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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2009-14                      **LEGISTAR #:** 20090670

**LANDOWNERS:** RM KID ONE, LLC  
2100 Northlake Drive, N. E.  
Suite A  
Atlanta, GA 30345

**APPLICANT:** Acme American, LLC  
319 Atlanta Street, Unit 240  
Marietta, GA 30064

**PROPERTY ADDRESS:** 2265 Kingston Court, Building 200

**PARCEL DESCRIPTION:** Land Lots 726 & 787, District 17, Parcel 0010

**AREA:** 2.817                      **COUNCIL WARD:** 7

**EXISTING ZONING:** OHR (Office High Rise)

**REQUEST:** SLUP (Special Land Use Permit)

**FUTURE LAND USE MAP**

**RECOMMENDATION:** RAC (Regional Activity Center)

**REASON FOR REQUEST:** The applicant, Acme American, LLC, is requesting a Special Land Use Permit to operate an extended stay facility on 2.817 acres located at 2265 Kingston Court, Building 200.

**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 Units/Acre R-3: Three Units/Acre R-4: Four Units/Acre  <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4: Four Units/Acre RA-6: Six Units/Acre RA-8: Eight Units/Acre  <b>MULTI-FAMILY RESIDENTIAL</b> RM-8: Eight Units/Acre RM-10: Ten Units/Acre RM-12: Twelve Units/Acre RH-R: Residential High Rise PRD(MF): Planned Residential Dev.	NRC: Neighborhood Retail CRC: Community Retail ERC: Regional Retail CBD: Central Business District CBD: Planned Commercial Dev. MXD: Mixed-Use Dev. OIT: Office Institutional Trans. LRO: Low-Rise Office OI: Office Institutional OS: Office Services OHR: Office High-Rise	17	07260	0010	OHR
	<b>INDUSTRIAL</b> LI: Light Industrial HI: Heavy Industrial PID: Planned Industrial Dev.				

Comments:  
**2265 Kingston Court, Bldg 200**

Date  
**06/29/2009**

**Planning and Zoning  
 Department**



1" = 200'

**PICTURES OF PROPERTY**



**2265 Kingston Court, Bldg 200 (west façade)**



**2265 Kingston Court, Bldg 200 (east façade)**

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## STAFF ANALYSIS

### *Location Compatibility*

The applicant, Acme American, LLC, is requesting a Special Land Use Permit (SLUP) for the property located at 2265 Kingston Court, Building 200 in order to operate an extended stay facility. The property, 2.817 acres in size, is zoned Office High Rise (OHR) and is the former location of a Holiday Inn that was damaged in a 2006 fire. A smaller building, located on the parcel to the west, also contains an abandoned hotel. In the past, these two hotels were located on one parcel; however, these two buildings were recently subdivided. The SLUP request only pertains to the larger hotel to the east. Located next to the southbound off-ramp from I-75, the subject property is situated at the intersection of Delk Road and I-75, although there is no direct access to either roadway. The properties to the immediate west and north contain warehouse/office uses and are zoned Light Industrial (LI).

The Marietta Zoning Ordinance defines extended stay hotels or motels as “*any hotel or motel in which fifty percent or greater of all guest rooms have facilities for both the storage, refrigeration, and preparation of food, and/or which are advertised, designed, or utilized for weekly or monthly occupancy.*” The applicant has not formally disclosed the number of rooms to be used for extended stay purposes. However, they have indicated that the facility will be marketed towards business travelers visiting Dobbins and Lockheed that may be staying on a weekly basis.

### *Use Potential and Impacts*

Although hotels are included as a by-right use in the OHR zoning district, extended stay hotels require additional oversight because of their high density residential nature, which is why a SLUP is required. Section 712.03 of the Zoning Ordinance deals specifically with the additional restrictions applied to extended stay hotels as an attempt to limit the use of such facility as long-term or permanent housing. For example, guests may not stay for a period longer than 90 days. In addition, owners/operators are also forbidden from converting units into condominiums or apartments. The applicant has been made aware of the restrictions and has not expressed a need for variances, nor have they expressed any reason that they would be unable to comply.

This property’s high visibility to interstate traffic makes it an important gateway structure into the City of Marietta, as well as serving as the southeastern corner of the proposed Global GreenTech Corridor proposed along Franklin Road. As a result, this location will serve as an example to any other future development along this corridor.

The City’s Comprehensive Plan designates this property as having a Future Land Use (FLU) of Regional Activity Center (RAC). These properties are described as being appropriate for intensely developed areas near major arterials, highway interchanges and high-capacity mass transit routes. Appropriate uses listed for RACs are medium to high-

intensity office, retail, and residential units within a mixed use capacity. Although not specifically listed, an extended stay facility would be compatible with a future land use of RAC.

## STAFF ANALYSIS CONTINUED

### *Environmental Impacts*

There is no indication that any streams, floodplains, wetlands, or endangered species exist on the property. According to the Zoning Ordinance, extended stay hotels require at least 25% of the site area to be devoted to active or passive open space. Although not shown on the plan submitted for the SLUP, construction documents show the only available open space as:

1. The area underneath the porte cochere on the eastern side of the building (50'x40')
2. A landscaped strip on the northern part of the property, between the proposed dumpster and the billboard (20'x184')

This 2.817 acre tract requires at least 30,677 s.f. of open space – only 5,680 s.f. have been provided. It is also questionable whether the provided open space satisfies the spirit of the ordinance. Regardless, the site does not contain enough open space to be eligible for an extended stay hotel, as specified in Section 712.03 (B.8). If the SLUP is granted, the following variance would be required:

- Variance to reduce the required open space for an extended stay hotel from 25% to 5%. [*Section 712.03 (B.8)*]

The Zoning Ordinance also requires an indoor or fenced outdoor active recreation area. It is unclear whether or how this regulation will be met, as building plans have not been submitted and cannot be checked for an indoor facility. If no indoor facility is provided, a variance will be required:

- Variance to waive the provision of an indoor or fenced outdoor active recreation area. [*Section 712.03 (B.3.1)*]

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*Economic Functionality*

Prior to the 2006 fire, this property was used as a Holiday Inn and conference center. The location of the property and current zoning is optimal for a large hotel. Proximity to Dobbins ARB, Lockheed, I-75, and nearby industrial/office parks makes this an area that is heavily traveled by the business community. However, there are at least three hotels currently in operation near the intersection of Franklin Road and Delk Road and three more have either submitted for or have active Land Disturbance Permits (LDPs).

## **STAFF ANALYSIS CONTINUED**

*Infrastructure*

Requirements for extended stay facilities require 1.5 spaces for each lodging unit; standard hotels only require one space per unit. Plans submitted for permitting show that the 138 unit facility only has 146 available parking spaces. As a result, if used as an extended stay hotel, the property will need a variance to reduce the required number of parking spaces. The following variance would be required:

- Variance to reduce the required number of parking spaces for an extended stay facility from 207 spaces to 146 spaces. [*Section 716.07 TABLE J*]

*History of Property*

In February of this year, the Board of Zoning Appeals approved a variance (V2009-03) to reduce the minimum lot size from two acres to one acre. The variance allowed the property owner to subdivide the parcel into two tracts, one for each hotel.



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## ANALYSIS & CONCLUSION

The applicant, Acme American, LLC, is requesting a Special Land Use Permit (SLUP) for the property located at 2265 Kingston Court, Building 200 in order to operate an extended stay facility. The property, 2.817 acres in size, is zoned Office High Rise (OHR) and is the former location of a Holiday Inn that was damaged in a 2006 fire. The properties to the immediate west and north contain warehouse/office uses and are zoned Light Industrial (LI). The applicant has reported that he intends to market the facility to business travelers serving Dobbins and Lockheed.

The applicant has already received a land disturbance permit to renovate a portion of the parking lot but must receive a SLUP prior to receiving building permits for the interior of the building, should more than *“fifty percent or greater of all guest rooms have facilities for both the storage, refrigeration, and preparation of food, and/or which are advertised, designed, or utilized for weekly or monthly occupancy.”* The site also contains a few inadequacies that would need to be addressed. Based on the information previously submitted, the following variances have been identified and would be required in order to develop the property as an extended stay facility, as proposed:

1. Variance to reduce the required number of parking spaces for an extended stay facility from 207 spaces to 146 spaces. [Section 716.07 TABLE J]
2. Variance to reduce the required open space for an extended stay hotel from 25% to 5%. [Section 712.03 (B.8)]
3. Variance to waive the provision of an indoor or fenced outdoor active recreation area. [Section 712.03 (B.3.1)]

This site is located in a highly visible corridor that acts as both a gateway for the City and the proposed Global GreenTech Corridor. Any redevelopment set to occur has the potential to set the tone for future development and should be closely scrutinized.

The City’s Comprehensive Plan designates this property as having a Future Land Use (FLU) of Regional Activity Center (RAC), which is appropriate for intensely developed areas near major arterials, highway interchanges and high-capacity mass transit routes. Although not specifically listed, an extended stay facility would be compatible with a future land use of RAC.

**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?	---
Size of the water line?	8-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - SEWER***

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

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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?	Kingston Court, Delk Road
What is the classification of the road?	Kingston Court: Local Delk Road (GA DOT): Arterial
What is the traffic count for the road?	36,320 AADT
Estimated number of cars generated by the proposed development?	No data submitted for the 154 rooms
Estimated number of trips generated by the proposed development?	154 rooms x 6.24 = 960 AADT Peak PM Hour: (154 rooms x .55 = 84
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	YES
If yes, what are they?	Addition of median, turn lanes, and streetscapes along Franklin Road; Franklin Road turn lanes to Delk Road

Site plans were approved in June 2009, and LDA Permit issued for land disturbance.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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Nearest city or county fire station from the development?	1160 Franklin Road
Distance of the nearest station?	.50 miles
Most likely station for 1 <sup>st</sup> response?	1160 Franklin Road
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: