

STAFF REVIEW

Variance Case #: V2015-02

Legistar #: 20141320

City Council Hearing: Wednesday, January 14, 2015 – 7:00 p.m.

Property Owner: McDonald's Corporation
Attn: Angie Penn
1 Glenlake Parkway NE
Suite 500
Atlanta, GA 30328

Applicant: same as above

Agent: n/a

Address: 1195 Powder Springs Street

Land Lot: 00700 **District:** 17 **Parcel:** 0400

Council Ward: 2B **Existing Zoning:** CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to eliminate the planted border strip along Powder Springs Street. [*§712.08 (G.2)*]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



1195 Powder Springs St



Existing frontage



Site Parking



Site Parking



Site Parking

Staff Review:

McDonald's is requesting a variance for their location at 1195 Powder Springs Street to reduce the required landscape strip from 10' to 0.' The subject property and all adjacent properties are zoned CRC (Community Retail Commercial). The surrounding uses include a carwash, auto parts store, and car repair facility. The properties across Powder Springs Street are located in Cobb County.

The subject property is being impacted by a City project to construct sidewalks along the south side of Powder Springs Street. Although there are not any trees located within the current landscape strip, there is sufficient area in which to place trees. In order to provide the proposed 6 foot sidewalk with a 2.5 foot grass strip, the City will be shifting the right of way into the subject property by approximately 4 feet. The City construction project will reduce the current landscape area that is adjacent to a row of 6 parking spaces. City code requires a 10 foot planted buffer behind the road frontage (right of way line), and the proposed design would shift the parking spaces back, and eliminating the landscape area entirely rather than installing the required 10 strip with trees. A revised design could accommodate for the landscape strip with the required trees.

Staff notes that the McDonald's site contains more than enough required parking, which would allow them to lose these spaces along the property frontage and still be able to meet the parking requirements for zoning (1 space for every 175 square feet of restaurant area). Also, in addition to these remaining onsite spaces that meet the parking requirements, McDonald's owns a parcel located to the rear, 1254 Bellemeade Drive, which contains driveway access to Bellemeade Drive. There are 18 additional parking spaces are located on that lot that can be used for overflow parking. Since the property has an abundant amount of parking available, the sidewalk and landscaping project could be completed in conformity with the original design for the entire Powder Springs Street corridor.

PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following Variances for a recommendation to the City Council at their meeting on **Wednesday, January 14, 2015, 7:00 p.m.**, City Hall, for a final decision to be made.

V2015-02 [VARIANCE] MCDONALDS CORPORATION requests a variance for property located in Land Lot 0070, District 17, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia and being known as 1195 Powder Springs Street, currently zoned CRC (Community Retail Commercial). Variance to eliminate the planted border strip along Powder Springs Street. Ward 2B.

A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

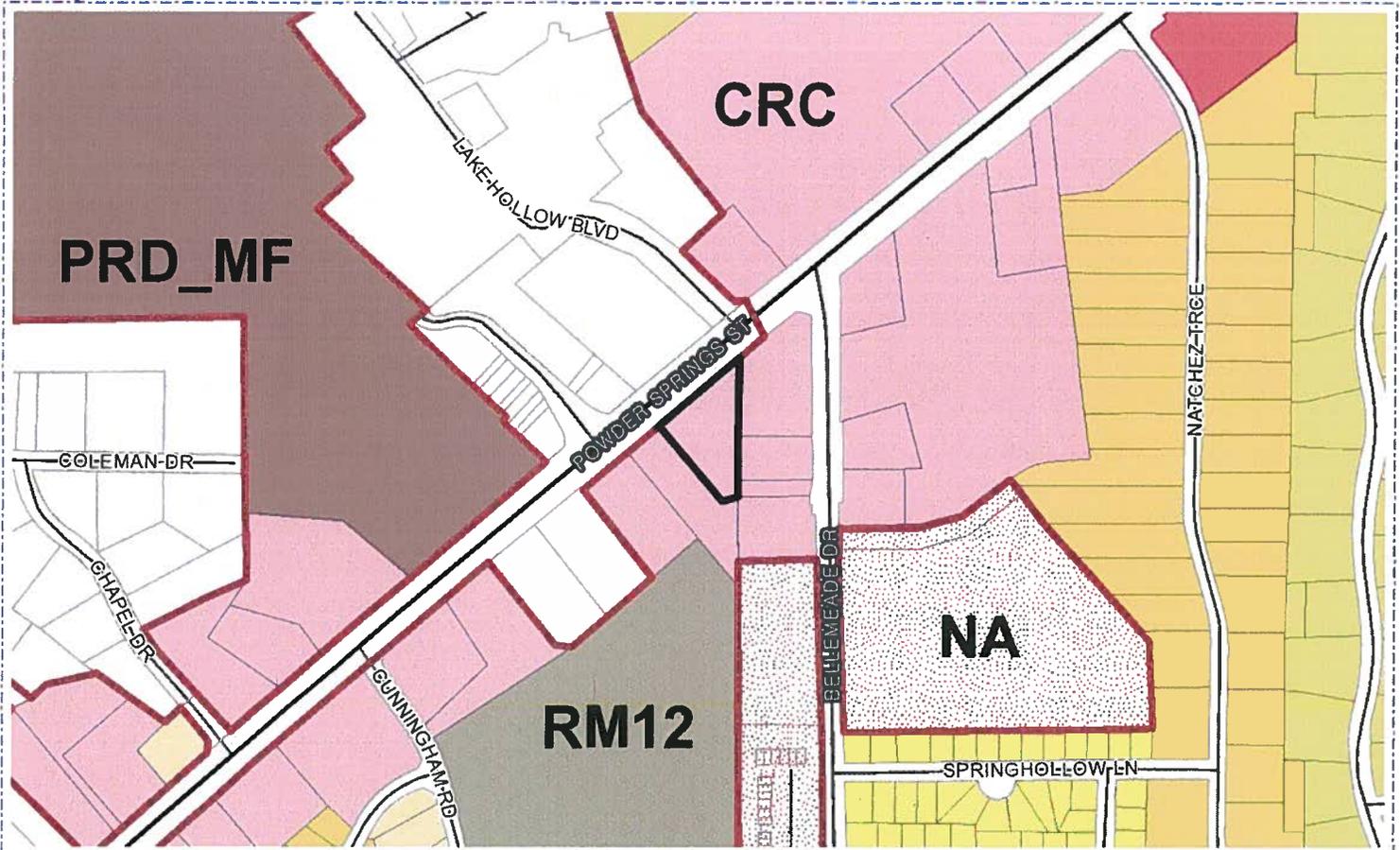
For additional information please call the Planning and Zoning Office (770) 794-5440.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1195 POWDER SPRINGS ST	17000700400	0.927	2B	CRC	CAC

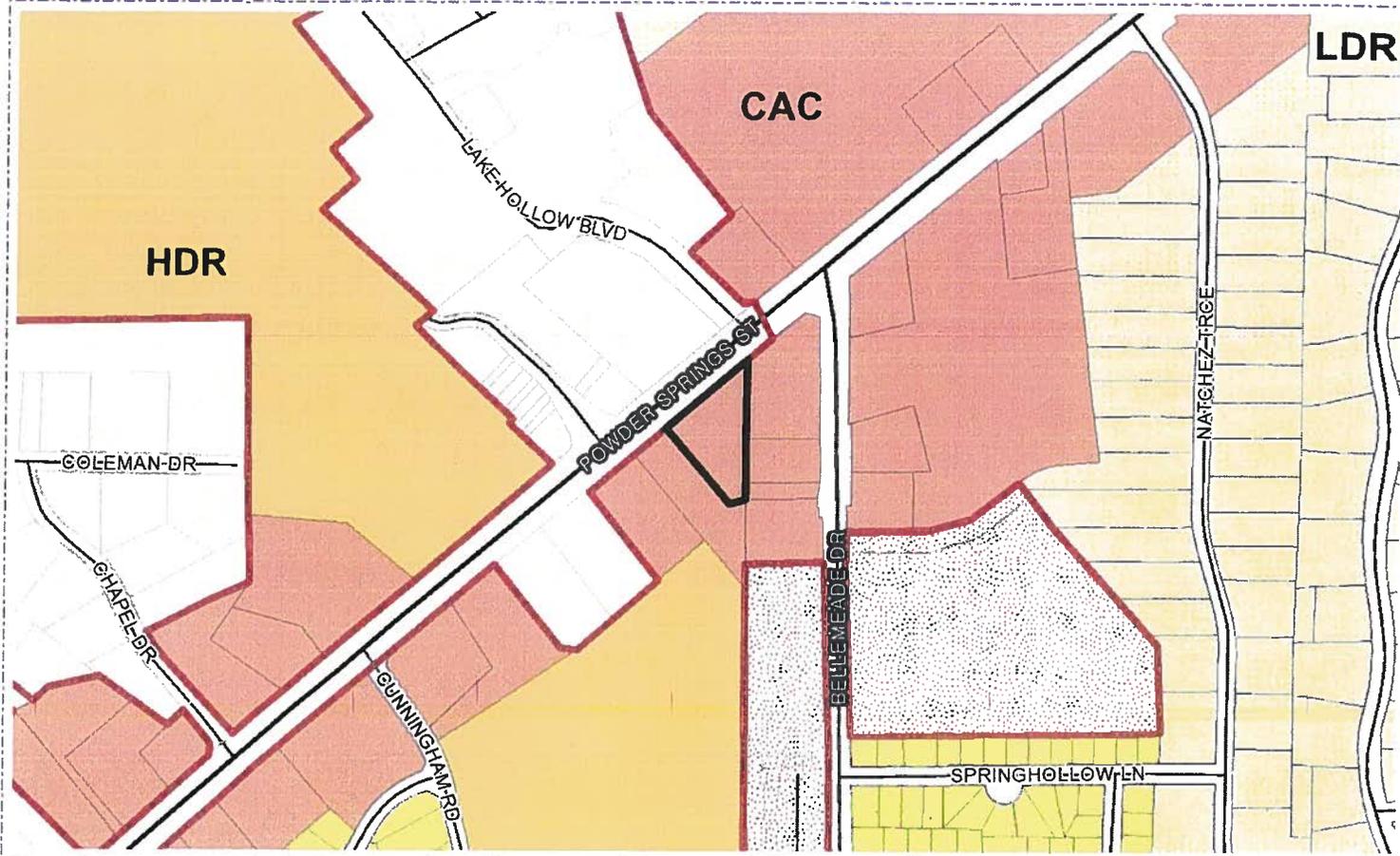
Property Owner:	McDonald's Corporation
Applicant:	
City Council Hearing Date:	1/14/15
Acquisition Date:	
Case Number:	V2015-02
City of Marietta Planning & Zoning	

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RAS - Single Family Residential - Attached
- RAB - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RMB - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev. Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise



Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1195 POWDER SPRINGS ST	17000700400	0.927	2B	CRC	CAC

Planning Commission
Hearing Date:

City Council Hearing Date: 1/14/15

Future Land Use: CAC

Case Number:

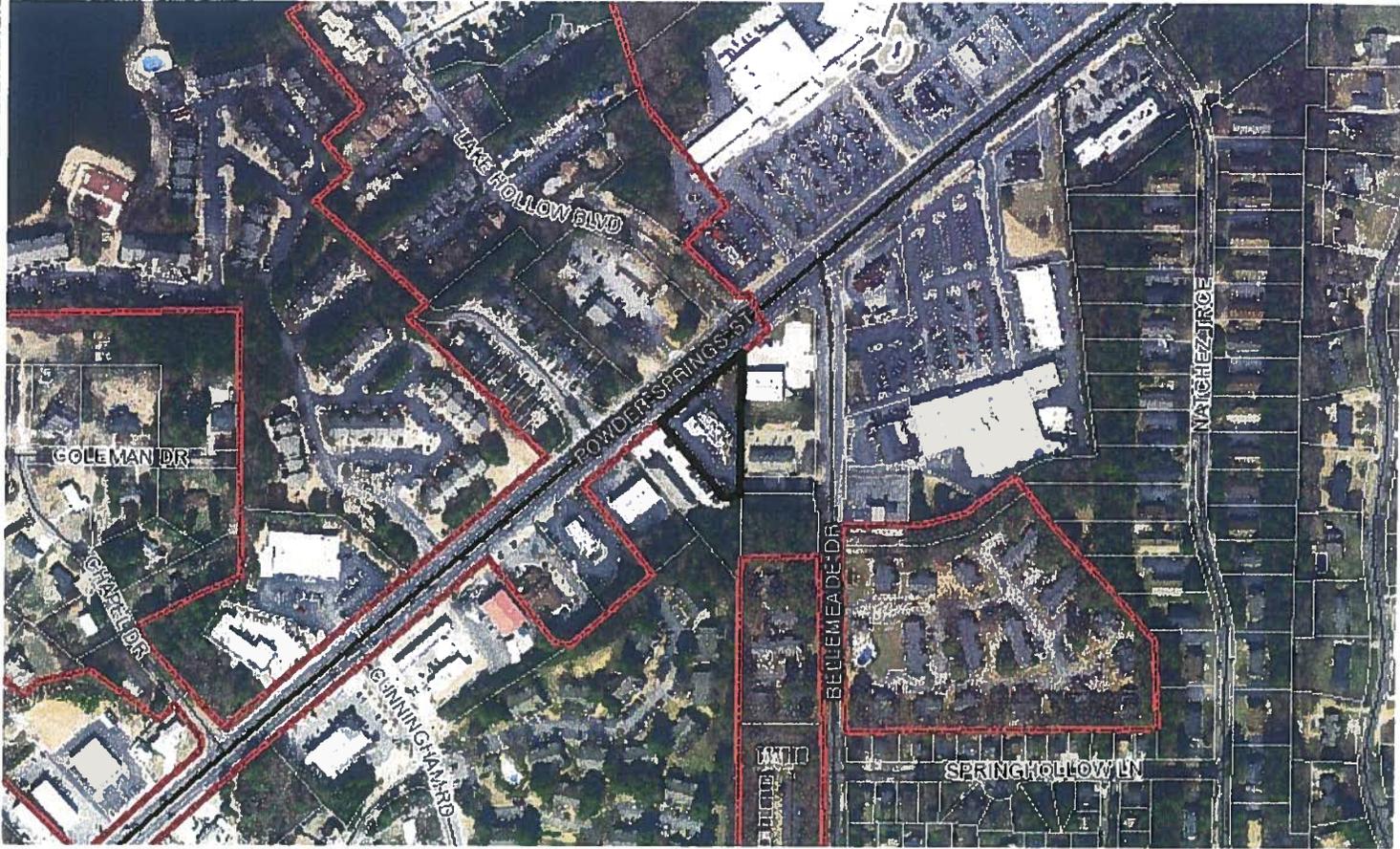
Comments:

Future Land Use Symbols

- Railroads
- City Limits
- Cobb County Pockets
- RAC - Regional Activity Center
- CAC - Community Activity Center
- NAC - Neighborhood Activity Center
- CBD - Central Business District
- MXD - Mixed Use Development
- CSI - Community Service and Institutional
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities

City of Marietta Planning & Zoning

Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1195 POWDER SPRINGS ST	17000700400	0.927	2B	CRC	CAC

Property Owner: McDonald's Corporation

Applicant:

City Council Hearing Date: 1/14/15

Planning Commission Hearing Date:

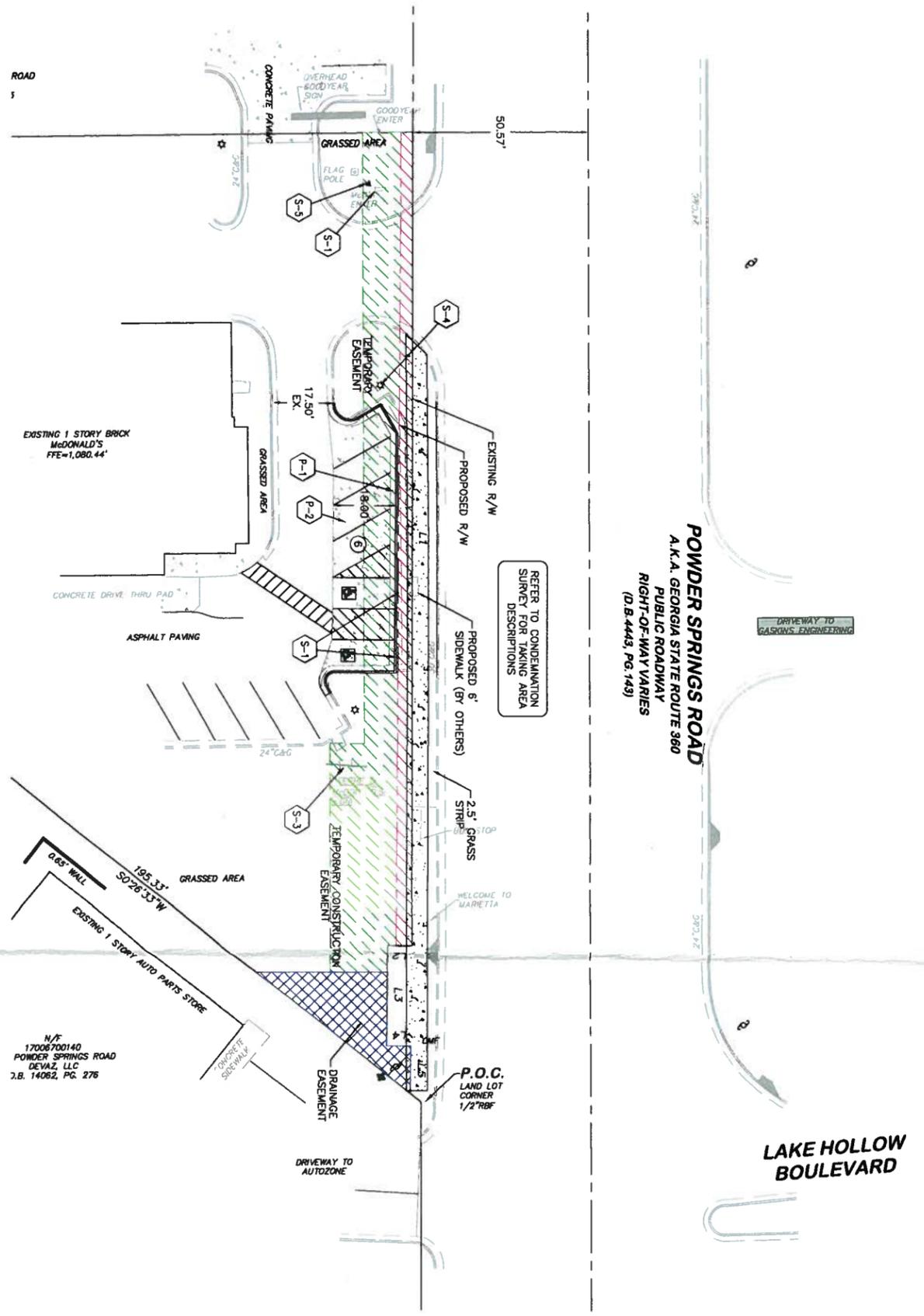
BZA Hearing Date: **Case Number:** V2015-02

Comments:

City of Marietta Planning & Zoning

Legend

-  Railroads
-  City Limits
-  Cobb County Pockets



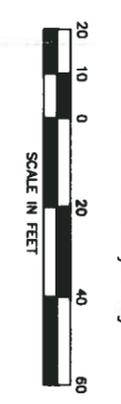
POWDER SPRINGS ROAD
 A.K.A. GEORGIA STATE ROUTE 360
 PUBLIC ROADWAY
 RIGHT-OF-WAY VARIES
 (D.B. 4443, PG. 143)

LAKE HOLLOW BOULEVARD

KEY	DESCRIPTION	QTY.
(C-1)	CURB & GUTTER (18" PAN)	121 SF
(C-2)	CONCRETE PAVING	1,180 SF

KEY	DESCRIPTION	QTY.
(S-1)	DIRECTIONAL SIGN TO BE RELOCATED	1
(S-2)	NEW HANDICAP SIGN	2
(S-3)	EXISTING POLE SIGN TO REMAIN	1
(S-4)	LIGHT POLE AND BASE TO BE RELOCATED	1
(S-5)	FLARE POLE LIGHT TO BE RELOCATED	1

LEGEND	DESCRIPTION
[Red Hatched Box]	REQUIRED RIGHT-OF-WAY
[Green Hatched Box]	TEMPORARY SLOPE EASEMENT
[Blue Hatched Box]	DRAINAGE EASEMENT
[Red Dashed Line]	PROPOSED RIGHT-OF-WAY



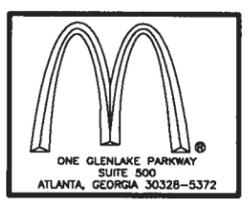
Know what's below
 Call before you dig



OVERLAY PLAN	
PROJECT NAME: MCDONALD'S-GDOT R.O.W. TAKING	
1195 POWDER SPRINGS ROAD, MARIETTA, GA 30064, SITE CODE: 010-0284	
CLIENT: MCDONALD'S CORPORATION	
ONE GLENLAKE PARKWAY, SUITE 500, ATLANTA, GA, 30328	

TYLIN INTERNATIONAL	
260 PEACHTREE STREET SUITE 900	
ATLANTA, GEORGIA 30303	
PHONE: (404) 841-7886 FAX: (404) 841-7887	

NO.	DATE:	DESCRIPTION
4		
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SHEET NO. C-1.0
 DATE

