



REZONING AND SPECIAL LAND USE PERMIT
APPLICATION ANALYSIS

ZONING CASE #: Z2010-10 **LEGISTAR #:** 20100963

LANDOWNERS: Cobb County, Georgia
Suite 300, 100 Cherokee Street
Marietta, GA 30090-7000

APPLICANT: Zion Baptist Church of Marietta, Inc.
165 Lemon Street
Marietta, GA 30060

AGENT: John H. Moore
Moore Ingram Johnson & Steele
Emerson Overlook
326 Roswell Street
Marietta, GA 30060

PROPERTY ADDRESS: 397 Roosevelt Circle

PARCEL DESCRIPTION: Land Lot 11610, District 16, Parcel 0540

AREA: 0.296 +/- acs. **COUNCIL WARD:** 5

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

REQUEST: R-4 (Single Family Residential 4 units/acre) with stipulations and Special Land Use Permit

FUTURE LAND USE MAP

RECOMMENDATION: MDR (Medium Density Residential)

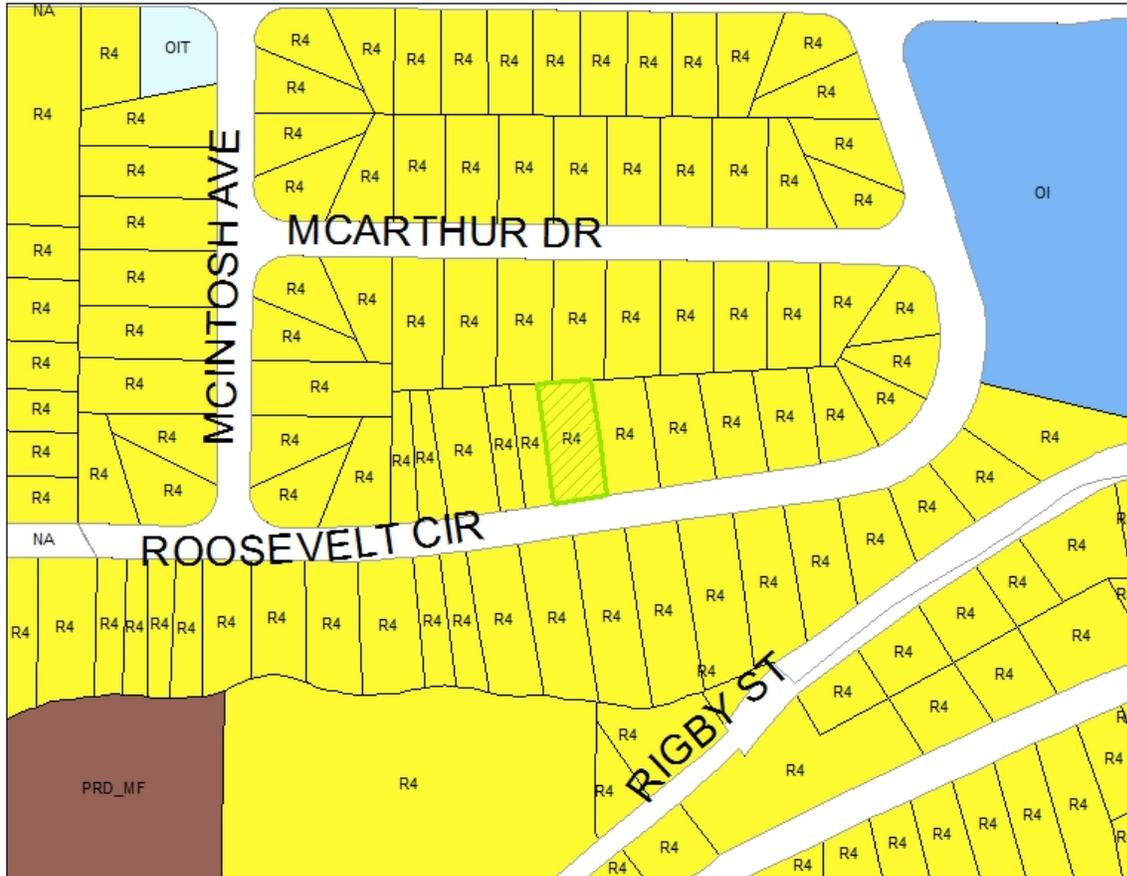
REASON FOR REQUEST: The application for the subject property has two components: a Special Land Use Permit (SLUP) for a place of assembly and the rezoning from R-4 to R-4 with a stipulation that would allow the operation of a transitional living center/halfway house.

PLANNING COMMISSION HEARING: Tuesday, October 5, 2010 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, October 13, 2010 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map

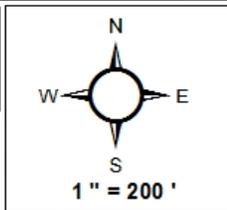


Zoning	District	Land Lot	Parcel	Zoning	
SINGLE FAMILY RESIDENTIAL R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre ATTACHED FAMILY RESIDENTIAL RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Middle Home Park MULTI FAMILY RESIDENTIAL RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.	COMMERCIAL 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 IO Office Institutional OS Office Services OHR Office High-Rise INDUSTRIAL LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	16	11610	0540	R-4

Comments:
397 Roosevelt Circle

Date: **8/31/10**

Planning & Zoning Department



PICTURES OF PROPERTY



397 Roosevelt Circle



Rear of property

STAFF ANALYSIS

Location Compatibility

John Moore, on behalf of the applicant, Zion Baptist Church and the property owner, Cobb County, is requesting rezoning and a Special Land Use Permit (SLUP) for 397 Roosevelt Circle, which is the former site of the Fort Hill-Roosevelt Circle Community Health Center. The subject property is approximately 0.29 acres in size and is zoned R-4 (Single Family Residential – 4 units/acre). All the parcels in the surrounding area are also zoned R-4 and are mostly comprised of single family and duplex dwellings. The purpose of the rezoning and SLUP request is to establish a halfway house and place of assembly.

Use Potential and Impacts

The Marietta Zoning Code allows group homes (consisting of six or fewer individuals) within the R-4 zoning district. It does not, however, allow transitional living centers and/or halfway houses. Halfway houses differ from group homes by length of residency as well as type of care provided by staff. A halfway house is defined as “*a temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution.*” A group home is used for long-term housing for individuals capable of living moderately independent lives, but still rely on staff for care, education and community interaction. Group homes do not provide the substance abuse counseling services, house convicts or ex-convicts, or serve as an alternative to incarceration as with halfway houses. However, the proposed residents of this facility are expected to be ex-convicts who have been released from prison as recently as three (3) months earlier. As a result, the applicant, Zion Baptist Church, is requesting the rezoning of the subject property from R-4 to R-4 with a stipulation to allow a halfway house, with the intention of providing four (4) rooms for residential occupancy within the structure. Halfway houses are only permitted by right in the OI zoning district.

The applicant is also requesting a SLUP to allow a place of assembly for a transitional living center. In addition to the four (4) residential rooms, the existing structure is proposed to contain various classrooms, a library and computer lab that will be used to assist the residents and other individuals seeking to improve job skills and other personal training. The following variances would be necessary in order to use the existing building for assembly purposes:

- Reduce the front yard setback from 75 feet to 53 feet. [*Section 708.04 (E) 1b.*]
- Reduce the side yard setback along the western property line from 75 feet to 10 feet. [*Section 708.04 (E) 1b.*]
- Reduce the side yard setback along the western property line from 75 feet to 14.89 feet. [*Section 708.04 (E) 1b.*]
- Reduce the rear yard setback along the western property line from 75 feet to 51 feet. [*Section 708.04 (E) 1b.*]

The Future Land Use (FLU) of the City's Comprehensive Plan designates the subject property and all surrounding properties as Medium Density Residential (MDR), which is suitable for medium-density housing ranging from three (3) to six (6) dwelling units per acre. Certain low-impact uses, such as park and recreational facilities, elementary schools, libraries and community centers, may also be appropriate transitions between non-residential developments and residential neighborhoods. However, although described as a community center and located in the center of a residential neighborhood; based on the description provided, the proposed use will not serve the residents of the neighborhood. As a result, the proposed use is not compatible with the future land use designation adopted by the Comprehensive Plan.

Environmental Impacts

The applicant is not proposing any new construction or modification to the existing site. Therefore, there should be no additional environmental impacts from this request. However, the property does not comply with Section 712.08, Tree Protection and Landscaping, and would require a variance to allow the property remain as-is:

- Variance to waive all Tree Protection and Landscaping requirements to allow the property remain as-is. [Section 712.08]

Economic Functionality

The utility history for this property indicates that the facility has been consistently used and has not gone vacant for an extended period of time. Permitted uses for R-4 include single family residences, group homes containing less than six individuals, and personal care homes with a residential façade. Since the existing structure and site have been extensively remodeled, and are institutional in nature, it is unlikely that it would economically viable as a single family residence. It could, however, be used as a group home.

Infrastructure

The existing parking for the facility is comprised of two handicapped parking spaces. It is unclear where non-handicapped vehicles have been parking in the past. An aerial photograph from 2007 indicates vehicles may have been using the adjacent driveway and van loading area as additional spaces. Required parking for a halfway house would be calculated at one space for every two residents. If the building contains four single-occupancy rooms, two parking spaces would be required. Parking for assembly purposes is calculated at one space for every four seats/40 s.f. in the room with the largest seating capacity. Information from the Building Department indicates the largest room is 33'6"x13'9", or 460 s.f., which would require eleven (11) spaces. For both the assembly use and halfway house combined, a total of thirteen (13) parking spaces are required. The Fire Department has determined that only one van-accessible handicapped parking space is required. Since only two spaces are provided, the following variance would be required to operate the facility "as-is":

- Reduce the required number of parking spaces for a place of assembly and halfway house from 13 to 2 spaces (one of which is handicap accessible). [Section 716.07 TABLE J.]

Section 716.08 (C)(6) states that “*Parking areas established within a residential district for a permitted non-residential use shall provide visual screening between vehicle use areas, including all accessways, and the abutting residential property.*” These buffers are required to be at least five feet in width, contain a wall or solid fence no less than five feet in height, and/or a vegetative row of hedges and trees sufficient in nature to provide continuous visual screening. To allow the existing parking area remain “as-is”, the following variance would be required:

- Waive the required wall or fence and screening vegetation adjacent to the abutting residential property. [Section 716.08 (C)(6)]

The following are notable comments from the Public Works Department:

- A 5’ wide sidewalk is required along the edge of curb at Roosevelt Circle. If the existing sidewalk is less than 5’ or a City Inspector finds that it should be replaced, all sidewalk is to be replaced across the entire frontage (to 5’).
- The retaining wall around the water vault is to be structural concrete. If trees or shrubs are proposed with wall within the anticipated root zone, the retaining wall cannot be modular block, but must be structural concrete. Railroad tie retaining walls will not be approved.

Based on the site plan provided, it appears that part of the stairway, water vault, and handicap ramp are located within the City’s right-of-way.

History of Property

There is no record of any past variances, rezonings, or special land use permits for this property.

Other Issues

The following are particular issues for consideration of a Special Land Use Permit:

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.

ANALYSIS & CONCLUSION

John Moore, on behalf of the applicant, Zion Baptist Church and the property owner, Cobb County, is requesting rezoning and a Special Land Use Permit (SLUP) for 397 Roosevelt Circle to establish a transitional living center/halfway house and place of assembly. The subject property, and all surrounding properties, is zoned R-4. The property is the former site of the Fort Hill-Roosevelt Circle Community Health Center. The Marietta Zoning Code does allow group homes, however, it does not allow transitional living centers and/or halfway houses. The proposed residents of this facility are expected to be ex-convicts who have been released from prison as recently as three (3) months earlier. The applicant is also requesting a SLUP to allow a place of assembly for a transitional living center. In addition to the four (4) residential rooms, the existing structure is proposed to contain various classrooms, a library and computer lab that will be used to assist the residents and other individuals seeking to improve job skills and other personal training.

The Future Land Use (FLU) Map of the City's Comprehensive Plan designates the subject property and all surrounding properties as Medium Density Residential (MDR), which is suitable for medium-density housing ranging from three (3) to six (6) dwelling units per acre. Certain low-impact uses, such as park and recreational facilities, elementary schools, libraries and community centers, may also be appropriate transitions between non-residential developments and residential neighborhoods. However, although described as a community center and located in the center of a residential neighborhood, the proposed use will not serve the residents of the neighborhood. As a result, the proposed use is not compatible with the future land use designation adopted by the Comprehensive Plan.

The applicant has not indicated whether there would be any exterior improvements to the property if the application is approved. However, the following variances would be necessary in order to allow the facility to operate "as-is":

1. Reduce the required number of parking spaces for a place of assembly and halfway house from 13 to 2 (one of which is handicap accessible). [*Section 716.07 TABLE J.*]
2. Waive the required wall or fence and screening vegetation adjacent to the abutting residential property. [*Section 716.08 (C)(6)*]
3. Waive all Tree Protection and Landscaping requirements to allow the property remain as-is. [*Section 712.08*]
4. Reduce the front yard setback from 75 feet to 53 feet. [*Section 708.04(E) 1b.*]
5. Reduce the side yard setback along the western property line from 75 feet to 10 feet. [*Section 708.04 (E) 1b.*]
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Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

Also, the encroachments into the City right-of-way would need to be resolved, either by easement or removal.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?

If not, how far is the closest water line?

Size of the water line?

Capacity of the water line?

Approximate water usage by proposed use?

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?

If not, how far is the closest sewer line?

Size of the sewer line?

Capacity of the sewer line?

Estimated waste generated by proposed development?

A.D.F

Peak

Treatment Plant Name?

Treatment Plant Capacity?

Future Plant Availability?

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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?	Sope 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

What is the road affected by the proposed change?	Roosevelt Circle
What is the classification of the road?	Roosevelt Circle: Local
What is the traffic count for the road?	No data available
Estimated number of cars generated by the proposed development?	Insufficient data provided
Estimated number of trips generated by the proposed development?	Insufficient data provided
Do sidewalks exist in the area?	YES
Transportation improvements in the area?	NO
If yes, what are they?	---

- Site plans will be required for construction. Site plans must include, parking, driveways, streets, (**and if greater than 5000 sq ft new/replacement impervious**) 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 drain. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.
- A 5' wide sidewalk is required along the edge of curb at Roosevelt Circle. If the existing sidewalk is less than 5' or a City Inspector finds it should be replaced, all sidewalk is to be replaced across the entire frontage (to 5').
- Steps / ramps may not intrude into the R.O.W., which is 25' from centerline of Roosevelt Circle.
- The retaining wall around the water vault is to be structural concrete. If trees or shrubs are proposed with wall within the anticipated root zone, the retaining wall cannot be modular block, but must be structural concrete. Railroad tie retaining walls will not be approved.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 51
Distance of the nearest station?	Less than 1/2 mile
Most likely station for 1 st response?	Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	No service burdens

Other comments:

1. A fire sprinkler system may be required.
2. A fire alarm system may be required.
3. Plans shall be submitted for review in regards to the change in occupancy classification.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School Zone Servicing Development:

Grades six (6) through twelve (12) will be serviced by:

- Marietta Sixth Grade Academy
- Marietta Middle School
- Marietta High School

Current Capacity at Servicing Elementary School:

Current Capacity at Marietta Sixth Grade Academy:

Current Capacity at Marietta Middle School:

Current Capacity at Marietta High School:

Current Enrollment at Servicing Elementary School:

Current Enrollment at:

- Marietta Sixth Grade Academy:
- Marietta Middle School:
- Marietta High School:

Number of students generated by present development:

Number of students projected from proposed development at:

- Elementary level:
- Sixth Grade level:
- Middle School 7th & 8th Grade level:
- High School level:

New School(s) planned that might serve this area:

Comments: