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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2006-16                      **LEGISTAR #: 20090944**

**LANDOWNERS:** John B. Harbour  
33 Garrison Road  
Marietta, GA 30008

**APPLICANT:** Melissa P. Haisten  
Sams, Larkin & Huff, LLP  
376 Powder Springs Street  
Suite 100  
Marietta, GA 30064

**AGENT:** Sams, Larkin & Huff, LLP  
376 Powder Springs Street  
Suite 100  
Marietta, GA 30064

**PROPERTY ADDRESS:** 33 and 37 Garrison Road

**PARCEL DESCRIPTION:** Land Lots 218 and 219, District 17, Parcels 114 and 21

**AREA:** 1.26 acs.                      **COUNCIL WARD:** 3

**EXISTING ZONING:** R-3 (City) and R-20 (County)

**REQUEST:** CRC (Community Retail Commercial)

**FUTURE LAND USE MAP  
RECOMMENDATION:** MXD (Mixed Use Development - City) and IC  
(Industrial Compatible – County)

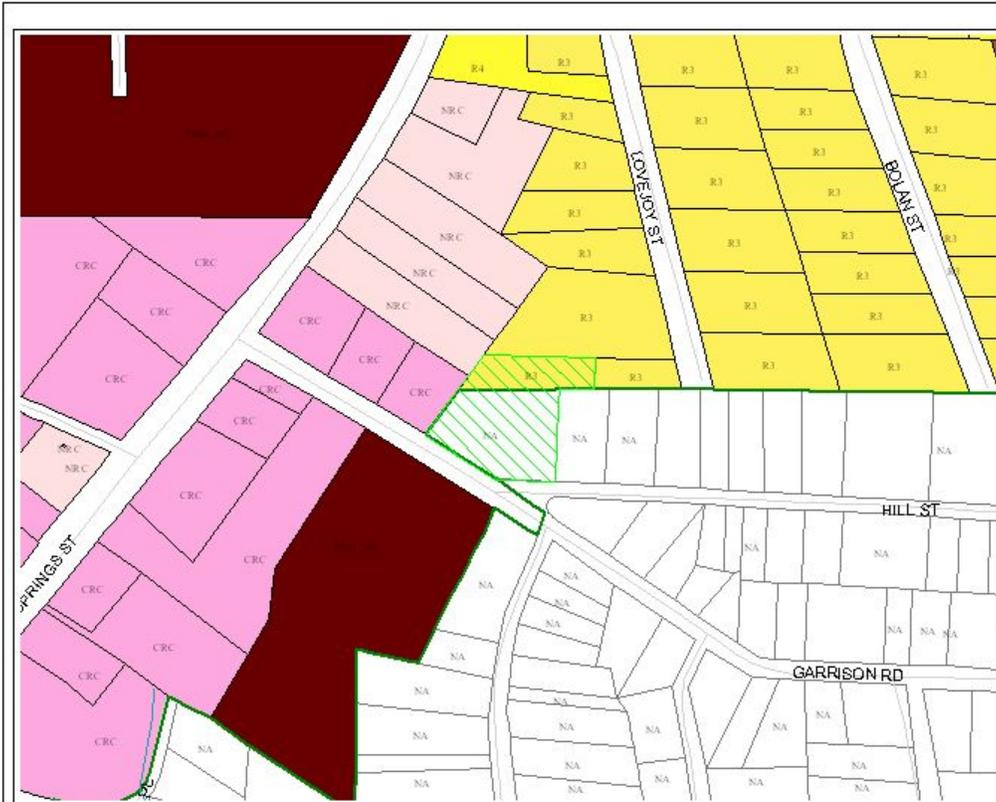
**REASON FOR REQUEST:** The applicant, John B. Harbour, is requesting the annexation and rezoning of 0.78 acres located at 33 Garrison Road as well as the rezoning of 0.48 acres at 37 Garrison Road in order to establish a landscaping, irrigation, and well drilling businesses.

**PLANNING COMMISSION HEARING:** Tuesday, October 6, 2009 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, October 14, 2009 – 7:00 p.m.

# MAP

## City of Marietta Area Zoning Map



Zoning	COMMERCIAL	District	Land Lot	Parcel	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: Manufactured Housing 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.	NRC: Neighborhood Retail CRC: Community Retail RRC: Regional Retail CBD: Central Business District FCD: 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 BI: Heavy Industrial PID: Planned Industrial Dev.	17 17	02190 02180	0210 1140	R-20 R3

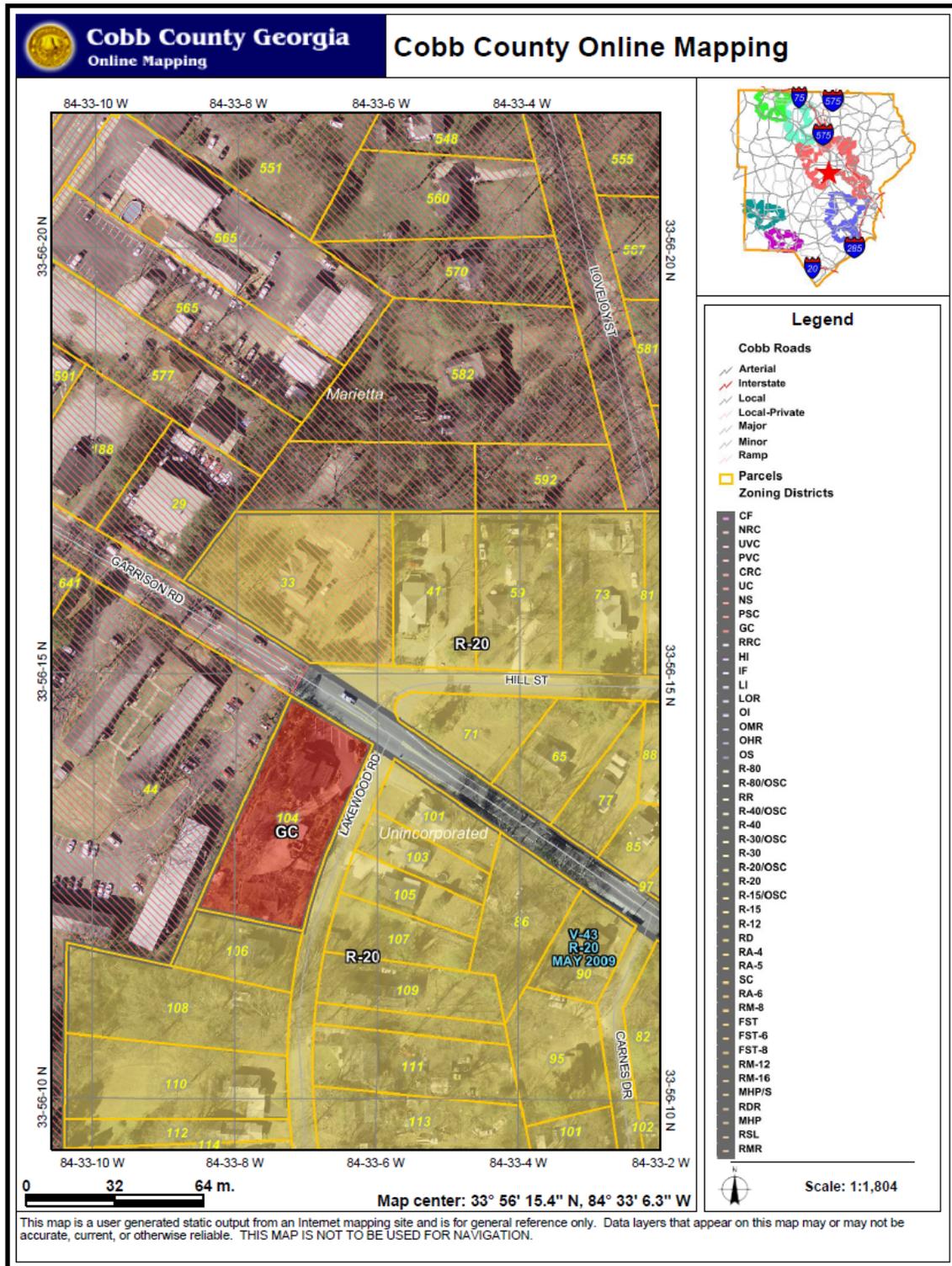
**Comments:**  
 33 & 37 GARRISON ROAD

Date: 08/28/2009

Planning and Zoning Department




1" = 200'



**PICTURES OF PROPERTY**



**View of property from eastern drive**



**Western entrance from Garrison Road**



**Existing driveway surface**



**41 Hill Street (adjacent residence to east)**

## STAFF ANALYSIS

### *Location Compatibility*

The owner, John B. Harbour, is requesting the rezoning and annexation of 0.78 acres located at 33 Garrison Road as well as the rezoning of 0.48 acres located at 37 Garrison Road. The property located within Cobb County, 33 Garrison Road, is currently zoned R-20, while the landlocked property to the rear, 37 Garrison Road, is zoned R-3 (Single Family Residential – 3 units/acres) within the City of Marietta. The applicant is requesting a zoning classification of CRC (Community Retail Commercial) for both properties in order to operate a landscaping, well drilling and irrigation business. The property is currently used as a residence by the property owner.

Adjacent properties to the west include a towing service, zoned CRC, and a car detailing shop, zoned NRC (Neighborhood Retail Commercial). To the north and northeast are parcels zoned R-3 and used for residential purposes. The parcel immediately to the east is zoned R-20 in Cobb County and also contains a single family residence. Across Garrison Road is an apartment complex, zoned PRD-MF (Planned Residential Development – Multi Family), and a garden supply store that is zoned GC (General Commercial) in Cobb County.

### *Use Potential and Impacts*

The applicant runs an irrigation and well-drilling business, named [Well Done! Well Services](#), but currently uses the subject property for a residence. The property would be used to park fleet vehicles and store materials. Heavily wooded along Garrison Road, the property is almost completely hidden from the road. Should this rezoning be approved, it is suggested that the vegetation remain as a screen. Since the property is adjacent to residential properties along the north and east, the CRC zoning would require a forty (40) foot buffer. Per the plat, the applicant has identified three (3) variances that would be required in order to allow the existing garage and pole barn to remain:

1. Variance to reduce the required forty (40) foot buffer along the eastern property line adjacent to 41 Hill Street to twenty (20) feet.
2. Variance to reduce the side yard setback along the eastern property line from 15 feet to zero (0) feet.
3. Variance to allow the existing buffer encroachment for the “Pole Barn” to remain.

The City’s fence ordinance requires that any fence along a public road be constructed of decorative materials and limited to four feet in height. The existing fence is indicated as 5 feet tall and is made of chain link and hog wire. Although the fence is mostly contained within the vegetation, there are points where the fence is visible. Either a variance would be required to allow the existing fence to remain or the entire fence will have to be brought into compliance. Since the driveways will have to be reworked (see section on Infrastructure), it is suggested that any of the fence being removed for construction must be replaced with a fence that conforms to the ordinance. This would allow the existing vegetation to remain.



Although the proposed use is more akin to an industrial use, CRC would keep the zoning along Powder Springs Street and Garrison Road corridor consistent without introducing an industrial component. The CRC zoning district allows general office use as long as there is no outdoor storage. The applicant has agreed that all storage, other than the parking of vehicles, will occur within the detached garage or within the “Pole Barn.” However, the number and type of vehicles being stored on the property has the potential to be very disruptive to a residential neighborhood. Not only are commercial vehicles very noisy, but vehicle storage can be very unsightly if not managed appropriately.

The Comprehensive Plan indicates that the parcel currently located within the city limits, 37 Garrison Road, has a Future Land Use (FLU) of MXD (Mixed-Use Development). The entire area between Powder Springs Street and Atlanta Street south of the cemetery is designated for MXD to encourage a large-scale redevelopment project. However, the short term will likely see the development of individual, smaller parcels. An irrigation and well drilling business is not compatible with the MXD designation.

Cobb County has the FLU of the parcel located at 33 Garrison Road classified as Industrial Compatible (IC), which is appropriate for light industrial, office/warehouse, and distribution uses. Although CRC is not listed as an appropriate zoning classification under IC, the proposed use of the property is closer in description to a light industrial, office/warehouse use. An irrigation and well drilling business is compatible with the IC designation.

### *Environmental Impacts*

Because no evidence of any creeks, wetlands, endangered species or floodplain on this property exists, there should be no adverse environmental impacts on the property other than from the increased impervious coverage resulting from any additional paving.

### *Economic Functionality*

Garrison Road, classified as a collector road, experiences a lot of through traffic – drivers use the road as a “cut through” from South Cobb Drive/Delk Road to Powder Springs Street. The high traffic counts make this area appealing for non-residential use. In addition, both the City and the County have identified this area for either mixed-use, industrial, or office development. Economically, this area is not conducive for residential redevelopment or revitalization and therefore, the properties are unlikely to be redeveloped as currently zoned.

### *Infrastructure*

Based on the square footage of the building shown on the plat, seven (7) parking spaces would be required for an office use. Because only three are provided, either a variance would be needed or additional parking would have to be provided. The applicant has not provided any information regarding the number of fleet vehicles that will be parked here. However, the City does require that all vehicles be parked on a paved surface.

The existing driveways are not currently capable of withstanding travel by any commercial vehicles. Not only will surface standards have to be improved, but neither driveway is wide enough to accommodate even one-way traffic. Options include widening both driveways to 14 feet for a one-way exit and entrance or widening one of the driveways to 20 feet to accommodate two-way traffic.

The Marietta Fire Department will require improved circulation within the property, in addition to improved driveways for emergency access and business vehicle use. The following are comments from the Marietta Fire Department:

- A fire department vehicle access road of 14 feet for one-way traffic or 20 feet for two way traffic is required.
- The fire department vehicle access road shall be an all weather surface capable of supporting the load of fire apparatus.
- A turning radius of 35 feet is required for fire department access roads.
- Fire department access roads shall be provided within 150 feet of all buildings.

### *History of Property*

There is no history of any variances, rezonings, or special use permits associated with this property.

### *Other Issues*

Because these properties lie within 750 feet of Powder Springs Street, they fall under the Commercial Corridor Design Overlay – Tier B regulations, which are aimed at improving the aesthetic and visual character of the city’s corridors. Because the proposed improvements are not expected to exceed 50% of the value of the existing building, the property and the improvements should remain exempt from the Overlay requirements until redevelopment occurs.

An exemption plat to formally combine the two properties will be required.



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## ANALYSIS & CONCLUSION

The owner, John B. Harbour, is requesting the rezoning and annexation of 0.78 acres located at 33 Garrison Road as well as the rezoning of 0.48 acres located at 37 Garrison Road. The property located within Cobb County, 33 Garrison Road, is currently zoned R-20, while the landlocked property to the rear, 37 Garrison Road, is zoned R-3 (Single Family Residential – 3 units/acres) within the City of Marietta. The applicant is requesting a zoning classification of CRC (Community Retail Commercial) for both properties in order to operate a landscaping, well drilling and irrigation business. The property is currently used as a residence by the property owner.

The applicant operates an irrigation and well-drilling business and the property would be used to park fleet vehicles and store materials. Typically general contracting companies are not permitted within the CRC zoning district because the outside storage makes it more appropriate for Light Industrial zoning. However, the applicant has agreed to only store materials inside the garage or underneath the pole barn, making the property similar to a professional office use, which is allowable in CRC. However, the following stipulations and variances would be necessary in order to allow the existing pole barn and garage to remain:

1. Variance to reduce the required forty (40) foot buffer along the eastern property line adjacent to 41 Hill Street to twenty (20) feet.
2. Variance to reduce the side yard setback along the eastern property line from 15 feet to zero (0) feet.
3. Variance to allow the existing buffer encroachment for the “Pole Barn” remain.
4. Material storage may only be kept within the garage or underneath the pole barn.
5. Variance to allow the existing fence to remain. However, any portion of any section of the fence that is modified or removed must be replaced with fence that conforms to code.

The driveways interior to the property appear to be substandard and unfit for emergency and business vehicle access. Should the property be rezoned as requested, the infrastructure will required to be upgraded to provide additional parking spaces, widened and resurfaced driveways, and increased radii.

Marietta’s Comprehensive Plan identifies the Future Land Use (FLU) of this area as MXD (Mixed-Use Development). The purpose of this FLU is to help facilitate a larger scale redevelopment project for the revitalization of the area but should not deter individual lot development in the short term. However, the proposed use is not compatible with a MXD designation. Cobb County’s FLU for this parcel is Industrial Compatible (IC) which is appropriate for light industrial and professional office uses. The applicant’s proposal is consistent with Cobb County’s designation of IC.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

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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?	6-inch
Capacity of the water line?	Fire Flow Test Required
Approximate water usage by proposed use?	Not provided

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### ***CITY OF MARIETTA - SEWER***

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Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	+/- 350 ft.
Size of the sewer line?	8-inch
Capacity of the sewer line?	Capacity is available
Estimated waste generated by proposed development?	A.D.F                      Peak Not provided
Treatment Plant Name?	Cobb County Water System
Treatment Plant Capacity?	Cobb County Water System
Future Plant Availability?	Cobb County Water System

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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?	Olley 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*

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What is the road effected by the proposed change?	Hill Street Garrison Road
What is the classification of the road?	Hill Street: Local Garrison Road: Collector
What is the traffic count for the road?	No Data Available
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?	No
Transportation improvements in the area?	Yes
If yes, what are they?	Powder Springs Road Improvements

- If proposed for land disturbance or construction, site plans will be required. If required, site plans must include parking, driveways, streets, storm water management, storm water 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 drainage way, 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.
- A 5' wide sidewalk with 2' grass strip between curb and sidewalk is required along the entire frontage of Garrison Road.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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Nearest city or county fire station from the development?	Station 54 228 Chestnut Hill Road
Distance of the nearest station?	Less than 1/2 mile (.49 miles)
Most likely station for 1 <sup>st</sup> response?	Station 54
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

**The fire department has the following comments in reference to the above.**

- A fire department vehicle access road of 14 feet for one-way traffic or 20 feet for two way traffic is required.
- The fire department vehicle access road shall be an all weather surface capable of supporting the load of fire apparatus.
- A turning radius of 35 feet is required for fire department access roads.
- Fire department access roads shall be provided within 150 feet of all buildings.

### MARIETTA POWER - ELECTRICAL

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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: