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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2016-22                      **LEGISTAR:** 20160675

**LANDOWNERS:** Estate of John Melvin Clark  
Mary C. Bryan, Executrix  
1960 Austell Road  
Marietta, GA 30008

**APPLICANT:** Tyler Chandler Homes, LLC  
332 Lawrence Street  
Marietta, GA 30060

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

**PROPERTY ADDRESS:** 1400 Powder Springs Road

**PARCEL DESCRIPTION:** 19 02600 0030

**AREA:** 8.961 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)

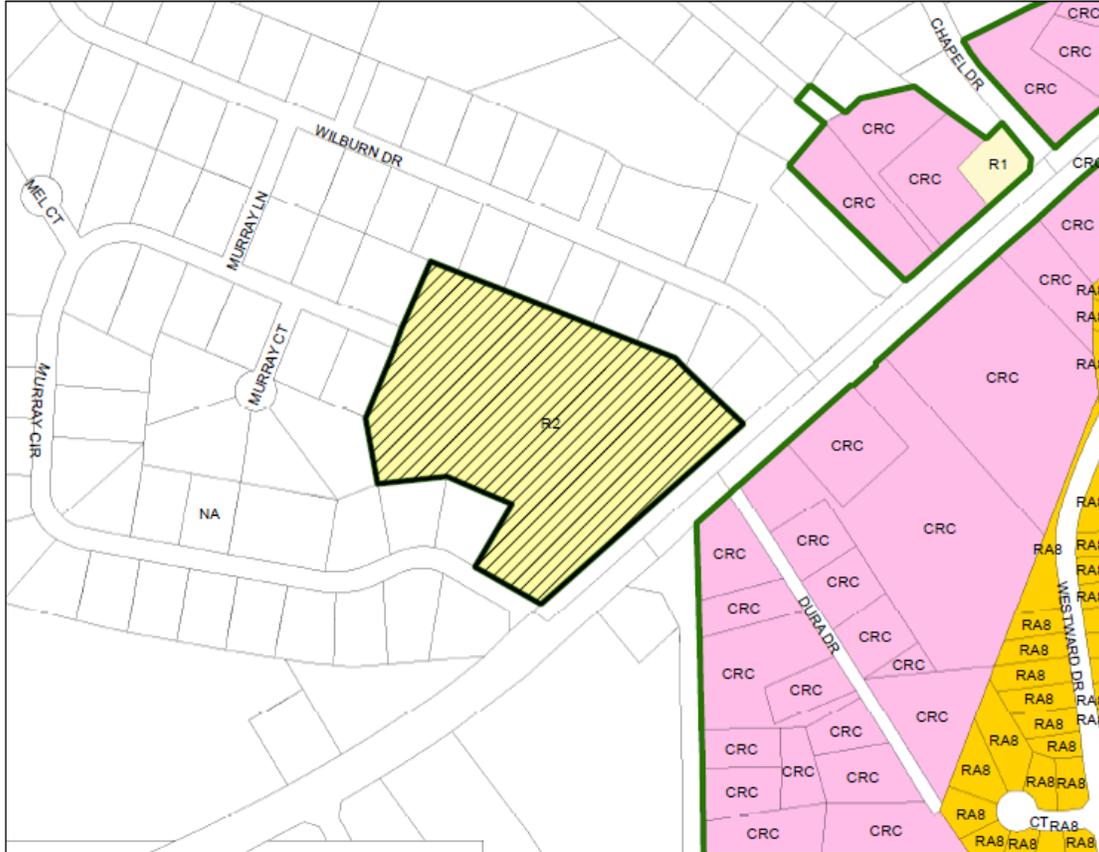
**REASON FOR REQUEST:** The applicant intends to develop a 72 unit townhouse development on the 8.961 acre parcel, with a resulting density of 8 units/acre.

**PLANNING COMMISSION HEARING:** Tuesday, September 6, 2016 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, September 14, 2016 – 7:00 p.m.

# MAP

## City of Marietta Area Zoning Map

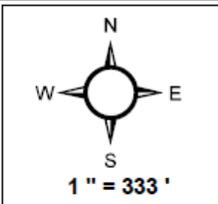


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park <b>MULTI FAMILY RESIDENTIAL</b> RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.	<b>COMMERCIAL</b> NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MXD Mixed-Use Dev. OIT Office Institutional Trans. LRO Low-Rise Office OI Office Institutional OS Office Services OHR Office High-Rise <b>INDUSTRIAL</b> LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	19	02600	0030	R-2	PRD-SF

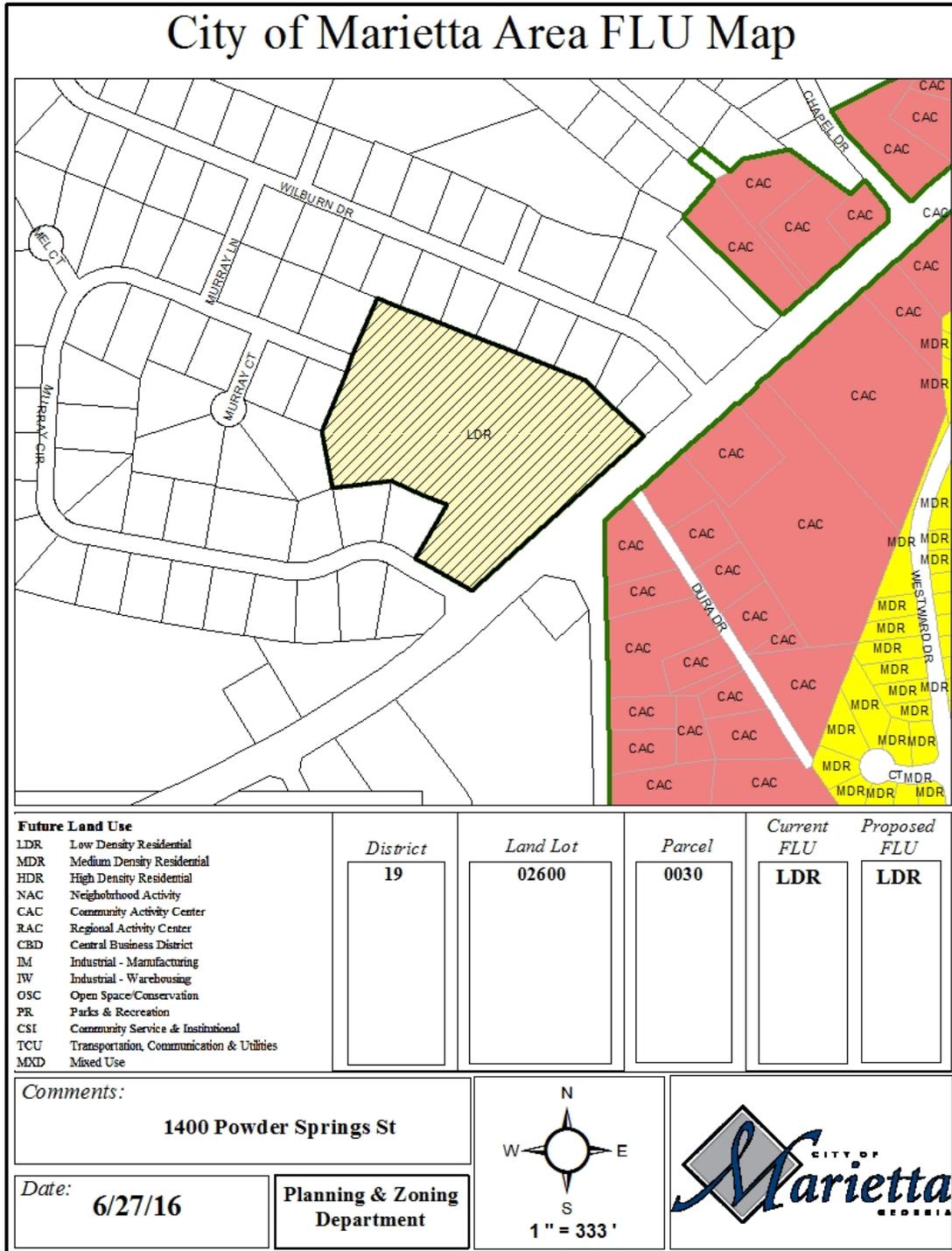
**Comments:**  
 1400 Powder Springs St

**Date:** 6/27/2016

**Planning & Zoning Department**



## FLU MAP



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**PICTURES OF PROPERTY**



**1400 Powder Springs Road from Murray Circle**



**Front yard area of 1400 Powder Springs Road**

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## STAFF ANALYSIS

### *Location Compatibility*

Kevin Moore, representing the applicant, Tyler Chandler Homes, LLC, is requesting to rezone an 8.96 acre parcel of property from R-2 (Single Family Residential, 2 units/ac) to PRD-SF (Planned Residential Development – Single Family) in order to build a **72 unit townhouse** development.

The subject property is located on Powder Springs Road, just northeast of Murray Circle and southwest of Wilburn Drive. The adjacent properties to the south and west of the subject property (along Murray Court and Murray Circle) are zoned R20 (20,000 sq.ft. minimum lot size) in Cobb County. The adjacent parcels to the north, along Wilburn Drive, are zoned R80 (80,000 sq.ft. minimum lot size) in Cobb County. These properties all contain single-family detached homes that are used residentially. A Waffle House currently is located across the street on the northeast corner of Powder Springs Road and County Services Parkway, and that property is zoned CRC (Community Retail Commercial). The property at the southeast corner of Powder Springs Road and County Services Parkway is a vacant parcel zoned R15 in Cobb County.

### *Use Potential and Impacts*

The proposed plans for the 8.96-acre tract indicates that the development would have **72 front entry townhomes, resulting in a density of approximately 8.04 units per acre (72/8.9)**. Design regulations require that single family developments containing more than 51 dwelling units must provide at least two access points to arterial or collector streets, but the proposed plans only indicate one access point from Powder Springs Road, directly across from County Services Parkway. The applicant has chosen not to extend an access point onto Murray Circle so as not to further impact the nearby residents.

Another design choice that the applicant has made is in dealing with the minimum lot size for each lot within the development. PRD-SF zoning requires a minimum lot size of 4,000 square feet, which could be accomplished by extending lot lines along the common walls of the buildings. However, the developer has chosen to minimize the size of the individual lots and maximize the common area of the development. This design would allow the homeowners association to maintain the entire property rather than having individual owners responsible for their own yards.

Each townhouse unit would be 24 feet wide and would have a two –car garage as well as a 20-foot driveway that could accommodate two additional vehicles. Guest parking is required to be provided at a ratio of 0.2 spaces per dwelling unit, and 17 guest spaces are provided as required on the proposed plans.

A recreation area is also required at a ratio of 1 acre per 50 units, so just under 1.5 acres of recreational area should be provided. The plan shows a cumulative park area of 2.33 acres, concentrated mostly along the rear property lines against the residences on Murray Circle. It is not clear from the plan whether the existing vegetation in this area will be saved or replanted.

The proposed density for the townhouse development would be higher than the densities of the surrounding residential developments in Cobb County. However, this property has approximately 600 feet of frontage on Powder Springs Road and is impacted by the commercial developments along Powder Springs Road and the governmental uses (including the Cobb County Jail) on County Services Parkway.

The future land use designation for this property is LDR (Low Density Residential), which is described in the City's Comprehensive Plan as being suitable for single-family detached housing with densities of up to three units per acre. As a result, this rezoning request is not compatible with the current Future Land Use map and Comprehensive Plan adopted by the City.

### *Environmental Impacts*

The majority of this site is undeveloped, but there are existing trees and vegetation towards the rear of the property. There appears to be some very steep slopes on the property. There is no floodplain on the site, and it is unlikely that any endangered species or wetlands currently exist on the property.

### *Economic Functionality*

Due to the location of this property with approximately 600 feet of frontage along a 5-lane state highway, it is unlikely that this property will be developed under the existing zoning classification (R-2). As a result, this property does not have a reasonable economic use as it is currently zoned. However, the proposed density of 8.04 units per acre is greater than that of the adjacent residential neighborhoods.

### *Infrastructure*

The following are notable comments from the Marietta Public Works Department:

- A second access point for the development is strongly recommended.
- Upgrade to a signalized intersection is highly likely.
- The section of Powder Springs Road north of the proposed entrance is maintained by the City of Marietta; south of the entrance is maintained by Cobb County.

- Proposed layout does not take into account site topography, e.g. steep slope draining to southeast, but detention facility only in northwest corner of site.

### *History of Property*

This property was annexed from Cobb County and rezoned (Z2007-20) from R-20 to R-2 in November 2007. The following stipulation was incorporated as a condition of zoning:

- Any plan for this property must come through the Planning Commission, property be posted, advertised in newspaper and notification to Murray Circle residents.

In November 2011, RaceTrac Petroleum Inc. requested to rezone this property to CRC, Community Retail Commercial, in order to develop a convenience store with gasoline sales. That request was withdrawn without prejudice on December 14, 2011.

In May 2012, RaceTrac Petroleum Inc. again requested to rezone this property to CRC, Community Retail Commercial, in order to develop a convenience store with gasoline sales. That request was denied by City Council on June 13, 2012.

### *Other Issues*

The PRD-SF zoning classification requires submittal of building elevations and a tree plan for the proposed development. The applicant is aware of this requirement and will submit that information at a later date, but at this time Staff has not received any such information.

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## ANALYSIS & CONCLUSION

Kevin Moore, representing the applicant, Tyler Chandler Homes, LLC, is requesting to rezone an 8.96 acre parcel of property from R-2 (Single Family Residential, 2 units/ac) to PRD-SF (Planned Residential Development – Single Family) in order to build a 72 unit townhouse development. The previous submittal was for a 89 unit townhome development.

The proposed plans for the 8.96-acre tract indicates that the development would have 72 front entry townhomes, resulting in a density of approximately 8.04 units per acre (72/8.9), which is lower than the 10 units/acre originally proposed by the developer. Each townhouse unit would be 24 feet wide and would have a two –car garage as well as a 20-foot driveway that could accommodate two additional vehicles. Guest parking is required to be provided at a ratio of 0.2 spaces per dwelling unit, which in this case would require 15 guest spaces. Seventeen (17) guest spaces are indicated on the proposed plans.

The proposed density for the townhouse development would be higher than the densities of the surrounding residential developments in Cobb County. However, this property has approximately 600 feet of frontage on Powder Springs Road and is impacted by the commercial developments along Powder Springs Road and the governmental uses (including the Cobb County Jail) on County Services Parkway.

The PRD-SF zoning classification requires submittal of building elevations and a tree plan for the proposed development. The applicant is aware of this requirement and will submit that information at a later date, but at this time Staff has not received any such information.

If approved as submitted, the following variances would be required:

1. Variance to reduce the required lot area from 4,000 sq.ft. to 1,080 sq.ft.
2. Variance to allow only one access point to an arterial or collector street for a single family development with more than 51 dwelling units.

The future land use designation for this property is LDR (Low Density Residential), which is described in the City's Comprehensive Plan as being suitable for single-family detached housing with densities of up to three units per acre. As a result, this rezoning request is not compatible with the current Future Land Use map and Comprehensive Plan adopted by the City.

*The applicant has revised the plans to reduce the total number of townhouse units to 72, which will reduce the density to 8 units per acre; and will also provide 2.5 to 3 acres of open space. The applicant agreed to table this item at the Planning Commission meeting on August 2, 2016 in order to make these changes.*

Prepared by: Shelly Wenkes

Approved by: Rusty Rath



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## DATA APPENDIX

### *CITY OF MARIETTA - WATER*

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Is a water line adjacent to the property?	N/A
If not, how far is the closest water line?	N/A
Size of the water line?	N/A
Capacity of the water line?	N/A
Approximate water usage by proposed use?	N/A

### *CITY OF MARIETTA - SEWER*

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

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## DATA APPENDIX CONTINUED

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

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

### ***TRANSPORTATION***

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What is the road effected by the proposed change?	Powder Springs Rd
What is the classification of the road?	Arterial (City & Cobb County)
What is the traffic count for the road?	N/A
Estimated # of trips generated by the proposed development?	517
Estimated # of pass-by cars entering proposed development?	0
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	N/A

- Second access point for the development is strongly recommended.
- Upgrade to a signalized intersection is highly likely.
- The section of Powder Springs Road that is north of the proposed entrance for the development is maintained by the City of Marietta. The section of Powder Springs Road that is south of the proposed entrance for the development is maintained by Cobb County.
- Proposed layout does not take into account site topography, e.g. very steep land with one third of property draining to the southeast, but stormwater detention facility provided only in northwest corner of site.



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## DATA APPENDIX CONTINUED

### *EMERGENCY SERVICES*

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Nearest city or county fire station from the development?	Marietta Station #54 228 Chestnut Hill Road
Distance of the nearest station?	1.6 miles
Most likely station for 1 <sup>st</sup> response?	Marietta Station #54
Service burdens at the nearest city fire station (under, at, or above capacity)?	No service burdens

The fire department has no objection to the zoning variance requested by the estate of John Melvin. However, the proposed use will be subject to the Marietta Sprinkler Ordinance, turning radii as outlined in the Marietta City Code and hammerhead length as required in International Fire Code.

### *MARIETTA POWER - ELECTRICAL*

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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?

Additional comments:



**DATA APPENDIX CONTINUED**

**MARIETTA CITY SCHOOLS**

**Marietta City Schools Impact Assessment:**

Elementary School System Servicing Development:	<b>Hickory Hills Elementary</b>
Middle School Servicing Development:	<b>Marietta Middle School</b>
High School Servicing Development:	<b>Marietta High School</b>
Capacity at Elementary School:	<b>375-475</b>
Capacity at Middle School:	<b>1300-1400</b>
Capacity at Marietta Sixth Grade Academy:	<b>800-900</b>
Capacity at High School:	<b>2500-2600</b>
Current enrollment of Elementary School:	<b>371</b>
Current enrollment of Middle School:	<b>1286</b>
Current enrollment of High School:	<b>2330</b>
Number of students generated by present development:	<b>0</b>
Number of students projected from the proposed development:	<b>44</b>
New schools pending to serve this area:	<b>0</b>

**Comments:**

A price point and the number of bedrooms for each townhome would be needed for a more detailed number of projected students.



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

## APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)

*For Office Use Only:*

Application #: 22016-22      Legistar #: 20160675      PZ #: 16-377  
 Planning Commission Hearing: 08/02/2016      City Council Hearing: 08/10/2016

Owner's Name Estate of John Melvin Clark      Email Address: \_\_\_\_\_  
Mary C. Bryan, Executrix

Mailing Address 1960 Austell Road      Zip Code: 30008      Telephone Number (770) 436-0874

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

**Applicant's Representative: J. Kevin Moore - Moore Ingram Johnson & Steele, LLP**  
 Applicant: Tyler Chandler Homes, LLC

Mailing Address 332 Lawrence Street, Marietta, GA      Zip Code: 30060

Telephone Number (404) 921-0240      Email Address: whiott@tylerchandlerhomes.com

**Address of property to be rezoned:** 1400 Powder Springs Road

Land Lot (s) 0258, 0259, 0260, 0261, District 19 Parcel 0030 Acreage 8.961 Ward 2B Future Land Use: LDR

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

### REQUIRED INFORMATION

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

1. **ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk. The original application must be submitted with ALL original signatures - Copies of the application or signature(s) will NOT be accepted.**
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.
3. Site plan/plat/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. Five (5) copies, drawn to scale and no larger than 24" x 36"; and one (1) copy 11' x 17' or smaller, must be submitted. 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
4. 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:** August 2, 2016  
August 10, 2016

**Applicant:** Tyler Chandler Homes, LLC  
**Property Owner:** Estate of John Melvin Clark

**DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT**

The property which is the subject of the Application for Rezoning by Applicant, Tyler Chandler Homes, LLC (hereinafter "Applicant") consists of a total tract of 8.961 acres, more or less, and is located on the northwesterly side of Powder Springs Road, at the signal intersection of County Services Parkway and Powder Springs Road, Land Lots 258, 259, 260, and 261, 19<sup>th</sup> District, 2<sup>nd</sup> Section, City of Marietta, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). The Rezoning Application seeks approval of a request to rezone the Subject Property from its existing R2 zoning category to the PRD-SF category. Applicant is seeking rezoning for a quality townhome community.

Applicant proposes the construction of a maximum of eighty-nine (89) townhome units. All residences shall be traditional or Craftsman style in architecture and design, with the exteriors consisting of brick, stone, Cementous siding, and combinations thereof. All residences shall have two car garages. Access to the proposed development shall be from Powder Springs Road. Extensive landscaping will be installed for the overall project. Additionally, Applicant proposes pocket parks which shall be heavily landscaped and used and enjoyed by residents of the proposed community for passive recreational activities and gatherings.

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 Concept Plan, if necessary;
- (2) Landscape Plan for buffer areas and proposed Open Space area; and
- (3) Elevations, floorplans, and finishes.

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 more particularly set forth during the rezoning process.

Applicant is very excited with the opportunity of this new project within the City of Marietta. The proposed community will bring new, quality residential development along the Powder Springs corridor. This area is a prime location for the proposed community, being located on a major roadway, at a signalized intersection, with easy access to the South Marietta Parkway, the Windy-Mac Connector, and the East-West Connector.

## Embler, Ines

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**From:** Embler, Ines  
**Sent:** Thursday, July 28, 2016 12:13 PM  
**To:** Bob Kinney; Brenda McCrae; Frasure Hunter; Hicks Poor; Jay Davis; Roy Vanderslice; Stephen Diffley  
**Cc:** Roth, Rusty; Winkles, Shelby; 'Daniel White' (dwhite@hlclaw.com); Binzer, Brian; Sarah Hegener (shegener@hlclaw.com)  
**Subject:** Email in support of Z2016-22 Powder Springs St 1400

**From:** Kevin Moore [<mailto:JKM@mijs.com>]  
**Sent:** Thursday, July 28, 2016 8:41 AM  
**To:** Winkles, Shelby <[SWinkles@marietta.gov](mailto:SWinkles@marietta.gov)>  
**Cc:** Roth, Rusty <[RRoth@marietta.gov](mailto:RRoth@marietta.gov)>  
**Subject:** Fwd: Zoning Proposal for 1400 Powder Springs Rd

Shelby,

Please find below an email from a supportive area resident.

Thanks,

Kevin

J. Kevin Moore  
Moore Ingram Johnson & Steele

Begin forwarded message:

**From:** Alison Lanier <[raggdogduds@icloud.com](mailto:raggdogduds@icloud.com)<<mailto:raggdogduds@icloud.com>>>  
**Date:** July 27, 2016 at 9:14:24 PM EDT  
**To:** [jkm@mijs.com](mailto:jkm@mijs.com)<<mailto:jkm@mijs.com>>  
**Cc:** Alison Lanier <[arlanier@yahoo.com](mailto:arlanier@yahoo.com)<<mailto:arlanier@yahoo.com>>>  
**Subject:** Zoning Proposal for 1400 Powder Springs Rd

Hey Kevin,

Just wanted to let you know I LOVE the proposal for the Clark property to become townhomes designed by Tyler Chandler Builders. What an improvement!

Unfortunately I'll be on vacation for the first meeting August 2nd but plan on attending the August 10th meeting.

Most home owners I've spoken with like the proposal as well. Of course, down the road with the planning committee, we hope the quality is upscale. One reoccurring question however is can we get the traffic light at Powder Springs & County Services time extended to allow us more time to exit our community safely? We realize we won't have access to the light directly, but we still need an opportunity to make SAFE left turns from Murray & Wiburn. Once the town home residents utilize that light in the morning & evening rush hour, our chances of getting over to County Services Rd or heading towards downtown Marietta lessen unless the time

frame of the traffic light is extended.

It is my hope that the Clark family, Tyler Chandler Builders and your law firm have already considered our safety in this manner. Although the traffic volume is much lessened than a gas station would have brought, there still exists an increased utilization at that intersection of Powder Springs Rd and County Services once the townhouses are occupied.

Thanks Kevin for your consideration....I'll see you on the 10th

Alison Lanier

Ali / RaggDogDuds.com <<http://raggdogduds.com>>

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**PERSON IN OPPOSITION CERTIFICATION**

ZONING/VARIANCE FILE NUMBER: 2016 0675

FILE NAME: Rezoning Tyler - Chandler Homes

DATE OF MEETING: 2 AUG 2016

I, (Print Name) Stephen Hamrick, HEREIN CERTIFY THAT I

HAVE  HAVE NOT MADE A CAMPAIGN CONTRIBUTION(S) OR GIFTS

AGGREGATING \$250.00 OR MORE TO THE MAYOR, ANY MEMBER OF COUNCIL, ANY MEMBER OF THE PLANNING COMMISSION OR ANY MEMBER OF THE BOARD OF ZONING APPEALS WITHIN THE TWO (2) YEARS PRECEDING THE FILING OF THE REZONING/VARIANCE APPLICATION.

I FURTHER CERTIFY THAT I  HAVE  HAVE NOT A FINANCIAL INTEREST

IN THE PROPERTY, WHICH IS TEN (10%) PERCENT OR MORE.

  
SIGNATURE

2 AUG 2016  
DATE

**PERSON IN OPPOSITION CERTIFICATION**

ZONING/VARIANCE FILE NUMBER: 20160675 2-2016-22

FILE NAME: Tyler Chandler Homes, LLC

DATE OF MEETING: 8-2-2016

I, (Print Name) Gwen M Peel, HEREIN CERTIFY THAT I

HAVE  HAVE NOT MADE A CAMPAIGN CONTRIBUTION(S) OR GIFTS

AGGREGATING \$250.00 OR MORE TO THE MAYOR, ANY MEMBER OF COUNCIL, ANY MEMBER OF THE PLANNING COMMISSION OR ANY MEMBER OF THE BOARD OF ZONING APPEALS WITHIN THE TWO (2) YEARS PRECEDING THE FILING OF THE REZONING/VARIANCE APPLICATION.

I FURTHER CERTIFY THAT I  HAVE  HAVE NOT A FINANCIAL INTEREST IN THE PROPERTY, WHICH IS TEN (10%) PERCENT OR MORE.

Gwen M Peel  
SIGNATURE

8-2-2016  
DATE

**PERSON IN OPPOSITION CERTIFICATION**

ZONING/VARIANCE FILE NUMBER: 22016-22

FILE NAME: Rezoning Tyler Chandler Homes LLC

DATE OF MEETING: 8/2/16

I, (Print Name) Harry Longshore, HEREIN CERTIFY THAT I

HAVE  HAVE NOT MADE A CAMPAIGN CONTRIBUTION(S) OR GIFTS

AGGREGATING \$250.00 OR MORE TO THE MAYOR, ANY MEMBER OF COUNCIL, ANY MEMBER OF THE PLANNING COMMISSION OR ANY MEMBER OF THE BOARD OF ZONING APPEALS WITHIN THE TWO (2) YEARS PRECEDING THE FILING OF THE REZONING/VARIANCE APPLICATION.

I FURTHER CERTIFY THAT I  HAVE  HAVE NOT A FINANCIAL INTEREST IN THE PROPERTY, WHICH IS TEN (10%) PERCENT OR MORE.

Harry Longshore  
SIGNATURE

Aug 2, 2016  
DATE

**PERSON IN OPPOSITION CERTIFICATION**

ZONING/VARIANCE FILE NUMBER: Z2016-22 20160675

FILE NAME: 1400 Powder Spring Realty

DATE OF MEETING: 8/2/16

I, (Print Name) Darren A. Friberg, HEREIN CERTIFY THAT I

HAVE  HAVE NOT MADE A CAMPAIGN CONTRIBUTION(S) OR GIFTS

AGGREGATING \$250.00 OR MORE TO THE MAYOR, ANY MEMBER OF COUNCIL, ANY MEMBER OF THE PLANNING COMMISSION OR ANY MEMBER OF THE BOARD OF ZONING APPEALS WITHIN THE TWO (2) YEARS PRECEDING THE FILING OF THE REZONING/VARIANCE APPLICATION.

I FURTHER CERTIFY THAT I  HAVE  HAVE NOT A FINANCIAL INTEREST

IN THE PROPERTY, WHICH IS TEN (10%) PERCENT OR MORE.

  
SIGNATURE

8/2/16  
DATE

Did not speak

**PERSON IN OPPOSITION CERTIFICATION**

ZONING/VARIANCE FILE NUMBER: Z2016-21

FILE NAME: Z2016-21

DATE OF MEETING: 8/2/16

I, (Print Name) Shirley Hammond, HEREIN CERTIFY THAT I

HAVE  HAVE NOT MADE A CAMPAIGN CONTRIBUTION(S) OR GIFTS

AGGREGATING \$250.00 OR MORE TO THE MAYOR, ANY MEMBER OF COUNCIL, ANY MEMBER OF THE PLANNING COMMISSION OR ANY MEMBER OF THE BOARD OF ZONING APPEALS WITHIN THE TWO (2) YEARS PRECEDING THE FILING OF THE REZONING/VARIANCE APPLICATION.

I FURTHER CERTIFY THAT I  HAVE  HAVE NOT A FINANCIAL INTEREST IN THE PROPERTY, WHICH IS TEN (10%) PERCENT OR MORE.

Shirley Hammond  
SIGNATURE

8/2/16  
DATE

22016-22

**Proposed Considerations for the City of Marietta's Planning and Zoning of 1400 Powder Spring Road from the Surrounding Home Owners  
August 2, 2016**

The homes surrounding this proposed building site consist of an older Cobb County neighborhood that has always been a quiet and established neighborhood of many families with children of all ages, young couples, and older adults. Most days these people are seen playing in large yards, taking walks/ walking the dogs, and just sitting and enjoying the MANY deer and birds. Part of this quiet and private neighborhood has been the enjoyment of the large amount of approximately 9 acres of property along the front, being the proposed site, and the property to the back, being Cheatham Hill and Kennesaw National Park property, with a large abundance of natural wildlife existing in both locations. We also enjoy one entrance and exit on and off of Powder Springs Road for Murray Cir and one for Wilburn Dr which greatly cuts down on traffic speeding and just cutting thru and not paying attention to our families enjoying this VERY peaceful area.

We hope the City will approve the following stipulations in an effort to continue to maintain this quiet and private neighborhood.

**Requested Stipulations**

1. A Wood Privacy Fence at a minimum of 8ft in height will be constructed along the property line between the proposed site along both sides and the rear of adjoining properties of the existing neighborhood, after the initial infrastructure development, but before home construction begins. When landscaping is installed, evergreen type trees at a minimum of 6 feet in height at planting, as approved by the City of Marietta arborist, and bushes will be installed along the wood privacy fence as an additional buffer and sound barrier.

(This wood privacy fence, even though not required, would allow the present homeowners of the surrounding property a continued enjoyment of a more quiet and private neighborhood. The wood privacy fence would allow for a continued private back yard for the young children in the neighborhood, giving them a safer place to play. The wood privacy fence would also help with the noise factor in our neighborhood during the lengthy construction period, approximately 12 to 18 months. But, it would not only benefit the present homeowners, it would benefit the new homeowners giving them a more private neighborhood and a safer back yard for their children to play, as well as it would benefit the Builder by making the outside units along the fence carry a higher value, than the inside units, due to the increased privacy.)

2. There will be No Present or Future Permanent Access or Road Connection to any existing residential street, to the rear onto Murray Circle, or to the sides onto Murray Circle or Wilburn Drive.

(This will prevent an impact of traffic inside the established neighborhood on Murray Circle and Wilburn Drive.)

3. No Units will be Section 8 Housing or Financial Assisted Housing and will have a minimum sales price of \$200,000.

(This will prevent a low income housing starting up in the City Limits.)

4. The property Zoning will be approved as R8A, allowing 8 units per acre.

(Changing the 10 units per acre to 8 units per acre would reduce the density by approximately 20%. This reduction is significant enough to be less of an impact on an established neighborhood and would be less of an impact on an already very busy Powder Springs Street and County Services Parkway.)

8-1-2016

Based on the response from Attorney Kevin Moore regarding questions the neighborhood had about the zoning and development of this property, the following are statements of fact according to him as of today, August 1, 2016:

1. The Projected Sales Price of each unit will be in the \$200,000's and none of the units will be Federal Section 8 Housing.
2. A Detention/Water Quality Pond is required of this development by local and state authorities. The pond is primarily an earthen pond with a concrete water control structure that has been constructed according to strict engineering standards. The detention pond is designed to drain out all storm water within a 24 hour period, and is not designed to retain or hold water. The slopes of the property determine where the pond must be located, and the pond must be landscaped and fenced. In this case, the proposed fencing would be black, vinyl coated chain link with landscaping to the outside of the fence.
3. The City Code mandates restricted work hours of 7am to 7pm, Monday thru Saturday and the length of construction period will be approximately 6 months for initial infrastructure development, followed by 12-18 months of home construction based on weather and sales velocity
4. The applicant/developer is currently evaluating 8 units per acre (R8A Zoning) vs. the proposed 10 units per acre (PRD-SF Zoning). This would reduce the density by approximately 20%. The reduction is significant and therefore the cost and value impacts are substantial. However, every effort is being studied to determine how they may be able to reduce the proposed number of homes.
5. All the proposed park areas would be used as passive green space (cleaned up and properly landscaped), with some limited areas for gazebos or small pavilions that can be used as gathering places for the new homeowners.
6. The proposed setbacks will be a minimum of 30 feet at the rear and a minimum of 25 feet at the sides.
7. The proposed homes will be two stories, with very few, if any, having elevated decks. Most units will have either a patio, or a deck, which will be only a few feet off the ground.
8. The road alongside the Detention Pond is additional park/green space area. There will be no road connection to any existing residential street, to the rear, or, to Murray Circle on the side.
9. Some trees along the property boundaries will remain, as well as, others that are in planned park areas. Trees to be planted along any buffer area to adjacent homes will be a minimum of 6 feet in height at planting, and will be evergreen type trees as approved by the City of Marietta arborist.
10. Trash pick-up will be by individual family unit, not by a centralized dumpster.

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: July 15, 2016**

**PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, AND VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, August 2, 2016, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, August 10, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

**Z2016-22 [REZONING] TYLER CHANDLER HOMES, LLC** is requesting the rezoning of 8.961 acres located in Land Lots 258, 259, 260, and 261, District 19, Parcels 0030, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as 1400 Powder Springs Road from R-2 (Single Family Residential – 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

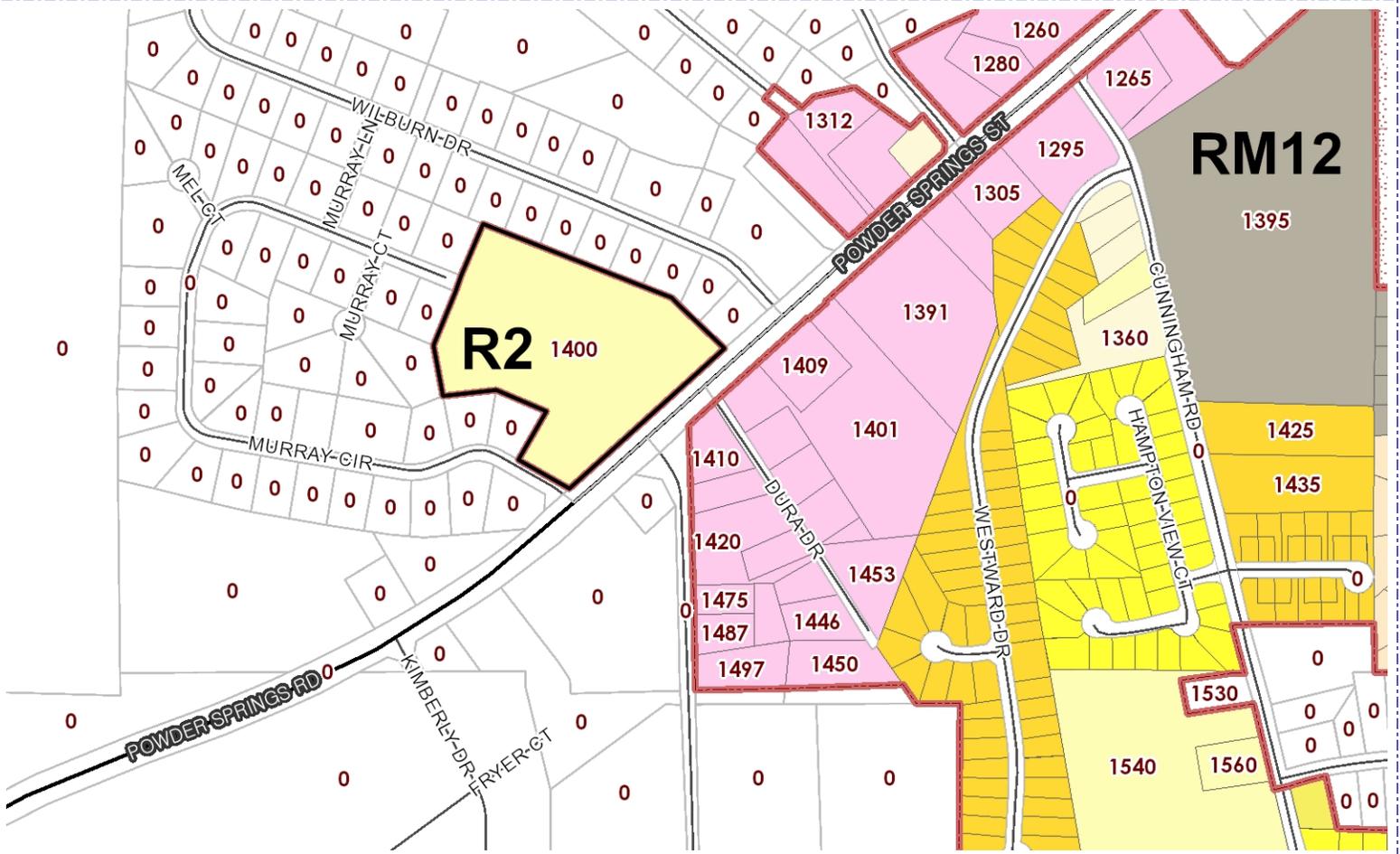
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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 Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

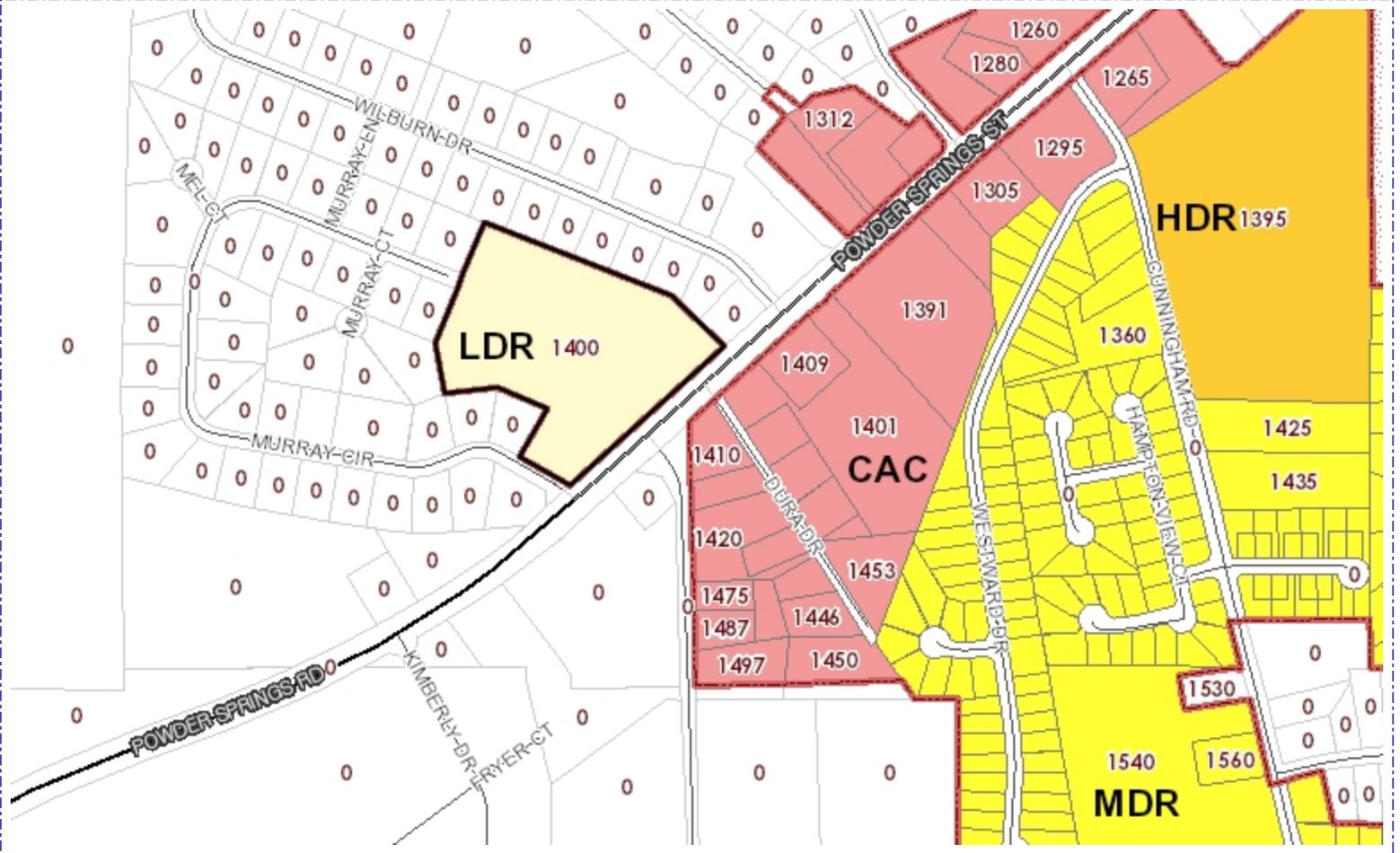
City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

# Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1400 POWDER SPRINGS RD	19026000030	9.2	2B	R2	LDR

Property Owner:	Estate of John Melvin Clark/Mary C. Bryan, Executrix		<b>Zoning Symbols</b> 
Applicant:	Tyler Chandler Homes, LLC		
Proposed Zoning:	PRD-SF		
Agent:	J. Kevin Moore, Esq.		
Proposed Use:			
Planning Commission Date:	08/02/2016		
City Council Hearing Date:	08/10/2016	Case Number: Z2016-22	
<b>City of Marietta Planning &amp; Zoning</b>			



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1400 POWDER SPRINGS RD	19026000030	9.2	2B	R2	LDR
Planning Commission Hearing Date:	09/06/2016	<b>Future Land Use Symbols</b> 			
City Council Hearing Date:	09/14/2016				
Future Land Use:	LDR				
Case Number:	Z2016-22				
Comments:					
<b>City of Marietta Planning &amp; Zoning</b>					



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1400 POWDER SPRINGS RD	19026000030	9.2	2B	R2	LDR

Property Owner:	Estate of John Melvin Clark/Mary C. Bryan, Executrix
Applicant:	Tyler Chandler Homes, LLC
City Council Hearing Date:	08/10/2016
Planning Commission Hearing Date:	08/02/2016
BZA Hearing Date:	Case Number: Z2016-22
Comments:	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

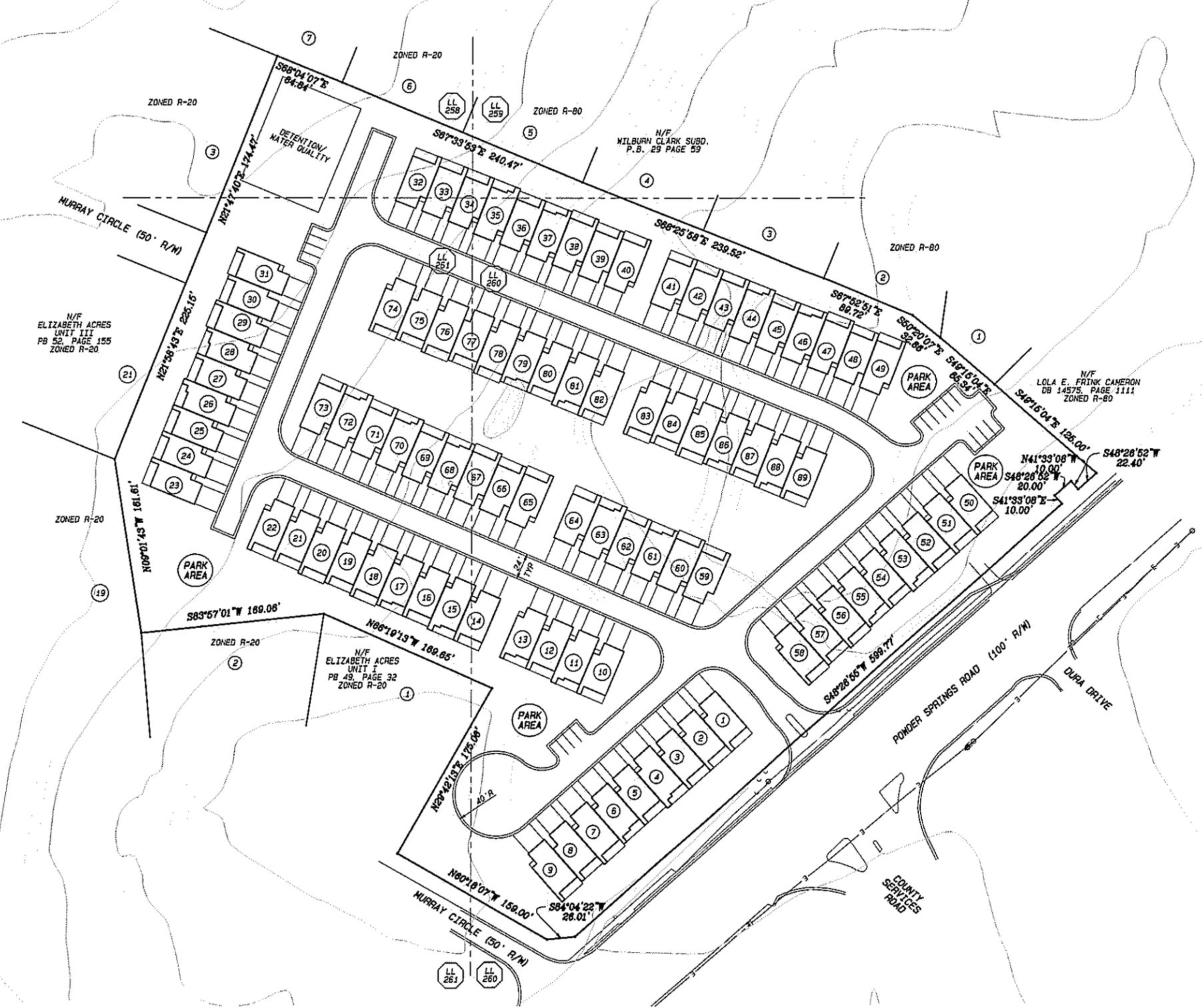


LOCATION MAP  
1"=2000'

REVISION RECORD	DATE	PURPOSE

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**BETTERTON SURVEYING & DESIGN, INC.**  
 LAND SURVEYING/PLANNING  
 SUBDIVISION & COMMERCIAL SITE DESIGN  
 950 WEST SANDTOWN ROAD  
 MARIETTA, GEORGIA 30064  
 (678) 483-0242



CURRENT ZONING: R-2  
 PROPOSED ZONING: PRD-SF  
 LOT AREA: 8.961 ACRES  
 FRONT SETBACK: 30 FT.  
 REAR SETBACK: 30 FT.  
 SIDE SETBACKS: 25 FT.  
 PROPOSED UNITS: 89  
 DENSITY: 9.93 UNITS/ACRE

- SURVEY NOTES:**
1. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN 1 FOOT IN 1,047,951 FEET.
  2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET AND AN ANGULAR ERROR OF 02" PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.
  3. EQUIPMENT - TOPCON GPT 8205A ROBOTIC STATION
  4. DATE OF SURVEY: 05-22-16
  5. I HAVE, THIS DATE, EXAMINED THE OFFICIAL FIA FLOOD HAZARD MAP COMMUNITY NUMBER 130225, PANEL 01126, DATED 12-16-2008, AND HAVE DETERMINED THAT THIS PROPERTY IS NOT LOCATED IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
  6. #4 REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

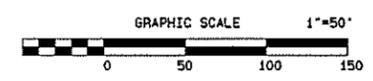
BOUNDARY INFORMATION TAKEN FROM SURVEY PLAT FOR THE ESTATE OF JOHN M. CLARK, PREPARED BY THE CRUSSELLE COMPANY DATED 05-25-2006.

ABBREVIATION LEGEND	
A	ARC DISTANCE
B/L	BUILDING LINE
CMP	CORRUGATED METAL PIPE
D.B.	DEED BOOK
FH	FIRE HYDRANT
GN	GUY WIRE
IPF	IRON PIN FOUND
IPS	IRON PIN SET
INV	INVERT ELEVATION
LC	CHORD LENGTH
L.L.	LAND LOT
L.L.L.	LAND LOT LINE
N/F	NOW OR FORMERLY
OTF	OPEN TOP PIPE
PG	PAGE
P.O.B.	POINT OF BEGINNING
PP	POWER POLE
R	RADIUS
R/W	RIGHT-OF-WAY
S.F.	SQUARE FEET
SSH	SANITARY SEWER HANHOLE
WM	WATER METER

SYMBOL LEGEND	
—	Guy Wire
—	Fire Hydrant
—	Drop Inlet
—	Water Meter
—	Water Valve
—	Power Pole
—	Sanitary Sewer Hanhole
—	Water Line
—	Sanitary Sewer Line
—	Overhead Power Line
—	Fence

IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



**ZONING MAP**  
**1400 POWDER SPRINGS ROAD**  
 LOCATED IN 258, 259, 260 & 261  
 LAND LOTS, 2ND SECTION  
 19TH DISTRICT, COBB COUNTY,  
 GEORGIA, CITY OF MARIETTA  
 PREPARED FOR:  
**TYLER CHANDLER HOMES**

DRAWN BY: RBB  
 CHECKED BY: RBB  
 SCALE: 1" = 50'  
 DATE: JUNE 18, 2016  
 FILE NUMBER: 16133.PRO  
 JOB NUMBER: 16133  
 SHEET NUMBER: 1 OF 1