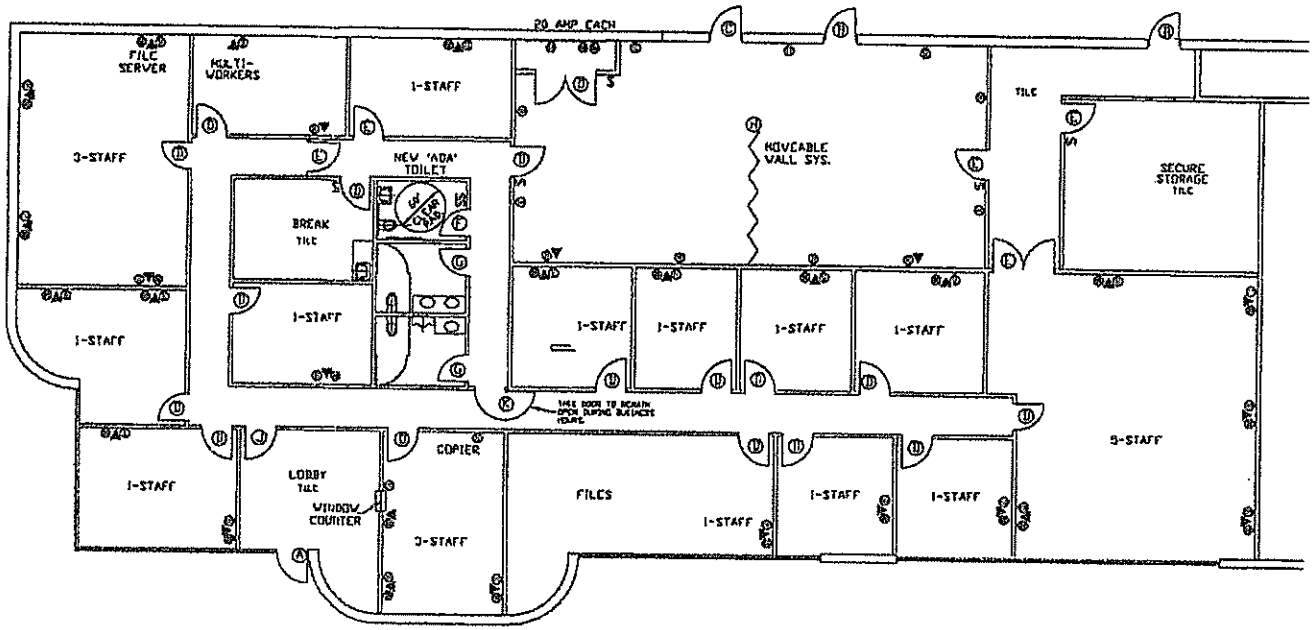
14 CLEAR CEILING HEIGHT
GRADE LEVEL TRUCK DOORS
2505 SF TO 29760 SF SPACES
HIGH FINISH OFFICES
CONTROLLED SIGNAGE

COMMERCE PARK BUILDING

CP DEVELOPMENT ASSOCIATES

ASSOCIATES
ATLANTA GEORGIA

H 125



DOOR SCHEDULE

- (A) EXISTING MAIN ENTRANCE GLASS DOOR TO HAVE LEVER HANDLE DOUBLE CYLINDER LOCKSET MECHANISM, AND DOOR CLOSER.
- (B) EXISTING REAR DOOR TO REMAIN WITH LEVER HANDLE DOUBLE CYLINDER LOCKSET MECHANISM, DOOR CLOSER, AND PANIC BAR
- (C) NEW DOOR TO MATCH EXISTING REAR DOORS.
- (D) INTERIOR DOOR WITH LEVER HANDLE LOCKSET MECHANISM.
- (E) INTERIOR DOOR WITH LEVER HANDLE PRIVACY LOCKSET MECHANISM (PUSH BUTTON).
- (F) INTERIOR DOOR WITH LEVER HANDLE PRIVACY LOCKSET MECHANISM (PUSH BUTTON) AND DOOR CLOSER.
- (G) INTERIOR DOOR WITH DOOR CLOSER, PUSH PAD AND PULL HANDLE.
- (H) INSTALL MOVEABLE WALL SYSTEM IN LARGE CONFERENCE ROOM.
- (J) INTERIOR DOOR WITH DOOR CLOSER, LEVER HANDLE HARDWARE PRIVACY (PUSH BUTTON) LOCK SET WITH BUZZER ACTIVATION MECHANISM ON LATCH STRIKE PLATE AND BUZZER ACTIVATION BUTTONS FOR EACH DOOR AT RECEPTIONIST COUNTER AND CASHIER WINDOW
- (K) INTERIOR DOOR WITH LEVER HAND DOOR HARDWARE WITH PANIC BAR ON THE TOILET HALLWAY SIDE FOR EMERGENCY USE ONLY IN THE EVENING AND WEEKENDS. THIS DOOR TO REMAIN OPEN DURING NORMAL BUSINESS HOURS

SWITCH	S
WALL MOUNTED DUPLEX	⊖
DEDICATED DUPLEX	⊕
VOICE & DATA OUTLET	♥

Department of Administrative Services
Space Management, Utilization & Design
Two Northside 75 Drive, Suite 134
Atlanta, Georgia 30318-7701
404-352-4890 / FAX 404-352-4889

DRAWN BY: WPH	AGENCY: DHR-Division of Family & Children Services Cobb County
REVIEWED BY:	
SQUARE FOOTAGE: 6,454 SQ. FT.	LOCATION: LEASED SPACE NEXT TO CSE Marietta, GA
SCALE: 1/8"=1'-0"	
DATE: 1/29/99	