



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2014-03 **LEGISTAR #:** 20140275

PROPERTY OWNERS: George Suarez
Hoboken Bread & Bagel
2088 Jackson Ridge Cove
Kennesaw, GA 30144

PROPERTY ADDRESS: 1161 Sandy Plains Road

PARCEL DESCRIPTION: Land Lot 07790, District 16, Parcel 0050

AREA: 0.5 acs. **COUNCIL WARD:** 6B

EXISTING ZONING: R-2 (Single Family Residential 2 units/acre)

REQUEST: NRC (Neighborhood Retail Commercial)

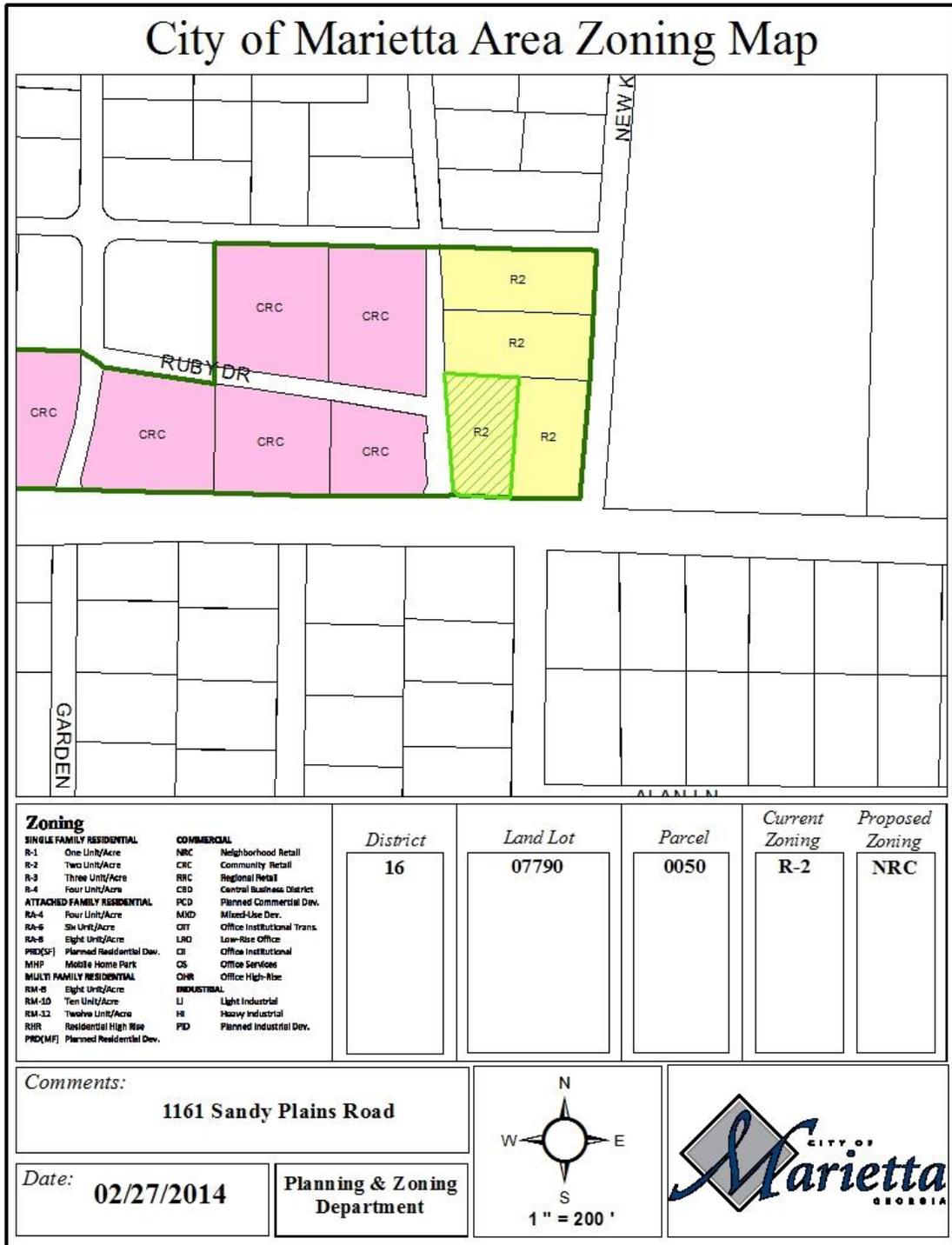
FUTURE LAND USE: NAC (Neighborhood Activity Center)

REASON FOR REQUEST: The applicant is requesting the rezoning of this parcel from R-2 to NRC so the existing structure may be renovated and used as a catering business and restaurant.

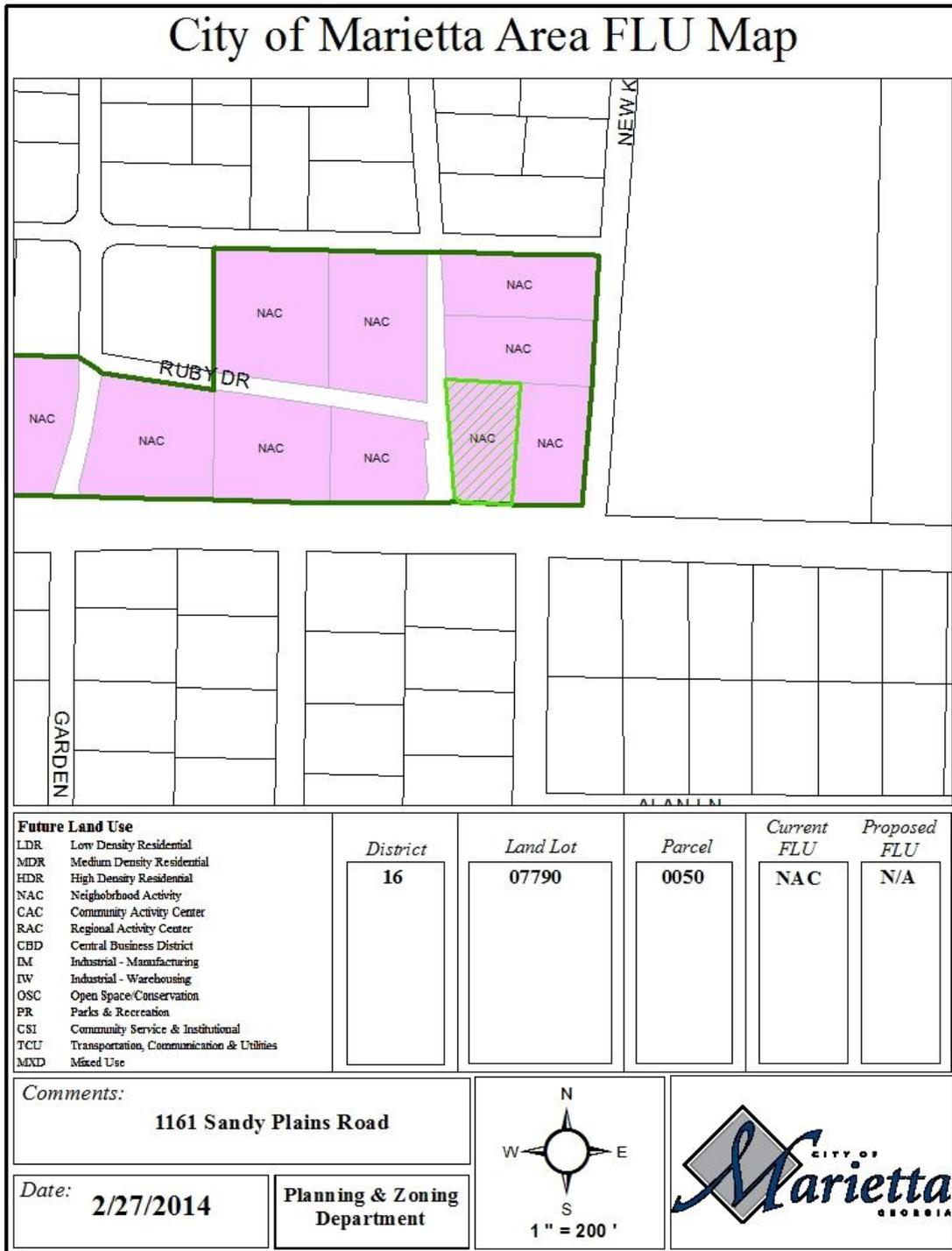
PLANNING COMMISSION HEARING: Tuesday, April 1, 2014 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, April 9, 2014 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



1161 Sandy Plains Road



Driveway off of Sandy Plains Road



Rear of property



Rear of property

STAFF ANALYSIS

Location Compatibility

George Suarez is requesting the rezoning of the parcel located at 1161 Sandy Plains Road from R-2 (Single Family Residential – 2 units per acre) to NRC (Neighborhood Retail Commercial). The property is located on the northeastern corner of Sandy Plains Road and East Lake Drive and is 0.50 acres in size. The properties immediately to the east and north are zoned R-2 and contain single family detached homes. Across East Lake Drive to the west is a veterinary hospital zoned CRC (Community Retail Commercial). The single family homes across Sandy Plains Road to the south are zoned R-20 in Cobb County.

Use Potential and Impacts

The applicant, George Suarez, is the owner of the Hoboken Bread and Bagel Company that is currently located at 1033 Sandy Plains Road, which is located just west of the subject property. The applicant would like to renovate the existing home at 1161 Sandy Plains Road so it may be used for his catering business and restaurant. A parking area would be added as part of the renovation.

Because the applicant wishes to use the existing structure, he is requesting two variances in conjunction with the rezoning request:

- Variance to reduce the major side setback from 20' to 10' for the encroachment of the existing structure. [§708.15 (H)]
- Variance to reduce the buffer along the eastern property line from 30' to 0.' [§708.15 (I)]

According to the letter submitted with the rezoning application, the owner of the residential property to the east supports the applicant's request to eliminate the buffer. However, the applicant has not provided any documentation from the adjacent property owner to substantiate this statement. *It is worth noting that there is also a 30' buffer, in addition to the 30' rear setback, required along the rear property line. The plans do not include the buffer. However, this omission should not affect the proposed layout of the site or necessitate additional variances.*

The applicant also wishes to construct a deck for additional restaurant seating. The deck would start in the front and wrap around the west side. Because of the proximity of the structure to the side property line, the following would be necessary in order to construct the deck as proposed:

- Variance to reduce the major side yard setback for an unenclosed projection (deck) from 10' to 5.' [§708.15 (H) & §710.14 (B)]



The future land use classification of this and the surrounding parcels is NAC (Neighborhood Activity Center). This category is described as an area appropriate for low-intensity office and retail uses that contribute to the immediate needs of the neighborhood residents and businesses. The NRC zoning category is appropriate for a parcel with a NAC future land use designation. This parcel is the first residential parcel on the north side of Sandy Plains Road driving eastward. Prior to this point, all parcels in the City are commercially zoned. Although the proposed use will be of a lower intensity, it would be considered a commercial progression down Sandy Plains Road which is considered appropriate according to the future land use classification. As a result, this rezoning request is consistent with the City's Comprehensive Plan.

Environmental Impacts

There is no indication of any wetlands, streams, or endangered species existing on the property.

The additional paving proposed to construct the parking area will have a negative impact on the environmental functionality of the site. However, drainage issues caused by the additional pavement will be addressed during plan review and should be minimized through the use of stormwater management and water quality improvements. Properties zoned NRC are limited to having impervious surfaces no greater than 70%.

The site will be required to comply with Section 712.08 Tree Protection and Landscaping, which will require the planting of street trees and a minimum tree density. Many of the street trees on the plan are shown in the right of way. The ones not shown in the right of way will end up there because the Public Works Department will require the donation of additional right of way along East Lake Drive. Although this has been considered acceptable by the City's Public Works Director, the following variance will be necessary to reduce the width of the planted border area:

- Variance to reduce the width of the planted border area from 10' to 3' in order to accommodate the widening the right of way. [§712.08 (G2)]

The trees shown in the right of way along Sandy Plains Road must either get permission from Cobb County or be shifted onto private property.

Economic Functionality

This property is built and used similar to many of the homes along that section of Sandy Plains Road. The residential development trend along this area, however, has shifted from isolated single family homes to single family subdivisions such as the neighboring St. Charles Square. Many of the isolated residential properties along Sandy Plains Road have been converted to other uses which can better adapt to traffic and noise. Although the subject property currently appears to be functional as zoned, the desirability of the use may be diminishing.

Infrastructure

The proposal should not have any negative effect on the education system. There should only be minimal impacts on the transportation, water, sewer, and electric systems.

City code does not have any clear standards for one-way driveways internal to a property, other than requiring 20' wide driveway presumably for two way traffic. The proposed plan shows the continued use of the existing residential driveway as one way access off of Sandy Plains Road. The Public Works Department has the following comment regarding this driveway:

- The Public Works Director will allow the existing 9' drive along the east side of the property to remain as long as it is clearly marked and signed "One Way" into the property. An additional sign showing "No Exit" must be provided in the parking area. The drive access at East Lake Drive will be 2-way a minimum of 20' of asphalt plus curb and gutter.

Based on the square footage of the structure and the proposed deck (2,130 sf), the site will need 13 parking spaces to support a restaurant use based on requiring one space for every 175 square feet. However, the applicant is requesting a variance to reduce the required parking in order to preserve the existing trees on the site. In order to construct the site as proposed, the following variance would be necessary:

- Variance to reduce the required parking for a restaurant from one space for every 175 square feet to one space for every 213 square feet. [*§716.07 TABLE J.*]

The site plan provided indicates the use of pervious pavers. City code limits the parking of vehicles onto brick, asphalt, or concrete surfaces only. The Public Works Department has allowed the use of pavers in certain instances, usually for overflow parking areas. However, in order to construct the parking area as shown on the submitted plan, the following variance would be necessary:

- Variance to allow the use of pervious pavers as an acceptable parking surface. [*§716.08 (A.) and (B.)*]

History of Property

There is no history of any variances, Special Land Use Permits, or rezonings for this property.

ANALYSIS & CONCLUSION

George Suarez is requesting the rezoning of the parcel located at 1161 Sandy Plains Road from R-2 to NRC in order to renovate the existing home so it may be used for his catering business and restaurant. A parking area would be added as part of the renovation. The property is located on the northeastern corner of Sandy Plains Road and East Lake Drive and is 0.50 acres in size. The properties immediately to the east and north are zoned R-2 and contain single family detached homes. Across East Lake Drive to the west is a veterinary hospital zoned CRC (Community Retail Commercial). The single family homes across Sandy Plains Road to the south are zoned R-20 in Cobb County.

The following variances would be necessary in order to develop the property as shown on the submitted site plan:

- Variance to reduce the major side setback from 20' to 10' for the encroachment of the existing structure. [*§708.15 (H)*]
- Variance to reduce the buffer along the eastern property line from 30' to 0.' [*§708.15 (I)*]
- Variance to reduce the major side yard setback for an unenclosed projection (deck) from 10' to 5.' [*§708.15 (H) & §710.14 (B)*]
- Variance to reduce the width of the planted border area from 10' to 3' in order to accommodate the widening the right of way. [*§712.08 (G2)*]
- Variance to allow the use of pervious pavers as an acceptable parking surface. [*§716.08 (A.) and (B.)*]
- Variance to reduce the required parking for a restaurant from one space for every 175 square feet to one space for every 213 square feet. [*§716.07 TABLE J.*]

The future land use classification of this and the surrounding parcels is NAC (Neighborhood Activity Center). The NRC zoning category is appropriate for a parcel with a NAC future land use designation. As a result, this rezoning request is consistent with the City's Comprehensive Plan.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

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?	--
Approximate water usage by proposed use?	N/A

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
Size of the sewer line?	8 inch
Estimated waste generated by proposed development?	A.D.F Peak
Treatment Plant Name?	Noonday
Treatment Plant Capacity?	20 MGD
Future Plant Availability?	N/A



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?	Little NoonDay Creek & Sope 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?	Sandy Plains Road (Cobb County) East Lake Drive
What is the classification of the road?	Sandy Plains Road: Arterial East Lake Drive: Local
What is the traffic count for the road?	Sandy Plains Road: 21,090 AADT 2-way
Estimated number of cars generated by the proposed development? **	---
Estimated number of trips generated by the proposed development? **	---
Do sidewalks exist in the area?	Sandy Plains Road: YES East Lake Drive: 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. 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), 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.
- Dedication of additional along East Lake Drive Right-Of-Way to 25’ from centerline will be required.
- The Public Works Director will allow the proposed trees to be planted within the R.O.W.
- Proposed trees delineated within the Sandy Plains Road R.O.W. will require approval from Cobb County DOT.
- Cobb County may require a sidewalk along Sandy Plains Road, or a contribution to the sidewalk fund.
- The Public Works Director will allow the existing 9’ drive along the east side of the property to remain as long as it is clearly marked and signed “One Way” into the property. An additional sign showing “No Exit” must be provided in the parking area. The drive access at East Lake Drive will be 2-way a minimum of 20’ of asphalt plus curb and gutter.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 56 – 805 Allgood Road
Distance of the nearest station?	2.0 miles
Most likely station for 1 st response?	Station 56 – 805 Allgood Road
Service burdens at the nearest city fire station (under, at, or above capacity)?	None



MARIETTA POWER - ELECTRICAL

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: