



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2016-18 **LEGISTAR:** 20160525

LANDOWNERS: Austin Avenue Leasing, LLC
5841 Jacaranda Drive
Mableton, GA 30126

APPLICANT: Same as above

AGENT: n/a

PROPERTY ADDRESS: 341 & 347 Austin Avenue

PARCEL DESCRIPTION: 16 11410 0770 & 16 11410 0230

AREA: 0.388 acres **COUNCIL WARD:** 5B

EXISTING ZONING: CRC (Community Retail Commercial)

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

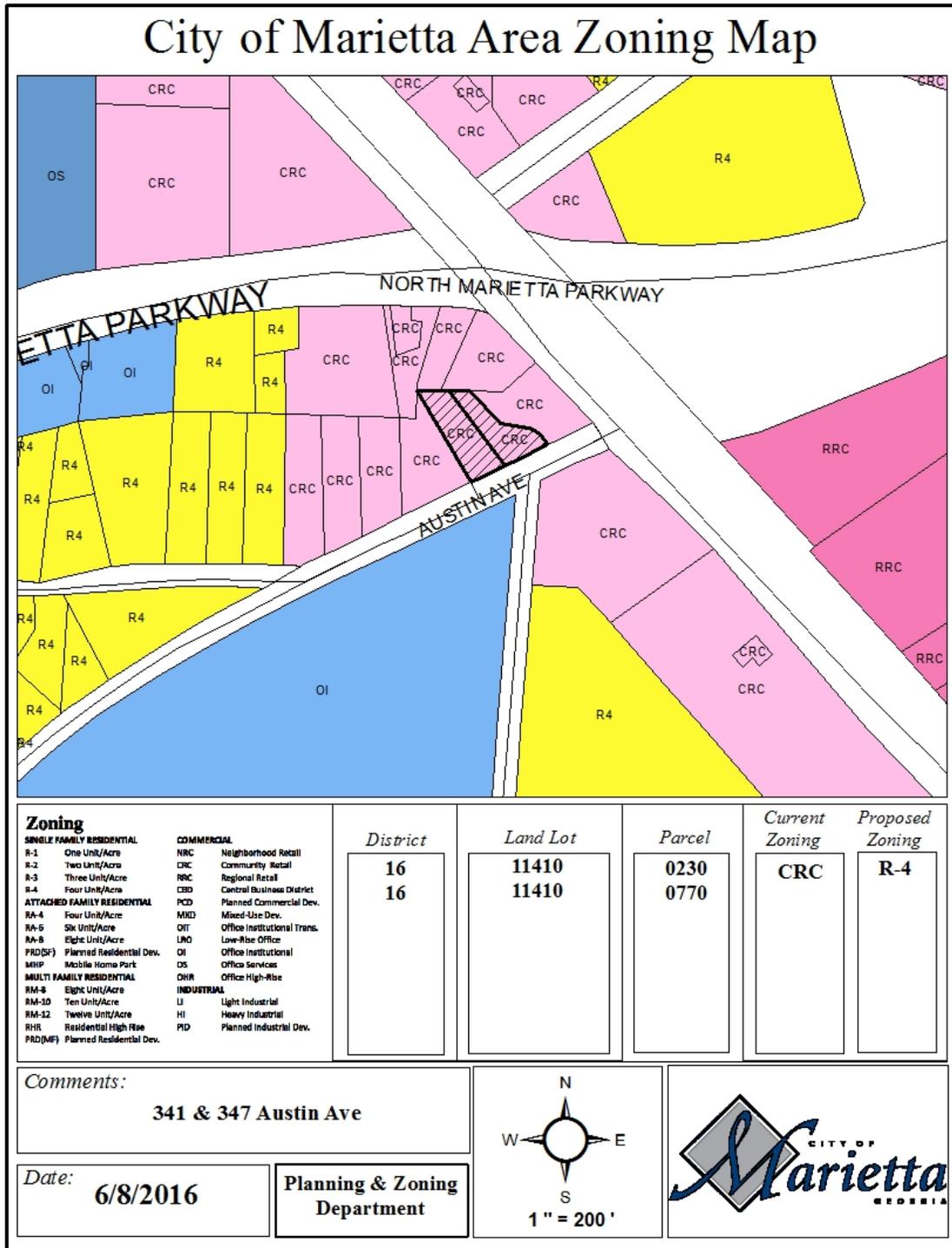
FUTURE LAND USE: CAC (Community Activity Center)

REASON FOR REQUEST: The applicant is requesting residential zoning for these two parcels, which contain former residential structures, in order to lease them to residential tenants.

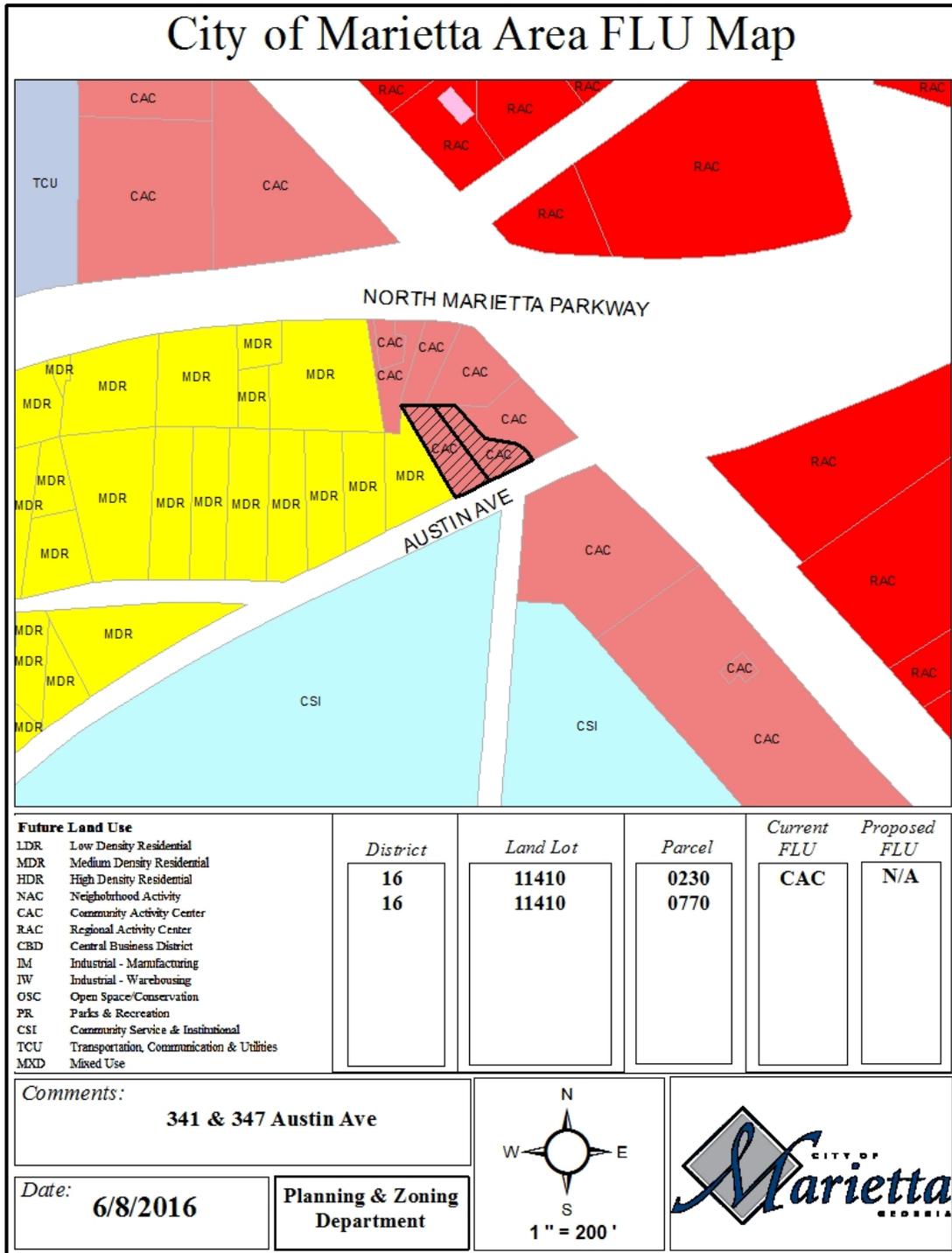
PLANNING COMMISSION HEARING: Tuesday, July 5, 2016 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, July 13, 2016 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



341 Austin Avenue



347 Austin Avenue

STAFF ANALYSIS

Location Compatibility

Austin Avenue Leasing, LLC is requesting the rezoning of approximately 0.4 acres at 341 and 347 Austin Avenue from CRC (Community Retail Commercial) to R-4 (Single Family Residential – 4 units / acre). The subject properties were originally built as residences; however, they have been zoned commercial since (at least) the early 1990s, likely due to their proximity to the Cobb Parkway North corridor. Although all the surrounding properties are zoned CRC, only the ones to the north and east are functioning commercially (retail and title pawn). The property to the west is zoned CRC but functions as a residence. North River Church of Christ, zoned OI (Office Institutional), is across Austin Avenue to the south.

Use Potential and Impacts

The applicant has stated that he has had little interest in renting these properties for commercial use and Zoning, Building, and Fire codes make improving former residences into commercial use difficult due to standards for ADA, parking, driveway, etc. And since current demand for residential is higher than commercial uses in Marietta, the applicant would like to lease the properties to residential tenants. Residential uses typically have less of an impact on adjacent uses because there is less traffic, noise, and general daytime activity. As a result, granting this request would have little impact on the surrounding properties and neighborhood. However, rezoning this property to residential would make the redevelopment of an underutilized corner more difficult.

The Future Land Use of both parcels, in addition to all the parcels near the corner of Austin Avenue, North Marietta Parkway, and Cobb Parkway North (US 41), is CAC (Community Activity Center). This future land use designation was established in order to encourage an assemblage and redevelopment of the corner to a more intensive use to serve the commercial needs along two busy commercial corridors. Residential uses are not consistent with the CAC future land use category except within a mixed use neighborhood development. As a result, this requested zoning is not in line with the City's Comprehensive Plan.

Environmental Impacts

There is no potential environmental issues known for this property.

Economic Functionality

Both properties have had active business licenses up until the end of 2015. The license for 341 Austin Avenue still has an active business license for an auto broker. Both properties are paying commercial utility rates (water and electric) but are receiving residential sanitation service through the city. Although the recent commercial activity would indicate that they are economically viable as zoned, there is little incentive for the owner to improve the properties under commercial building standards.

Infrastructure

The use of these two properties as residences should not have any adverse impact on available transportation, education, water, sewer, electricity, or other public infrastructure in the area.

Marietta Public Works anticipates intersection improvements at North Marietta Parkway and Cobb Parkway North (US 41) that will likely impact the intersection of Austin Avenue with Cobb Parkway North. However, it will not directly impact these two parcels.

History of Property

There is no history of any variances, rezonings, or Special Land Use Permits for either of these two properties.

Other Issues

The rear portion of both lots lay at a significantly lower grade than the buildings, which are partially held up by a retaining wall. The rear yards are used as a driveway from Cobb Parkway North to a large garage/storage building at the rear of 317 Austin Avenue, which is two parcels to the west. Staff could find no records of any building permits or occupational licenses for this building; its use is unclear. The surveys for the subject properties do not show any easement for this driveway. Also, the applicant is attempting to rezone the entirety of both lots; and if approved, the commercial storage would have to cease.



ANALYSIS & CONCLUSION

Austin Avenue Leasing, LLC is requesting the rezoning of 341 and 347 Austin Avenue from CRC to R-4 in order to lease the property to residential tenants. The subject properties were originally built as residences; however, they have been zoned commercial since (at least) the 1980s, likely due to their proximity to the Cobb Parkway North corridor. All surrounding properties are zoned CRC, although the property to the west appears to be functioning as a residence.

The applicant has stated that he has had little interest in renting these properties for commercial tenants. Residential uses typically have less of an impact on adjacent uses because there is less traffic, noise, and general daytime activity. As a result, granting this request would have little impact on the surrounding properties and neighborhood. However, rezoning this property to residential would make the redevelopment of an underutilized corner more difficult.

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Prepared by: Shelly Wenker

Approved by: Rusty Rott



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	---
Size of the water line?	8"
Capacity of the water line?	Variable based on condition of main
Approximate water usage by proposed use?	400 GPD per structure

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	---
Size of the sewer line?	8"
Capacity of the sewer line?	Variable
Estimated waste generated by proposed development?	400 GPD per structure
Treatment Plant Name?	R.L. Sutton WRF
Treatment Plant Capacity?	Cobb Water must confirm
Future Plant Availability?	Cobb Water must confirm



DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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

TRANSPORTATION

What is the road effected by the proposed change?	<u>Austin Ave</u>
What is the classification of the road?	<u>Local</u>
What is the traffic count for the road?	<u>N/A</u>
Estimated # of trips generated by the proposed development?	<u>N/A</u>
Estimated # of pass-by cars entering proposed development?	<u>N/A</u>
Do sidewalks exist in the area?	<u>Yes; opposite side of Austin Ave</u>
Transportation improvements in the area?	<u>No</u>
If yes, what are they?	<u>N/A</u>



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 52
Distance of the nearest station?	1.3 miles
Most likely station for 1 st response?	Station 52
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes 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:	Sawyer Road
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	700-800
Capacity at Middle School:	1300-1400
Capacity at Marietta Sixth Grade Academy:	800-900
Capacity at High School:	2500-2600
Current enrollment of Elementary School:	760
Current enrollment of Middle School:	1331
Current enrollment of High School:	2116
Number of students generated by present development:	0
Number of students projected from the proposed development:	0
New schools pending to serve this area:	None
<u>Comments:</u>	



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 #: 22016-18 Legistar #: 20160525 PZ #: 16-292
 Planning Commission Hearing: 7-5-16 City Council Hearing: 7-13-16

Owner's Name Austin Avenue Leasing, LLC Email Address: _____

Mailing Address 5841 Jacaranda Dr. Zip Code: 30126 Telephone Number 404-691-4000

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____
 Mailing Address _____ Zip Code: _____
 Telephone Number _____ Email Address: _____

Address of property to be rezoned: 341 & 347 Austin Ave Marietta, GA 30060

Land Lot (s) 11410 District 16 Parcel 0770 Acreage .172 Ward 5B Future Land Use: CAC

Present Zoning Classification: Commercial CRC Proposed Zoning Classification: Residential 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.

May 23, 2016

Proposed Development / Project

Location:

347 Austin Avenue

Marietta, GA 30060

Proposal to rezone 347 Austin Avenue property to commercial to residential with residing tenants.

May 23, 2016

Proposed Development / Project

Location:

341 Austin Avenue

Marietta, GA 30060

Proposal to rezone 341 Austin Avenue property to commercial to residential with residing tenants.

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: June 17, 2016

PUBLIC NOTICE OF REZONINGS, CODE AMENDMENT, 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, July 5, 2016, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, July 13, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2016-18 [REZONING] AUSTIN AVENUE LEASING, LLC is requesting the rezoning of 0.38 acres located in Land Lot 1141, District 16, Parcels 0230 and 0770, 2nd Section, Marietta, Cobb County, Georgia, and being known as 341 and 347 Austin Avenue from CRC (Community Retail Commercial) to R-4 (Single Family Residential – 4 units / acre). Ward 5B.

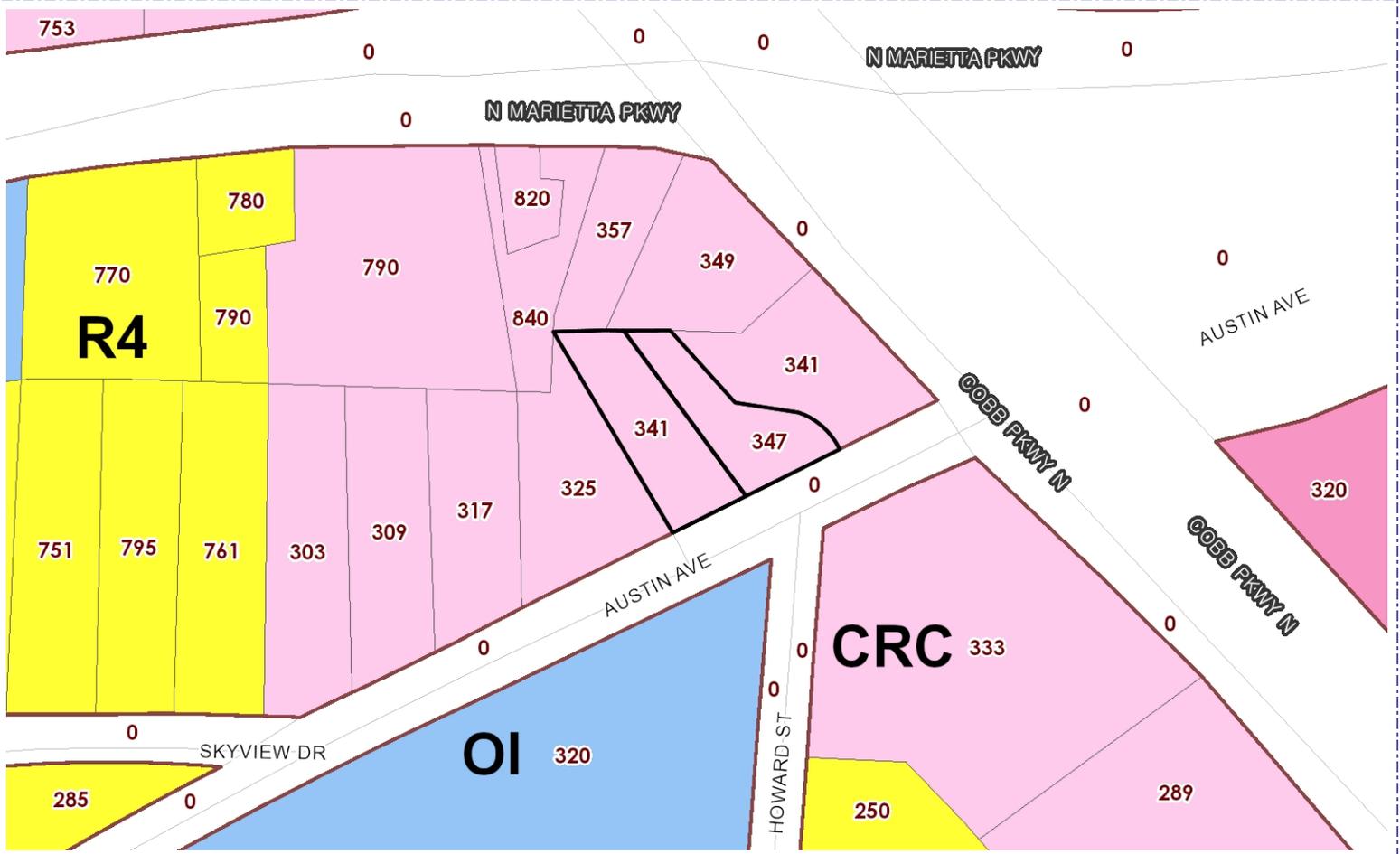
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
341 AUSTIN AVE	16114100230	0.216	5B	CRC	CAC
347 AUSTIN AVE	16114100770	0.172	5B	CRC	CAC

Property Owner: Austin Avenue Leasing, LLC

Applicant:

Proposed Zoning: R2

Agent:

Proposed Use:

Planning Commission Date: 07/05/2016

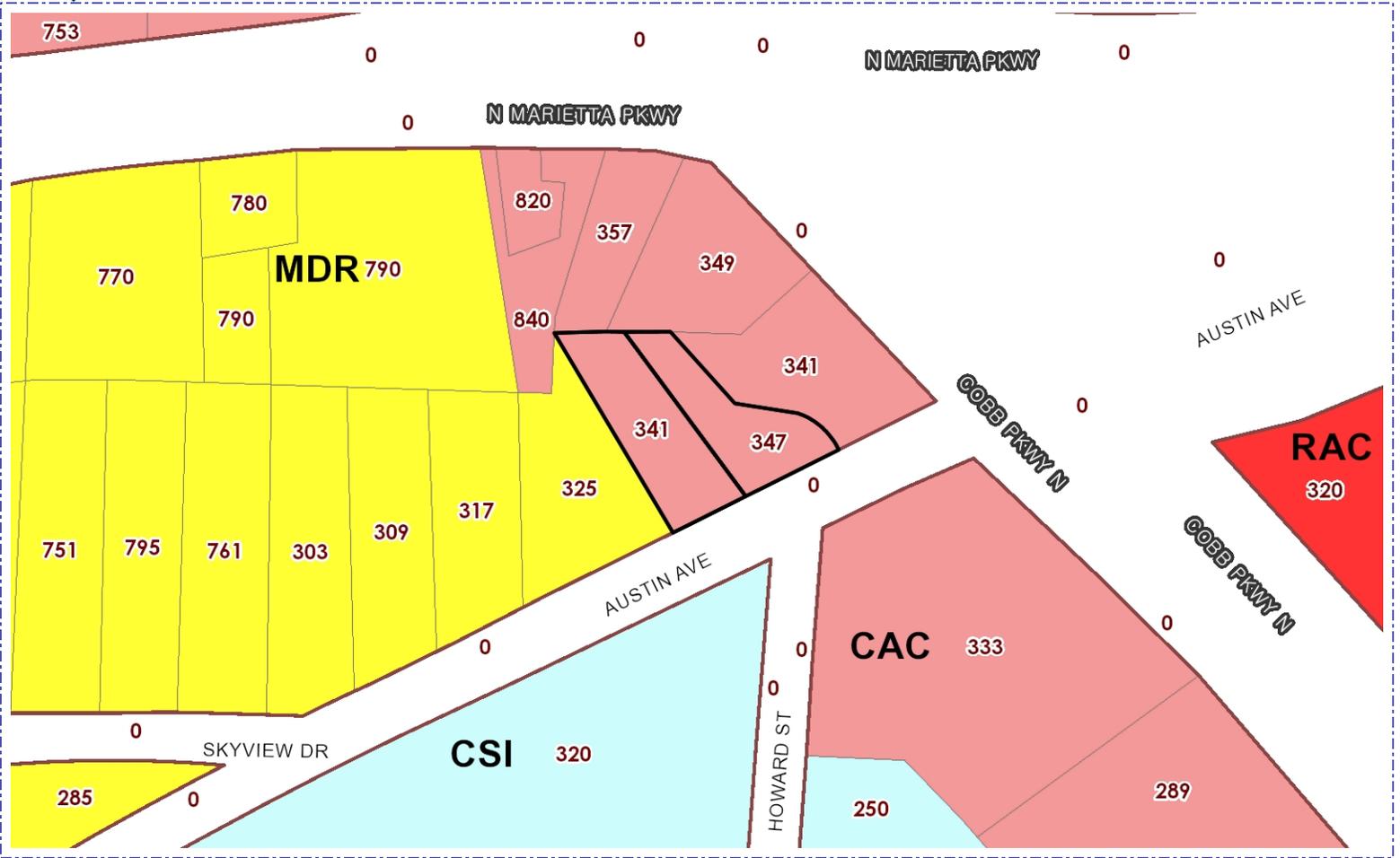
City Council Hearing Date: 07/13/2016 Case Number: Z2016-18

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

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
341 AUSTIN AVE	16114100230	0.216	5B	CRC	CAC
347 AUSTIN AVE	16114100770	0.172	5B	CRC	CAC

Planning Commission Hearing Date:	07/05/2016
City Council Hearing Date:	07/13/2016
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
341 AUSTIN AVE	16114100230	0.216	5B	CRC	CAC
347 AUSTIN AVE	16114100770	0.172	5B	CRC	CAC

Property Owner:	Austin Avenue Leasing, LLC
Applicant:	
City Council Hearing Date:	07/13/2016
Planning Commission Hearing Date:	07/05/2016
BZA Hearing Date:	Case Number: Z2016-18
Comments:	

Legend

- Railroads
- City Limits
- Cobb County Pockets

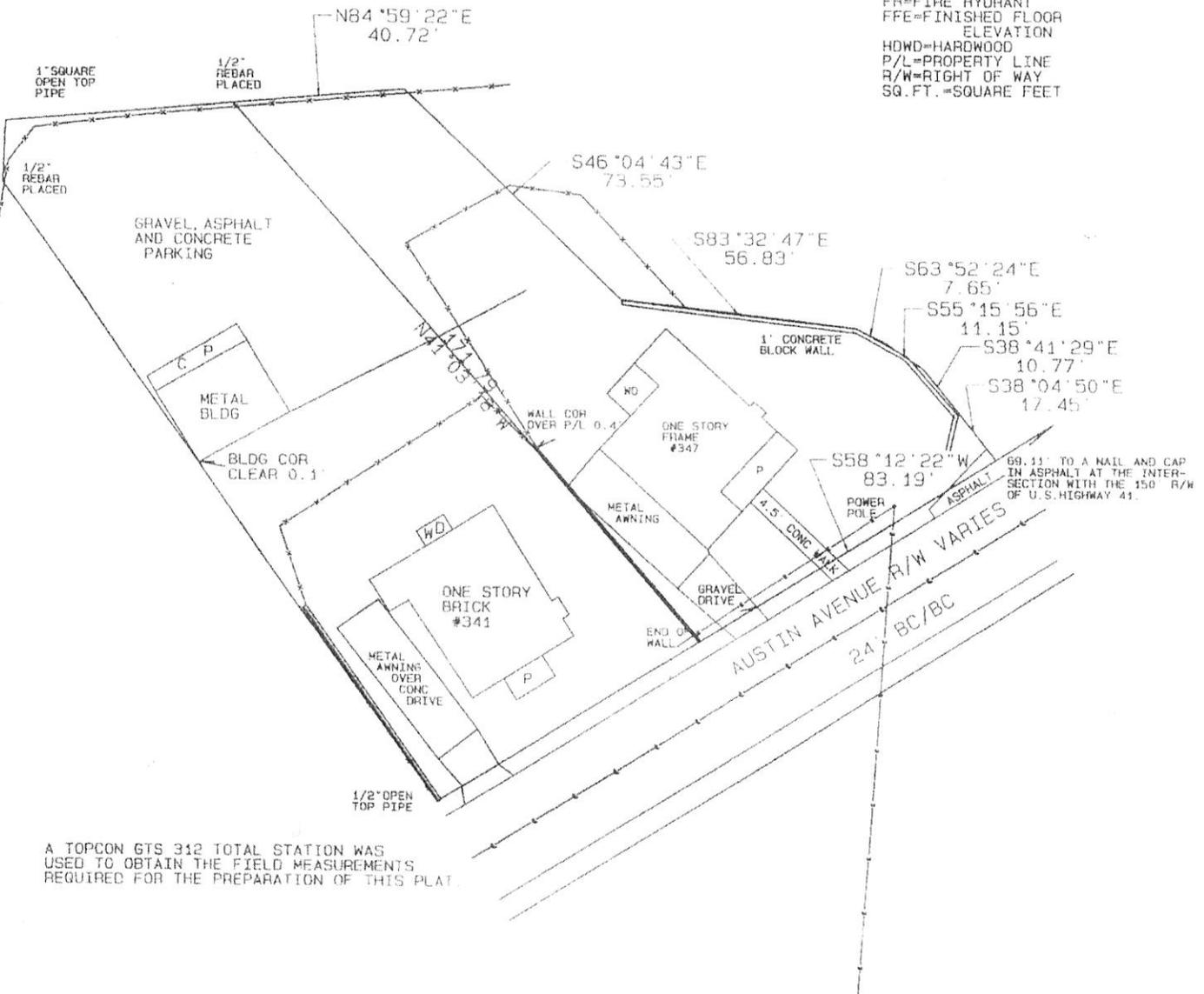


I HAVE, THIS DATE, EXAMINED THE FIA OFFICIAL FLOOD HAZARD MAP, AND DETERMINED THAT NO PORTION OF THIS PROPERTY IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

PLAT:
0.200 ACRES
8,727 SQUARE FEET
186,662 PRECISION

LEGEND:

- BC=BACK OF CURB
- CP=CONCRETE PAD
- EP=EDGE OF PAVEMENT
- FR=FIRE HYDRANT
- FFE=FINISHED FLOOR ELEVATION
- HOWD=HARDWOOD
- P/L=PROPERTY LINE
- R/W=RIGHT OF WAY
- SQ.FT.=SQUARE FEET



A TOPCON GTS 312 TOTAL STATION WAS USED TO OBTAIN THE FIELD MEASUREMENTS REQUIRED FOR THE PREPARATION OF THIS PLAT.

REFERENCE PLAT BOOK 16 PAGE 90.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.
GA RLS#2757
MEMBER, SURVEYING AND MAPPING SOCIETY OF GEORGIA



GRAPHIC SCALE 1"=30'



1" SQUARE
OPEN TOP
PIPE

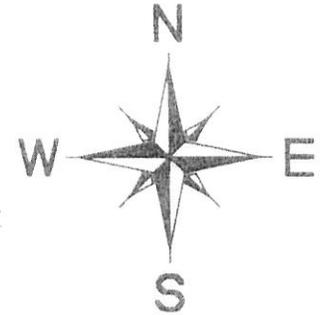
N84°59'22"E
55.00'

1/2"
REBAR
PLACED

N02°07'19"E
15.00'

REFERENCE PLAT BOOK
16 PAGE 90.

PLAT:
0.273 ACRES
11,908 SQUARE FEET
129,236 PRECISION



1/2"
REBAR
PLACED

GRAVEL, ASPHALT
AND CONCRETE
PARKING

S41°03'18"E
171.79'



METAL
BLDG

BLDG COR
CLEAR 0.1'

N35°00'31"W
181.79'

WALL COR
OVER P/L 0.4'
152.30" TO A NAIL AND CA
IN ASPHALT AT THE INTER-
SECTION WITH THE 150' R/
OF U.S. HIGHWAY 41.



ONE STORY
BRICK
#341

METAL
AWNING
OVER
CONC
DRIVE

END OF
WALL

A TOPCON GTS 312 TOTAL STATION WAS
USED TO OBTAIN THE FIELD MEASUREMENTS
REQUIRED FOR THE PREPARATION OF THIS PLAT.

1/2" OPEN
TOP PIPE

74.92'
S58°29'48"W
AUSTIN AVENUE R/W VARIES
24' BC/BC

WARREN S. GRIFFIN, RLS
66 WILSHIRE WALK
DOUGLASVILLE, GEORGIA 30134
PHONE (770) 378-2979
FAX (770) 947-2714
THEODALOT@AOL.COM