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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2009-10

**LEGISTAR #:** 20090411

**LANDOWNERS:** Neil Bishop  
571 Wylie Road  
Marietta, GA 30067

**APPLICANT:** Neil Bishop  
571 Wylie Road  
Marietta, GA 30067

**PROPERTY ADDRESS:** 367 Glover Street, 547 & 537 Atlanta Street,  
345 Hawkins Street

**PARCEL DESCRIPTION:** Land Lot 02900, 17<sup>th</sup> District, Parcels 0170, 0150, 0160  
and 0890

**AREA:** 0.80                      **COUNCIL WARD:** 3

**EXISTING ZONING:** LI (Light Industrial)

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

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

**REASON FOR REQUEST:** The applicant, Neil Bishop, is requesting to rezone 0.8 acres located at 367 Glover Street, 547 & 537 Atlanta Street, and 345 Hawkins Street from LI (Light Industrial) to CRC (Community Retail Commercial) in order to expand the existing restaurant, make parking lot improvements, and allow commercial use of an existing residential structure.

**PLANNING COMMISSION HEARING:** Tuesday, August 4, 2009 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, August 12, 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	NRC: Neighborhood Retail CRC: Community Retail REC: Regional Retail CBD: Central Business District PCD: Planned Commercial Dev. MUD: Mixed-Use Dev. OIT: Office Institutional Trans. LRO: Low-Rise Office OI: Office Institutional OS: Office Services OHR: Office High-Rise	17	02900	0170	LI
<b>ATTACHED FAMILY RESIDENTIAL</b> RA-4: Four Unit/Acre RA-6: Six Unit/Acre RA-8: Eight Unit/Acre	INDUSTRIAL LI: Light Industrial HI: Heavy Industrial PID: Planned Industrial Dev.	17	02900	0150	LI
<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.		17	02900	0160	LI
		17	02900	0890	LI

Comments: 367 Glover Street, 547 & 537 Atlanta Street, 345 Hawkins Street

Date  
**07/06/2009**

Planning and Zoning  
 Department




1" = 200'

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**PICTURES OF PROPERTY**



Douceur De France restaurant front



Unpermitted parking pavement, including existing tree

**PICTURES OF PROPERTY CONTINUED**



Proposed restaurant space at 345  
Hawkins Street



Unscreened dumpster and  
unpermitted sheds located to the  
north side of restaurant



Adjacent building to the east of  
restaurant



Corner of site, located on 537  
Atlanta Street

## STAFF ANALYSIS

### *Location Compatibility*

The applicant, Neil Bishop, is requesting to rezone 0.8 acres located at 367 Glover Street, 547 & 537 Atlanta Street, and 345 Hawkins Street from LI (Light Industrial) to CRC (Community Retail Commercial) in order to expand the existing restaurant, make parking lot improvements, and allow commercial use of an existing residential structure. The site, comprised of four parcels, contains an existing restaurant and a single family home. Adjacent properties are also zoned LI; however, an auto repair business sits next to the restaurant on Glover Street while adjacent parcels on Hawkins Street are used as residences. The property is considered part of the East Dixie Neighborhood, which extends to Glover Street, and is also within the Tier B Commercial Corridor Overlay District.

The applicant is requesting the rezoning for a building addition, increased parking area, and future commercial use of a residential structure. The proposed building expansion includes additional restrooms and dining space and a submitted site plan indicates the parking lot will be extended toward Hawkins Street. The plan also labels the existing single family home as proposed restaurant space; however, the applicant has stated that this structure would continue as a rental residence “in the near term”, with the intent to renovate the structure for a low-intensity commercial purpose such as “a small special events facility”. In order to continue the current residential use after rezoning, a stipulation granting continuance of a nonconforming use will be required.

### *Use Potential and Impacts*

The site is just within the Envision Marietta Downtown Master Plan boundary, which runs along Glover Street. The Envision Marietta plan specifically encourages architectural design compatible with surrounding development and the re-use and revitalization of underused commercial and industrial structures, both of which are exemplified in the applicant’s proposal. As currently zoned, the property owner cannot make any improvements to the property that would constitute an expansion of the use. Should the property be converted to a light industrial use under the current LI designation, such as the adjacent auto repair business, it would present a larger impact to the neighborhood.

Impact to adjacent parcels to the east would be minimal. The auto repair business is more intensive than a restaurant, while an adjacent residence on Hawkins Street is buffered by a parcel containing a detached two-car garage serving the same residence.

The city’s Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of Industrial Warehousing (IW). The CRC zoning category is not compatible with this FLU designation; however, the Envision Marietta plan calls for a reduction of existing light industrial zoning designations and an expansion of residential

categories within the East Dixie Neighborhood. Given this consideration, and the need for appropriate transition from residential uses, the proposed zoning category is reasonable.

### *Environmental Impacts*

There is no indication that any streams, floodplains, wetlands, or endangered species exist on the property.

Comments from the city arborist indicate that vehicular traffic over the 36" specimen oak in the parking area has shortened the tree's lifespan. The recent paving of the parking area will accelerate the tree's death, although exact life expectancy cannot be determined.

### *Economic Functionality*

The properties at 367 Glover Street and 547 Atlanta Street contain a successful restaurant, Douceur De France. There is no evidence that a proposed second restaurant space would be any less successful, and would be an appropriate use in close proximity to residential areas such as the East Dixie neighborhood. The corner property at 537 Atlanta Street is currently vacant, but would presumably serve as parking for both restaurant spaces.

As currently zoned, the subject properties do not have a reasonable economic use. With less than an acre of total land area, no rear yard storage, and adjacent location to residential properties, the site would not be suitable for redevelopment as a light industrial use. Most of the current light industrial uses along Atlanta Street are housed on aging properties that have little redevelopment potential as currently zoned due to their size and proximity to residential properties.

### *Infrastructure*

The subject property is adjacent to an existing business, and is not expected to have any impact on the existing infrastructure in the area nor is it expected to have any impact on the water and sewer system or electricity infrastructure in the area.

The following comments received by Public Works are worth noting:

- *The parking configuration delineated on the submitted is not adequate per the ITE and AASHTO guidelines. Parking Spaces to be a minimum of 9' x 20' exclusive of curb and gutter (on ends), with minimum 20' aisles.*
- *2' grass strip and 5' sidewalk to extend along entire frontages of Hawkins Street and Glover Street. Handicap Ramps are required at driveways to street. Stop Signs and handicap ramps to be provided at all crosswalks.*

### *History of Property*

An administrative variance to reduce the rear yard setback from 40 feet to 23 feet was approved in 2003 in order to add an addition to the restaurant (AV2003-40).

Although no citation is on record, the parking lot was apparently paved in 2009 without a permit. Development plans will be required prior to any of the proposed improvements, and the recently paved parking area will be evaluated during the review process. Public Works has included the following comment regarding future site plan submission: *“The plans must provide documentation on the unpermitted paving which was previously performed in the recent past. That impervious area will be treated as new / proposed paving.”*

### *Other Issues*

The properties are within the Tier B Commercial Corridor Overlay District; however, the cost of improvements is not expected to require full compliance with overlay standards. Consideration should be given to the intent of the overlay requirements, which state: *“In particular, the purpose of the Commercial Corridor Design Overlay District is to better articulate positive visual experiences in Marietta’s downtown area; to provide for the continued safe and efficient utilization of roads; to promote pedestrian mobility and safety; and to provide for the preservation of historically significant structures.”*

Should the property be rezoned as requested, the follow variances will be required:

- Increase in maximum setback along a public street from 75 feet to 80 feet.
- Reduction of rear setback from 35 feet to 8.5 feet for existing restaurant.
- Reduction of rear setback from 35 feet to 5 feet for existing residential structure.
- Reduction of side setback from 15 feet to 8.5 feet.

A stipulation will also be required to allow the existing residential structure to be maintained as a rental unit.

During an inspection of the property staff noticed two detached sheds that are not permitted and are located within the accessory building setback. Unless they are to be removed, a variance will be required to maintain these structures in their current location, which is not indicated on the site plan. An existing dumpster in the same location will have to be screened from view.

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## ANALYSIS & CONCLUSION

The applicant, Neil Bishop, is requesting to rezone 0.8 acres located at 367 Glover Street, 547 & 537 Atlanta Street, and 345 Hawkins Street from LI to CRC in order to build an addition to an existing restaurant, make parking lot improvements, and allow commercial use of an existing residential structure. The site, comprised of four parcels, contains an existing restaurant and a single family home. Adjacent properties are also zoned LI; however, an auto repair business sits next to the restaurant on Glover Street while adjacent parcels on Hawkins Street are used as residences. The property is considered part of the East Dixie Neighborhood, which extends to Glover Street, and is within the Tier B Commercial Corridor Overlay District.

The site is just within the Envision Marietta Downtown Master Plan boundary, which runs along Glover Street. The Envision Marietta plan specifically encourages architectural design compatible with surrounding development and the re-use and revitalization of underused commercial and industrial structures, both of which are exemplified in the applicant's proposal. Should the property be converted to a light industrial use under the current LI designation, such as the adjacent auto repair business, it would present a larger impact to the neighborhood. The city's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use of Industrial Warehousing. The CRC zoning category is not compatible with the FLU designation; however, the Envision Marietta plan calls for a reduction of existing light industrial zoning designations and an expansion of residential categories within the East Dixie Neighborhood. Given this consideration, and the need for appropriate transition from residential uses, the proposed zoning category is reasonable.

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- Reduction of side setback from 15 feet to 8.5 feet.

A stipulation will also be required to allow the existing residential structure to be maintained as a rental unit. Also, unless they are to be removed, a variance will be required to maintain two detached sheds that are not permitted and are located within the accessory building setback; however, they are not indicated on the site plan and the necessary setback variance cannot be determined.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### *CITY OF MARIETTA - WATER*

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Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	---
Size of the water line?	6-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	No provided

### *CITY OF MARIETTA - SEWER*

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Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	---
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F                  Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

## 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?	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*

What is the road affected by the proposed change?	Hawkins St, Glover St, Atlanta St
What is the classification of the road?	Hawkins St, & Glover St: Local Atlanta St: Arterial
What is the traffic count for the road?	Hawkins St, & Glover St: no data available Atlanta St: 28,720
Estimated number of cars generated by the proposed development?	No data supplied – 33 parking spaces provided
Estimated number of trips generated by the proposed development?	5.438 x 127.15 /1000 s.f. = 691 avg daily (5.438 x 10.92/1000 s.f. = 59 PM peak hr)
Do sidewalks exist in the area?	YES – along Atlanta Street only
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, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City Code, and in accordance with the 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.
- The plans must provide documentation on the unpermitted paving which was previously performed in the recent past. That impervious area will be treated as new / proposed paving.
- See Site Plan Package Checklists for requirements.
- The parking configuration delineated on the submitted is not adequate per the ITE and AASHTO guidelines. Parking Spaces to be a minimum of 9' x 20' exclusive of curb and gutter (on ends), with minimum 20' aisles.
- 2' grass strip and 5' sidewalk to extend along entire frontages of Hawkins Street and Glover Street. Handicap Ramps are required at driveways to street. Stop Signs and handicap ramps to be provided at all crosswalks.
- All roads, including Private, are to be per City Standards, and inspected during construction. Roads are to be designed to AASHTO standards using the SU-30 vehicle with a minimum 25' or greater radii on curves.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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Nearest city or county fire station from the development?	112 Haynes Street
Distance of the nearest station?	1.50 miles
Most likely station for 1 <sup>st</sup> response?	112 Haynes 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   X                        No           

If not, can this site be served?              Yes                                 No           

What special conditions would be involved in serving this site?

Additional comments: