



REZONING APPLICATION ANALYSIS

ZONING CASE #: **Z2015-01** **LEGISTAR: 20141322**

LANDOWNERS: **Ajax Land & Cattle Co.**
3085 Paces Mill Road
Atlanta, GA 30339

APPLICANT: **Same as above**

AGENT: **n/a**

PROPERTY ADDRESS: **1721 Spinks Dr**

PARCEL DESCRIPTION: **District 17, Land Lot 06430, Parcel 0110**

AREA: **0.68 acres** **COUNCIL WARD:** **1A**

EXISTING ZONING: **R-20 (County)**

REQUEST: **LI (City)**

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

REASON FOR REQUEST: **The applicant is requesting to annex and rezone a 0.68 acre of land zoned R-20 in the County to LI in the City in order to build a warehouse facility.**

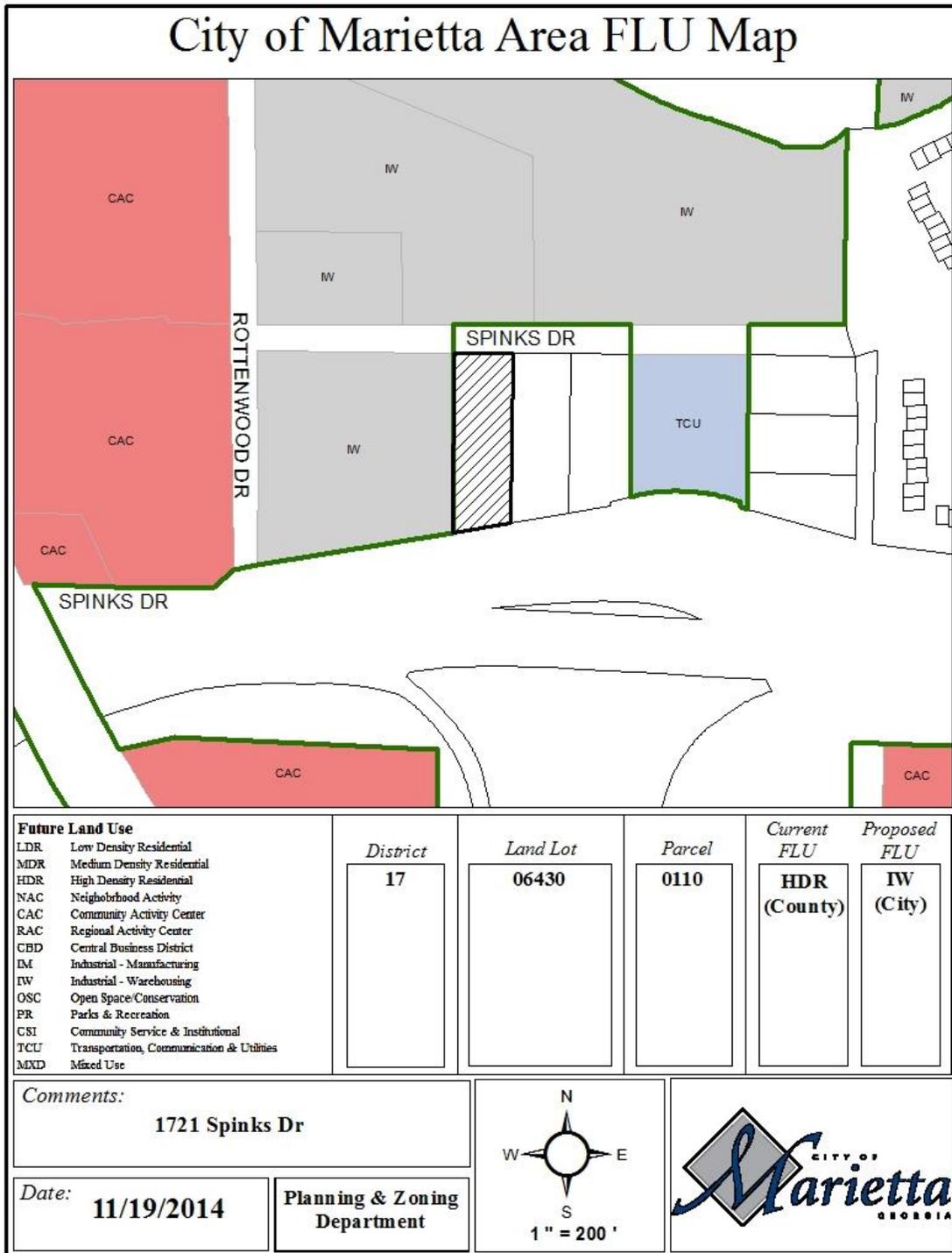
PLANNING COMMISSION HEARING: **Tuesday, January 6, 2015**

CITY COUNCIL HEARING: **Wednesday, January 14, 2015**

MAP



FLU MAP



PICTURES OF PROPERTY



1721 Spinks Drive



Front of structure



Rear of structure



Rear of subject property

STAFF ANALYSIS

Location Compatibility

The applicant, Ajax Land & Cattle Company, is requesting the annexation and rezoning of a 0.68 acre parcel located at 1721 Spinks Drive. This property is currently zoned R-20 in Cobb County. The properties to the west and across Spinks Drive to the north are zoned LI (Light Industrial) in the City. A substation owned by MEAG (Municipal Electric Authority of Georgia) is located immediately to the east in Cobb County and is zoned R-20. The subject property currently contains a vacant home. The applicant wishes to annex the property into the City of Marietta with a zoning of LI in order to build a warehouse. The applicant also owns the property immediately to the west, which currently functions as a multi-tenant office/warehouse.

Use Potential and Impacts

Spinks Drive is a small local road located off of Cobb Parkway South - near its intersection with Delk Road - behind a car dealership and an office/warehouse building. Although most of the property off of Spinks Drive is undeveloped because Rottenwood Creek meanders through the property and there is associated creek buffers and floodplain areas. The properties that are used appear to be used in an industrial capacity despite the residential zoning. There is a townhome/condominium development (Ashborough Village Condominiums), which is zoned RM-12 in Cobb County, located at the end of Spinks Drive.

Considering the site is surrounded by warehouses and a substation, the zoning and development of the subject property as a warehouse should not adversely impact the character of the area.

There are a few variances that would be necessary in order to build out the site according to the submitted site plan. The applicant is requesting a reduction of the (western) side yard setback from 20' to 10' in order to accommodate the width of the warehouse and driveway along the eastern side. And, although the property to the east is a substation, it is zoned R-20 which would require a 50' buffer in addition to the setback. Not only would this buffer drastically reduce the buildable area of the parcel, it would be providing protection to a more intensive use. As a result, the following variances would need to be considered:

- Variance to reduce the (western) side yard setback from 20' to 10.' [*§708.26 (H.)*]
- Variance to eliminate the 50' buffer against the property to the east. [*§708.26 (I.)*]

Cobb County has classified the future land use (FLU) of this property as HDR (High Density Residential). However, considering the FLU of the surrounding properties in the City is IW (Industrial Warehousing), the City has proposed to designate the FLU for this property as IW. The IW future land use category is intended for areas that can support light industrial, office/warehouse and distribution uses and the vehicular traffic associated with such uses. It is also appropriate for areas with sufficient access to major arterials and Interstate-75. These reasons make the IW future land use category appropriate for the subject property.

STAFF ANALYSIS CONTINUED

Environmental Impacts

There is no indication of any endangered species, creeks, wetlands, or flood plain on the subject property.

It should be noted that city code requires a 10 foot landscape strip along all street frontages (Delk Road and Spinks Drive); but the current layout shows the detention pond very close to the Spinks Drive right of way. Unless a variance is granted, a 10 foot landscape strip will be required to be provided.

Economic Functionality

The subject property is located between a power substation and office/warehouse building, which makes it undesirable for residential use. The structure is dilapidated and it would be very expensive to restore to livable conditions. As a result, the property does not have a reasonable economic use under its current residential zoning classification.

Infrastructure

The annexation, rezoning, and development of this property into an industrial warehouse facility should not have any adverse effect on the existing transportation, water, or sewer infrastructure.

This property may be served by Marietta Power if desired by the customer.

The paved driveway leading to the rear of the building is only 15' wide, which is inadequate by city standards for a two-way drive. There is 20' between the building and the property line due to the setback; therefore it is possible to widen the driveway if drainage is not an issue. Otherwise, the following variance would be necessary in order to implement this design:

- Variance to reduce a two way driveway from 20' to 15.' §716.08 (C.5)

History of Property

This property is not currently located within the city limits of Marietta; therefore, there is no history of any variances, Special Land Use Permits, or rezonings approved for this property.



ANALYSIS & CONCLUSION

Ajax Land & Cattle Company is requesting the annexation and rezoning of a 0.68 acre parcel located at 1721 Spinks Drive. This property is currently zoned R-20 in Cobb County. The properties to the west and across Spinks Drive to the north are zoned LI in the City. A substation owned by MEAG (Municipal Electric Authority of Georgia) is located immediately to the east in Cobb County and is zoned R-20. The subject property currently contains a vacant residence. The applicant wishes to annex the property into the City of Marietta and rezone the property to LI, Light Industrial, in order to build a warehouse. The applicant also owns the property immediately to the west, which currently functions as a multi-tenant office/warehouse.

Spinks Drive is a small local road located off of Cobb Parkway South - near its intersection with Delk Road - behind a car dealership and an office/warehouse building. Although most of the property off of Spinks Drive is undeveloped because Rottenwood Creek meanders through the property and there is associated creek buffers and floodplain areas. The properties that are used appear to be used in an industrial capacity despite the residential zoning. There is a townhome/condominium development (Ashborough Village Condominiums), which is zoned RM-12 in Cobb County, located at the end of Spinks Drive. Considering the site is surrounded by warehouses and a substation, the zoning and development of the subject property as a warehouse should not adversely impact the character of the area.

The following are variances that would be necessary in order to implement the proposed design for the site:

1. Variance to reduce the (western) side yard setback from 20' to 10.' [*§708.26 (H)*]
2. Variance to eliminate the 50' buffer against the property to the east. [*§708.26 (I)*]
3. Variance to reduce a two way driveway from 20' to 15.' [*§716.08 (C.5)*]

Cobb County has classified the future land use (FLU) of this property as HDR (High Density Residential). However, considering the FLU of the surrounding properties in the City is IW (Industrial Warehousing), paired with the intended use, the City has proposed to designate the FLU for this property as IW. The IW future land use category is intended for areas that can support light industrial, office/warehouse and distribution uses and the vehicular traffic associated with such uses. It is also appropriate for areas with sufficient access to major arterials and Interstate-75. These reasons make the IW future land use category appropriate for the subject property.

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? | N/A |
| Size of the water line? | 8" |
| Capacity of the water line? | Variable based on condition of main |
| Approximate water usage by proposed use? | 350 GPD |

CITY OF MARIETTA - SEWER

| | |
|--|--------------------------------|
| Is a sewer line adjacent to the property? | Yes |
| If not, how far is the closest sewer line? | N/A |
| Size of the sewer line? | 8" |
| Capacity of the sewer line? | A.D.F. Variable Peak |
| Estimated waste generated by proposed development? | 350 GPD |
| Treatment Plant Name? | R.L. Sutton |
| Treatment Plant Capacity? | Cobb Water System must confirm |
| Future Plant Availability? | Cobb Water System must confirm |

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

| | |
|--|------------------|
| Does flood plain exist on the property: | NO |
| What percentage of the property is in the flood plain? | --- |
| 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 the storm water issues related to the application? | NO |
| Potential presence of endangered species in the area? | NO |

Transportation

| | |
|---|--------------|
| What is the road effected by the proposed change? | Spinks Drive |
| What is the classification of the road? | Local |
| What is the traffic count for the road? | --- |
| Estimated # of cars generated by the proposed development? | --- |
| Estimated # of trips generated by the proposed development? | --- |
| Do sidewalks exist in the area? | NO |
| Transportation improvements in the area? | NO |
| If yes, what are they? | --- |

- Site Plans will be required for construction. Plans must include, driveways, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent property), stormwater quality (bioretention or other), 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, if it is required. 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, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.

- Additional R.O.W. is required to be 25' from centerline of Spinks Drive (currently 24.2' per survey).
• Two way drives are required for the proposed driveway along the building without a variance from Council. If approved by City Council, the drive along the proposed building is to be at least 14' clear of overhangs etc. Design of the paving is to follow AASHTO SU-30 requirements.

Additional items to be considered during planning for development:

- An ES&PC plan is required for the Demolition Permit of the existing building on the property. Demolition should not be performed until the overall ES&PC Plan for the new site is approved.
• It is imperative to prohibit drainage (during construction) onto the MEAG property. Flows must be directed to a facility adjacent to Spinks Drive. A diversion will be required to control water to the north to the sediment basin.
• If sediment or sediment-laden water reaches the MEAG property, an immediate Stop Work Order will be issued.

EMERGENCY SERVICES

Table with 2 columns: Question and Answer. Rows include: Nearest city or county fire station from the development? (Station 55), Distance of the nearest station? (0.8 miles), Most likely station for 1st response? (Station 55), Service burdens at the nearest city fire station (under, at, or above capacity)? (None), Additional comments: (Comply with Life Safety Code 2012 ed., 2012 IFC, ADA 2010 Ed.)

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes _____ No X
If not, can this site be served? Yes X No _____

What special conditions would be involved in serving this site?
Customer choice by location.

Additional comments: