



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-15

LEGISTAR: 20200170

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

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

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

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

PARCEL DESCRIPTION: 17 01400 0030 & 17 01400 0730

AREA: ~ 6.416 Acres

COUNCIL WARD: 2B

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

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

FUTURE LAND USE: LDR (Low Density Residential)

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

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

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

PICTURES

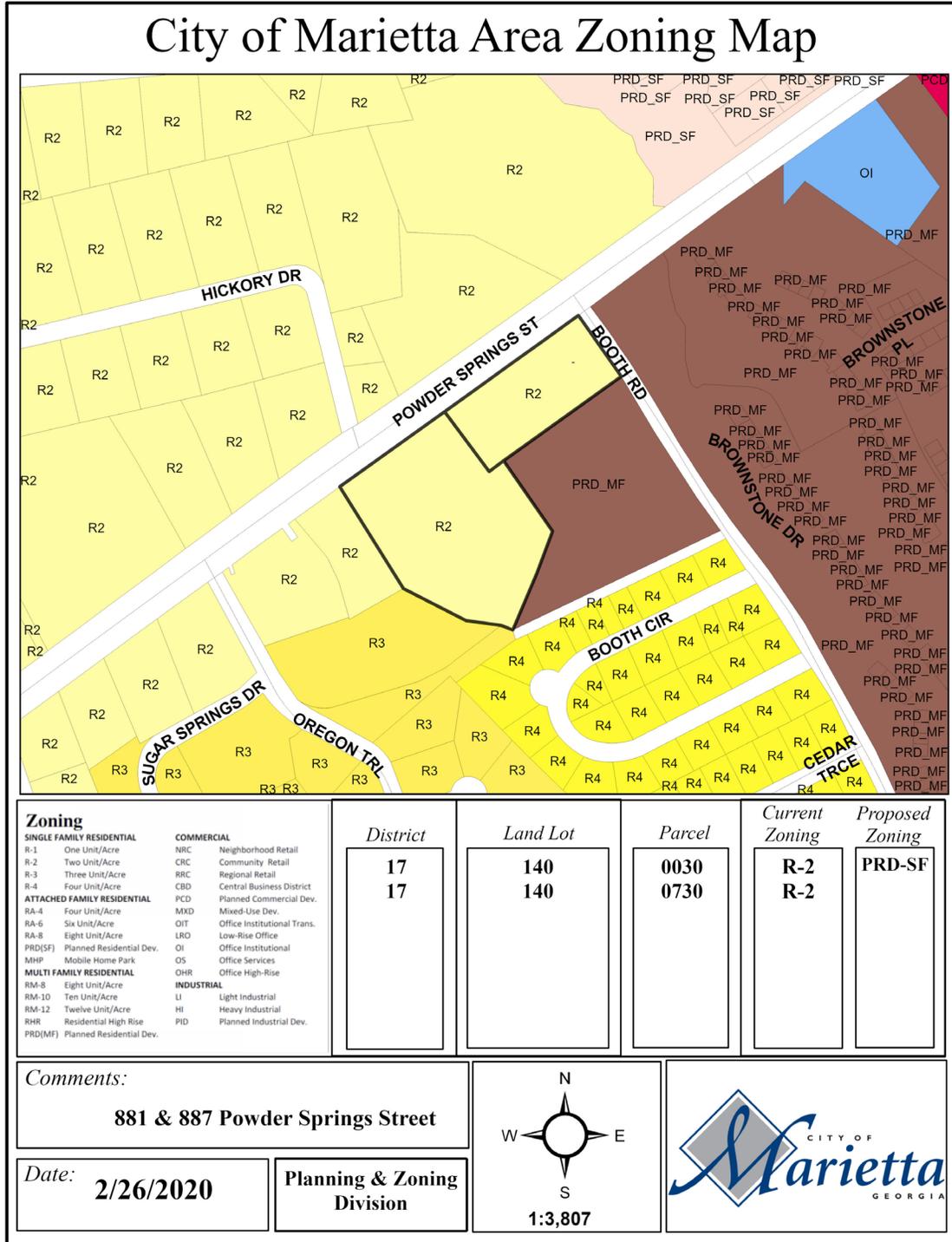


Subject properties (881 & 887 Powder Springs St)

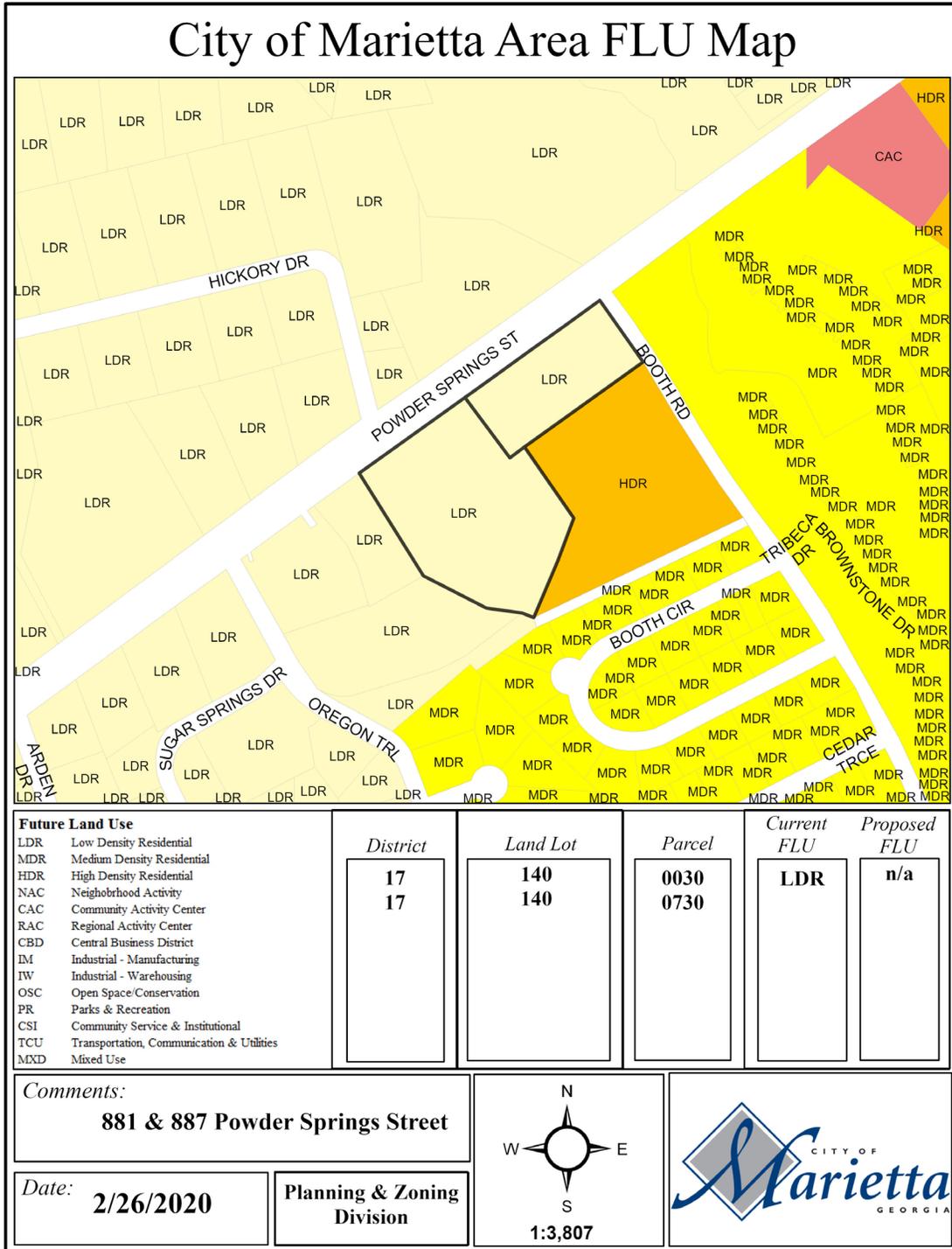


Corner of 881 Powder Springs Street & Booth Rd

MAP



FLU MAP



STAFF ANALYSIS

Location Compatibility

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

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

Use Potential and Impacts

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

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

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



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

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

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

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

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

Environmental Impacts

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

Economic Functionality

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

Infrastructure

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

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

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

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

History of Property

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

Other Issues

PRD-SF is a site-specific zoning, which requires City Council approval of a detailed plan prior to beginning construction. Detailed plans, which include a site plan, tree plan, and building elevations, must be submitted to Council by way of the Judicial Legislative Committee. The plan approved with the rezoning shall become the General Plan.

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

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

ANALYSIS & CONCLUSION

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

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

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

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

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

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

Prepared by: _____



Approved by: _____





DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	12" and 8" in Powder Springs St and an 8" in Booth Rd
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

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

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

Additional Comments:

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

TRANSPORTATION

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

Additional Comments:

- Need a traffic study in the area



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

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

Comments:

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

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes x No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	Dunleith Elementary
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	625
Capacity at Middle School:	1,350
Capacity at Marietta Sixth Grade Academy:	775
Capacity at High School:	2,150
Current enrollment of Elementary School:	544
Current enrollment of Middle School:	1,388
Current enrollment of High School:	2,419
Number of students generated by present development:	0
Number of students projected from the proposed development:	25
New schools pending to serve this area:	0
<u>Comments:</u>	



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 #: 22020-15 Legistar #: 20200170 PZ #: 20-67
Planning Commission Hearing: 04/01/2020 City Council Hearing: 04/06/2020

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

EMAIL Address: dennislmoore@yahoo.com

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

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Representative: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

Applicant: InLine Communities, LLC

EMAIL Address: bryan@inlinecommunities.com

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

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

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

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

Present Zoning Classification: R2 ⁰⁷³⁰ 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 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.

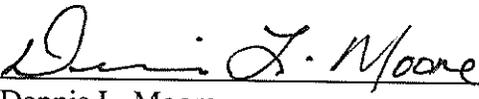
The following information must be included:

- 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.

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

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

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



Dennis L. Moore



Martha W. Moore

Date Executed: February 17, 2020

Address: 887 Powder Springs Road
Marietta, Georgia 30064

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

Signed, sealed, and delivered in the presence of:



Notary Public
My Commission Expires: January 10, 2023

[Notary Seal]

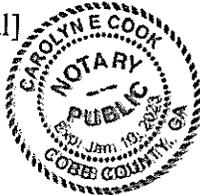


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR REZONING
(Page Two of Two)

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

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

INLINE COMMUNITIES, LLC

BY:  _____
Bryan C. Musolf
Manager

Date Executed: February 17, 2020

Signed, sealed, and delivered in the presence of:

 _____
Notary Public
My Commission Expires: January 10, 2023

[Notary Seal]



Address:

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

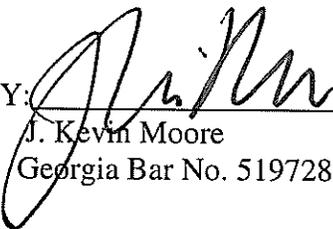
ATTACHMENT TO APPLICATION FOR REZONING

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

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

Representative for Applicant and Property Owners:

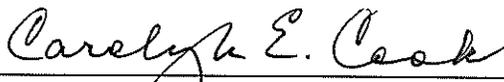
MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. Kevin Moore
Georgia Bar No. 519728
Attorneys for Applicant and Property Owners

Date Executed: February 18, 2020

Signed, sealed, and delivered in the presence of:



Notary Public

Commission Expires: January 10, 2023

[Notarial Seal]



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@mijls.com

ATTACHMENT TO APPLICATION FOR REZONING

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

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

DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT

The property which is the subject of the Application for Rezoning by Applicant, InLine Communities, LLC (hereinafter "Applicant") is an assemblage of two parcels totaling 6.416 acres, more or less, located in Land Lot 140, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being known as 881 and 887 Powder Springs Street, as more particularly identified and set forth in the Application for Rezoning (hereinafter collectively the "Property" or the "Subject Property"). The Rezoning Application seeks approval of a request to rezone the Subject Property from the existing R2 zoning classification to the PRD-SF zoning classification (City of Marietta). Applicant is seeking rezoning for a townhome community.

Applicant proposes the construction of a maximum of fifty-one (51) townhome units. The residences shall be Traditional or Craftsman in style, architecture, and design, with the exteriors consisting of brick, stone, stacked stone, cedar shake, board and batten, and combinations thereof, and shall comply with the "four-sided architecture" requirements of the City of Marietta Ordinance. All residences shall have two car garages. Access to the proposed development will be from Booth Road, as shown on the Rezoning Plan submitted with the Application for Rezoning.

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

- (1) Updated and revised Rezoning Site Plan, if necessary;
- (2) Landscape Plan for buffer areas and proposed Community Green and Open Space areas;
- (3) Elevations and finishes; and
- (4) Details for Community Green and Open Space.

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

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

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TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: April 17, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS**

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

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

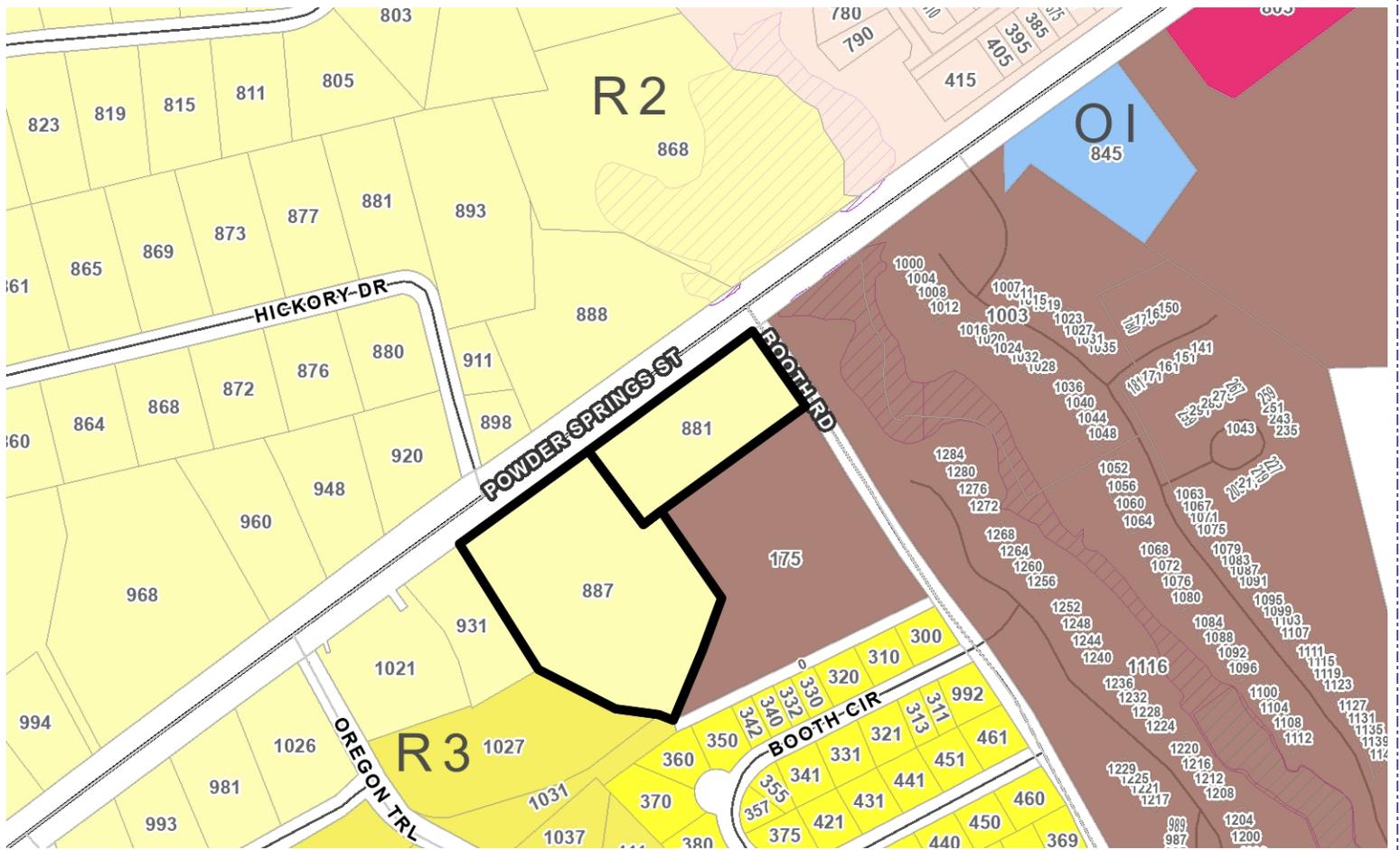
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative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

For additional information please call the Planning and Zoning Office (770) 794-5669.

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



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

Property Owner: Dennis L. & Martha W. Moore

Applicant: InLine Communities

Proposed Zoning: R2 to PRD-SF

Agent: J. Kevin Moore, Esq.

Proposed Use:

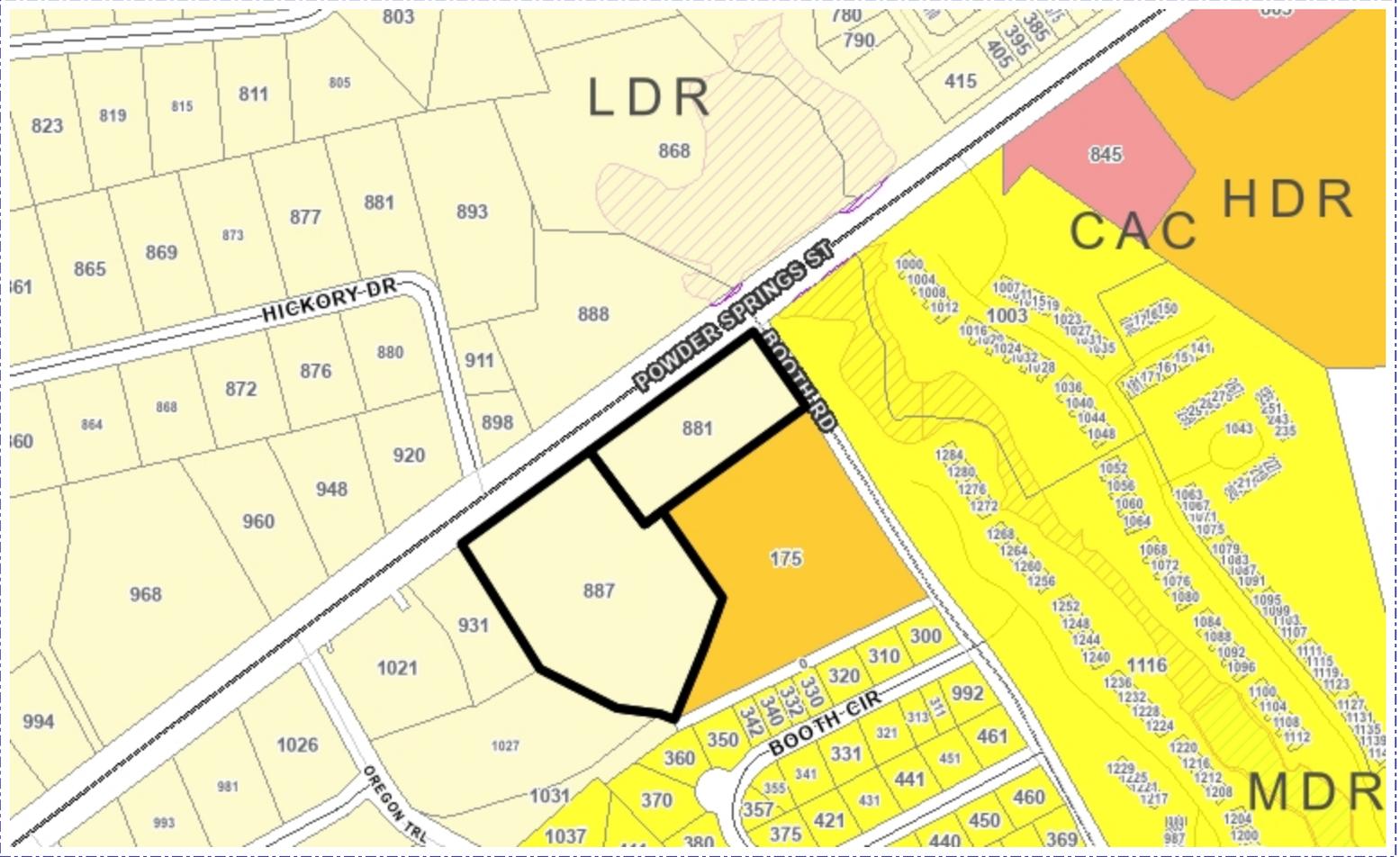
Planning Commission Date: 05/05/2020

City Council Hearing Date: 05/13/2020 Case Number: Z2020-15

City of Marietta Planning & Zoning

Zoning Symbols

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

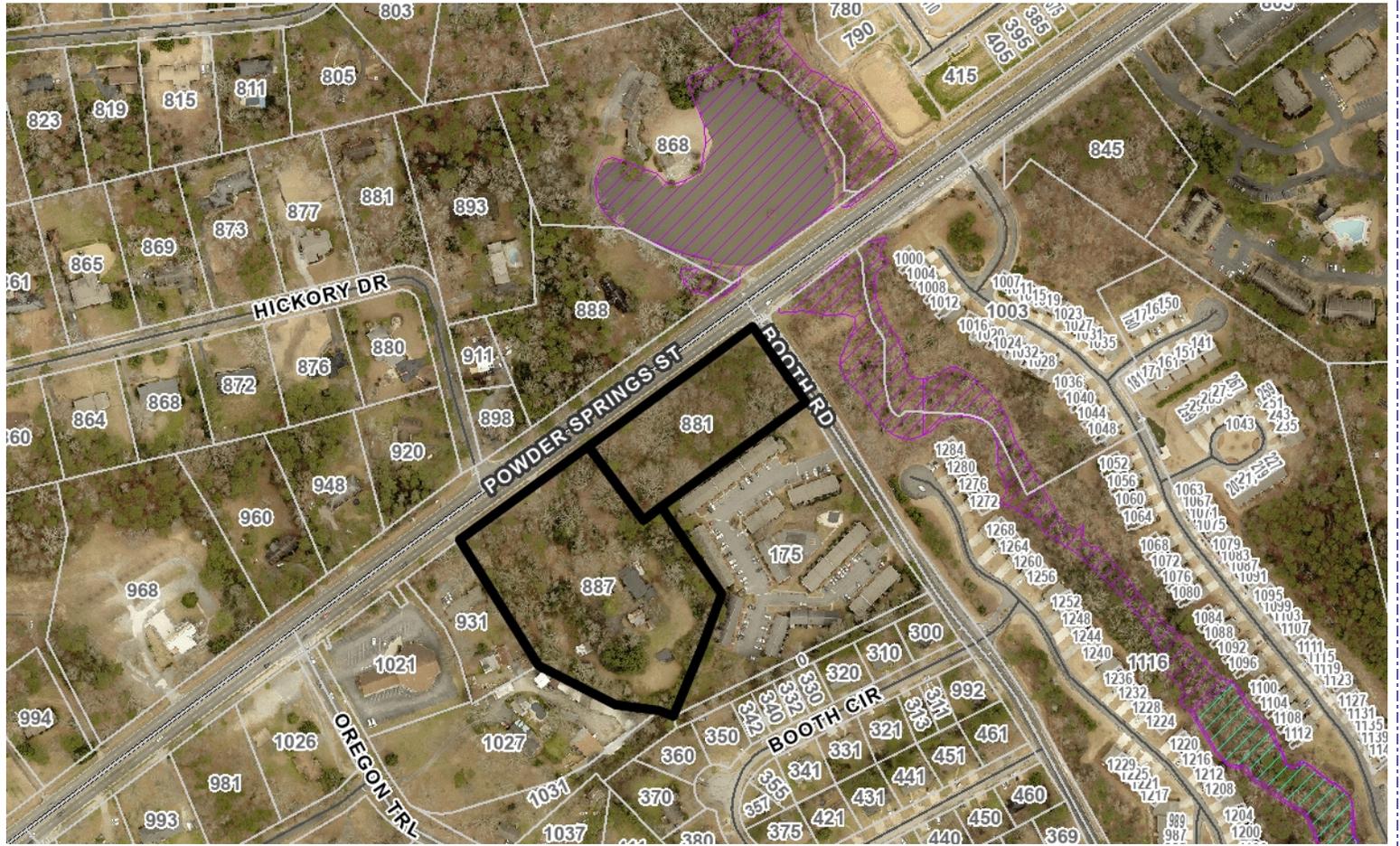


Address	Parcel Number	Acreage	Ward	Zoning	FLU
887 POWDER SPRINGS ST	17014000730	4.504	2B	R2	LDR
881 POWDER SPRINGS ST	17014000030	2.062	2B	R2	LDR

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

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

Property Owner:	Dennis L. & Martha W. Moore
Applicant:	InLine Communities
City Council Hearing Date:	05/13/2020
Planning Commission Hearing Date:	05/05/2020
BZA Hearing Date:	Case Number: Z2020-15
Comments:	

Legend

- Railroads
- City Limits
- Cobb County Pockets

