



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2010-05

LEGISTAR #: 20100370

LANDOWNERS: Spruell Taylor Real Estate Investments, LLC
Attn: Melinda Taylor
227 Crescent Circle
Marietta, GA 30064

APPLICANT: Same as above

PROPERTY ADDRESS: 223 Crescent Circle

PARCEL DESCRIPTION: Land Lot 1231, District 16, Parcel 420

AREA: 0.128 acs.

COUNCIL WARD: 3

EXISTING ZONING: OI (Office Institutional)

REQUEST: OI (Office Institutional) w/use variance

**FUTURE LAND USE MAP
RECOMMENDATION:** CAC (Community Activity Center)

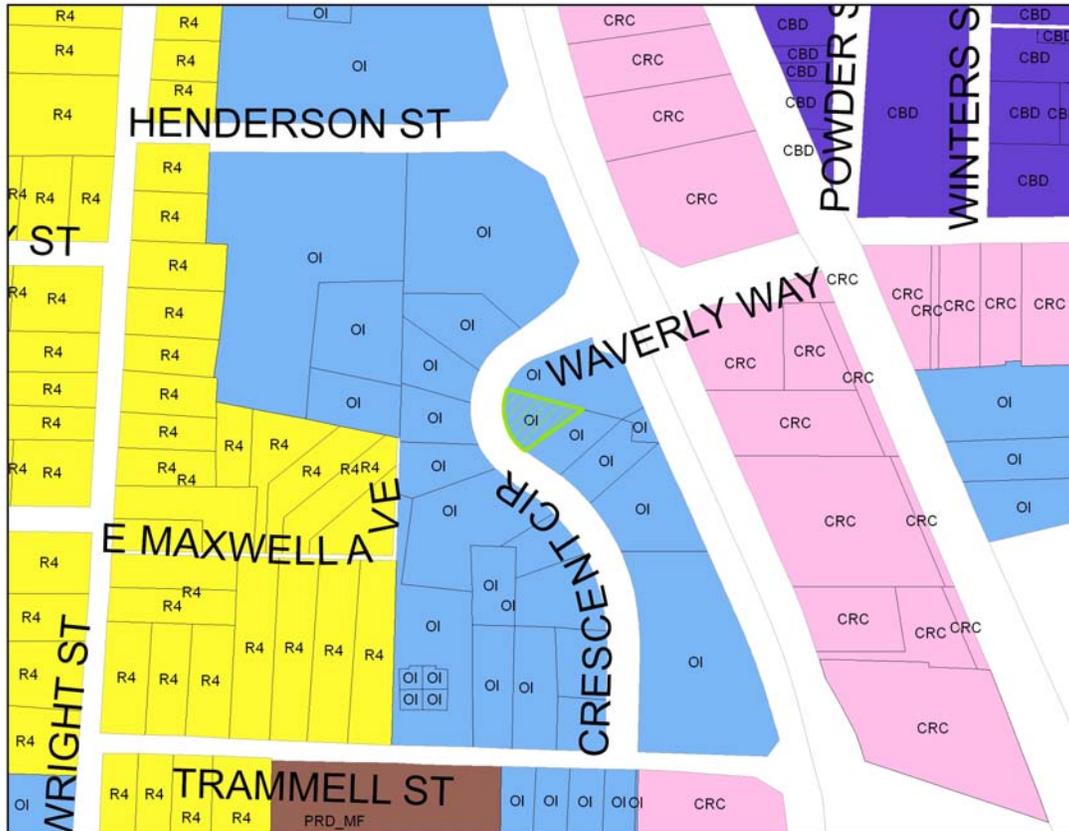
REASON FOR REQUEST: The applicant is requesting the rezoning of this parcel from OI to OI with a request for an additional use to allow the operation of a florist shop.

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

CITY COUNCIL HEARING: Wednesday, July 14, 2010 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map

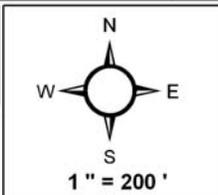


Zoning	District	Land Lot	Parcel	Zoning
SINGLE FAMILY RESIDENTIAL R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre ATTACHED FAMILY RESIDENTIAL RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park MULTI FAMILY RESIDENTIAL 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. MIXD Mixed-Use Dev. OIT Office Institutional Trans. LRO Low-Rise Office OI Office Institutional OS Office Services OHR Office High-Rise INDUSTRIAL LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	16	12310	0420
				OI

Comments:
223 Crescent Circle

Date: **4/5/10**

Planning & Zoning
 Department



PICTURES OF PROPERTY



223 Crescent Circle



Delivery van for shop

STAFF ANALYSIS

Location Compatibility

Spruell Taylor Real Estate Investments, LLC is requesting the rezoning of 223 Crescent Circle from Office Institutional (OI) to Office Institutional (OI) with a request to approve an additional use to allow the operation of a florist shop. The subject property is a 0.128 acre, wedge-shaped parcel located along a curve on Crescent Circle, which is a short, curvy street that connects South Marietta Parkway to Trammell Street. All the parcels along Crescent Circle are zoned OI and contain structures formerly used as single family residences, but which are now used as professional offices for insurance sales, attorneys, architects, etc.

Use Potential and Impacts

The applicant is requesting permission for a tenant to use the subject property as a florist shop, Robb's Flowers of the Field. In late 2009 or early 2010, the florist relocated its operations from the Cobb Galleria Center to the subject property and applied for an occupational license with the city. Because florists are considered a retail commercial use, the application was denied. This structure has never received a Certificate of Occupancy (CO) for commercial use.

The stated purpose of the OI zoning district is *"to provide suitable areas for nonretail commercial uses such as offices and financial institutions, schools and clinics."* Considering potential impacts to the surrounding neighborhood and properties, a retail florist conducting business in a 1,120 s.f. former residence should not create any more of a nuisance than a bank or insurance office. Most of the issues surrounding the applicant's request stem more from the infrastructure and layout of the existing site rather than the proposed use of the property. Many nonconformities exist that are primarily due to the parcel's limited size, unique shape, and prior use as a residence.

The future land use (FLU) designation of this parcel is Community Activity Center (CAC), which is appropriate for retail and service businesses intending to serve the immediate neighborhood and community at large. Because *"low- to medium-intensity office, retail and commercial service uses should be encouraged to locate in designated as Community Activity Centers,"* the requested for the additional use (florist shop) is compatible with the future land use designated by the Comprehensive Plan.

Environmental Impacts

There are no streams or possible wetlands located in the vicinity of the site, nor is the property located in a floodplain. It is unlikely that any endangered species currently exist on the property. If approved, the property would be required to come into compliance with the Tree Protection and Landscaping ordinance, Section 712.08. Because of the small size of the property, it is likely that the planting of approximately three 3" caliper street trees would satisfy the ordinance.

STAFF ANALYSIS CONTINUED

Economic Functionality

City records indicate the property changed from residential use to office use sometime in 1999. Between 1999 and 2007 the property was used, at different times, as offices for attorneys, developers, and mortgage brokers. Until the florist's occupation in late 2009/early 2010, the property appears to have been vacant since 2007, when the owners moved their office to the parcel directly to the south. Because the property has been consistently used since its conversion to office, the property is economically viable as zoned.

Because of the limited size of this property, it is not considered a conforming lot with respect to lot size. In order for the continued use of the property by any occupant, the following variance is suggested:

- Variance to reduce the minimum lot size from 20,000 s.f. to 5,561 s.f. [*Section 708.23 (H)*]

Infrastructure

Parking is currently comprised of the former residential driveway along the southern property line and a gravel area along the street. The driveway is long enough for only one vehicle to park outside of the right-of-way. On the day of staff's site visit, it contained the business' delivery van. At some point in the past, enough gravel was laid to accommodate 5 vehicles; however, the majority of each space is within the city's right-of-way, and exiting vehicles must back out into the street. No other business on Crescent Circle utilizes a gravel surface parking lot. Required parking for retail establishments is calculated at one space for every 250 s.f. of building area; a 1,120 s.f. retail structure would require 5 spaces. The property currently has enough spaces, but the orientation and surface do not meet code.

The provision and layout of parking will be difficult at this site. These are issues that often occur on properties converted to commercial uses from a residential use. A variance request was approved in July 2009 for a similar situation at 68 Black Street, a 0.153 acre parcel containing a proposed retail store that could not provide the required parking without encroaching into the 10' landscape strip. Similar accommodations for this property would be necessary in order to allow its continued use. One option would be to require parking in the rear yard, with access from a one-way driveway. Other options would be to grant variances to allow the continued use of the existing parking arrangement, or to reduce the total number of parking spaces, although Marietta Fire Department will likely require at least one handicap, van-accessible parking space.

In order to maintain the existing parking arrangement, the following variances would be necessary:

- Variance to vehicular parking on a gravel surface. [*Section 716.08 (B)*]
- Variance to allow on-street parking spaces to meet parking regulations. [*Section 716.07 (C)*]

Depending on the direction that Council wished to take, the following variances may be necessary to ease the reconfiguration of the parking layout include:

- Variance to reduce the required interior driveway width from 20' to 9'. [Sect. 716.08 (C)(5)]
- Variance to allow street parking spaces for meeting the parking requirement. [Sect. 716.07 (C)]
- Variance to reduce the number of required spaces from 5 to 3. [Sect. 716.07 Table J]

Most of the vehicular trips to and from the property will likely be done by the delivery van for the business. The proprietor estimates the delivery van will leave approximately twice per day, and a limited number of customers will opt to pick up orders. Considering the Institute of Traffic Engineers (ITE) estimates 11.57 average daily trips generated for a single tenant office building (1,000 s.f.), the tenant's estimate of proposed daily trips is minimal. Financial institutions (banks), also allowable in OI, have a much higher estimate: 156.48 daily average trips for a 1,000 s.f. walk-in bank.

History of Property

Based on sales, business license and building permit history, this property was used as a residence until 1999. Since that time the structure has operated as a mortgage brokers' office, real estate developers' office, and attorneys' office. However, it appears the structure never received a Certificate of Occupancy (CO) for commercial use. Should this property be rezoned to allow a florist shop, a building permit application would have to be submitted, and the subsequent inspection by the Building Department would be required. The Marietta Fire Department may also need to inspect the building to ensure compliance with ADA requirements, including a wheelchair accessible ramp to the building.

Other Issues

This property is located within the Commercial Corridor Design Overlay – Tier B. Because the applicant is not proposing any exterior changes or improvements to the property, compliance with the Tier B standards is not required. Only if the structure is rebuilt, altered, or repaired to an extent that the improvements exceed 50% of the structure's replacement cost will the property be required to comply with the Tier B standards.



ANALYSIS & CONCLUSION

The applicant, Spruell Taylor Real Estate Investments, LLC, is requesting the rezoning of 223 Crescent Circle from OI to OI with a use variance that would allow a florist shop. The 0.128 acre property is surrounded by many other former residences that now function as professional offices. The OI zoning category does not allow retail businesses.

Considering potential impacts to the surrounding neighborhood and properties, any negative impacts generated by a retail florist conducting business in a 1,120 s.f. former residence should not be any greater than a bank or insurance office. Most of the problematic issues surrounding the applicant’s request stem more from the parcel’s limited size, unique shape, and prior use as a residence rather than the proposed use of the property. The logical provision and layout of parking will be difficult and is a problematic issue that often occurs on properties converted from residential.

In order to allow the current parking configuration to remain, the following variances would be required:

- Variance to reduce the minimum lot size from 20,000 s.f. to 5,561 s.f. [*Sect. 708.23 (H)*]
- Variance to allow street parking spaces for meeting the parking requirement. [*Sect. 716.07 (C)*]
- Variance to vehicular parking on a gravel surface. [*Sect. 716.08 (B)*]

Should the reconfiguration of parking be required, the following variances may be necessary:

- Variance to reduce the minimum lot size from 20,000 s.f. to 5,561 s.f. [*Sect. 708.23 (H)*]
- Variance to reduce the required interior driveway width from 20’ to 9’. [*Sect. 716.08 (C)(5)*]
- Variance to reduce the number of required spaces from 5 to 3. [*Sect. 716.07 Table J*]

It should also be noted there is no record that a commercial Certificate of Occupancy was ever obtained when the structure converted from residential use. Should this property be rezoned to allow a florist shop, compliance with the regulations of the Building and Fire Departments will be required.

This zoning category and supplementary use request is consistent with the future land use category of Community Activity Center, which allows for medium and low intensity office, commercial and retail uses.

Prepared by: _____

Approved by: _____

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERN

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?	Ward 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?	Crescent Circle
What is the classification of the road?	Local
What is the traffic count for the road?	Data Not 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?	NO
Transportation improvements in the area?	YES
If yes, what are they?	South Marietta Parkway Streetscapes (Powder Springs Street to the Kennesaw Avenue overpass)



- If site improvements are planned, site plans will be required for construction. Site plans must include parking, driveways, streets, storm water management, storm water 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 drainage way, 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.
• There can be no parking area within the R.O.W. of Crescent Circle. The existing gravel parking must be removed, and the area stabilized with grass.

EMERGENCY SERVICES

Table with 2 columns: Question and Answer. Questions include: Nearest city or county fire station from the development? (Station 51), Distance of the nearest station? (1 / 2 mile), Most likely station for 1st response? (Station 51), Service burdens at the nearest city fire station (under, at, or above capacity)? (None)

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