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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2009-15 **LEGISTAR #: 20090933**

**LANDOWNERS:** Roswell Street Baptist Church  
774 Roswell Street  
Marietta, GA 30060

**APPLICANT:** Chad Curry/ABC Sign Group, LLC  
1349 Old Highway 41, Suite 235  
Marietta, GA 30060

**PROPERTY ADDRESS:** 35 and 45 Aviation Road

**PARCEL DESCRIPTION:** Land Lot 12366, District 16, Parcels 78 and 79

**AREA:** 0.48 acs. **COUNCIL WARD:** 7

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

**REQUEST:** CRC (Community Retail Commercial)

**FUTURE LAND USE MAP**

**RECOMMENDATION:** CAC (Community Activity Center)

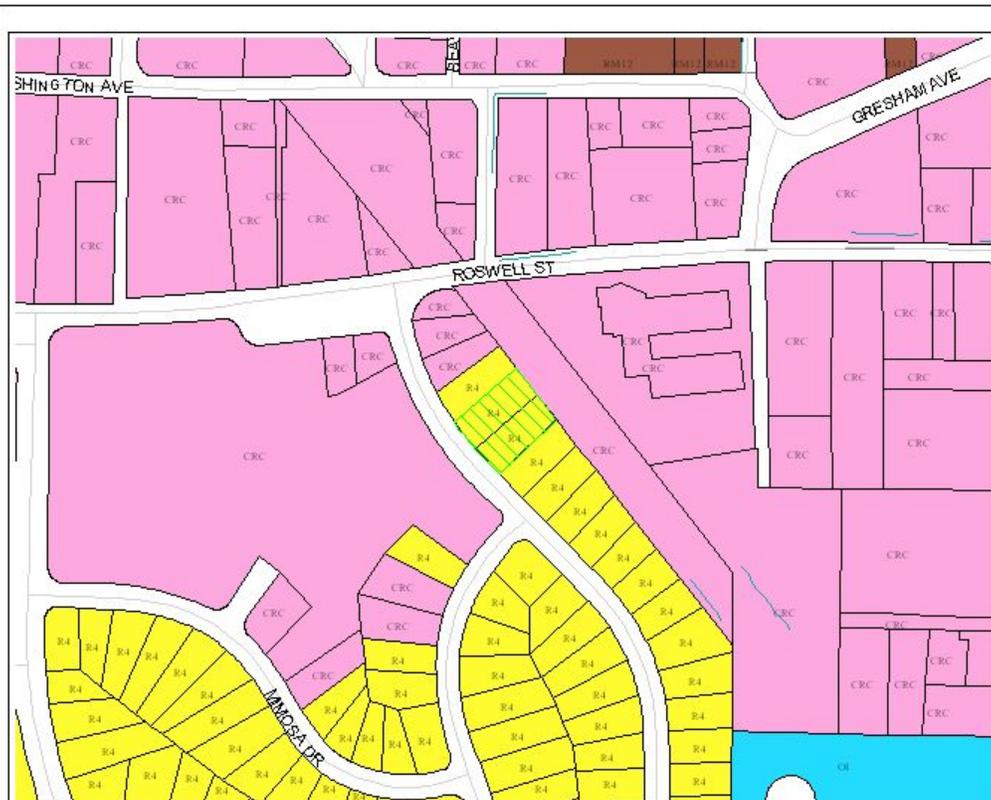
**REASON FOR REQUEST:** The applicant, Chad Curry of ABC Sign Group, LLC, is requesting the rezoning of two parcels currently zoned R-4 (Single Family Residential – 4 units/acre) to Community Retail Commercial (CRC) and located at 35 and 45 Aviation Road.

**PLANNING COMMISSION HEARING:** Tuesday, October 6, 2009 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, October 14, 2009 – 7:00 p.m.

# MAP

## City of Marietta Area Zoning Map

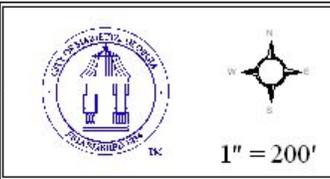


Zoning	COMMERCIAL	District	Land Lot	Parcel	Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> R-1: One Unit/Acre R-2: Two Unit/Acre R-3: Three Unit/Acre R-4: Four Unit/Acre  <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4: Four Unit/Acre RA-6: Six Unit/Acre RA-8: Eight Unit/Acre  <b>MULTI FAMILY RESIDENTIAL</b> RM-8: Eight 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. MIXD: 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.	16 16	12360 12360	0780 0790	R4 R4

Comments:  
**35 & 45 AVIATION ROAD**

Date  
**08/28/2009**

**Planning and Zoning  
 Department**



1" = 200'

**PICTURES OF PROPERTY**



**35 & 45 Aviation Road**



**View of adjacent residence to the north  
from subject property**



**View of adjacent residence to the south  
from subject property**

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## STAFF ANALYSIS

### *Location Compatibility*

The applicant, Chad Curry of ABC Sign Group, LLC, is requesting the rezoning of two parcels located at 35 and 45 Aviation Road from R-4 (Single Family Residential – 4 units/acre) to CRC (Community Retail Commercial). Together the parcels equal 0.48 acres in size. There is currently a parking lot on the subject property that is used as overflow parking for Roswell Street Baptist Church. The parking lot continues onto a parcel to the east, which is zoned CRC. The adjacent parcels to the northwest and southeast are currently zoned R-4 and appear to function as such.

The purpose of the rezoning is to allow the continued use of the parking lot by the church as well as to be able to install a directional sign on site. The Marietta Zoning Ordinance does not allow places of assembly to operate on property zoned for single family use without first obtaining a Special Land Use Permit (SLUP). Rather than pursue a SLUP, the applicant is requesting to rezone the property to match the existing zoning (CRC) of the main church property, located at 88 Parkview Drive.

### *Use Potential and Impacts*

It is unclear how long these properties have been used as church parking. Although City records show demolition permits were issued for the residential structures in 1993 (35 Aviation Road) and 1996 (45 Aviation Road), there are no records of any permits for the subsequent construction of the parking lot.

Surface parking in the CRC zoning district is a permitted use with the limitation that, if the property is directly adjacent to a single family residential district, “a 5 foot wide landscaped buffer with a solid fence or wall no less than 6 feet in height shall be provided.” Unless a variance is granted, the applicant will be required to provide a fence and appropriate plantings to buffer the adjacent resident.

Proposed improvements and design criteria along the Roswell Street corridor, such as the Roswell Streetscapes project and the Commercial Corridor Design Overlay District, are in place to encourage pedestrian oriented, highly intensive commercial and mixed use development. Although the parcels to the north and south are currently zoned and used as residences, the long term vision for this portion of the inner core is ultimately commercial. A visual screen, such as a solid wood fence, between the properties would provide an adequate buffer to the residences in the meantime.

The Comprehensive Plan identifies the Future Land Use of this parcel, as well as most of the Roswell Street Corridor, as Community Activity Center (CAC). Described as being appropriate for “low- to medium-intensity office, retail and commercial service uses,” CRC is a compatible zoning category for a parcel with a future land use designation of CAC.

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## STAFF ANALYSIS CONTINUED

### *Environmental Impacts*

It is unclear from the submitted survey whether the existing paving complies with the 80% impervious surface limitation established for CRC. There appears to be adequate vegetation to comply with the Tree Protection and Landscaping. However, prior to any definitive assessments, more information would be needed, and variances may be required.

### *Economic Functionality*

These properties have not been used for residential purposes since the homes were demolished in 1993 and 1996. It is unlikely, because of their proximity to Roswell Street, that the properties would ever be redeveloped for single family residential use.

### *Infrastructure*

Since the application consists of no new construction, except for the erection of a new directional sign, there should be no additional impacts on the existing infrastructure.

### *History of Property*

Per case Z2005-37, the five properties that comprise the 14.5 acre main campus (88 Parkview Drive, 104 Parkview Drive, 112 Parkview Drive, 793 Mimosa Drive, and 785 Mimosa Drive) were rezoned from R-4 to CRC with stipulations.

### *Other Issues*

An exemption plat to formally combine the two properties will be required. Both properties also lie within 750 feet of Roswell Street, making them within the Commercial Corridor Design Overlay – Tier A. The overlay is intended to “*enhance the quality and compatibility of development, to establish consistent architectural and design guidelines, to encourage the most appropriate use of land, and to promote safe and efficient movement of traffic.*” Since the rezoning proposal only includes an existing parking lot, compliance with the overlay in terms of site, streetscape, and building design is irrelevant and would only be required for any future improvements.



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## ANALYSIS & CONCLUSION

The applicant, Chad Curry of ABC Sign Group, LLC, is requesting the rezoning of two parcels, located at 35 and 45 Aviation Road, from R-4 to CRC. A parking lot used by Roswell Street Baptist Church is currently located on the parcels. The adjacent properties to the northwest and southeast are both zoned R-4 and are currently used as residences. The existing parking lot continues onto the property to the rear, which is zoned CRC, and links up to another Roswell Street Baptist Church facility along Roswell Street. The applicant is not proposing any new development or construction as part of this rezoning request, but is interested in placing a directional sign on the property.

Although the area is in transition, some parcels along Aviation Road are still zoned and used as residences. Since both properties on either side of the subject property are zoned R-4, a 5 foot landscape buffer and solid fence or wall would be required unless a variance was granted. This requirement would help offset any negative impacts the parking lot may have on the neighboring residences. The variance necessary to approve the rezoning request as submitted would be:

1. Variance to eliminate the required 5 foot landscape buffer with a solid fence or wall no less than 6 ft. in height.

Both parcels are located within the Commercial Corridor Design Overlay – Tier A, which dictates that any parcel lying partly or wholly within 750 feet of Roswell Street abide by a set of regulations designed to encourage a thoughtful, pedestrian-oriented, high density, mixed use corridor. Although the applicant is not proposing any new development, it is expected that the demand for intensity within this area will only increase with time. Therefore, it is unlikely that the property will ever be redeveloped for single family use. In addition, this and all the surrounding properties are designated on the Future Land Use map as Community Activity Center (CAC), which is appropriate for institutional use and is compatible with the CRC zoning district.

**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?	6-inch
Capacity of the water line?	n/a
Approximate water usage by proposed use?	n/a

***CITY OF MARIETTA - SEWER***

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-inch
Capacity of the sewer line?	n/a
Estimated waste generated by proposed development?	A.D.F                      Peak
Treatment Plant Name?	n/a
Treatment Plant Capacity?	n/a
Future Plant Availability?	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 a floodplain?	---
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?	---
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 affected by the proposed change?	Aviation Road
What is the classification of the road?	Collector
What is the traffic count for the road?	No Data Available from D.O.T.
Estimated number of cars generated by the proposed development?	No Data Available from Applicant
Estimated number of trips generated by the proposed development?	No Data Available from Applicant
Do sidewalks exist in the area?	YES
Transportation improvements in the area?	YES
If yes, what are they?	Roswell Street Improvements & Streetscapes

- **It appears that the application is for signage only, and does not include any land disturbance or site planning.** If either of the above is proposed, site plans will be required for construction. At that time, site plans must include parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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Nearest city or county fire station from the development?	Station 52
Distance of the nearest station?	Less than 1/2 mile
Most likely station for 1 <sup>st</sup> response?	Station 52 149 Dodd Street
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

### MARIETTA POWER - ELECTRICAL

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Does Marietta Power serve this site?      Yes \_\_\_\_\_      No   X  

If not, can this site be served?      Yes   X        No \_\_\_\_\_

What special conditions would be involved in serving this site?

None.

Additional comments: