



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2015-15

LEGISTAR: 20150290

LANDOWNERS:

**Denbesten & Bokhoven, Ltd.
4559 Old Winter Garden Rd.
Orlando, FL 32811**

APPLICANT:

**Vermeer Southeast Sales and Service, Inc.
1320 Gresham Road
Marietta, GA 30062**

AGENT:

**Adam J. Rozen
Sams, Larkin, Huff & Balli, LLP
376 Powder Springs Street
Suite 100
Marietta, GA 30064**

PROPERTY ADDRESS:

1330 & 1350 Gresham Road

PARCEL DESCRIPTION:

**16 11380 0040
16 11670 0040**

AREA: 1.14 acres

COUNCIL WARD: 5A

EXISTING ZONING:

R-20 (Single Family Residential) – Cobb County

REQUEST:

LI (Light Industrial) - City

FUTURE LAND USE MAP

RECOMMENDATION: IM (Industrial Manufacturing)

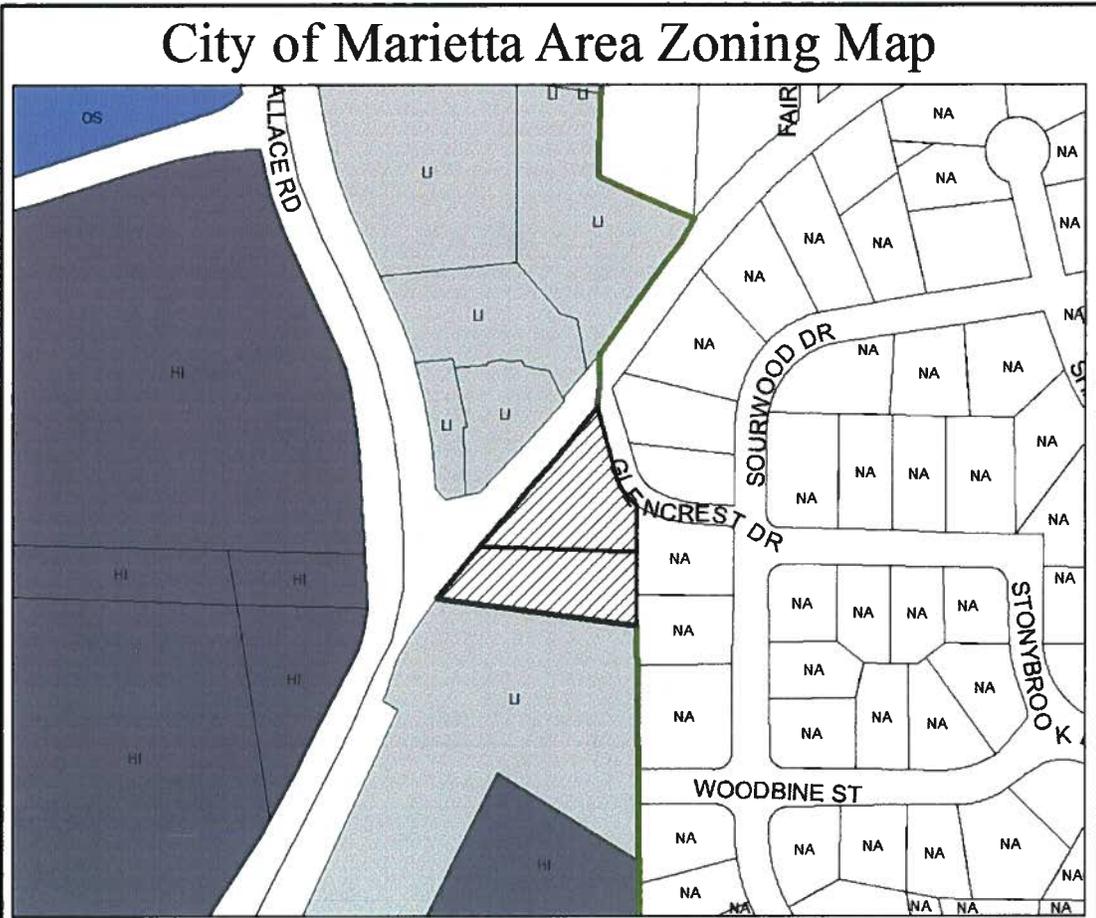
REASON FOR REQUEST: The applicant is requesting to annex and rezone 1.14 acres of land from R-20 in Cobb County to Light Industrial in the City of Marietta so it may be used to expand the adjacent business at 1320 Gresham Road.

PLANNING COMMISSION HEARING: Tuesday, May 5th, 2015 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, May 13th, 2015 7:00 p.m.

MAP

City of Marietta Area Zoning Map

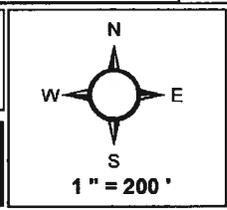


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL	COMMERCIAL	16	11380	0040	R-20	LI
R-1 One Unit/Acre	NRG Neighborhood Retail	16	11670	0040	R-20	LI
R-2 Two Unit/Acre	CRG Community Retail				Cobb	City
R-3 Three Unit/Acre	RRG Regional Retail					
R-4 Four Unit/Acre	CRD Central Business District					
ATTACHED FAMILY RESIDENTIAL	PCD Planned Commercial Dev.					
RA-4 Four Unit/Acre	MXD Mixed-Use Dev.					
RA-6 Six Unit/Acre	OIT Office Institutional Trans.					
RA-8 Eight Unit/Acre	LRO Low-Rise Office					
PRD(SF) Planned Residential Dev.	OI Office Institutional					
MBP Mobile Home Park	OS Office Services					
MULTI FAMILY RESIDENTIAL	OHF Office High-Rise					
RM-4 Eight Unit/Acre	INDUSTRIAL					
RM-10 Ten Unit/Acre	LI Light Industrial					
RM-12 Twelve Unit/Acre	HI Heavy Industrial					
RHR Residential High Rise	PID Planned Industrial Dev.					
PRD(MF) Planned Residential Dev.						

Comments:
 2 parcels on Gresham Road

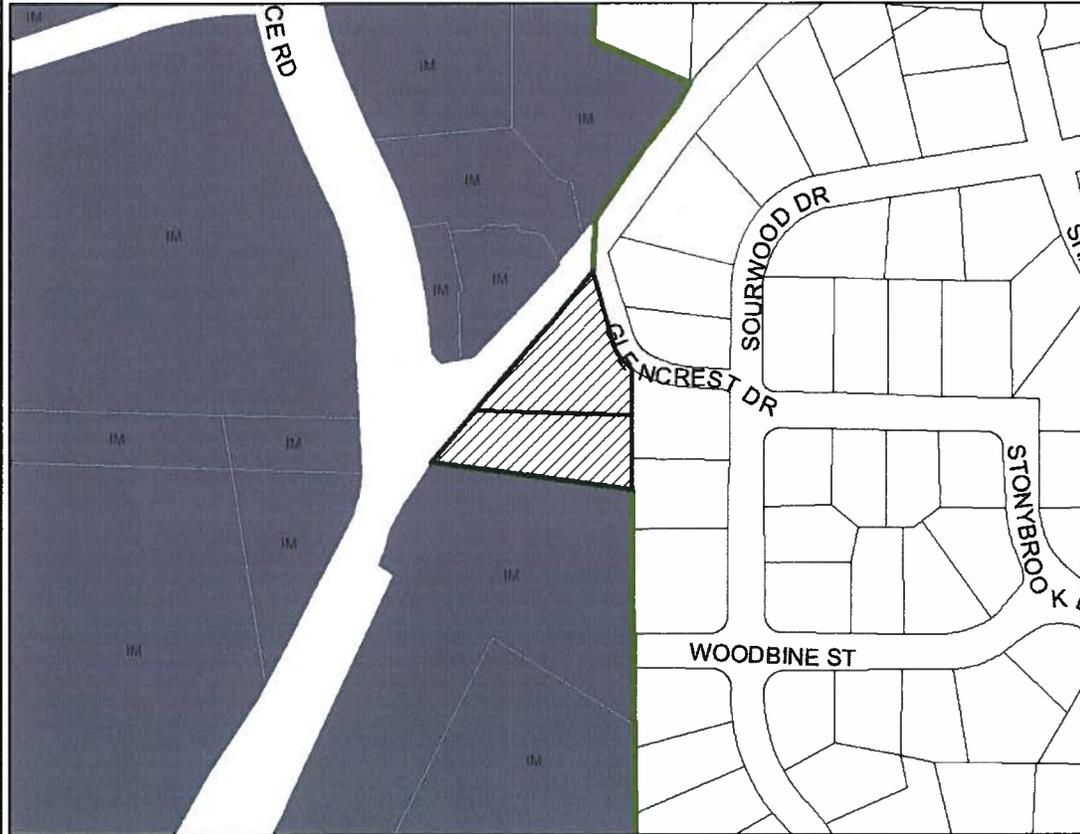
Date: 3/27/15

Planning & Zoning Department



FLU MAP

City of Marietta Area FLU Map

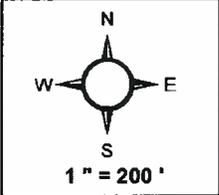


Future Land Use	District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR Low Density Residential	16	11380	0040	PI	IM
MDR Medium Density Residential					
HDR High Density Residential	16	11670	0040	PI	IM
NAC Neighborhood Activity					
CAG Community Activity Center				Cobb	City
RAC Regional Activity Center					
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					

Comments:
 2 parcels on Gresham Road

Date: 3/27/2015

Planning & Zoning Department



PICTURES OF PROPERTY



1330 & 1350 Gresham Road



1330 & 1350 Gresham Road



Eastern property line (looking south) adjacent residences



Adjacent residence to the east

STAFF ANALYSIS

Location Compatibility

Vermeer Southeast Sales and Service, Inc. is requesting the annexation and rezoning of two parcels on Gresham Road, near the corner of Wallace Road. These two properties, addressed as 1330 & 1350 Gresham Road on city records, total 1.14 acres and are zoned R-20 (Single Family Residential) in Cobb County. The applicant wishes to annex and rezone these two properties so they may be combined with the property to the south for a building and parking expansion (see V2015-21). This property once contained a church building that was demolished around 2008.

The property immediately to the south, 1320 Gresham Road, has the same owner and is zoned LI (Light Industrial). Properties zoned R-20 in Cobb County and containing single family homes are located to the east. Across Gresham and Wallace Roads to the north and west are zoned LI and HI (Heavy Industrial) and operate accordingly.

Use Potential and Impacts

The applicant is requesting the annexation and rezoning of these two parcels in order to expand their business at 1320 Gresham Road, which lies immediately to the south. This additional 1.14 acres would provide enough room to double the square footage of the building, add on-site detention, and provide additional customer parking and storage. Vermeer Southeast provides parts, service, and equipment sales for the construction and tree care industry.

City code requires a fifty foot (50') buffer when a property zoned LI shares a property line with residentially zoned property. A residential neighborhood in Cobb County lies directly to the east of the subject property. The applicant is requesting variances for a reduction in this buffer so it may be used for parking, outdoor storage of equipment, as well as the on-site detention area (addressed in V2015-21). The applicant is requesting the following variance in conjunction with the requested annexation and rezoning:

- Variance to reduce the fifty foot (50') wide undisturbed buffer to a ten foot (10') wide replanted buffer.

Fencing and buffer requirements are in place to protect adjacent uses from unpleasant views and diffuse sound. Although the business has been operating within the buffer as a legally nonconforming use, aerial imagery indicates the equipment is currently being stored between 20 and 30 feet away from the rear property line. The requested variance would allow the buffer be further reduced to a ten foot (10') wide buffer containing one row of plantings along the four residential properties to the east. Buffers are also required to contain a six foot (6') tall opaque fence, but no new fencing is proposed. Of these four properties, only three contain a structure.

The northern-most residential property, 296 Sourwood Drive, contains a large parking area,

which is used to park commercial vehicles used in conjunction with the veterinary office across Gresham Road, in the backyard. Aerial images actually show this parking area encroaching onto the subject property. Although the adjacent property is not being used in exactly a residential capacity, a ten foot (10') wide buffer containing a row of evergreen trees may not adequately buffer the adjacent properties that are being used residentially.

Cobb County has responded to the annexation request with a conditional notice of non-objection, with the condition being that a forty foot (40') landscaped buffer be installed adjacent to 296 and 286 Sourwood Drive.

Although LI zoning requires any repair work to be done inside an enclosed structure, this business does rely on a large amount of outdoor storage due to the size of the equipment. Additionally, outdoor storage facilities in the LI district requires an opaque fence or wall not less than eight feet (8') in height and such use be at least fifty feet (50') from any property zoned or used for residential purposes and twenty five feet (25') from any right of way. The plat submitted with the annexation and rezoning request show a portion of outdoor equipment storage within the buffer on the two subject properties. In order to implement the plan as shown, the following variance would be necessary:

- Variance to allow outdoor storage, as shown on the submitted plan dated March 24, 2015 by Gaskins Surveying.

The Future Land Use (FLU) designation for all the surrounding properties in the City is Industrial Manufacturing (IM), which is described for "*areas that can support industrial uses which may create by-products, i.e. fumes, noise, etc., that are known to negatively impact adjacent uses.*" While these two parcels have a FLU designation in Cobb County of PI (Public Institutional), the residential neighborhood to the east has a FLU of IC (Industrial Compatible), which is described for areas that can support light industrial, office/warehouse, and distribution uses. Should the property be annexed and rezoned as requested, the City is seeking a future land use designation of IM in order to correspond to the intended use of the property as well as the surrounding area.

Environmental Impacts

There is no indication of any streams, floodplain, wetlands, or topographical issues on the site. Should the property be annexed, rezoned, and developed as proposed by the applicant, the construction of this portion of the site into a parking lot will be reviewed for compliance with all codes, including stormwater quality and quantity, prior to permitting.



Economic Functionality

These properties are located near a large intersection that is heavily traveled by large trucks serving the multitude of industrial businesses in the area. Although the properties are currently zoned R-20, their location make them unsuitable for residential use. As a result, these properties do not have a reasonable economic use as currently zoned.

Infrastructure

There are no significant impacts to the City's infrastructure as a result of this annexation and rezoning request. The 1.14 acre parcel being considered will be improved with parking and storage in order to serve the adjacent property at 1320 Gresham Road. Therefore, there should be no adverse effects on the City's existing infrastructure as a result of this annexation and rezoning request.

History of Property

These properties are not currently located within the city limits of Marietta; therefore, there is no history of any variances, Special Land Use Permits, or rezonings approved for these properties.

Other Issues

This rezoning and annexation request is related a variance case V2015-21, which will also be heard at the May 13, 2015 City Council meeting. This case will deal with variances at 1320 Gresham Road, which is already located in the City and zoned Light Industrial.

ANALYSIS & CONCLUSION

Vermeer Southeast Sales and Service, Inc. is requesting the annexation and rezoning of two parcels, 1330 & 1350 Gresham Road according to city records, totaling 1.14 acres and zoned R-20 in Cobb County. The applicant wishes to annex and rezone these two properties so they may be combined with the property to the south for a building and parking expansion (see V2015-21). The surrounding properties in the city are zoned similarly while the existing neighborhood to the east is zoned R-20 in Cobb County. The proposed expansion would double the square footage of the building, add on-site detention, and provide additional customer parking and storage.

The applicant is requesting the following variances in conjunction with the requested annexation and rezoning:

1. Variance to reduce the fifty foot (50') wide undisturbed buffer to a ten foot (10') wide replanted buffer containing one row of evergreen trees.
2. Variance to allow outdoor storage as shown on the submitted plan dated March 24, 2015 by Gaskins Surveying.

Fencing and buffer requirements are in place to protect adjacent uses from unpleasant views and diffuse sound. Vermeer has historically been storing equipment inside the buffer as a legally nonconforming use. The requested variance would allow the buffer be further reduced to a ten foot (10') wide buffer containing one row of plantings along the four residential properties to the east. Of these four properties, only three contain a structure. The northern-most residential property, 296 Sourwood Drive, contains a large parking area, which is used to park commercial vehicles used in conjunction with the veterinary office across Gresham Road, in the backyard. Although the adjacent property is not being used in exactly a residential capacity, a ten foot (10') wide buffer containing a row of evergreen trees may not adequately buffer the adjacent properties that are being used residentially.

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The Future Land Use (FLU) designation for all the surrounding properties in the City is Industrial Manufacturing (IM), which is described for "*areas that can support industrial uses which may create by-products, i.e. fumes, noise, etc., that are known to negatively impact adjacent uses.*" Should the property be annexed and rezoned as requested, the City is seeking a future land use designation of IM in order to correspond to the intended use of the property as well as the surrounding area.

Prepared by: Sherry Brown

Approved by: Rusty Rath



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	---
Size of the water line?	10"
Capacity of the water line?	Variable based on condition of main
Approximate water usage by proposed use?	Unknown

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	Two mains – 230' or 270'
Size of the sewer line?	8"
Capacity of the sewer line?	Variable
Estimated waste generated by proposed development?	Unknown
Treatment Plant Name?	R.L. Sutton WRF
Treatment Plant Capacity?	Cobb Water must confirm
Future Plant Availability?	Cobb Water must confirm



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?	Sope
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

What is the road effected by the proposed change?	Gresham Road
What is the classification of the road?	Collector
What is the traffic count for the road?	---
Estimated number of cars generated by the proposed development?	---
Estimated number of trips generated by the proposed development?	---
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	



- **Site Plans will be required for construction.** Plans must include, driveways, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent property), stormwater quality (bioretention or other), 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, if it is required. 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.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 52
Distance of the nearest station?	1.1 miles
Most likely station for 1 st response?	52
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 _____

If not, can this site be served? Yes _____ No _____

What special conditions would be involved in serving this site?

Additional comments: