



REZONING & SPECIAL LAND USE PERMIT
APPLICATION ANALYSIS

ZONING CASE #: Z2013-22

LEGISTAR #: 20130811

PROPERTY OWNERS: Max Burmeister
2858 Bryan Circle
Marietta, GA 30062

APPLICANT: 1733, LLC
Attn: Joseph H. Howard
289 Church Street
Marietta, GA 30060

PROPERTY ADDRESS: 1733 Canton Road

PARCEL DESCRIPTION: Land Lot 08040, District 16, Parcel 0050

AREA: 0.6 acs. **COUNCIL WARD:** 6

EXISTING ZONING: CRC (Community Retail Commercial)

REQUEST: LI (Light Industrial)

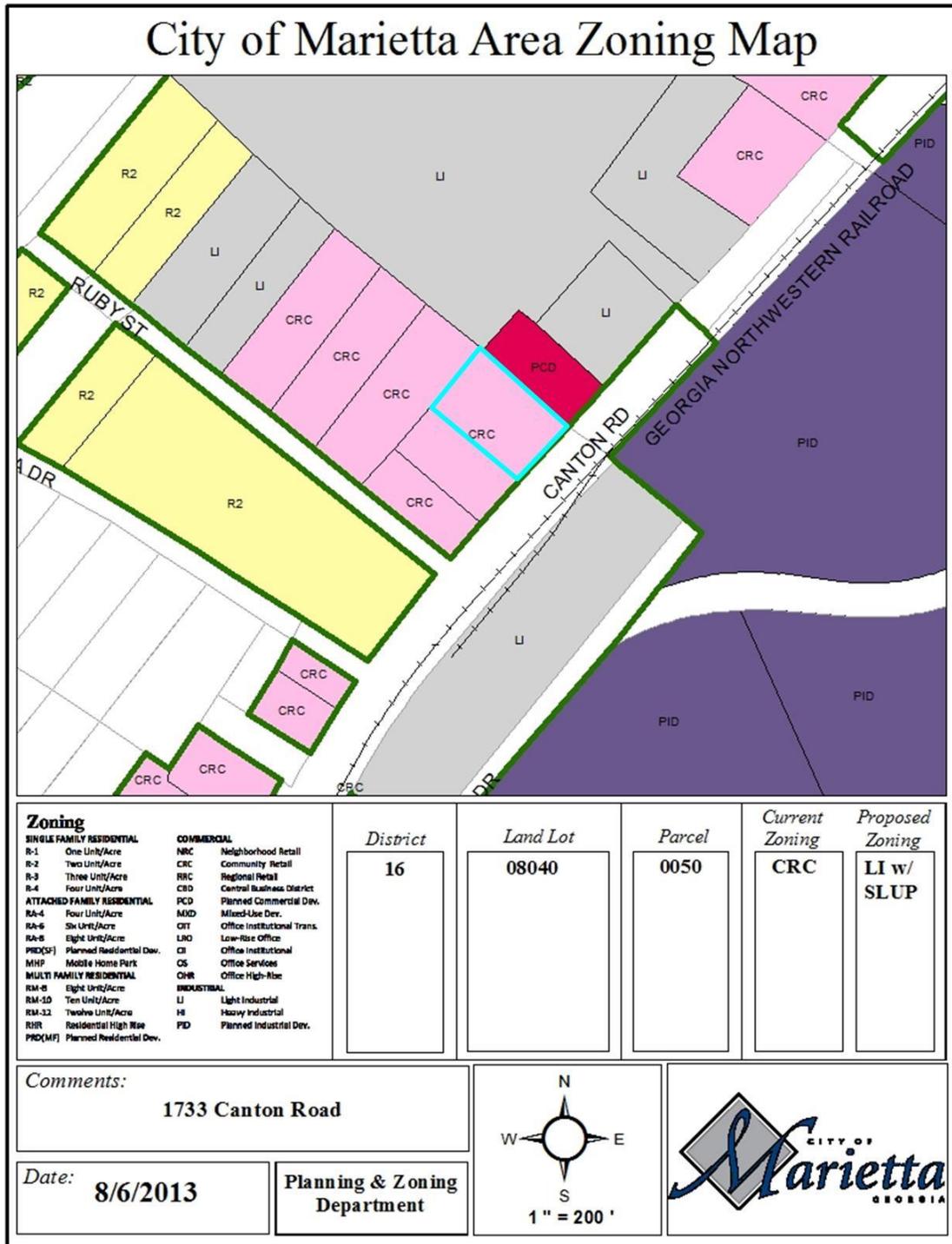
FUTURE LAND USE
RECOMMENDATION: IW (Industrial – Warehousing)

REASON FOR REQUEST: The applicant is requesting a Special Land Use Permit and rezoning of the property from CRC to LI in order to operate an automobile towing and storage facility on the site.

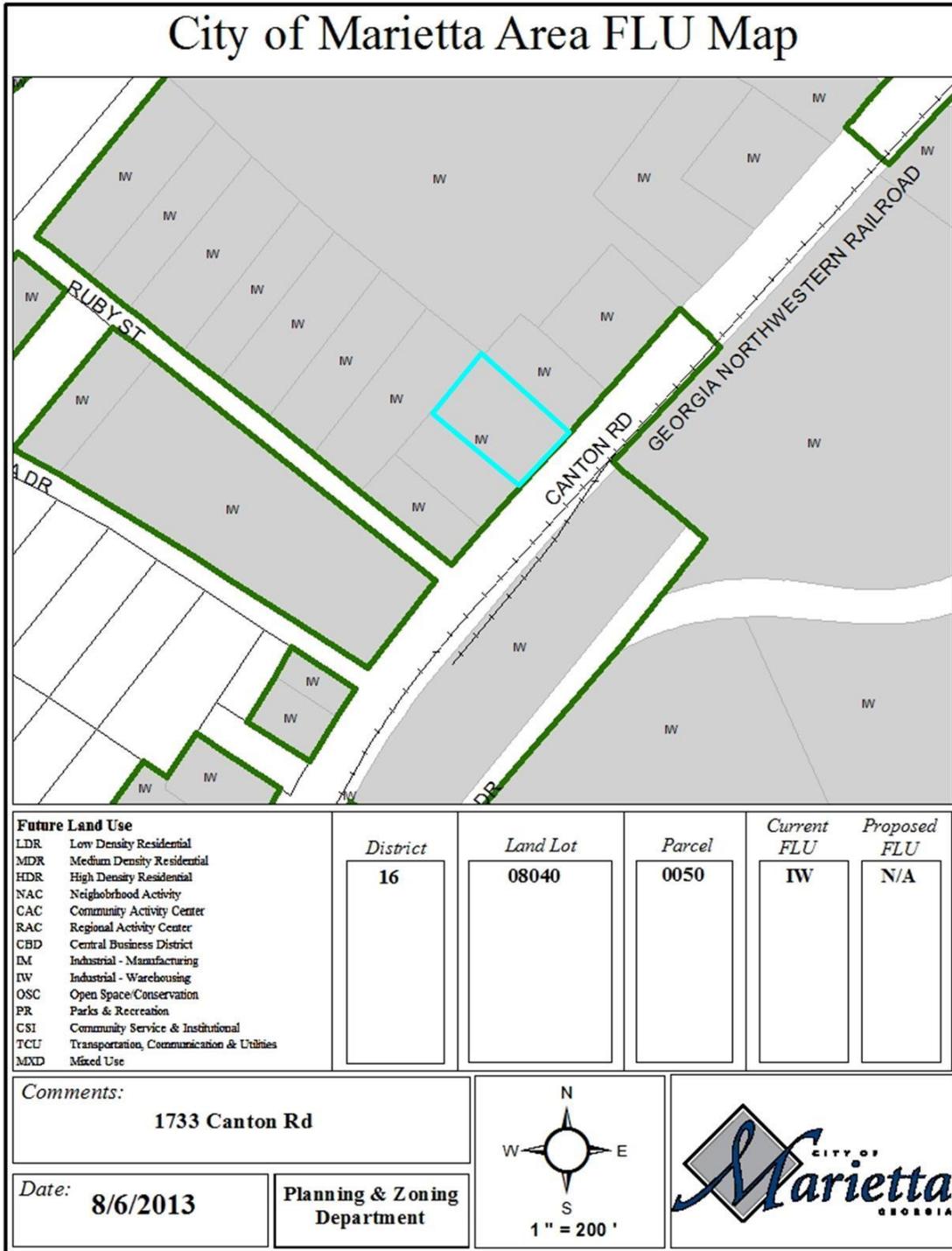
PLANNING COMMISSION HEARING: Tuesday, September 3, 2013 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, September 11, 2013 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



1733 Canton Road



1733 Canton Road

STAFF ANALYSIS

Location Compatibility

The applicant, 1733, LLC, is requesting a Special Land Use Permit (SLUP) and rezoning of the property located at 1733 Canton Road for the purpose of operating an automobile towing and storage facility. The property is currently zoned CRC (Community Retail Commercial) and is 0.6305 acres in size; the applicant is requesting the zoning be changed to LI (Light Industrial). The property located to the northeast is currently vacant and is zoned PCD (Planned Commercial Development). Immediately to the south- and northwest is an auto repair shop that is zoned CRC. The CSX railroad is located across Canton Road to the southeast.

Use Potential and Impacts

The applicant is proposing to use this property for the towing and repair of damaged vehicles. Automobile storage yards and wreckers services, defined as an establishment used for the short-term storage of damaged or confiscated vehicles, are allowed in LI with a SLUP. A facility conducting auto repair services is permitted to keep inoperable vehicles on site for no more than 30 days, differentiating them from auto salvaging and wrecking yards that are only allowed in HI (Heavy Industrial) with a SLUP.

The following are the minimum considerations given when determining whether a Special Land Use Permit for a particular use is appropriate:

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

The Canton Road corridor has been dominated by industrial uses for quite some time, likely due to the presence of the railway. Exterior storage yards, industrial suppliers, and auto repair shops are common uses seen along the corridor. A continuation of such uses fronting



onto Canton Road will not improve the aesthetics of the area, but there have been no public or private redevelopment projects proposed that would significantly change or improve the corridor. Further, this property is not adjacent to any residentially zoned property. As a result, this request should not negatively impact the surrounding area.

Several years ago, Cobb County completed a corridor study and produced a plan that identified specific improvements for the portion of Canton Road north of Sandy Plains Road. However, this study did not include any portion of the roadway within the City Limits of Marietta.

The future land use (FLU) designation for this and all surrounding parcels is IW (Industrial Warehousing), which is appropriate *“for areas that can support light industrial, office/warehouse and distribution uses and the vehicular traffic associated with such uses.”* LI is considered a compatible zoning classification for this future land use category. As a result, this rezoning request aligns with the goals and objectives specified under the City’s Comprehensive Plan.

Environmental Impacts

There is no indication of any endangered species, flood plain, streams, or topographical issues present on the subject property.

Economic Functionality

This property has historically been used as a farm and garden equipment wholesaler, which is a use more appropriate to an industrial zoning classification, not CRC. Because of the industrial nature of the area, it is unlikely that a business more suitable to CRC, which is aimed at providing retail and personal services to the area, would be viable.

Infrastructure

The proposed use is unlikely to adversely affect the education or electric systems in the area.

The Marietta Public Works Department has included a comment regarding the gate into the property:

- *“The land owner / renter must ensure that all parts of a tow truck and towed vehicle must be off Canton Road if awaiting a gate to be unlocked or opened. Canton Road cannot be blocked at any time for this procedure.”*



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

Further, the applicant intends to tow and store wrecked vehicles, necessitating the proper capture and treatment of contaminated water runoff from the property, as determined by the City's Public Works Department. Cobb County Water System has also commented that the *“Existing building appears to be directly over sewer main, which is a violation of county code.”*

History of Property

In 1995 a variance was granted by the Board of Zoning Appeals to reduce the required lot width from one hundred (100) feet to eighty (80) feet for 1723 Canton Road per V-95037. An administrative variance was granted in March 2013 (AV2013-09) to reduce the side yard setback from fifteen (15) feet to eleven (11) feet to accommodate the location of the existing structure after a subdivision of the property.



ANALYSIS & CONCLUSION

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The Canton Road corridor has been dominated by industrial uses for quite some time, likely due to the presence of the railway. Exterior storage yards, industrial suppliers, and auto repair shops are common uses seen along the corridor. A continuation of such uses fronting onto Canton Road will not improve the aesthetics of the area, but there have been no public or private redevelopment projects proposed that would significantly change or improve the corridor. Further, this property is not adjacent to any residentially zoned property. As a result, this request should not negatively impact the surrounding area.

The Public Works Department has expressed concern regarding trucks or vehicles blocking Canton Road while waiting to enter the existing gate. Further, the applicant intends to tow and store wrecked vehicles, necessitating the proper capture and treatment of contaminated water runoff from the property, as determined by the City's Public Works Department. Cobb County Water System has also commented that the *"Existing building appears to be directly over sewer main, which is a violation of county code."*

The future land use (FLU) designation for this and all surrounding parcels is IW (Industrial Warehousing), which is appropriate *"for areas that can support light industrial, office/warehouse and distribution uses and the vehicular traffic associated with such uses."* LI is considered a compatible zoning classification for this future land use category. As a result, this rezoning request aligns with the goals and objectives specified under the City's Comprehensive Plan.

Prepared by: _____

Approved by: _____



DATA APPENDIX

COBB COUNTY - WATER

Is a water line adjacent to the property?	Yes, Canton Road right-of-way
If not, how far is the closest water line?	_____
Size of the water line?	8"
Capacity of the water line?	_____
Approximate water usage by proposed use?	_____

COBB COUNTY - SEWER

Is a sewer line adjacent to the property?	Yes, on site
If not, how far is the closest sewer line?	*Existing building appears to be directly over sewer main, which is a violation of county code*
Size of the sewer line?	8 inch
Capacity of the sewer line?	_____
Estimated waste generated by proposed development?	A.D.F Peak
Treatment Plant Name?	Noonday
Treatment Plant Capacity?	Available
Future Plant Availability?	Yes

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?	Noonday 3
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?	Canton Road
What is the classification of the road?	Arterial
What is the traffic count for the road?	9630 AADT 2-way (7% trucks)
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?	NO
If yes, what are they?	---

*** The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review.*

- Site plans will be required for construction, if land disturbance is proposed. 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.
- Polluted stormwater shall not be allowed to exit the site. We have concerns about drippage of anti-freeze and oil discharges onto the pavement. Per GA EPD, these must be drained and any drippage cleaned up with dry absorbent. An oil-water separator may be required.
- Please review the attached self-audit for facilities such as this to ensure compliance with the City's Stormwater Discharge Permit with GA EPD.
- A NPDES Industrial Stormwater Permit may be required for the site and facility – from the Georgia Environmental Protection Division.
- Renovations to the building will require Building Permits from the Building Inspections Division (770-794-5659) of the Dept of Public Works.
- Access onto Canton Road must be in accordance with the City of Marietta Department of Public Works requirements, and possible permitting. Proper radii at Canton Road (minimum 25', or as required by the Fire Dept) are required.
- The land owner / rentor must ensure that all parts of a tow truck and towed vehicle must be off Canton Road if awaiting a gate to be unlocked or opened. Canton Road cannot be blocked at any time for this procedure.
- The Marietta Fire Dept must review the proposed site and building plans.
- There is insufficient data, design, and concept to understand proposed uses, and the adverse impact, if any, on adjacent properties to be overcome. More consideration may be necessary to determine the impact of the property on adjacent land (#790 Ruby Street and the beginning of the small State Waters which is on #786).



EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Station 56
Distance of the nearest station?	1.9 miles
Most likely station for 1 st response?	Marietta Station 56
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 <u> X </u>
If not, can this site be served?	Yes _____	No <u> X </u>

What special conditions would be involved in serving this site?

Additional comments: