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## REZONING APPLICATION ANALYSIS

**ZONING CASE #:** Z2015-31

**LEGISTAR:** #20150813

**LANDOWNERS:** Capital Mortgage Corporation  
First Financial Funding, Inc.  
Prime Lending, Inc.  
102 Hammond Drive  
Atlanta, GA 30328

**APPLICANT:** Jerusalem Restaurant & Bakery  
585 Franklin Road Ste 160  
Marietta, GA 30067

**AGENT:** n/a

**PROPERTY ADDRESS:** 1175 Franklin Road

**PARCEL DESCRIPTION:** 17 07260 0120

**AREA:** 1.24 acres      **COUNCIL WARD:** 7A

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

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

**FUTURE LAND USE:** RAC (Regional Activity Center)

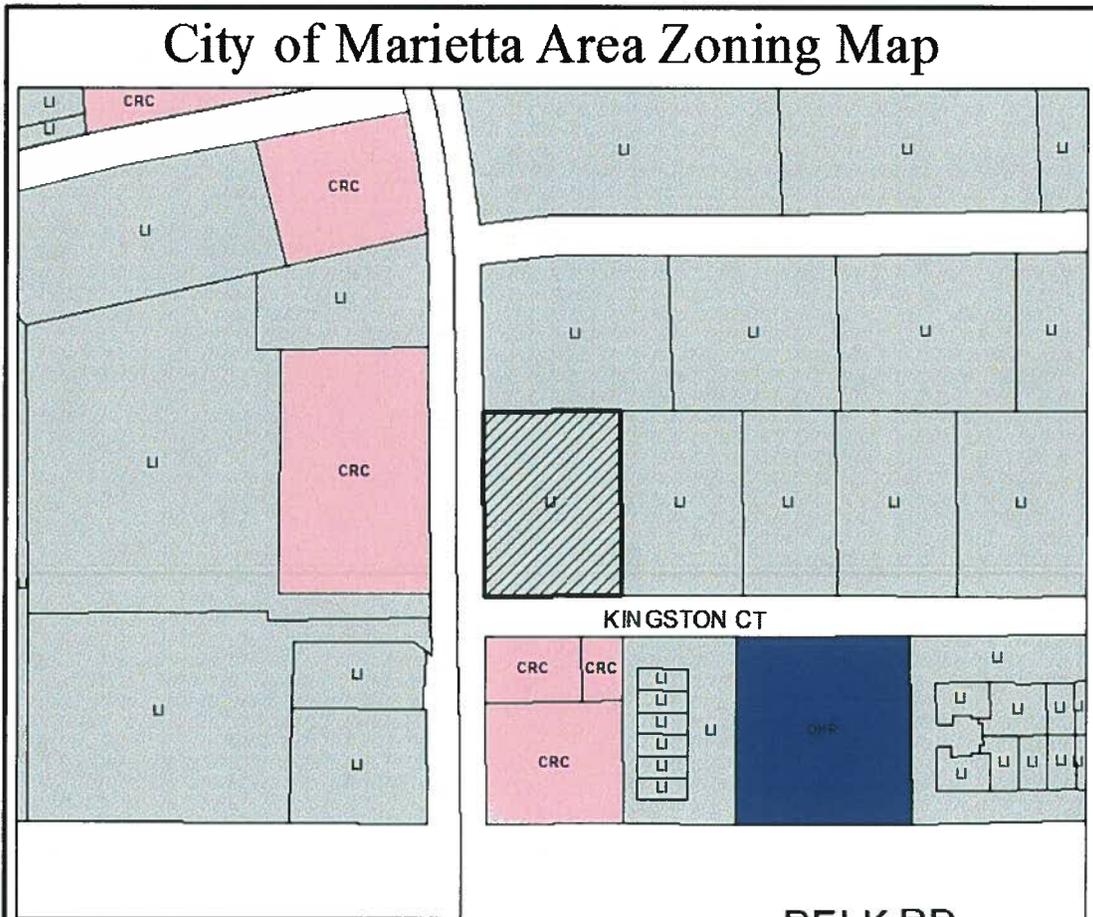
**REASON FOR REQUEST:** The applicant is requesting the rezoning of this property from LI to CRC to use the facility as a restaurant and bakery.

**PLANNING COMMISSION HEARING:** Tuesday, October 6<sup>th</sup>, 2015 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, October 14<sup>th</sup>, 2015 – 7:00 p.m.

**MAP**

**City of Marietta Area Zoning Map**

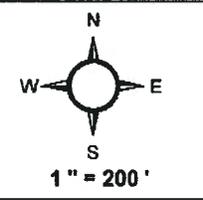


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> S-1 One Unit/Acre S-2 Two Units/Acre S-3 Three Units/Acre S-4 Four Units/Acre <b>ATTACHED FAMILY RESIDENTIAL</b> AA-4 Four Units/Acre AA-5 Six Units/Acre AA-8 Eight Units/Acre PUD(SF) Planned Residential Dev. MSP Mobile Home Park <b>MULTI FAMILY RESIDENTIAL</b> MM-4 Eight Units/Acre MM-10 Ten Units/Acre MM-12 Twelve Units/Acre RH Residential High Rise PUD(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. LHO 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.	17	07260	0120	LI	CRC

**Comments:**  
1175 Franklin Rd

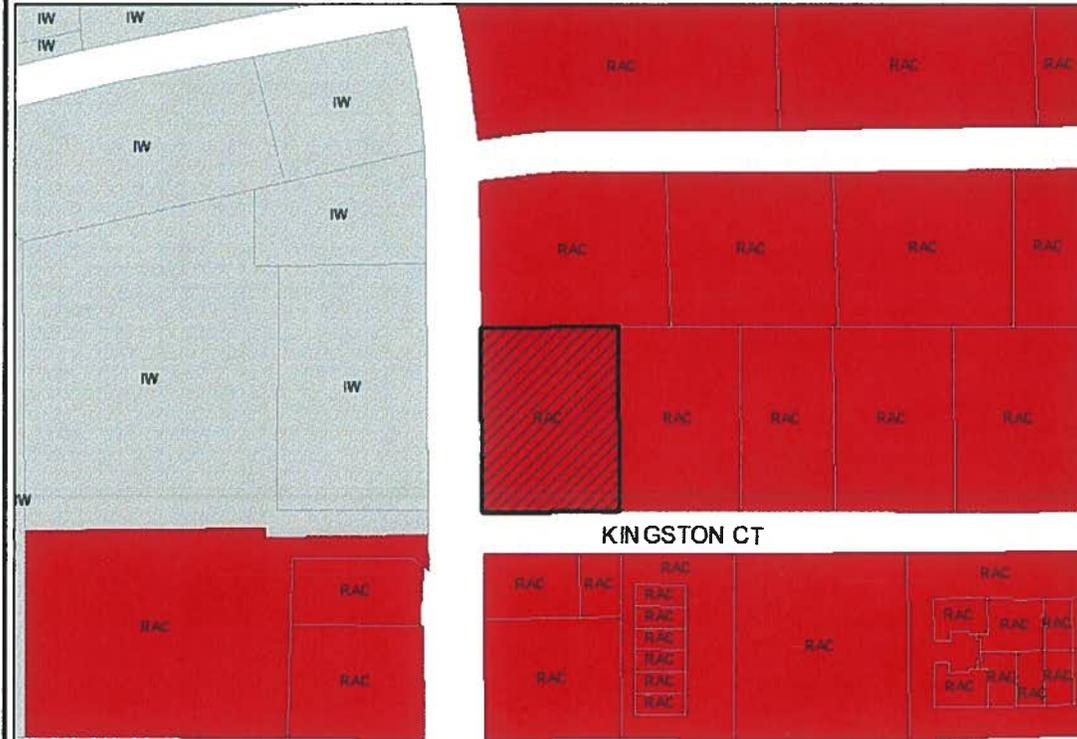
**Date:** 8/27/15

**Planning & Zoning Department**

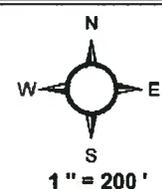



## FLU MAP

### City of Marietta Area FLU Map



Future Land Use		District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR	Low Density Residential	17	07260	0120	RAC	N/A
MDR	Medium Density Residential					
HDR	High Density Residential					
KAC	Neighborhood Activity					
CAC	Community Activity Center					
RAC	Regional Activity Center					
CRD	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					

<b>Comments:</b> 1175 Franklin Rd			
<b>Date:</b> 8/27/2015	<b>Planning &amp; Zoning Department</b>		

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**PICTURES OF PROPERTY**



**Facing southwest of subject property**



**Facing northwest of subject property**

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## STAFF ANALYSIS

### *Location Compatibility*

The applicant, Jerusalem Restaurant & Bakery, is requesting to rezone the 1.28 acre property located at 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial) in order to use the subject property as a restaurant, bakery, banquet, and small grocery component of the applicant's business. The existing property had previously been used as a multi-tenant space for automobile-oriented businesses.

The subject property has frontage along Franklin Road – a collector road and Kingston Court – a local road. Properties located to the north and east of the subject property are zoned LI. Properties located to the south and west (across Franklin Road) are zoned CRC.

### *Use Potential and Impacts*

Historically, the subject property has been used for a variety of automobile-oriented businesses, as well as administrative office use for businesses ranging from consulting to auto brokerage. The surrounding properties are characterized as light industrial/warehousing or commercial multi-tenant buildings.

The applicant – Jerusalem Restaurant & Bakery – is currently located at 585 Franklin Road, but due to limited space the applicant wishes to relocate. The applicant would like to purchase the subject property and occupy the entire structure at 1175 Franklin Road. The northern portion of the structure is one-story and would be used for a restaurant/retail; and the southern portion of the structure is two-stories and would be as both restaurant/retail and banquet hall.

Because this property was originally developed in the late 1970s/early 1980s and altered during the 1990s, there are many aspects of the site that do not comply with current development regulations. Some of these issues include the lack of a 10' planted border with street trees along Franklin Road, insufficient or missing tree islands, metal as an exterior building material, a nonconforming pylon sign, no stormwater management, and access too close to an existing intersection. Typically, Section 706.03 allows the continuance of nonconforming structures as long as construction costs for repairs or alterations do not exceed either 50% or 75% of the existing building's replacement cost, depending whether the building's square footage is being expanded or sitework is being proposed. Staff is not aware of the amount proposed for the building's renovation; depending on the value, the site would possibly need to be brought up to code or a variance granted to allow the as-built conditions remain for a specified period of time.

There are currently 60 parking spaces provided on the site. The developed structure is a total of 17,760 square feet – the Restaurant is 3,000 square feet, Grocery/Bakery is 8,785 square feet, and Banquet is 5,975 square feet. According to the City's parking regulations, a banquet hall is calculated as a place of assembly which requires 1 space per 40 seats or 1 space per 40 square feet. A place of assembly is where persons regularly assemble for a common purpose. Jerusalem Restaurant & Bakery's banquet hall will only be occupied for private parties upon



request and its restaurant will operate the banquet hall and provide the services. According to the proposed use, the subject property will require a minimum 175.5 parking spaces, which includes the 10% parking reduction for having a public transit stop within 250 feet of the front door. As a result, a variance is needed to reduce the required parking from 175.5 parking spaces to 60 parking spaces.

The City’s Comprehensive Plan has designated the Future Land Use (FLU) of the subject property as Regional Activity Center (RAC). The purpose of the FLU designation is to act as a guide for overall comprehensive planning within the community. According to the City’s comprehensive plan, the RAC category shall allow a high intensity of development serving regional markets and trade areas. Although the proposed zoning is not listed as a compatible zoning, the proposed use and its location fits the RAC guidelines.

*Environmental Impacts*

Given that the subject property is currently developed, there will not be any substantial increase in the amount of impervious surface if any. This property does not lie in a floodplain and does not have any creeks running through the parcel.

*Economic Functionality*

The primary usage of the property has been mainly automobile-oriented businesses ranging from repairs, services, leasing and auto brokerage; therefore the use of the zoning has been lightly used compared to the other properties zoned LI. Many of the tenants using the property could have done so under a commercial zoning classification, so the intensity of the use will not change substantially. The subject property has never been fully occupied, and is currently vacant. Since the building has not been fully occupied, the owner of the subject property has been having trouble maintaining the property.

*Infrastructure*

The property is entirely within city limits and currently serviced by Marietta Board of Lights & Water. However, since there will be a different use of the building, it may have a different occupancy type classification for Fire safety purposes. There will be minimal impact to the traffic and transportation.

*History of Property*

There is no history of any variances, Special Land Use Permits, or rezonings associated with the property.

*Other Issues*

Due to the change in occupancy, the Fire Marshall will require structure to meet the regulations identified in Life Safety Code 101, 2012 edition with Georgia amendments.



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## ANALYSIS & CONCLUSION

The applicant, Jerusalem Restaurant & Bakery, is requesting to rezone the 1.28 acre property located at 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial) in order to use the subject property as a restaurant, bakery, banquet, and small grocery component of the applicant’s business. The existing property had previously been used as a multi-tenant space for automobile-oriented businesses.

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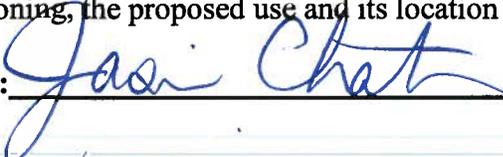
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- Variance to reduce the required number of parking spaces from 175.5 to 60.

Many aspects of the site do not comply with current development regulations. Typically, Section 706.03 allows the continuance of nonconforming structures as long as construction costs for repairs or alterations do not exceed either 50% or 75% of the existing building’s replacement cost, depending whether the building’s square footage is being expanded or sitework is being proposed. Without knowing the amount proposed for the building’s renovation, the site would possibly need to be brought up to code or a variance granted to allow the as-built conditions remain for a specified period of time.

The City’s Comprehensive Plan has designated the Future Land Use (FLU) of the subject property as Regional Activity Center (RAC). The purpose of the FLU designation is to act as a guide for overall comprehensive planning within the community. According to the City’s comprehensive plan, the RAC category shall allow a high intensity of development serving regional markets and trade areas. Although the proposed zoning is not listed as a compatible zoning, the proposed use and its location fits the RAC guidelines.

Prepared by: 

Approved by: 



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## 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?	8 inch
Capacity of the water line?	Variable based on condition of main
Approximate water usage by proposed use?	Unknown – need additional data

### ***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?	10 inch
Capacity of the sewer line?	Variable
Estimated waste generated by proposed development?	Unknown – need additional data
Treatment Plant Name?	R.L. Sutton WRF
Treatment Plant Capacity?	Cobb Water must confirm
Future Plant Availability?	Cobb Water must confirm

### **COMMENT –**

Sewer development fees may apply depending upon final design/ usage of building. Contact Kim Holland 770-794-5227 or [kholland@mariettaga.gov](mailto:kholland@mariettaga.gov) for an estimate.



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## DATA APPENDIX CONTINUED

### *DRAINAGE AND ENVIRONMENTAL CONCERNS*

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Does flood plain exist on the property? \_\_\_\_\_

What percentage of the property is in a floodplain? \_\_\_\_\_

What is the drainage basin for the property? \_\_\_\_\_

Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency? \_\_\_\_\_

If so, is the use compatible with the possible presence of wetlands? ---

Do stream bank buffers exist on the parcel? \_\_\_\_\_

Are there other topographical concerns on the parcel? ---

Are the storm water issues related to the application? ---

Potential presence of endangered species in the area? \_\_\_\_\_

### *Transportation*

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What is the road effected by the proposed change? \_\_\_\_\_

What is the classification of the road? \_\_\_\_\_

What is the traffic count for the road? \_\_\_\_\_

Estimated number of cars generated by the proposed development? ---

Estimated number of trips generated by the proposed development? ---

Do sidewalks exist in the area? \_\_\_\_\_

Transportation improvements in the area? \_\_\_\_\_

If yes, what are they? \_\_\_\_\_

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## DATA APPENDIX CONTINUED

### *EMERGENCY SERVICES*

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Nearest city or county fire station from the development? City Station #55 – 1160 Franklin Road

Distance of the nearest station? 250 ft.

Most likely station for 1<sup>st</sup> response? City Station #55 – 1160 Franklin Road

Service burdens at the nearest city fire station (under, at, or above capacity)? N/A

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### *MARIETTA POWER - ELECTRICAL*

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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: