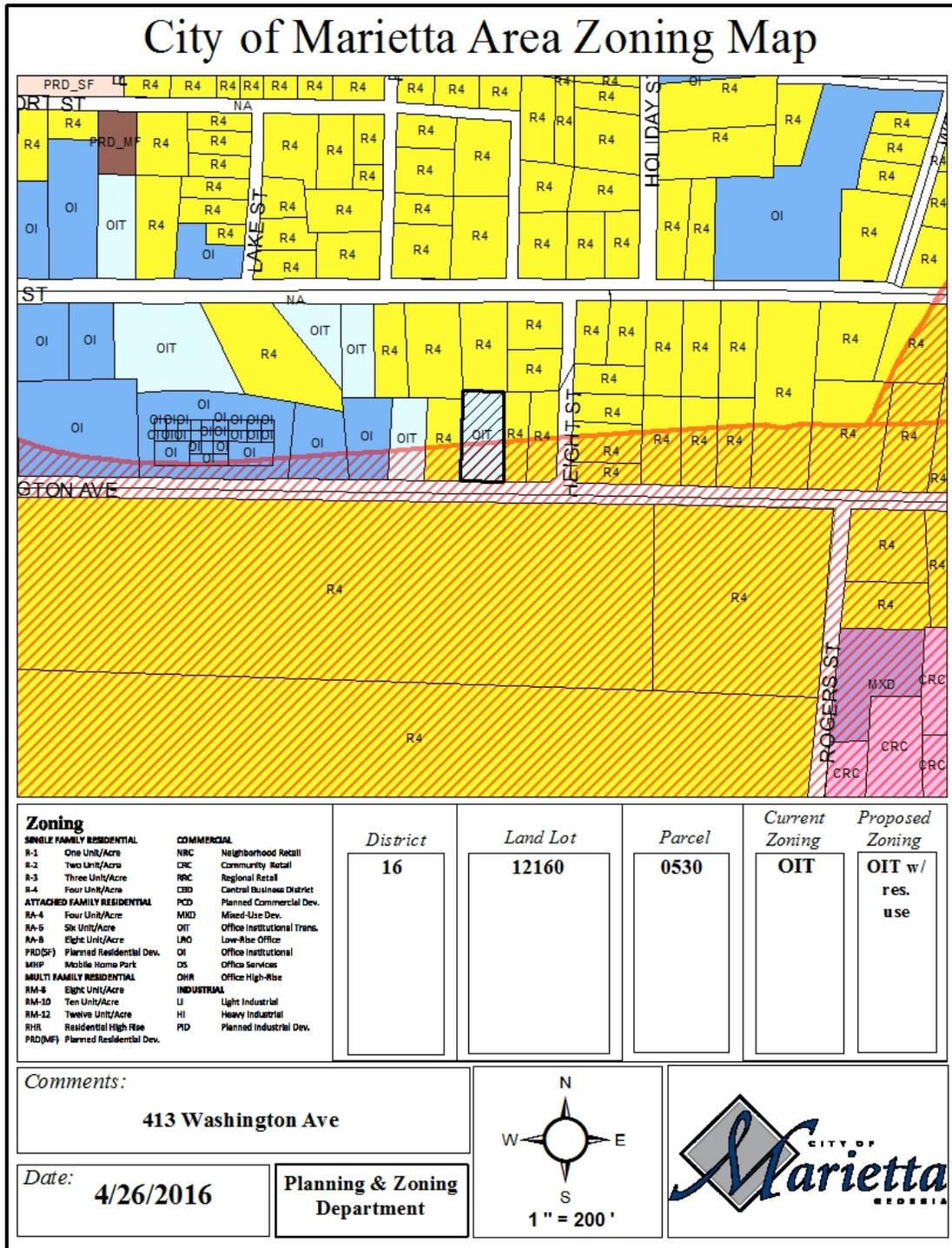


MAP



FLU MAP



PICTURES OF PROPERTY



413 Washington Avenue



Front of Existing Structure



Rear of subject property

STAFF ANALYSIS

Location Compatibility

The applicant/owner, Frog Development, LLC is requesting to rezone 0.25 acres located at 413 Washington Avenue from OIT (Office Institutional Transition) to OIT with an additional use in order to rent the house to a residential tenant. The properties to the north, south, east and west are all zoned R-4 (Single Family Residential – 4units/acre). However, while the property to the west is zoned R-4, it serves as a parking lot for the neighboring professional office building located at 399 Washington Avenue, which is zoned OIT (Office Institution Transition). Across Washington Avenue from the subject property is the National Cemetery. Further to the west of the subject property, to the end of the block at Cole Street, the majority of the properties are zoned OI (Office Institutional) or OIT (Office Institution Transition). The OI or OIT zoning continues on properties from Cole Street westward along the Washington Avenue roadway on both sides of the road until it gets to Haynes Street, where the CBD (Central Business District) begins.

It is the owner's intent to completely renovate the existing structure into a three (3) bedroom and two (2) bathroom rental home – without changing the footprint and no site work other than landscaping. On the behalf of Frog Development, LLC – the manager, Mr. Robert (Bob) Misdom – stated that they also manage an investment home at 466 Henry Drive within the city of Marietta – as well as owners of their private home within the city of Marietta. Mr. Misdom stated that he is a huge fan of the area around the square; and believes that in the next several years the demand for residences will be greater than the demand for office use. However, rather than rezone to a residential category, he would like to keep the OIT zoning in place.

Use Potential and Impacts

The subject property appears to have been vacant for some time and has begun to deteriorate and decline. A dilapidated structure can negatively impact nearby properties by increasing safety concerns in the area.

There is no current zoning category that would allow the use of a structure to change from residential to commercial – and back again – and that is why the property owner is making this request. The owner would like to renovate the house and rent it as a three (3) bedroom and two (2) bathroom home. However, by retaining the OIT zoning, he would have the option of renting the house as an office in the future without going through the rezoning process. Changing from residential to commercial uses would require site changes so that adequate parking for an office could be provided; and a sprinkler system would have to be installed into the house.

The City's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of MDR (Medium Density Residential). Although the majority of the block is currently zoned either OI or OIT – and is developed as office uses – these zoning categories are not compatible with this FLU designation. Use of the property as a residence would be compatible with the current Future Land Use designation of MDR.

Environmental Impacts

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

Economic Functionality

Although it has not been determined how long the subject property has been vacant – there is evidence of decline and deterioration to the property.

In the middle of this block of Washington Avenue is Washington Avenue Commons – a large mixed-use building that has both residential and office condominiums. This building was built on the site of a former residence that had been converted to an office use. In addition, many of the properties on the western portion of this block have transitioned from residential to office use. The properties on the eastern portion of this block have primarily kept their zoning as residential. The majority of the houses that have been converted have been consistently leased as professional office uses - after renovation - and most of the residential properties have maintained active occupant status.

Infrastructure

It is unlikely that this development will be a burden on the existing transportation, education, water, sewer, electricity, or other public infrastructure in the area.

History of Property

The subject property was recently zoned from R-4 (Single Family Residential – 4units/acre) to OIT, in 2013 (Z2013-23) with the following variances:

1. Reduction of the required driveway width from 20 feet to 9 feet.
2. Waive the Tier A Overlay District requirements.

The following stipulation was approved as conditions of zoning:

- A six (6) foot tall wooden privacy fence must be erected along the northern property line.

ANALYSIS & CONCLUSION

The applicant/owner, Frog Development, LLC is requesting to rezone 0.25 acres located at 413 Washington Avenue from OIT to OIT with an additional use (residence) in order to rent the house. The properties to the north, south, east and west are zoned R-4. However, while the property to the west is zoned R-4, it serves as a parking lot for the neighboring professional office building located at 399 Washington Avenue, which is zoned OIT. Across Washington Avenue from the subject property is the National Cemetery. Further to the west of the subject property, to the end of the block at Cole Street, the majority of the properties are zoned OI or OIT. The OI or OIT zoning continues on properties from Cole Street westward along the Washington Avenue roadway on both sides of the road until it gets to Haynes Street, where the central business district begins.

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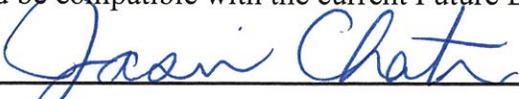
The following variances, which were approved with the original rezoning request should be considered:

1. Reduction of the required driveway width from 20 feet to 9 feet.
2. Waive the Tier A Overlay District requirements.

The following stipulation should be considered:

- A six (6) foot tall wooden privacy fence must be erected along the northern property line.

The City's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of MDR (Medium Density Residential). Although the majority of the block is currently zoned either OI or OIT – and is developed as office uses – these zoning categories are not compatible with this FLU designation. Use of the property as a residence would be compatible with the current Future Land Use designation of MDR.

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?	6"
Capacity of the water line?	Variable based on condition of main
Approximate water usage by proposed use?	400 GPD

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"
Capacity of the sewer line?	Variable
Estimated waste generated by proposed development?	400 GPD
Treatment Plant Name?	R.L. Sutton WRF
Treatment Plant Capacity?	Cobb Water must confirm
Future Plant Availability?	Cobb Water must confirm



DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	<u>No</u>
What percentage of the property is in a floodplain?	<u>N/A</u>
What is the drainage basin for the property?	<u>Sope Creek</u>
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	<u>No</u>
If so, is the use compatible with the possible presence of wetlands?	<u>N/A</u>
Do stream bank buffers exist on the parcel?	<u>No</u>
Are there other topographical concerns on the parcel?	<u>No</u>
Are the storm water issues related to the application?	<u>No</u>
Potential presence of endangered species in the area?	<u>No</u>

TRANSPORTATION

What is the road effected by the proposed change?	<u>Washington Ave</u>
What is the classification of the road?	<u>Collector</u>
What is the traffic count for the road?	<u>N/A</u>
Estimated number of cars generated by the proposed development?	<u>N/A</u>
Estimated number of trips generated by the proposed development?	<u>N/A</u>
Do sidewalks exist in the area?	<u>Yes</u>
Transportation improvements in the area?	<u>No</u>
If yes, what are they?	<u>N/A</u>



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 51 112 Haynes St
Distance of the nearest station?	0.5 miles
Most likely station for 1 st response?	Station 51 112 Haynes St
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

MARIETTA POWER - ELECTRICAL

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:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	AL Burruss Elementary
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	500 – 600
Capacity at Middle School:	1,300 – 1,400
Capacity at Marietta Sixth Grade Academy:	800 – 900
Capacity at High School:	2,500 – 2,600
Current enrollment of Elementary School:	469
Current enrollment of Middle School:	1,331
Current enrollment of High School:	2,116
Number of students generated by present development:	0
Number of students projected from the proposed development:	1
New schools pending to serve this area:	None
<u>Comments:</u> One home added.	



Department of Development Services
 205 Lawrence Street
 Marietta, Georgia 30060
 Phone (770) 794-5440
 Brian Binzer, AICP, Director

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)

For Office Use Only:

Application #: 22016-12 Legistar #: 20160385 PZ #: 16-202
 Planning Commission Hearing: 6-1-16 City Council Hearing: 6-8-16

Owner's Name Frog Development, LLC Email Address: bmisdom@cresa.com
40 McDonald St.
 Mailing Address Marietta GA Zip Code: 30064 Telephone Number 770.598.3529

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____
 Mailing Address _____ Zip Code: _____
 Telephone Number _____ Email Address: _____

Address of property to be rezoned: 413 Washington Ave. Marietta, GA 30060
 Land Lot (s) 12160 District 16TH Parcel 0530 Acreage .254 Ward 5A Future Land Use: MDR
 Present Zoning Classification: OIT Proposed Zoning Classification: OIT w/ residential use

REQUIRED INFORMATION

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk. The original application must be submitted with ALL original signatures - Copies of the application or signature(s) will NOT be accepted.**
2. Legal Description. Legal description must be in a WORD DOCUMENT.
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Plat/survey showing the dimensions, acreage, location of the tract(s) and utility easements prepared by an architect, engineer (P.E. or Civil Engineer), landscape architect or land surveyor whose state registration is current and valid and whose seal shall be affixed to the plat/survey.
 - Site plan: One copy scaled to an 8 1/2" X 11" size, plus 25 copies, if larger than 11" x 17", drawn to scale prepared by an architect, engineer, (P.E. or Civil Engineer), whose state registration is current and valid, showing the following:
 - Specific use or uses proposed for the site
 - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
 - Detention/retention areas
 - Public or private street(s) - right of way and roadway widths, approximate grades
 - Location and size of parking area with proposed ingress and egress
 - Specific types and dimensions of protective measures, such as buffers
 - Landscaping
 - Wetlands and 100 year floodplain
7. A detailed written description of the proposed development / project must be submitted with the rezoning application.

To: Marietta Planning & Zoning

From: Robert (Bob) Misdorn – Manager
Frog Development, LLC

Date: April 18, 2016

Subject: 413 Washington Ave., Marietta, GA 30060
- Application to “modify permitted use”

This old, vacant, and unlivable cottage is currently zoned OIT, but it has a residential dwelling to the right of it, to the rear, and a vacant lot used for parking to the left that is still zoned residential too.

I would like to gut it and turn it back into a 3 bedroom home with 2 full bathrooms and it will be a rental home. We live at 40 McDonald Street and also own 466 Henry Drive as an investment home too. That home is currently rented by my mother-in-law. I am a huge fan of the area around the square and I think sparing a few homes for residential use is better than continuing to convert them to office zoning uses in the next several years.

I would like to preserve the current OIT zoning while being permitted to use it as a home.

The footprint of the house should not be changing and no site work is planned either, just some sprucing up of the yard, the lawn, and the minor landscaping is deserves.

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: May 13, 2016

PUBLIC NOTICE OF REZONINGS, CODE AMENDMENT, AND VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Wednesday, June 1, 2016, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, June 8, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2016-12 [REZONING] FROG DEVELOPMENT, LLC is requesting the rezoning of 0.25 acres located in Land Lot 1216, District 16, Parcel 0530, 2nd Section, Marietta, Cobb County, Georgia, and being known as 413 Washington Avenue from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use as a residence. Ward 5A.

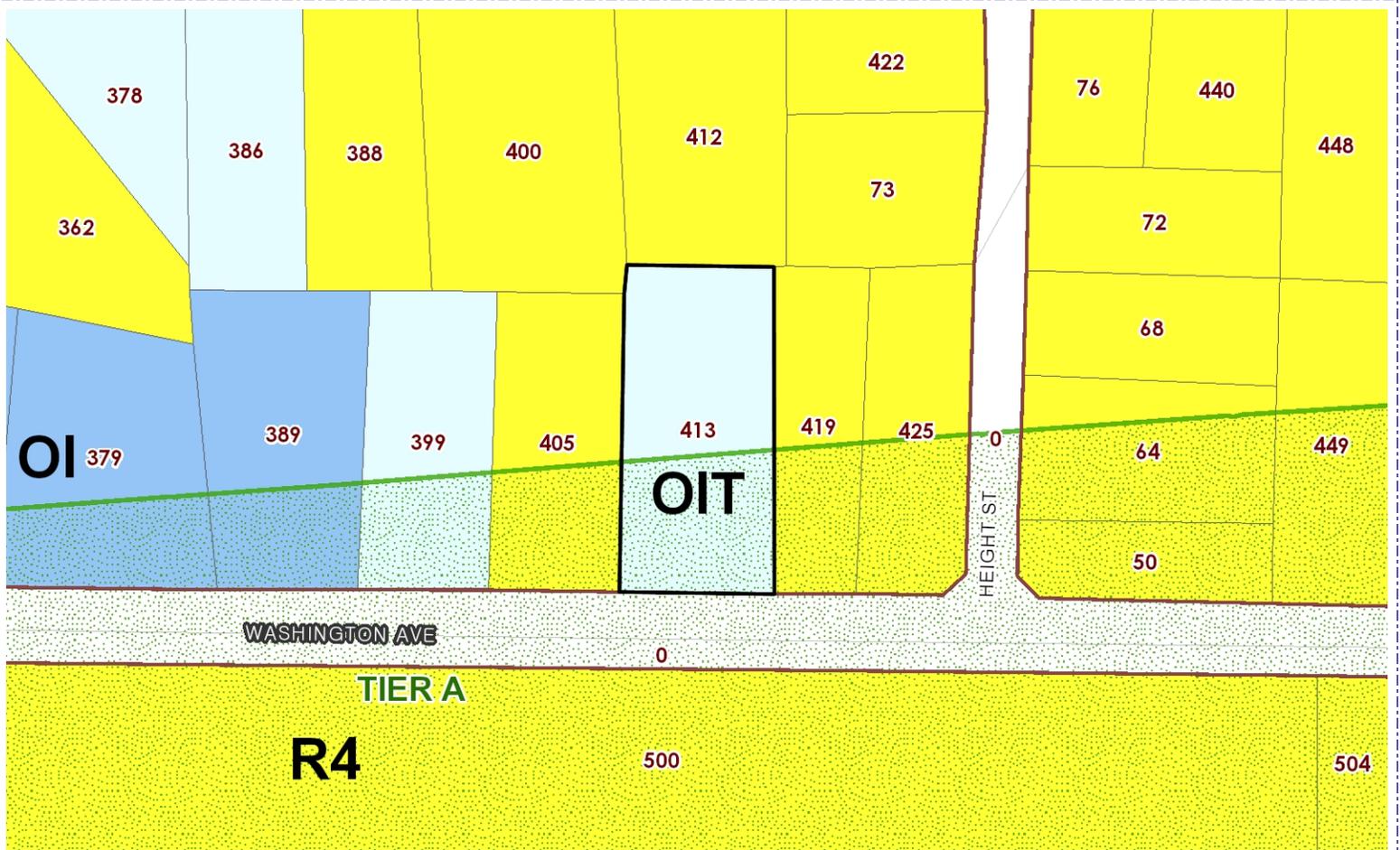
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

For additional information please call the Planning and Zoning Office (770) 794-5669.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
413 WASHINGTON AVE	16121600530	0.254	5A	OIT	MDR

Property Owner: Frog Development

Applicant:

Proposed Zoning: OIT w/Residential Use

Agent:

Proposed Use:

Planning Commission Date: 06/01/2016

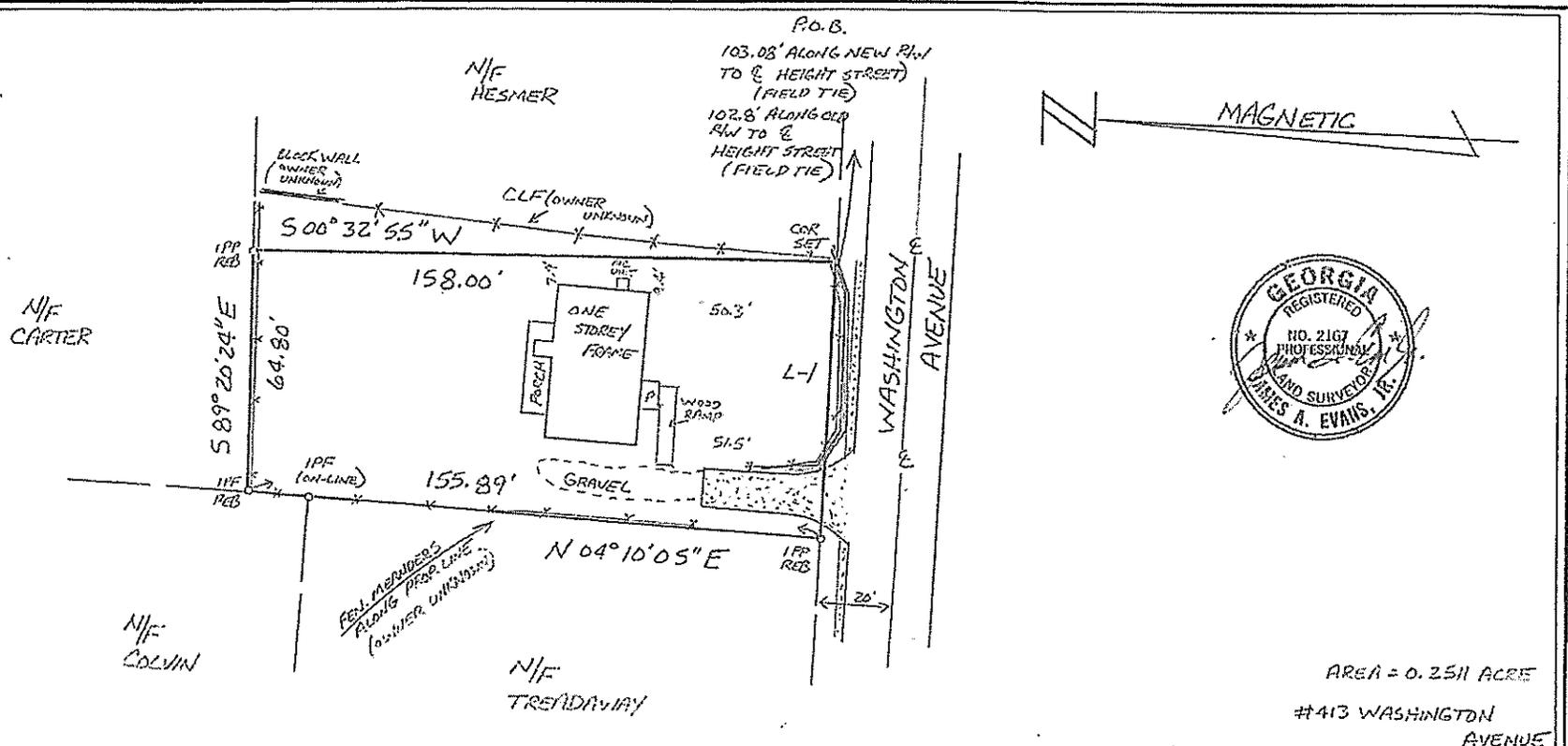
City Council Hearing Date: 06/08/2016 Case Number: Z2016-12

City of Marietta Planning & Zoning

Zoning Symbols

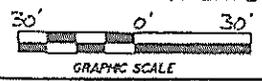
- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

AB1506



AREA = 0.2511 ACRES

#413 WASHINGTON AVENUE



I HAVE THIS DATE, EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND REFERENCED HOUSE NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

PANEL NO. 13067C0108J
 LOCATION COBB
 ZONE "X"

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSEST PRECISION OF ONE FOOT IN 100 FEET, FEET AND AN ANGULAR ERROR OF SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.

EQUIPMENT USED:
 TOPCON GTS-102
 IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE HIGHEST STANDARDS AND REQUIREMENTS OF LAW.

J.A. Evans
J.A. EVANS
 SURVEYING CO., INC.
 POWDER SPRINGS, GEORGIA
 PH. 770-943-0000

SURVEY FOR:

BOB MISDOM

LOT	BLK.	UNIT	REVISIONS
D.B. 15065	PG. 4215		
D.B. 10793	PG. 490		
LAND LOT	1216		
DISTRICT	16 TH	SECTION 2 ND	CC
	COBB	COUNTY, GEORGIA	DRAWN
PLAY BOOK	PAGE		CHKD
DATE:	4-14-16	SCALE: 1" = 30'	128-16

L-1 = N 187° 30' 00" W
 74.68'

This survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Board Rules of the Georgia Board of Registration for the Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 35-6-67.

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY PRODUCE.