



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2010-13 **LEGISTAR #:** 20101190

LANDOWNERS: **Patrick Vince Lanzo**
 12844 Buchanan Hwy
 Temple, GA 30179

PETITIONER: **Same as above**

PROPERTY ADDRESS: **1051 South Marietta Parkway**

PARCEL DESCRIPTION: **Land Lot 05040, District 17, Parcel 0080**

AREA: **0.2 acs.** **COUNCIL WARD:** **7**

EXISTING ZONING: **CRC (Community Retail Commercial)**

REQUEST: **CRC w/stipulations (Community Retail Commercial w/stipulations)**

FUTURE LAND USE MAP
RECOMMENDATION: **CAC (Community Activity Center)**

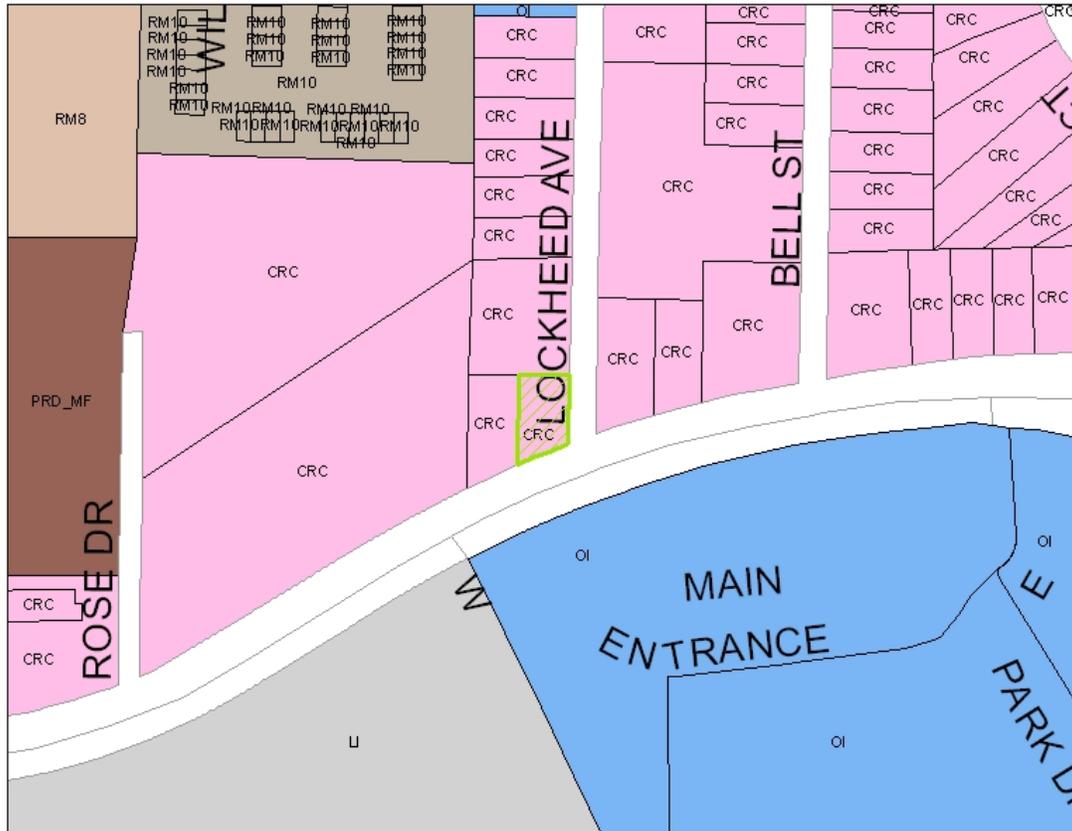
REASON FOR REQUEST: **Applicant is requesting to rezone the property from CRC, Community Retail Commercial to CRC, Community Retail Commercial with a stipulation for an additional use, so as to use property as a residence.**

PLANNING COMMISSION HEARING: **Wednesday, December 1, 2010 – 6:00 p.m.**

CITY COUNCIL HEARING: **Wednesday, December 8, 2010 – 7:00 p.m.**

MAP

City of Marietta Area Zoning Map

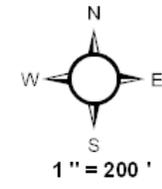


| Zoning | | District | Land Lot | Parcel | Zoning |
|---|--|----------|----------|--------|--------|
| SINGLE FAMILY RESIDENTIAL R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre ATTACHED FAMILY RESIDENTIAL RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home 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. | COMMERCIAL NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MXD Mixed-Use Dev. CIT 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. | 17 | 04340 | 0050 | CRC |

Comments:
1051 S. Marietta Parkway

Date: **11/9/10**

Planning & Zoning Department




PICTURES OF PROPERTY





STAFF ANALYSIS

Location Compatibility

The applicant, Patrick Vince Lanzo, is requesting to rezone the property located at 1051 South Marietta Parkway, from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with stipulations so that the applicant may be able to use the subject property as a residence. The subject property is 0.203 acres and has been used as commercial property from 2007 to 2010, including a clothing business in 2007 and a bridal shop from 2008 to 2010.

The adjacent properties are zoned CRC (Community Retail Commercial), as are the majority of the properties that stretch northward down Lockheed Avenue, with the exception of the property at 340 Lockheed, which is zoned OI (Office Institutional).

The property to the east of the subject property is zoned CRC (Community Retail Commercial), and has been used as a limited home occupation sales office in 1995, 2000 and 2001. In 2005 and 2006, the property east of the subject property was used as a barbershop. To the rear of the subject property is a small commercial strip center, which is zoned CRC (Community Retail Commercial), and is being used as retail commercial.

Use Potential and Impacts

The subject property is within the Envision Marietta Downtown Master Plan boundary, which runs along South Marietta Parkway (SR 120), and specifically encourages re-use and revitalization of underused commercial structures. Current zoning regulations do not allow the property owner to utilize the commercially zoned property as a residence once it has been used as a business.

Although impact to adjacent parcels to the east and rear would be minimal, it is unlikely that the long term use of the property will be residential, given its location on South Marietta Parkway.

The city's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of Community Activity Center (CAC). The CRC zoning category is compatible with this FLU designation.

Environmental Impacts

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



STAFF ANALYSIS CONTINUED

Economic Functionality

The subject property has been zoned commercially for many years, and has been used as a business since 2007, first as a retail clothing shop and then as a bridal shop. The property owner has indicated that he has recently found it difficult to maintain commercial tenants, but has had some interest in leasing the property as a residence.

Infrastructure

The subject property is not expected to have any impact on the existing infrastructure in the area nor is it expected to have any impact on the water and sewer system or electricity infrastructure in the area.



ANALYSIS & CONCLUSION

The applicant, Patrick Vince Lanzo, is requesting to rezone the property, located at 1051 South Marietta Parkway, from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with stipulations that would allow the applicant to use the subject property as a residence. The subject property is 0.203 acres and has been used as commercial property since 2007.

The subject property has been zoned commercially for many years, and has been used as a business since 2007, first as a retail clothing shop and then as a bridal shop. The property owner has indicated that he has recently found it difficult to maintain commercial tenants, but has had some interest in leasing the property as a residence.

Should this request be approved that would allow commercially zoned property to be used as a residence, one issue of concern is the potential for this property to continue to transition between residential and commercial use. Should that occur, it will be difficult to track compliance with commercial building codes. Rezoning the property to a residential category would be a simpler way of tracking compliance, should the property again be used for commercial purposes.

Although impact to adjacent parcels to the east and rear would be minimal, it is unlikely that the long term use of the property will be residential, given its location on South Marietta Parkway. The city's Comprehensive Plan designates the subject and adjacent properties as Community Activity Center (CAC) on the City's Future Land Use (FLU) Map. The current CRC zoning category is compatible with this FLU designation.

Prepared by: _____

Approved by: _____



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? | 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

| | |
|--|--|
| What is the road affected by the proposed change? | Lockheed Avenue South Marietta Parkway |
| What is the classification of the road? | Lockheed Avenue: Local South Marietta Parkway: Arterial |
| What is the traffic count for the road? | Lockheed Avenue: No data available South Marietta Parkway: 18,870 AADT (2way) |
| Estimated number of cars generated by the proposed development? | Insufficient data provided |
| Estimated number of trips generated by the proposed development? | Insufficient data provided |
| Do sidewalks exist in the area? | Yes – South Marietta Parkway |
| 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, 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.
- Any proposed parking / drives must be hard surface per City Code.
- A 5' wide sidewalk is required along the edge of curb at Lockheed Avenue, if any construction or land disturbance is proposed.
- A 20' drainage easement must be provided for the existing pipe. Specify diameter and type of pipe.
- The existing fence corner and fence along the west property line is to be removed, or an easement provided for the fence on the property.