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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2017-05

**LEGISTAR:** 20161171

**LANDOWNERS:** George Bentley  
1018 Ridgeview Lane  
Marietta, GA 30062

**APPLICANT:** Same as above

**AGENT:** N/A

**PROPERTY ADDRESS:** 349 Kathleen Drive

**PARCEL DESCRIPTION:** 17050500750

**AREA:** 0.499 acres      **COUNCIL WARD:** 7A

**EXISTING ZONING:** R-2 (Single Family Residential)

**REQUEST:** LI (Light Industrial) with a Special Land Use  
Permit for automobile storage

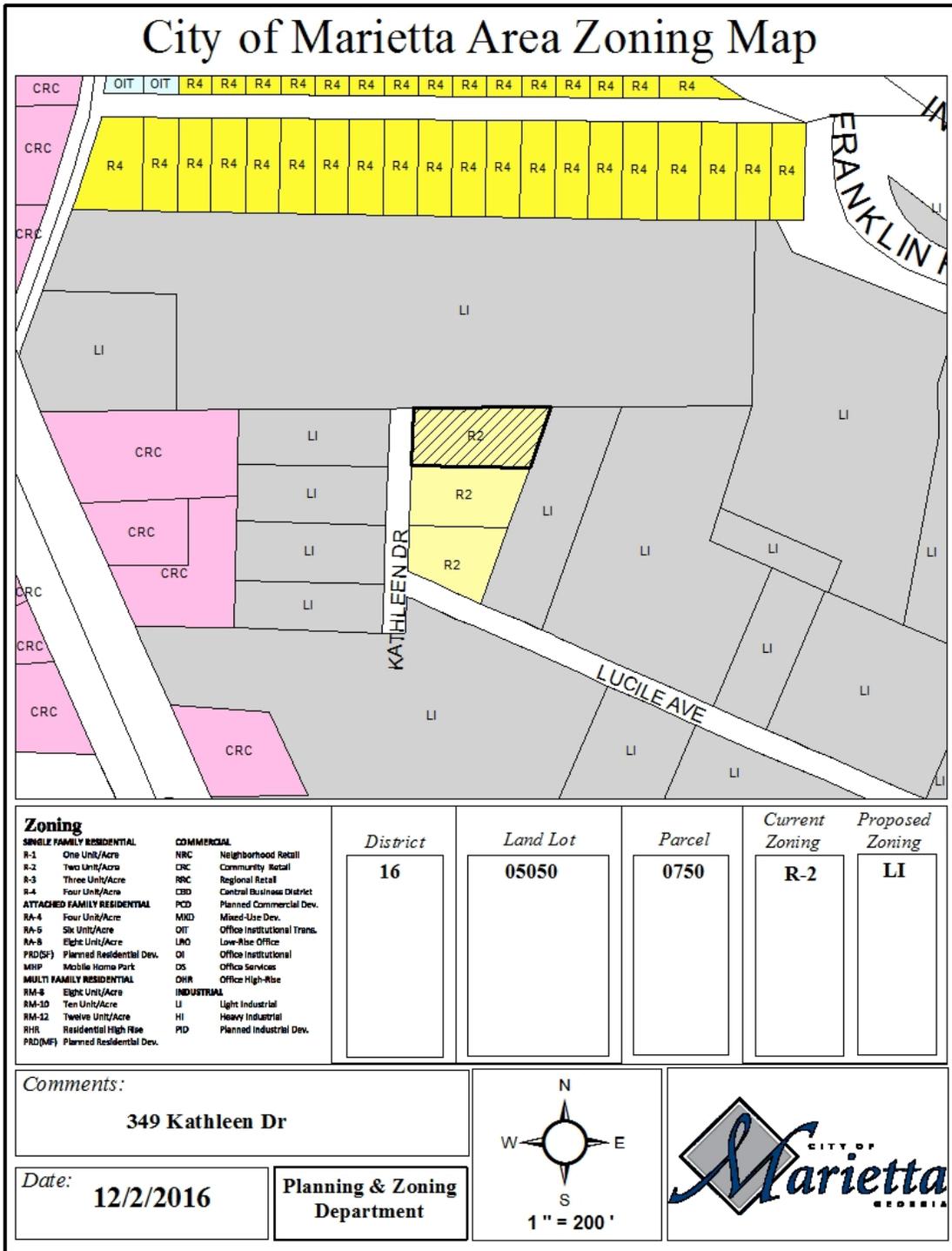
**FUTURE LAND USE:** IW (Industrial Warehousing)

**REASON FOR REQUEST:** The applicant is requesting to rezone this property from R2 to LI with a Special Land Use Permit in order to use the subject property as a yard for automobile storage.

**PLANNING COMMISSION HEARING:** Tuesday, January 3, 2017 – 6:00 p.m.

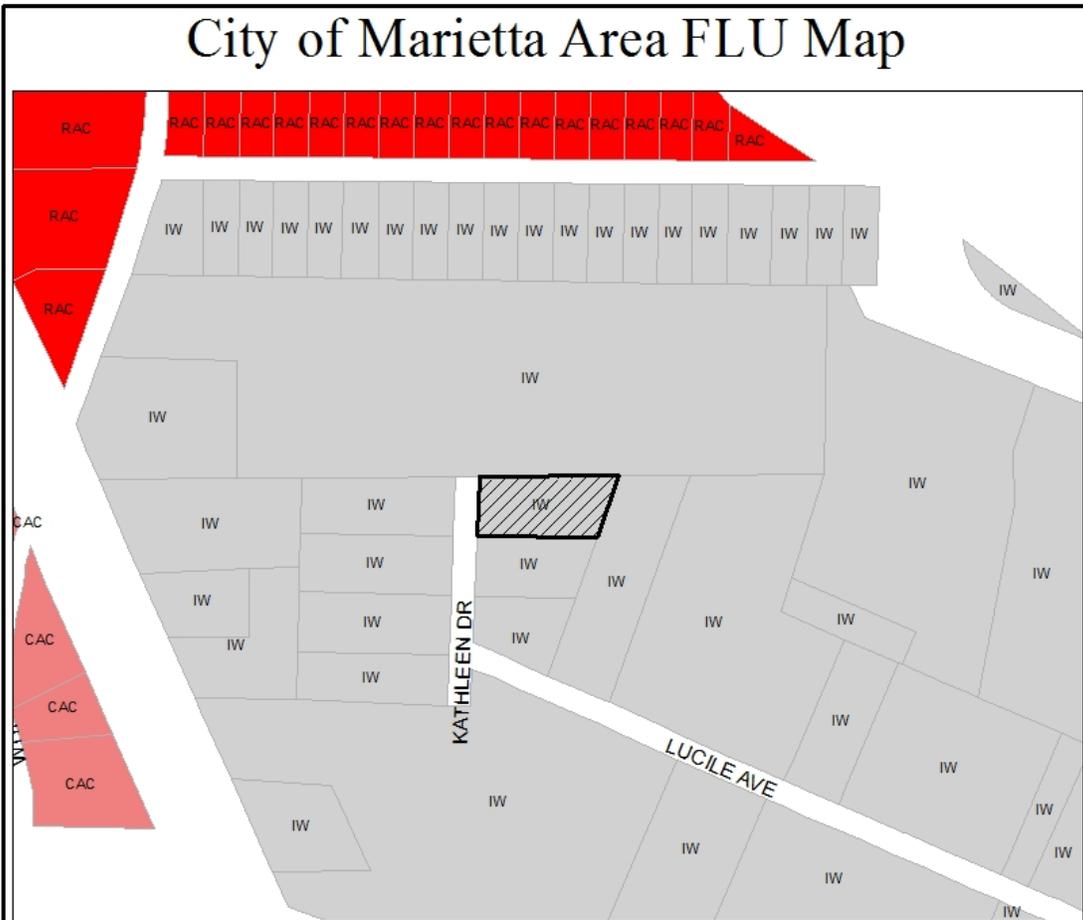
**CITY COUNCIL HEARING:** Wednesday, January 11, 2017 – 7:00 p.m.

# MAP



## FLU MAP

### City of Marietta Area FLU Map

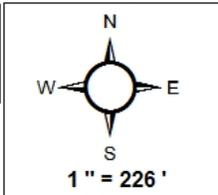


Future Land Use	District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR Low Density Residential	16	05050	0750	IW	n/a
MDR Medium Density Residential					
HDR High Density Residential					
NAC Neighborhood Activity					
CAC Community Activity Center					
RAC Regional Activity Center					
CBD Central Business District					
IM Industrial - Manufacturing					
IW Industrial - Warehousing					
OSC Open Space/Conservation					
PR Parks & Recreation					
CSI Community Service & Institutional					
TCU Transportation, Communication & Utilities					
MXD Mixed Use					

*Comments:*  
**349 Kathleen Dr**

*Date:* **12/02/2016**

**Planning & Zoning Department**



**PICTURES OF PROPERTY**



**349 Kathleen Drive**



**Property across from 349 Kathleen Drive**

## STAFF ANALYSIS

### *Location Compatibility*

The property owner, George Bentley, is requesting to rezone the 0.5 acre parcel located at 349 Kathleen Drive from R-2 (Single Family Residential – 2units/acre) to LI (Light Industrial) with a Special Land Use Permit (SLUP) to allow automobile storage. The rezoning and SLUP would allow the subject property to be used as an automobile storage yard for K.O. Towing, which currently operates across the street at 344 Kathleen Drive.

Two parcels of property to the south are zoned R-2 (Single Family Residential – 2 units/acre) and are also owned by Mr. Bentley. North of the property there is an existing auto salvaging business, Marietta Auto Salvage, that appears to have been operating on that property since 1961. All other surrounding properties are zoned LI.

### *Use Potential and Impacts*

The subject property is currently being used as a residence, as are the other two parcels to the south. These houses along Kathleen Drive are remnants of a residential neighborhood that began to transition from residential to industrial after the construction of I-75 in the 1960s. K.O. Towing intends to utilize this parcel for surplus storage for their business located across the street at 344 Kathleen Drive; and has stated that it will not be used to store inoperable vehicles.

The property owner, Mr. Bentley, intends to remove the current residential structure, provide a gated entrance, and erect a six (6) foot tall fence along the perimeter of the property. The entire parcel will be used for the storage of vehicles. The gate along the front of the property would be required to be placed at least 20 feet from the right-of-way in order to accommodate at least one vehicle. According to the submitted plans the following variance is needed:

- Increase the maximum impervious surface area from 75% to 100%. [§708.26 (H)]

Mr. Bentley has also stated that the business will auction vehicles that have not been picked up by their owners. The following variances would be necessary in order to operate automobile sales:

1. Variance to allow automobile sales on a lot less than an acre. [§708.26 (7.A)]
2. Variance to allow automobile sales within 50 feet from a property zoned for residential purposes. [§708.26 (7.C)]

The future land use (FLU) of the subject property and surrounding area is IW (Industrial Warehousing), which is described as being suitable “for areas that can support light industrial, office/warehouse and distribution uses.” This entire area, including the residential properties, is classified as having a future land use of IW. The proposed zoning, LI, is compatible with a future land use of IW.

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## STAFF ANALYSIS CONTINUED

### *Environmental Impacts*

There is no indication that any streams, floodplains, wetlands, or endangered species exist on the property. Paving nearly 100% of the property will be problematic from a stormwater perspective. Prior to construction, plans to treat and contain stormwater will have to be submitted and approved by the City's Public Works Department.

### *Economic Functionality*

Although this property has continually been used as a residential property, this area is an attractive area for industrially oriented business activities.

### *Infrastructure*

There are no significant impacts to the City's infrastructure as a result of this proposed rezoning request. There will be no substantial change to the parcel, and therefore, there should be no adverse effects on the City's existing infrastructure. However, the Public Works Department has requested that the proposed gate must be at least 20 feet within the property so that a stopped vehicle will not block traffic on the roadway.

### *History of Property*

There are no records of variances, special land use permits, or rezoning.

### *Other Issues*

The fence along the south property line shall not be less than six (6) feet in height.

The gate along the front of the property shall be placed at least 20 feet from the right-of-way to accommodate at least one vehicle.

The following are specific criteria for the consideration of granting a SLUP for a property:

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.

5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

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## ANALYSIS & CONCLUSION

The property owner, George Bentley, is requesting to rezone the 0.5 acre parcel located at 349 Kathleen Drive from R-2 to LI with a Special Land Use Permit (SLUP) to allow automobile storage. The rezoning and SLUP would allow the subject property to be used as an automobile storage yard for K.O. Towing, which currently operates across the street at 344 Kathleen Drive. Two parcels of property to the south are zoned R-2 and are also owned by Mr. Bentley. North of the property there is an existing auto salvaging business, Marietta Auto Salvage, that appears to have been operating on that property since 1961. All other surrounding properties are zoned LI.

The subject property is currently being used as a residence, as are the other two parcels to the south. K.O. Towing intends to utilize this parcel for surplus storage for their business located across the street at 344 Kathleen Drive and has stated that it will not be used to store inoperable vehicles.

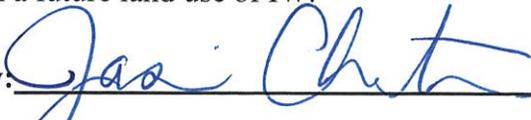
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Prepared by: 

Approved by: 

## DATA APPENDIX

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

Is there a water line adjacent to the property?	Yes
If not, how far is the closest water line?	
Size of water line?	6 Inch
Capacity of water line?	Fire flow test may be required
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - SEWER***

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

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## DATA APPENDIX CONTINUED

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

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Does flood plain exist on the property:	NO
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	ROTTENWOOD 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?	NO
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?	KATHLEEN DR
What is the classification of the road?	LOCAL
What is the traffic count for the road?	N/A
Estimated # of trips generated by the proposed development?	N/A
Estimated # of pass-by cars entering proposed development?	N/A
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	N/A

THE PROPOSED GATE MUST BE AT LEAST 20-FT WITHIN THE PROPERTY SO THAT A STOPPED VEHICLE WILL NOT BLOCK TRAFFIC ON THE ROADWAY.



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## DATA APPENDIX CONTINUED

### ***EMERGENCY SERVICES***

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Nearest city or county fire station from the development?	52
Distance of the nearest station?	0.8 mi
Most likely station for 1 <sup>st</sup> response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	none

1. Gates must be set back a minimum of 50 feet from public right-of-way. Minimum *gate* width must equal the required road width plus the width of any utility easements present, but in no case shall the width be less than 30 feet, provided, however, that the required *gate* width may be accomplished through the combination of adjacent entrance and exit gates of equal width.
2. Address posted - All owners and occupants of improved real property lying within the city are required to post the address of such real property owned or occupied by them with the street address assigned to such property by the City of Marietta, in such manner that said address is clearly visible and legible from the street on which the improvement on such property fronts. The obligation hereby imposed shall be the joint duty of all owners and occupants of improved real property lying within the city who are over 18 years of age.
3. Life Safety Code - Change of use and occupancy - new business

### ***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:



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 #: 22017-05 Legistar #: 20161228 PZ #: 16-626  
 Planning Commission Hearing: 1-3-17 City Council Hearing: 1-11-17

Owner's Name George E. Bentley Email Address: ge.bentley1954@gmail.com

Mailing Address 1018 Ridgeview Lane Zip Code: 30062 Telephone Number 404 884 5299

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

Applicant: \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Telephone Number \_\_\_\_\_ Email Address: \_\_\_\_\_

Address of property to be rezoned: 349 Kathleen Dr

Land Lot (s) 505 District 17 Parcel 75 Acreage .55 Ward 7A Future Land Use: IW  
050.50  
 Present Zoning Classification: Residential 0750 Proposed Zoning Classification: LI SLUP (LB)  
R2

**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.

November 29, 2016

Application for Rezoning

Proposed Development

**Parking lot for private storage of automobiles.**

349 Kathleen Drive (aka 205 or 345 Kathleen)

Marietta, GA 30067

Parcel 17-0505-0-075-0

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: December 16, 2016**

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMIT and CODE AMENDMENT**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, January 3, 2017, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, January 11, 2017, 7:00 p.m.**, City Hall, for a final decision to be made.

**Z2017-05 [REZONING & SPECIAL LAND USE PERMIT] GEORGE E. BENTLEY** is requesting the rezoning and Special Land Use Permit for property located in Land Lot 505, District 17, Parcel 0750, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as 349 Kathleen Drive, from R-2 (Single Family Residential – 2 units/acre) to LI (Light Industrial) with a Special Land Use Permit for an automobile storage yard. Ward 7A.

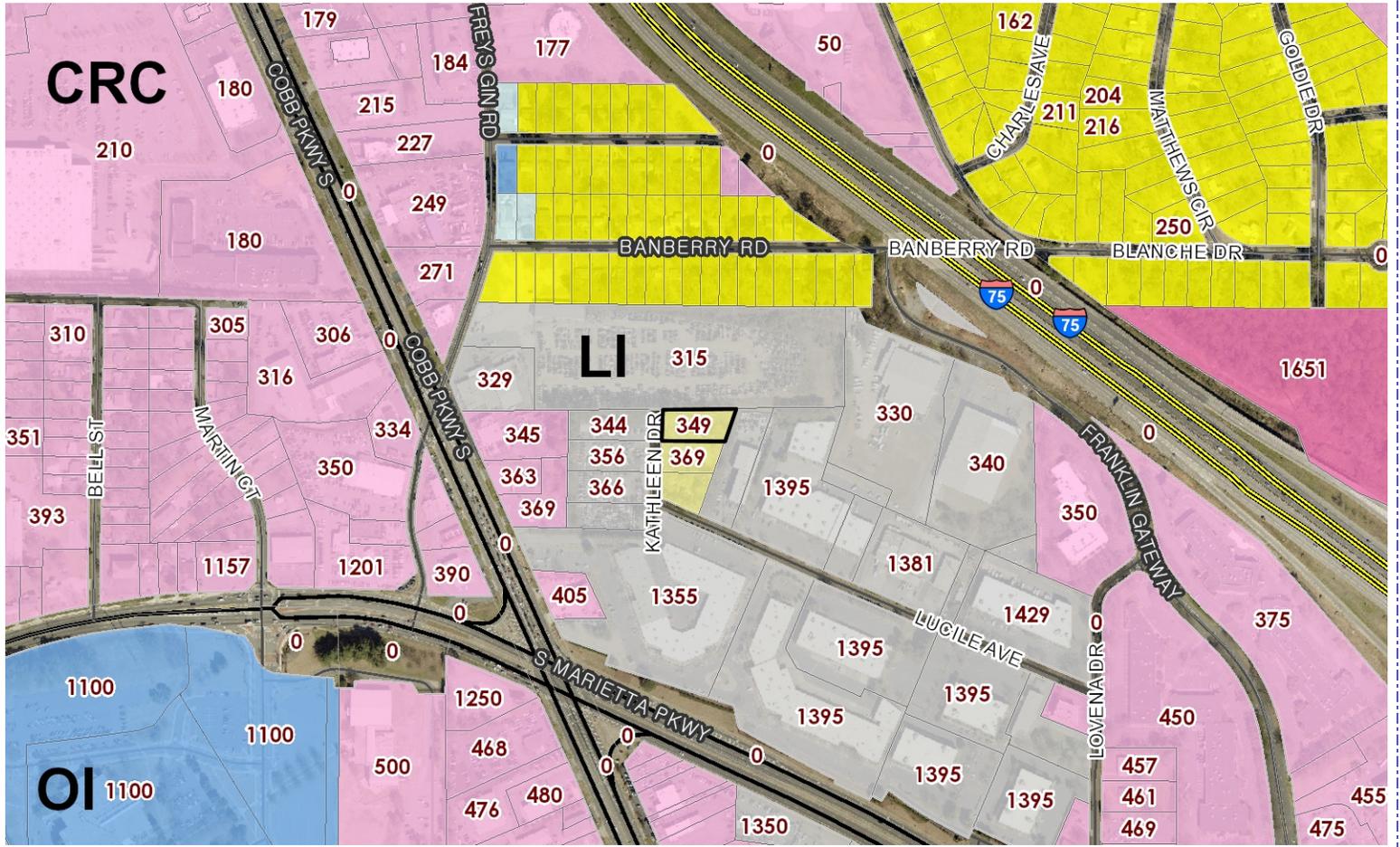
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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.

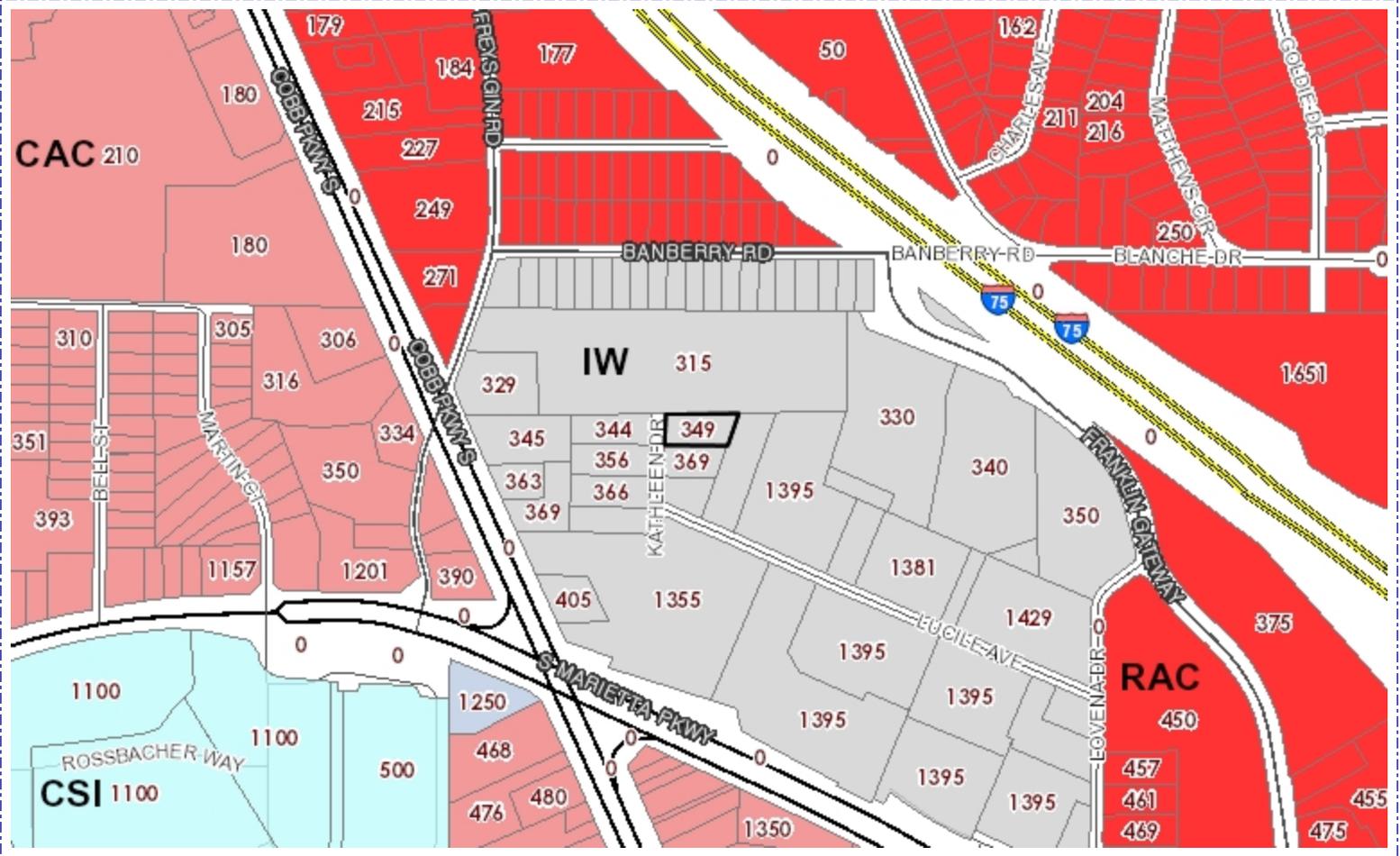
City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

# Rezoning

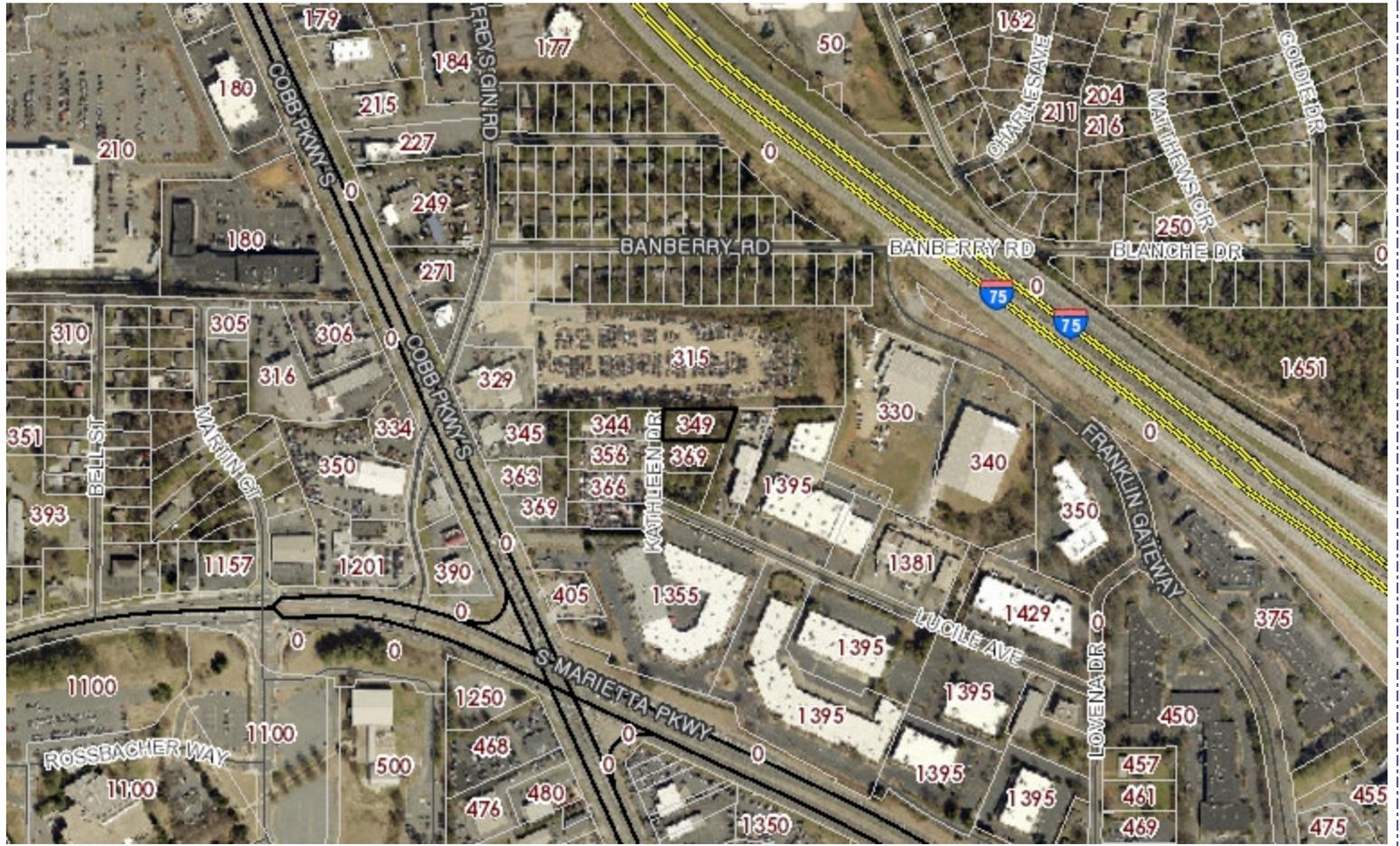


Address	Parcel Number	Acreage	Ward	Zoning	FLU
349 KATHLEEN DR	17050500750	0.499	7A	R2	IW

Property Owner:	George E. Bentley		<b>Zoning Symbols</b> 
Applicant:			
Proposed Zoning:	LI		
Agent:			
Proposed Use:			
Planning Commission Date:	01/03/2017		
City Council Hearing Date:	01/11/2017	Case Number: Z2017-05 w/SLUP (Auto Storage)	
City of Marietta Planning & Zoning			



Address	Parcel Number	Acreage	Ward	Zoning	FLU
349 KATHLEEN DR	17050500750	0.499	7A	R2	IW
Planning Commission Hearing Date:	01/03/2017	<b>Future Land Use Symbols</b> 			
City Council Hearing Date:	01/11/2017				
Future Land Use:	IW				
Case Number:					
Comments:					
City of Marietta Planning & Zoning					



Address	Parcel Number	Acreage	Ward	Zoning	FLU
349 KATHLEEN DR	17050500750	0.499	7A	R2	IW

Property Owner:	George E. Bentley
Applicant:	
City Council Hearing Date:	01/11/2017
Planning Commission Hearing Date:	01/03/2017
BZA Hearing Date:	Case Number: Z2017-05 w/SLUP (Auto Storage)
Comments:	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

**NOTES:**  
 THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A GPT-3005W TOTAL STATION. AND HAS A LINEAR PRECISION RATIO OF ONE FOOT IN 23,887 FEET AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE AND WAS NOT ADJUSTED.  
 THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSES WITHIN ONE FOOT IN 2,253,333 FEET.

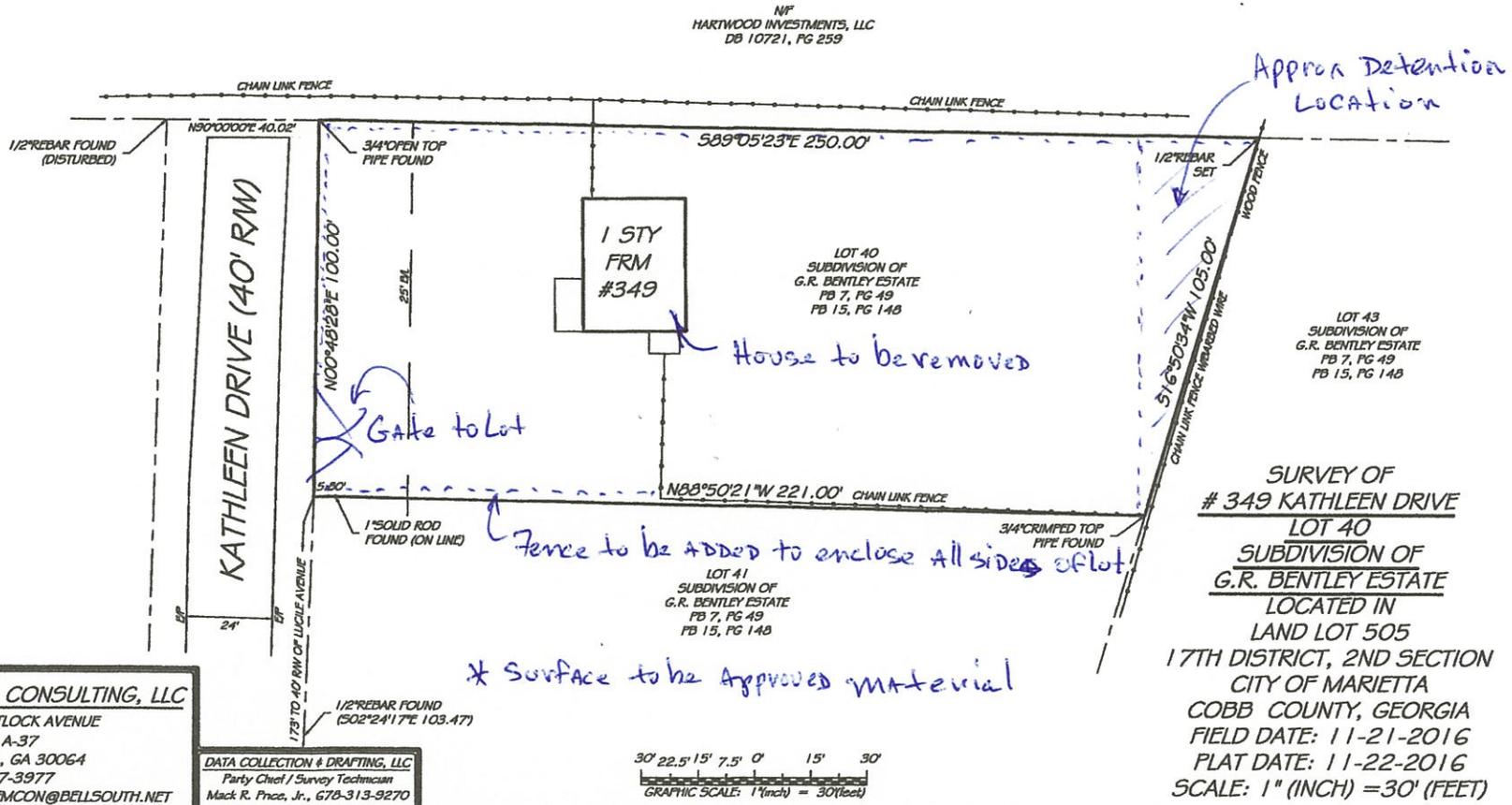
TOTAL AREA = 23,671 SQUARE FEET OR 0.54 ACRES.

PROPERTY MAY OR MAY NOT BE SUBJECT TO PROTECTIVE OR RESTRICTIVE COVENANTS AS PER FINAL PLAT AND OR CITY/COUNTY ORDINANCES INCLUDING ALL EASEMENTS AND RIGHTS OF WAY.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, THERE MAY BE BURDENS, EASEMENTS, RESTRICTS AND OR RIGHTS OF WAYS NOT SHOWN OR REFERENCED THAT A CURRENT TITLE REPORT WOULD REVEAL.

THE LOCATION OF UNDERGROUND UTILITIES WERE NOT LOCATED FOR THIS SURVEY. UTILITIES SHOWN ARE BASED UPON VISIBLE AND PHYSICAL EVIDENCE. THERE MAY BE UTILITIES ON OR CROSSING THIS PROPERTY THAT ARE NOT SHOWN. CALL THE UTILITIES PROTECTION CENTER (# 811) BEFORE ANY EXCAVATIONS ARE BEGUN TO ENSURE AND VERIFY THE CORRECT LOCATION AND DEPTH OF ALL UTILITIES.

**REFERENCES:**  
 DEED BOOK 14643, PAGE 2279  
 PLAT BOOK 7, PAGE 49  
 PLAT BOOK 15, PAGE 148



**R.F.M. CONSULTING, LLC**  
 707 WHITLOCK AVENUE  
 BUILDING A-37  
 MARIETTA, GA 30064  
 (770) 757-3977  
 EMAIL: RFMCON@BELLSOUTH.NET

**DATA COLLECTION & DRAFTING, LLC**  
 Party Chief / Survey Technician  
 Mack R. Price, Jr., 678-313-9270  
 FILE: KATHLEEN DRIVE 349.dwg-5

