



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2010-03

LEGISTAR #: 20100096

LANDOWNERS: Tower Partners, LLC
Attn: Dr. John Day
300 Tower Road, Suite 200
Marietta, GA 30060

APPLICANT: Mark S. Brock
McKim & Creed, P.A.
702 Old Peachtree Road
Suwanee, GA 30024

PROPERTY ADDRESS: 819 and 821 Cogburn Avenue

PARCEL DESCRIPTION: Land Lot 1014, District 16, Parcels 750 and 760

AREA: 0.438 acs.

COUNCIL WARD: 4

EXISTING ZONING: R-4 (Single Family Residential 4 units/acre)

REQUEST: OI (Office Institutional)

FUTURE LAND USE MAP

RECOMMENDATION: MXD (Mixed Use Development)

REASON FOR REQUEST: The applicant is requesting the rezoning of both parcels from R-4 to OI with variances for the purpose of constructing a surface parking lot intended to serve the Pinnacle Orthopedics building located to the southeast.

PLANNING COMMISSION HEARING: Tuesday, March 2, 2010 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, March 10, 2010 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map



Zoning	COMMERCIAL	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: Manufactured Housing 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.	NRC: Neighborhood Retail CRC: Community Retail ERC: Regional Retail CBD: Central Business District PCD: 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 INDUSTRIAL LI: Light Industrial HI: Heavy Industrial PID: Planned Industrial Dev.	16 16	10140 10140	0750 0760	R2 R2

Comments:
819 & 821 Cogburn Road

Date
01/27/2010

**Planning and Zoning
 Department**



1" = 200'

PICTURES OF PROPERTY



819 & 821 Cogburn Ave



Adjacent property to the north – 823 Cogburn Ave



STAFF ANALYSIS

Location Compatibility

Tower Partners, LLC is requesting the rezoning of two parcels located at 819 and 821 Cogburn Avenue to Office Institutional (OI). The 0.438 acre property is currently zoned R-2 (Single Family Residential – 2 units/acre) and contains two vacant single family structures. The adjacent properties to the north and west are also zoned R-2 and contain single family homes. To the south is a surface parking lot, similar to the one proposed, which is zoned OI. Across Cogburn Avenue to the east is a medical office building, built in 2006, and zoned OI. The proposed parking lot on the subject property would serve the Pinnacle Orthopaedics facility at the corner of Tower Road, White Street, and Cogburn Avenue.

Use Potential and Impacts

The applicant is seeking to rezone these two parcels from R-2 to OI in order to develop a surface parking lot. Even when the two parcels are combined, the subject property will still not meet the minimum lot size for OI. Variances will also be required for the 30 foot buffers along the north and western property lines to accommodate the improvements necessary to make this a functional parking lot. The plan also contains a note proposing a “6’ high black, vinyl-coated, privacy chain link fence” along the western property line only – the northern buffer line does not show a fence. The Zoning Code requires that buffers contain a permanent wall or solid fence not less than six feet in height. Chain link is not solid and would not satisfy the buffer requirement because it does not provide a visual screen. A solid, wooden privacy fence along both the northern and western property lines would substantially limit any negative effects a parking lot would have on the adjacent residents.

Should the property be rezoned as requested, the following variances would be required in order to build according to the submitted Rezoning Plan:

- Variance to reduce the minimum lot size from 20,000 s.f. to 19,079 s.f. [*Section 708.23 (H)*]
- Variance to reduce the 30 foot buffer along the northern property line to 10 feet. [*Section 708.23 (I)*]
- Variance to allow stormwater retention and detention facilities within the 30 foot buffer along the western property line. [*Section 710.05 (B)*]
- Variance to waive the required permanent wall or solid fence along the northern property line. [*Section 710.05 (D)*]
- Variance allow a chain link fence satisfy the required permanent wall or solid fence along the western property line. [*Section 710.05 (D)*]

This area was included in the Church-Cherokee Street Historic District and Kennestone Area Study. The final recommendations from this study were later adopted into the City of Marietta’s Comprehensive Plan, which designated the future land use of these two parcels as Mixed Use Development (MXD). The Kennestone Area Study identifies this area, the

Plaza Way District, as being a mixture of retail, office and condominiums with structured parking and an emphasis on streetscape improvements. To ensure the area remains suitable for a potential residential/commercial component, the Study recommends that parking should be located “*primarily behind the building, underground, or in structured parking.*” Providing parking in a side yard of a development is appropriate “*if there is sufficient screening to completely obscure the view of parked cars from people on the sidewalk.*” As a result, a surface parking lot is not compatible with the future land uses adopted for this area. However, the proposal would allow a higher intensity of use than the current use and is a step towards the future projections for the area.

Environmental Impacts

The proposed development will significantly increase the percentage of impervious area on the site, as it currently exists. There does not appear to be any major slopes or floodplain on the property. It is unlikely that any endangered species or wetlands currently exist on the property.

Economic Functionality

Because of its proximity to Kennestone Hospital, the industrial area off of Marble Mill Road, I-75 and I-575, this area is becoming very attractive for general and medical office use and less attractive as a single family residential area. This trend is apparent in the number of vacant homes in the area. The subject property contains two single family homes that have been uninhabited since 2006. As a result, these parcels are not functional as zoned.

Infrastructure

The parking lot is intended to serve as additional parking for Pinnacle Orthopedics on Tower Road, which was developed in 2004. According to the approved construction plans, the office building was to contain 37,972 s.f. and the site was to provide 115 parking spaces. In 2005, a parking lot similar to the one proposed was constructed at 815 and 817 Cogburn Avenue and contained an additional 31 spaces to serve the Pinnacle site. Based on current parking standards, a 37,972 s.f. medical office building would only require 127 parking spaces. If the subject property gets rezoned as requested and the parking lot constructed as proposed, Pinnacle Orthopedics will have a total of 180 available parking spaces. However, since no building is proposed, the project is not expected to generate any additional trips.

A better configuration of the proposed parking lot would be to connect it to the existing parking lot to the south. This would eliminate an unnecessary curb cut along Cogburn Avenue and potentially allow more spaces to be provided. However, the plans provided show a difference in grade between the two lots, making the connection unfeasible.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

The plans that have been submitted indicate the construction of a 5-foot sidewalk along Cogburn Road. A 6 foot sidewalk with a 2 foot grass strip will be required.

History of Property

Both properties were annexed in 2004 as part of a city initiated 213 parcel island annexation (A2004-10).

Other Issues

An exemption plat to combine both parcels will be required prior to land disturbance.

ANALYSIS & CONCLUSION

Tower Partners, LLC is requesting the rezoning of two parcels located at 819 and 821 Cogburn Avenue from R-2 to OI. The 0.438 acre property currently contains two vacant single family structures. The applicant is proposing a surface parking lot containing approximately 34 parking spaces to be used by Pinnacle Orthopedics, which is situated along Tower Road to the southeast of the subject property. The property abuts single family residential districts to the north and west. An existing surface lot, zoned OI, lies directly to the south.

The small size of the parcels will make multiple variances necessary if the lot is to be developed as proposed. Many of the variances involve the required 30 foot buffers along the north and west property lines. It should be noted that the plan shows a chain link fence along the western property line and no fence along the northern property line. Buffers typically require an opaque fence. However, should the property be rezoned, the following variances would be required to develop the property as indicated on the submitted plan:

- Variance to reduce the minimum lot size from 20,000 s.f. to 19,079 s.f. [*Section 708.23 (H)*]
- Variance to reduce the 30 foot buffer along the northern property line to 10 feet. [*Section 708.23 (I)*]
- Variance to allow stormwater retention and detention facilities within the 30 foot buffer along the western property line. [*Section 710.05 (B)*]
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- Variance allow a chain link fence satisfy the required permanent wall or solid fence along the western property line. [*Section 710.05 (D)*]

The future land use for these two parcels is Mixed Use Development (MXD), which allows planned developments containing office, retail and residential units. Further, the Kennestone Area Study describes parking for the area as being contained within a structure, underground, or completely obscured for pedestrians. Although surface parking lots are not compatible with these specifications, it does allow for a more intense use of the property than the current use.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	n/a
If not, how far is the closest water line?	n/a
Size of the water line?	n/a
Capacity of the water line?	n/a
Approximate water usage by proposed use?	n/a

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	n/a	
If not, how far is the closest sewer line?	n/a	
Size of the sewer line?	n/a	
Capacity of the sewer line?	n/a	
Estimated waste generated by proposed development?	A.D.F	Peak
	n/a	
Treatment Plant Name?	n/a	
Treatment Plant Capacity?	n/a	
Future Plant Availability?	n/a	

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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?	Noses 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?	Cogburn Avenue
What is the classification of the road?	Local – potential collector in future
What is the traffic count for the road?	No data available
Estimated number of cars generated by the proposed development?	Insufficient data provided – 30 spaces provided on plan
Estimated number of trips generated by the proposed development?	Insufficient data provided
Do sidewalks exist in the area?	YES
Transportation improvements in the area?	YES
If yes, what are they?	potential future connection of Cogburn Ave to Marble Mill Connector



- Site plans will be required for construction. Site plans must include, parking, driveways, streets, stormwater management, stormwater 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 drainageway, 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.
The FEMA FIRM Flood Plain effective December 16, 2008, should be noted within the plan notes even though no FEMA Flood Plain is found on property.
The owner is to install a 6' wide sidewalk with a 2' grass strip from the curb. If additional R.O.W. is necessary for the side walk to be within, then a Quit Claim Deed must be provided to the City.

EMERGENCY SERVICES

Table with 2 columns: Question and Answer. Questions include: Nearest city or county fire station from the development? (Marietta Station 51), Distance of the nearest station? (1.8 miles), 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: