



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-17

LEGISTAR: 20200295

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

APPLICANT: n/a

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

PROPERTY ADDRESS: 268 Church Street

PARCEL DESCRIPTION: 16 11590 0350

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

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

REQUEST: OIT (Office Institution Transitional)

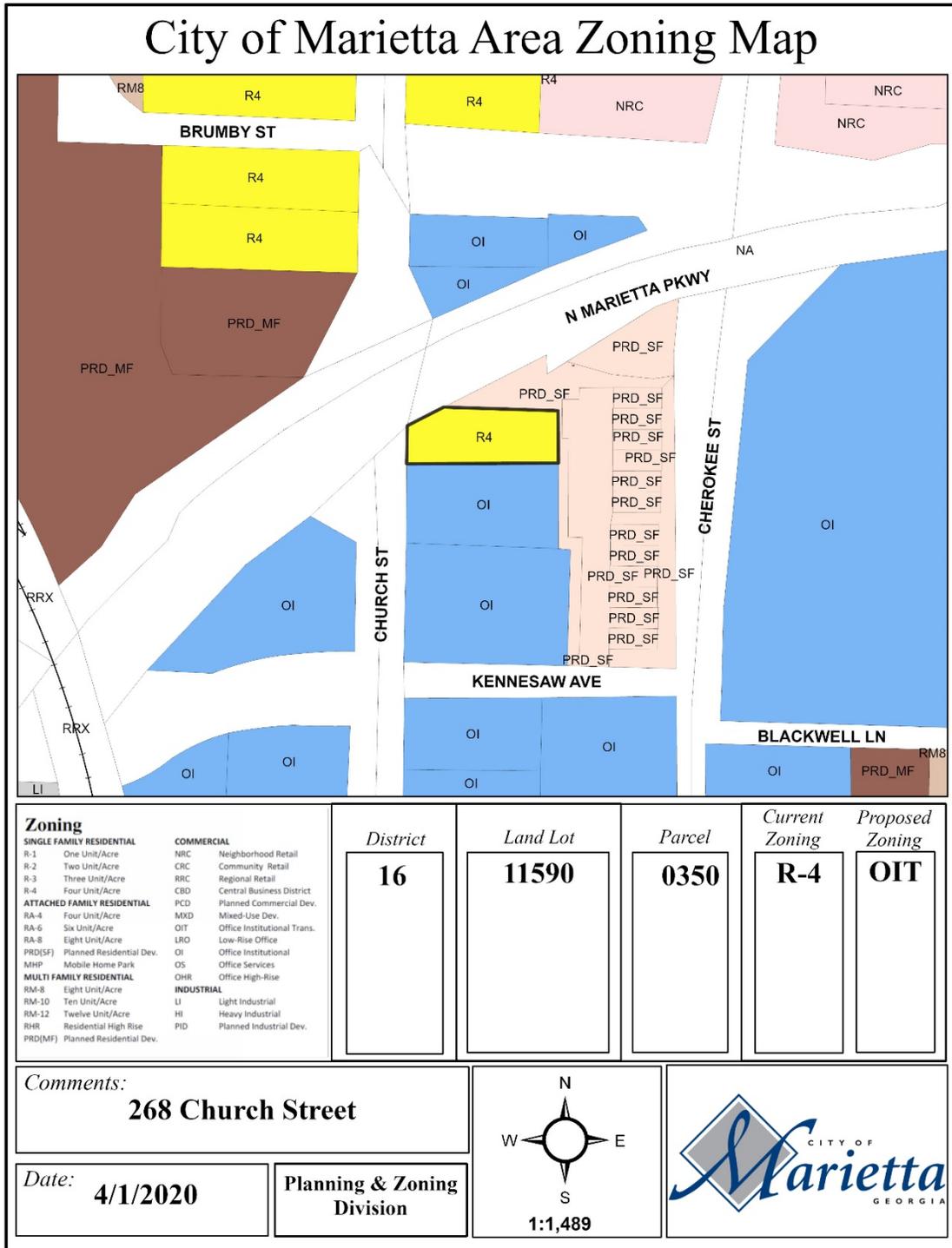
FUTURE LAND USE: CAC (Community Activity Center)

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

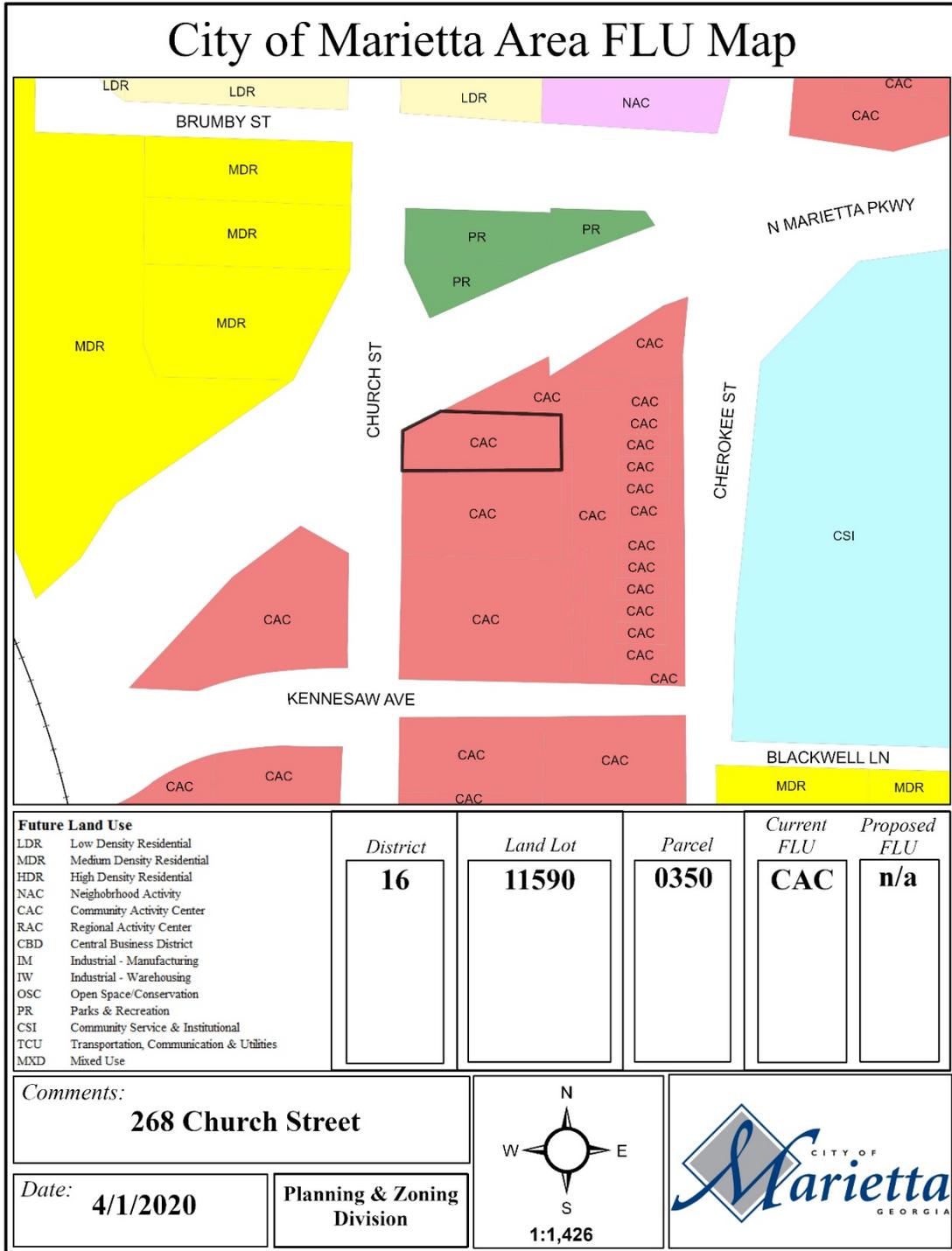
PLANNING COMMISSION HEARING: Tuesday, May 5th, 2020 – 6:00 p.m.

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

MAP



FLU MAP



PICTURES OF PROPERTY



Front of property at 268 Church Street



Side of property on 268 Church Street

STAFF ANALYSIS

Location Compatibility

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

Use Potential and Impacts

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

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

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

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

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

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

Environmental Impacts

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

Economic Functionality

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

Infrastructure

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

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

Overhead Electrical/Utilities

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



History of Property

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

Other Issues

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

ANALYSIS & CONCLUSION

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

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

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

1. Variance to reduce the minimum lot size from 10,000 sq.ft. to 8,700 sq.ft. [§708.21 H]
2. Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]
4. Variance to increase the allowable impervious surface above 50% to allow the existing conditions remain as-is. [§708.21 H]
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The Future Land Use designation for this property is CAC (Community Activity Center), which is described as providing a wide range of goods and services, including businesses and professional offices that are appropriately located throughout the city. Although OIT zoning is not listed as a compatible zoning for a future land use of CAC, it is one of the least intense commercial zoning classifications. As a result, the proposed request is supported by the City's Comprehensive Plan.

Prepared by: J. Andrews

Approved by: Rusty Roth



DATA APPENDIX

CITY OF MARIETTA - WATER

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

CITY OF MARIETTA - WASTEWATER

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

Additional Comments:

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

TRANSPORTATION

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

Additional Comments:

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



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

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

Comments:

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

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

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes x No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments:

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

APPLICATION FOR REZONING

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

For Office Use Only:
 Application #: 72020-17 Registrar #: 20200295 PZ #: P220101
 Planning Commission Hearing: 5-5-20 City Council Hearing: 5-13-20

Owner's Name MICHAEL LANGSTON
 EMAIL Address: LANGSTON RACING 66 @ AOL.COM
 Mailing Address 4885 DOE WEST RD Zip Code: 30150 Telephone Number 770 617 1559

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
 Applicant: Rep: Henry A. Bailey, esq. hbailey@mmmlaw.com
 EMAIL Address: Carl Westmoreland, esq. C.westmoreland@mmmlaw.com
 Mailing Address _____ Zip Code: _____
 Telephone Number _____ Email Address: _____

Address of property to be rezoned: 268 CHURCH ST. MARIETTA, GA 30060
 Land Lot (s) 1159 District 16 Parcel 2 Acreage 201 Ward 3A Future Land Use: CAC
 Present Zoning Classification: R4 ⁰⁰³⁵⁰ Proposed Zoning Classification: OIT ²⁰⁵

REQUIRED INFORMATION

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

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

Copies Required: One (1) - (8 1/2" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
 If providing (24"x 36") then 5 copies REQUIRED.

The following information must be included:

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

CAMPAIGN CONTRIBUTIONS

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

Mike Langston
Signature of Owner

Mike Langston
Signature of Applicant

MIKE LANGSTON
Print Name

MIKE LANGSTON
Print Name

FINANCIAL INTEREST

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

MIKE LANGSTON
Print Name

M. Langston
Signature of Applicant

OWNER/APPLICANT CERTIFICATION

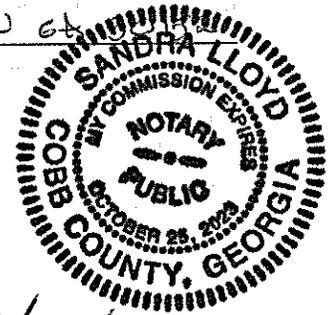
- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false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

Mike Langston
Signature

MIKE LANGSTON
Please Print

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

7-13-2020
Date



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

My Commission Expires: 10/25/2023

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

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: April 17, 2020

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

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

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

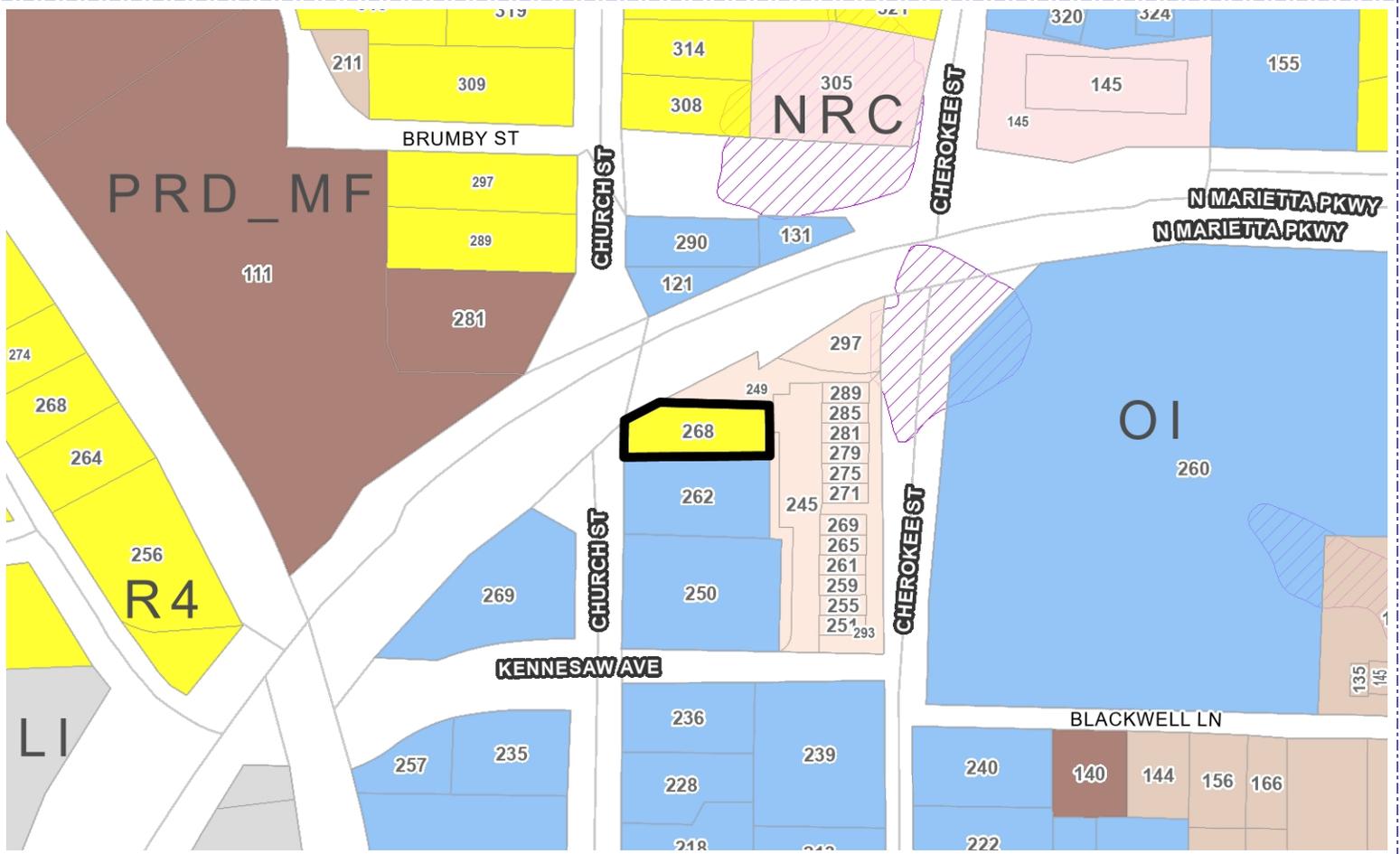
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

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

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

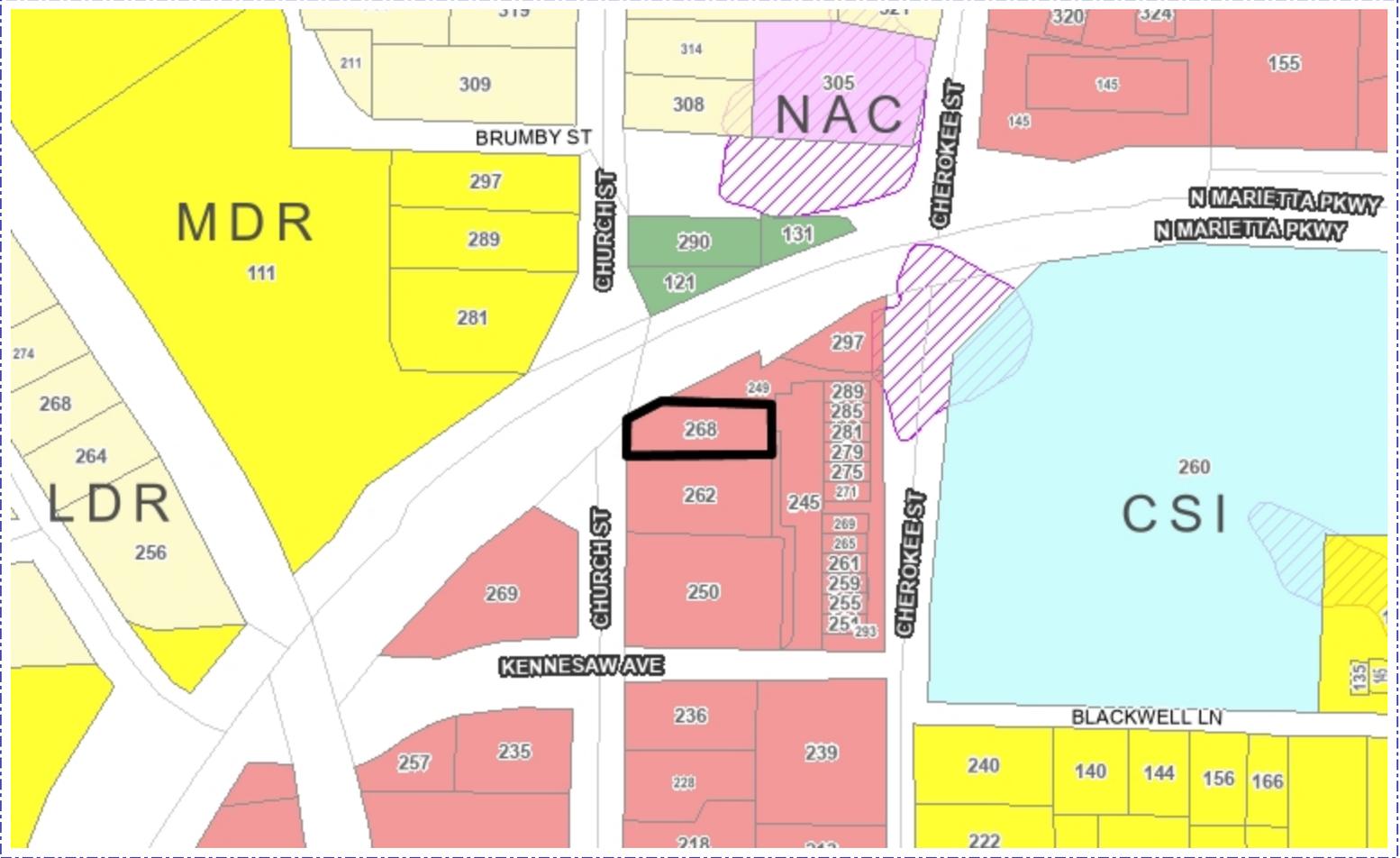
Rezoning



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

Property Owner:	Michael Langston	Zoning Symbols
Applicant:		
Proposed Zoning:	R4 to OIT	
Agent:	Morris, Manning & Martin, LLP	
Proposed Use:		
Planning Commission Date:	05/05/2020	
City Council Hearing Date:	05/13/2020	Case Number: Z2020-17
City of Marietta Planning & Zoning		

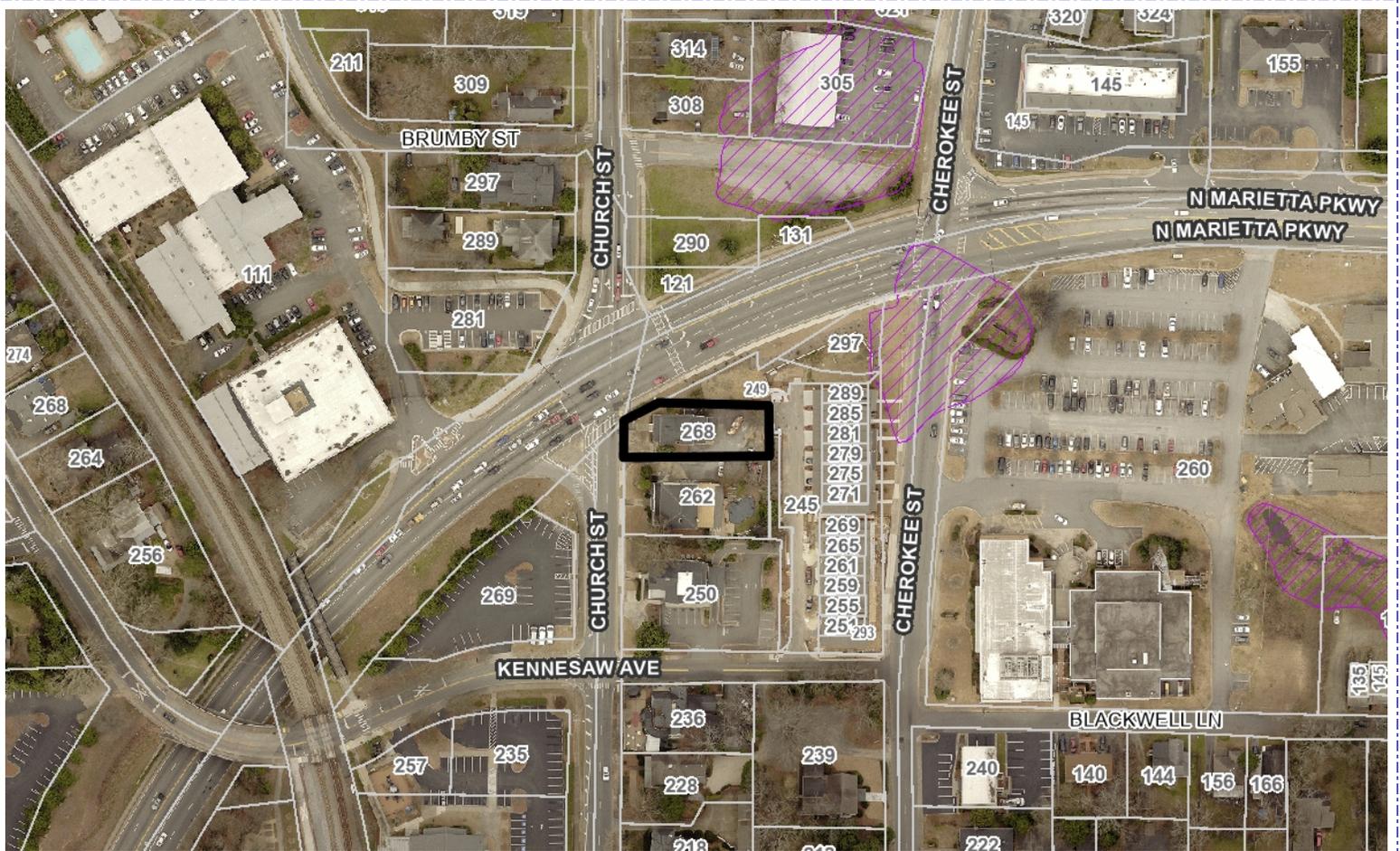
Future Land Use



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

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

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



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

Property Owner:	Michael Langston
Applicant:	
City Council Hearing Date:	05/13/2020
Planning Commission Hearing Date:	05/05/2020
BZA Hearing Date:	Case Number: Z2020-17
Comments:	
City of Marietta Planning & Zoning	

Legend

- Railroads
- City Limits
- Cobb County Pockets

MAGNETIC



REFERENCE MATERIAL

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

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, CALL THE UTILITIES PROTECTION CENTER FOR ADDITIONAL INFORMATION.
THROUGH OUT GEORGIA 1-800-282-7411
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000+ FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.
BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

LEGEND

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

NORTH MARIELLA PARKWAY

CHURCH STREET

N 53° 30' 51" E
15.50' TO SIGNAL BOX
4.34' TO R/W MON

N 00° 03' 59" W 41.05'

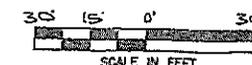
N 89° 12' 18" W 150.00'

S 87° 23' 19" E 19.75' TO R/W MON

S 01° 45' 52" E 58.61'

S 45° 35' 47" W 1.77'

30.7'
WOOD RAHP
30.7'
R/W MON
129.30'
13.5'
99.72'



SCALE IN FEET

0.201 ACRES

268 CHURCH STREET

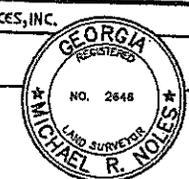
McLUNG SURVEYING SERVICES, INC.

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

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

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

Michael R. Noles
Michael R. Noles, Surveyor
Member SAMSOG



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

LAND LOT 1159
DISTRICT 16TH SECTION 24D
COUNTY COBB DB 9240 PG 225

GEORGIA
DATE: 8-6-02 SCALE: 1"=30' H.L.

Fences should not be placed using dimensions from house.

