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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2011-09      **LEGISTAR #:** 20110516

**LANDOWNERS:** Glenn F. & Bernardine W. Drake  
1906 Poinsettia Drive  
Marietta, GA 30062

**APPLICANT:** Same as above

**PROPERTY ADDRESS:** 155 Montgomery Street

**PARCEL DESCRIPTION:** Land Lot 11450, District 16, Parcel 0060

**AREA:** 1.03 acs      **COUNCIL WARD:** 5

**EXISTING ZONING:** R-3 (Single Family Residential 3 units/acre)

**REQUEST:** R-4 (Single Family Residential 4 units/acre)

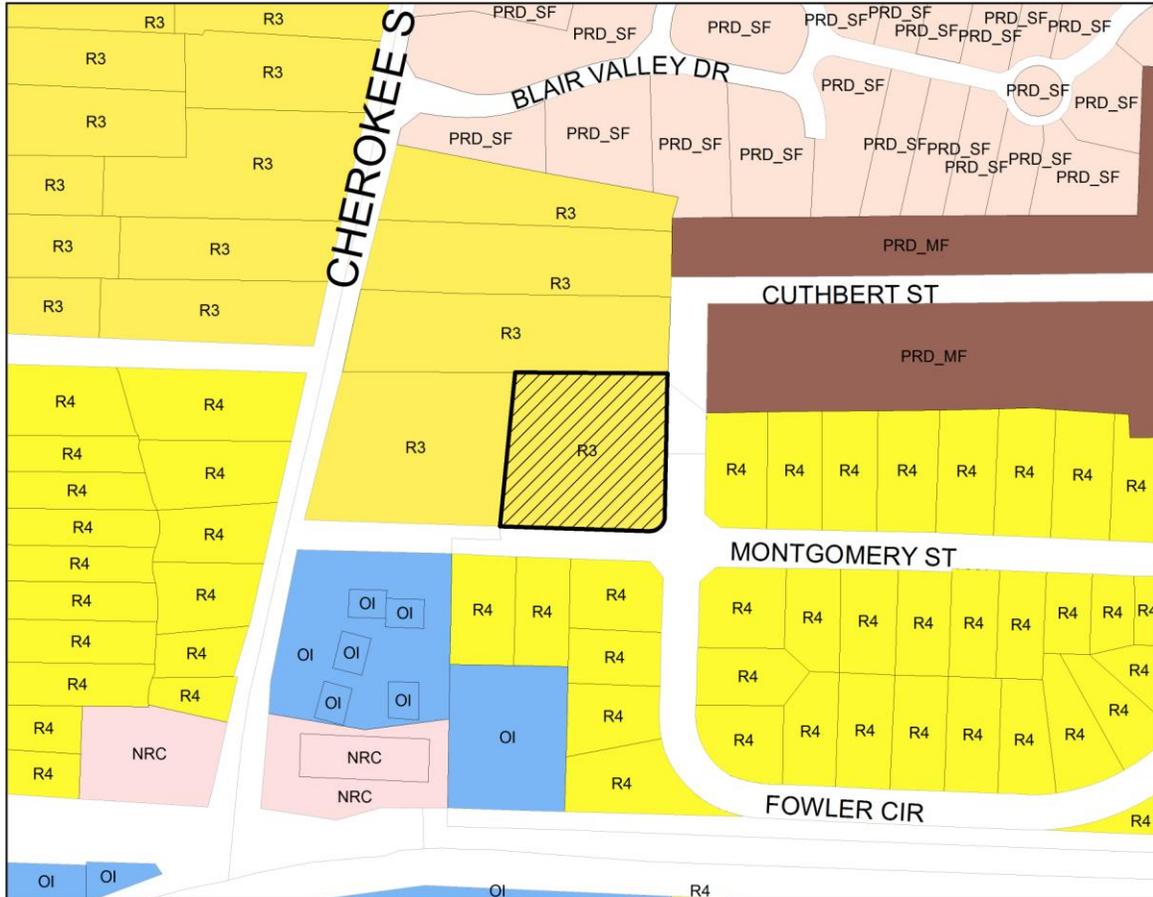
**FUTURE LAND USE:** LDR (Low Density Residential)

**REASON FOR REQUEST:** The applicant is requesting this rezoning for the purpose of subdividing and constructing single family detached homes on four lots.

**PLANNING COMMISSION HEARING:** Tuesday, July 5, 2011 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, July 13, 2011 – 7:00 p.m.

# City of Marietta Area Zoning Map

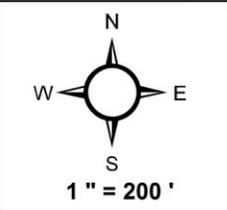


Zoning	District	Land Lot	Parcel	Current Zoning	Proposed Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park <b>MULTI FAMILY RESIDENTIAL</b> RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.	<b>COMMERCIAL</b> NRC Neighborhood Retail CRC Community Retail RRC 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 <b>INDUSTRIAL</b> LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	16	11450	0060	R3

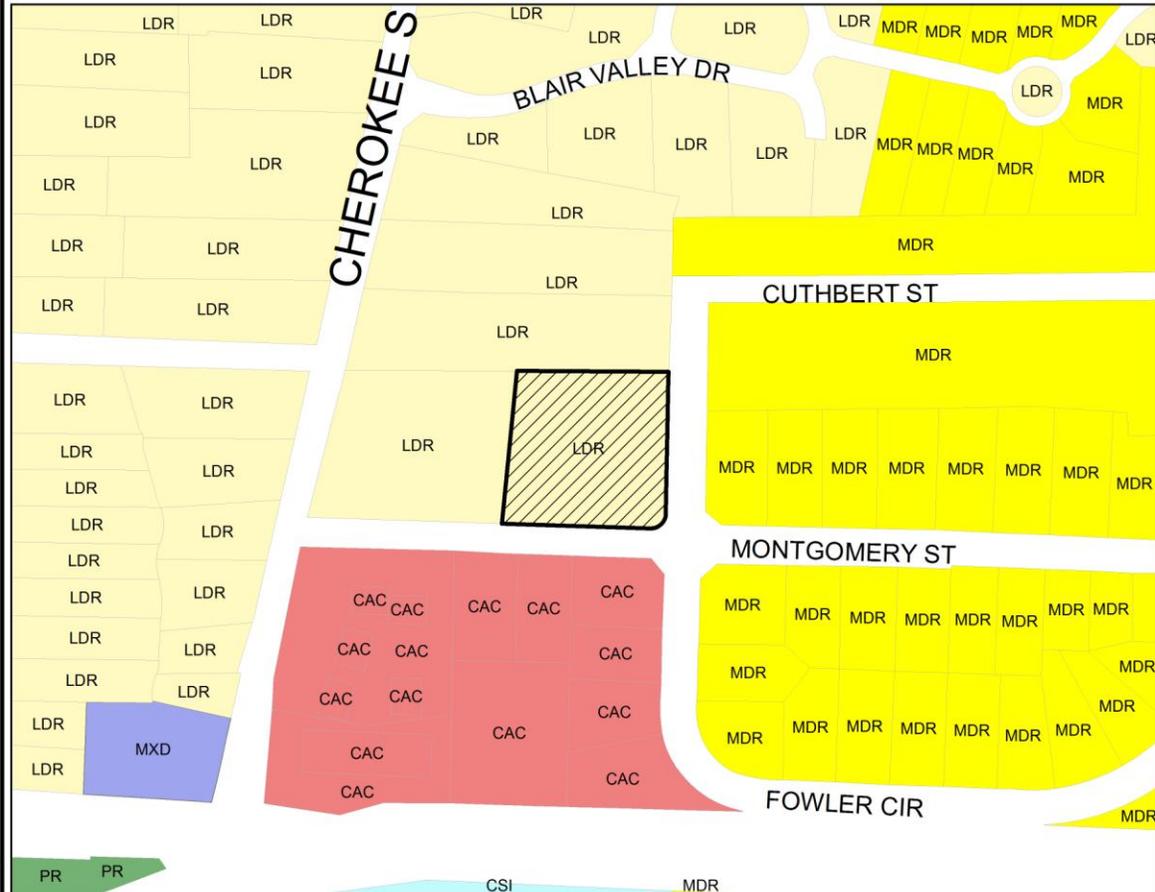
Comments:  
**155 Montgomery Street**

Date: **5/25/11**

Planning & Zoning  
 Department



# City of Marietta Area FLU Map

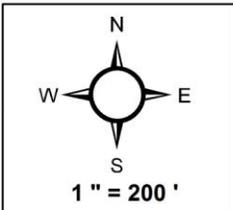


Future Land Use	District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR Low Density Residential MDR Medium Density Residential HDR High Density Residential NAC Neighborhood Activity CAC Community Activity Center RAC Regional Activity Center CBD Central Business District IM Industrial - Manufacturing IW Industrial - Warehousing OSC Open Space/Conservation PR Parks & Recreation CSI Community Service & Institutional TCU Transportation, Communication & Utilities MXD Mixed Use	<b>16</b>	<b>11450</b>	<b>0060</b>	<b>LDR</b>	<b>N/A</b>

*Comments:*  
**155 Montgomery Street**

*Date:* **05/25/11**

**Planning & Zoning Department**



**PICTURES OF PROPERTY**



**Looking north along Harold Street**



**Looking west along Montgomery Street**

**Pictures**



**Existing Carriage House**



**Aerial**

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## STAFF ANALYSIS

### *Location Compatibility*

The applicants, Glenn and Bernardine Drake, are requesting to rezone the property located at 155 Montgomery Street from R-3 (Single Family Residential – 3 units/acre) to R-4 (Single Family Residential – 4 units/acre) for the purpose of creating four single family detached lots. The subject property is situated in the northwest corner of the intersection of Montgomery Street and Harold Street. Single family homes, zoned R-3, are located directly to the north and west and are incorrectly noted as C-4 on the plan. To the east across Harold Street and to the south across Montgomery Street are more single family homes, which are zoned R-4.

### *Use Potential and Impacts*

Since the property is over an acre in size and currently zoned R-3, the property owner could currently subdivide the property into three single-family detached lots without going through the rezoning process. However, the applicant wishes to subdivide the property into four lots for the purpose of building four homes on the subject property. The proposed homes are described by the applicant as historic-looking, affordable, “green” housing.

The subject property is located in an area where the zoning classifications change from one side of the street to the other. Most of the properties along Cherokee Street are zoned R-3, although their actual densities are closer to R-1 or R-2 standards. Considering that all the properties along the block north of Montgomery Street and west of Harold Street are zoned R-3, rezoning this property to R-4 would establish an increase in density along a block fronting Cherokee Street. The density in Blair Valley (440 Cherokee) development, which is zoned PRD-SF, has an overall density of 2.3 units per acre.

All of the properties south of Montgomery Street and east of Harold Street are zoned R-4, with the exception of the Marietta Housing Authority property that is zoned PRD-MF, Planned Residential Development – Multi Family. This 10.48 acre parcel of property is undeveloped, but a detailed plan was approved by City Council on September 11, 2007, which specified a traditional single family residential development with a density of approximately 4.2 units per acre and minimum lot size of 4,000 square feet.

The radial configuration of the property lines is unique in that they terminate five feet from the property corner. Also, Lot #1 is substantially larger than the other three lots, resulting in smaller building footprints on Lots #2, #3 and #4. The front corner of the building and the garage on Lot #2 are encroaching on the setbacks. The entire side wall on Lot #3 appears to be within the side setback. Also, the rear building corner on Lot #4 is within the side setback as well. Additionally, all four homes show walls built exactly along the setback lines – this will require extraordinary precision in the field when the homes are built.

The Future Land Use (FLU) of this parcel is designated as Low Density Residential (LDR); and the Comprehensive Plan states that LDR is suitable for single family detached housing with densities of up to three (3) units per acre. The Plan also states that “*stable low-density residential districts should be protected from encroachment of higher densities...*” An increase in the density to four units per acre is more appropriate zoning for a property with a FLU of Medium Density Residential (MDR). As a result, the proposed zoning is not compatible with the future land use designation for this parcel.

### *Environmental Impacts*

There is no indication of any endangered species on the property. The subject property contains no wetlands, floodplains, streams, or major topological concerns. Full compliance with Section 712.08, Tree protection and landscaping, will be required if approved. It should be noted that Section 712.08 does not give density credit for Crape Myrtle trees.

### *Economic Functionality*

This property was contained in the parcel located at 362 Cherokee Street until approximately 2000 when it was subdivided. Although the property has gone undeveloped and unused, the property has a reasonable economic use as currently zoned and could feasibly be developed into three homes under the current zoning classification.

### *Infrastructure*

The following are comments from the Public Works Department on the proposed design:

- Each property must construct an individual water quality structure (bio-retention), outside the R.O.W. Individual stormwater maintenance agreements for each lot water quality structure must be provided.
- If approved by City Council, because of the irregular proposed alignment of property lines all corners and / or turns in lines must be clearly marked by survey points (concrete monuments / pins) which will permanently mark the properties.
- There must be access easements for each driveway to allow for cross property access on all lots. Where common drives are proposed, a maintenance agreement must be provided.
- The Harold Street R.O.W. is incorrect as shown. R.O.W. for Harold Street is to be 25' from existing centerline. Additional R.O.W. 25' from existing centerline is required along Montgomery Street. Quit Claim Deeds must be provided to the City for the additional R.O.W.
- A 2' grass strip and 5' sidewalk to extend along entire frontage of Harold Street and Montgomery Street is required. Handicap Ramp is required at intersection of Harold Street and Montgomery Street.
- All utilities must be placed underground along the frontages, and all utility connections to the homes must be underground.



The amount of land required for Public Works to obtain 25' from the centerline of both Montgomery Street and Harold Street will reduce this parcel to less than an acre. If the property is rezoned from R-3 to R-4 and the right-of-way acquisition results in a parcel less than an acre in size, only three units will be able to be built under the new R-4 standards. A full acre parcel would be required in order to subdivide into four lots.

The right of way acquisition will also reduce the buildable area of the uniquely-shaped lots. The front setback will increase, pushing the homes further back onto the lot and into the rear setbacks. The taking may also affect the lot sizes and may reduce at least one lot below the minimum lot size for R-4. The current radial design of the proposed development does not appear to be able to sustain the right-of-way acquisition.

### *History of Property*

On July 10, 2002 per Z2002-18, City Council denied a request to rezone this property from R-3 to R-4.

### *Other Issues*

A large portion of this property lies within the Church-Cherokee National Register Historic District.



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## ANALYSIS & CONCLUSION

Glenn and Bernardine Drake are requesting the rezoning of property located at 155 Montgomery Street from R-3 (Single Family Residential – 3 units/acre) to R-4 (Single Family Residential – 4 units/acre) for the purpose of creating four single family detached lots. The subject property is situated in the northwest corner of the intersection of Montgomery Street and Harold Street. Single family homes, zoned R-3, are located directly to the north and west. To the east across Harold Street and to the south across Montgomery Street are more single family homes; these homes are zoned R-4.

Since the property is over an acre in size and currently zoned R-3, the property owner could subdivide the property into three single-family detached lots without going through the rezoning process. However, the applicant wishes to subdivide the property into four lots for the purpose of constructing four homes. The homes that are being planned are described by the applicant as historic-looking, affordable green housing.

Sidewalks will be required along both frontages should the property rezoned and built as proposed. Each home must have underground utilities, individual water quality measures, access easements and maintenance agreements for the shared driveways. Consideration should also be taken to the configuration of the parcel lines. The amount of right-of-way required by the Public Works Department may affect how many lots may be created from the subject property. If 25' from the centerline of both Montgomery and Harold Streets is required, then the remaining parcel will be left with less than an acre. A full acre would be required to achieve four lots. In addition, the radial property line configuration, paired with the right-of-way taking, will substantially reduce the buildable area of the parcels to a point where they cannot support the building footprints without setback and possibly minimum lot size variances.

The Future Land Use (FLU) of this parcel is designated as Low Density Residential (LDR), which is suitable for single family detached housing with densities of up to three (3) units per acre. The requested zoning, R-4, is not compatible with the future land use designation for this parcel.

**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?	10-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?	n/a
Size of the sewer line?	6-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?	Sope 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?	Montgomery Street Harold Street
What is the classification of the road?	Montgomery Street: Local Harold Street: Local
What is the traffic count for the road?	No Data Available
Estimated number of cars generated by the proposed development?	8
Estimated number of trips generated by the proposed development?	4 lots x 9.57/lot = 38 (4 x 1.01 = 4 pk hr)
Do sidewalks exist in the area?	
Transportation improvements in the area?	NO
If yes, what are they?	---

- Site plans will be required for construction. Site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), 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, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- Each property must construct an individual water quality structure (bio-retention), outside the R.O.W. Individual stormwater maintenance agreements for each lot water quality structure must be provided.
- If approved by City Council, because of the irregular proposed alignment of property lines all corners and / or turns in lines must be clearly marked by survey points (concrete monuments / pins) which will permanently mark the properties.
- The proposed homes on lots 2 and 4 are drawn over the building setback lines.
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- All utilities must be placed underground along the frontages, and all utility connections to the homes must be underground.



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## DATA APPENDIX CONTINUED

### *EMERGENCY SERVICES*

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Nearest city or county fire station from the development?	Marietta Station 51
Distance of the nearest station?	.5 miles
Most likely station for 1 <sup>st</sup> response?	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: