



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2013-18

LEGISTAR #: 20130681

PROPERTY OWNERS: Broel Properties, LLC
P. O. Box 70934
Marietta, GA 30007

APPLICANT: Same as above

PROPERTY ADDRESS: 70 Beavers Street

PARCEL DESCRIPTION: Land Lot 12130, District 16, Parcel 0070

AREA: 0.14 acs. **COUNCIL WARD:** 5

EXISTING ZONING: R-4 (Single Family Residential – 4 units/acre)

REQUEST: CRC (Community Retail Commercial)

FUTURE LAND USE

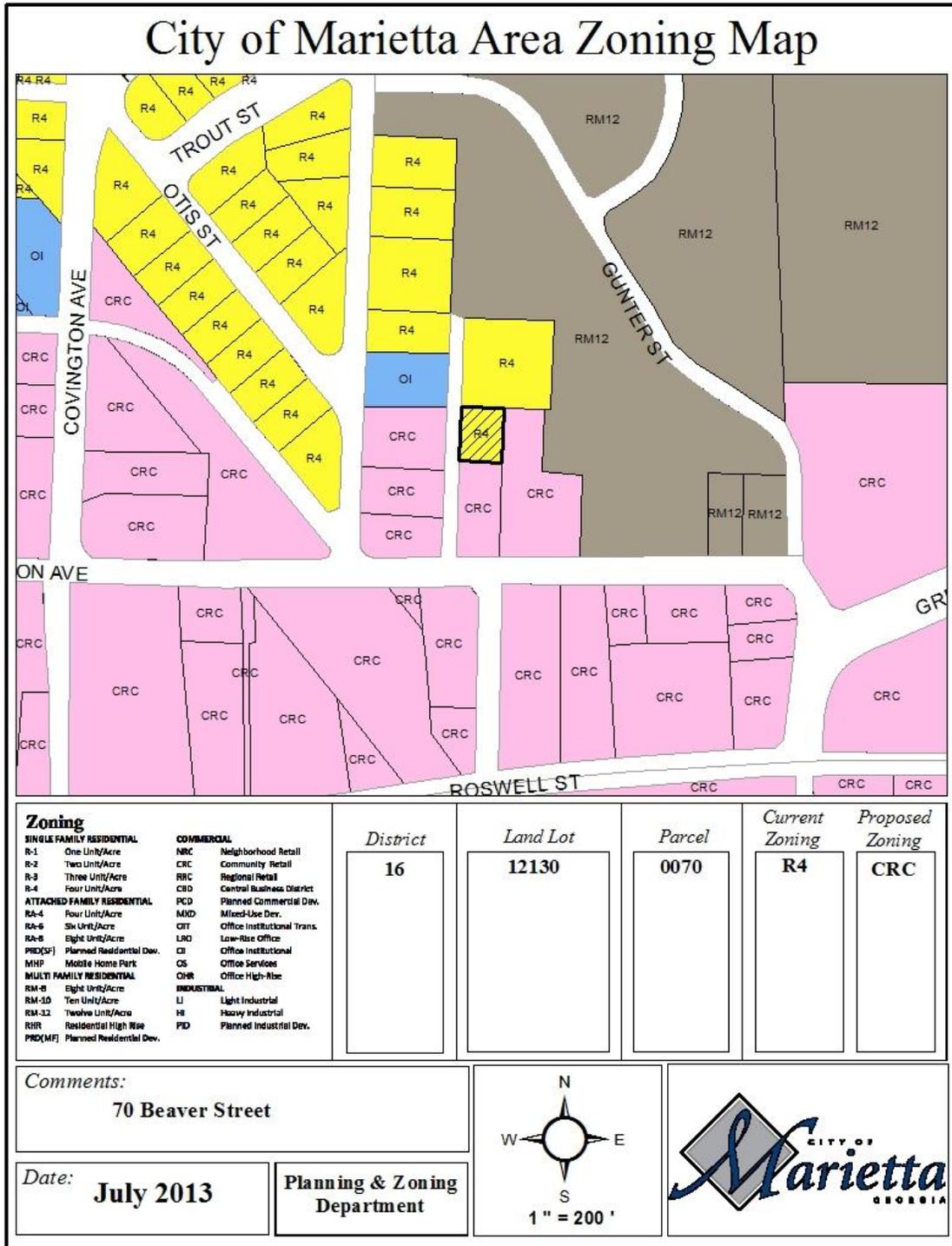
RECOMMENDATION: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting to rezone the property from R4 to CRC for future business growth and expansion.

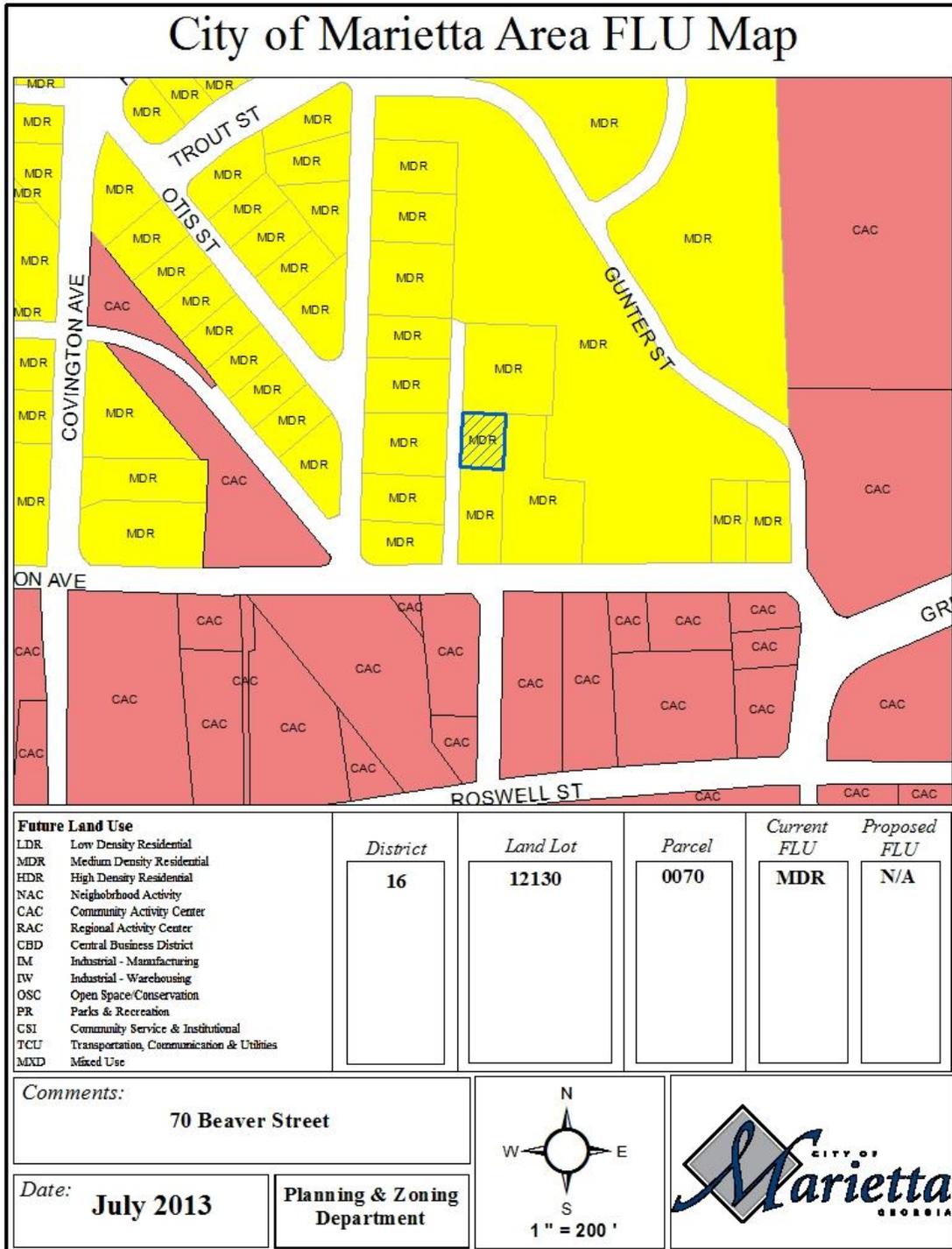
PLANNING COMMISSION HEARING: Tuesday, August 6, 2013 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, August 14, 2013 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



STAFF ANALYSIS

Location Compatibility

The applicant and property owner, David J. Broel of Broel Properties, LLC, is requesting to rezone 0.14 acres of property at 70 Beavers Street from R-4 (Single Family Residential - 4 units/acre) to CRC (Community Retail Commercial) in order to expand the existing business located on an adjacent commercial lot. Broel Properties, LLC, currently operates a silk flower business at 861 Washington Avenue, and they have recently purchased two (2) other properties – the property at 843 Washington Avenue and the subject property on Beavers Street - in preparation of their anticipated expansion. The subject property is located along a closed public road - Beavers Street - that is land locked from Washington Avenue. The properties located at 843 and 861 Washington Avenue are zoned CRC (Community Retail Commercial). The Marietta Housing Authority (MHA) owns the parcel to the north at 76 Beavers Street, as well as the majority of the property to the west of the subject parcel. All of the properties owned by the MHA are vacant, and are zoned CRC, R-4 and OI (Office Institutional), as shown on the zoning map above.

The petitioner has not submitted any site plans to indicate how the business might expand onto these properties, however, if the rezoning were to be granted, an exemption plat and site plan would be required prior to development of these properties.

Use Potential and Impacts

Due to its location, the subject property could not be developed until Beaver Street is improved to provide adequate access; and even if the road was improved, residential development of this property would be unlikely. However, expansion of the adjacent business may be a logical and appropriate use of the property, and could also be compatible with the other businesses with access along Washington Road.

The proposed business would have little negative impact on the adjacent parcels to the west due to the separation by the Beavers Street right-of-way (approximately 25 feet). As previously mentioned, these properties are currently vacant, and are owned by the MHA. The potential impact on the vacant residentially zoned property to the rear of the subject property could be more significant, but a 40 ft. planted buffer is required along the rear property line of the subject property, and this buffer could help to mitigate potential impacts.

However, the proposed CRC zoning category has many uses that could be allowed that would have greater impact on neighboring properties. Used car sales lot was at one time proposed for this site, and that is an example of a more intense use that may not be appropriate for this location.

The subject property and adjacent properties have been designated with a Future Land Use

(FLU) of MDR (Medium Density Residential). The requested CRC (Community Retail Commercial) zoning category is not compatible with this FLU designation. The Boston Homes site, which was recently demolished, is adjacent to this and is also designated as MDR, Medium Density Residential. While the proposed request to expand the existing business onto this small parcel may be reasonable, protecting future development in the area should also be a concern. If this request is approved, the FLU for the properties may need to be examined and possibly changed to be compatible with the granted request.

Environmental Impacts

There is no indication that any streams, floodplains, wetlands, or endangered species exist on the property.

Economic Functionality

According to the petitioner, the existing Flowers for Cemeteries business is growing rapidly, and needs to expand. The petitioner has not submitted any information regarding their business process or how they propose to utilize the subject property. However, any expansion will be required to meet building setbacks and buffer requirements

As currently zoned, the subject property does not have a reasonable economic use, due to the limited area (less than an acre), and being located on an unimproved road. However, the proposal to combine the subject property with the other two properties along Washington Avenue could make the site viable for redevelopment.

Infrastructure

Although land locked near the end of the unimproved Beavers Street, the subject property is adjacent to property with access onto Washington Avenue.

The following are comments from the Public Works Department:

- Site plans will be required for any new/proposed construction. Site plans must include parking, driveways, streets, stormwater management/quality, and any other applicable improvements required by City code. Additional comments may be made at time of site plan submittal.
- No proposed improvements are shown on the plan.
- If Beavers Street is used as the address, there needs to be at least a Private Street connection to the property. The existing paved area would need to be improved to a minimum of 20' travelway if direct access to #70 is proposed. This may be made moot if the property uses the existing address(s).
- However, if utilizing existing properties for access, a recorded easement through the



existing properties (843 / 861) would need to be provided for access to the property, and the Beavers Street address could not be used.

- There may need to be an Exemption Plat.
- Additional 10' R.O.W. using 20' from centerline of existing R.O.W. must be provided along the property frontage of #70.

History of Property

A rezoning request (Z2006-31) was considered by Mayor and City Council on December 13, 2006, and was denied. The applicant and owner of the property at that time requested to rezone 70 Beaver Street from R4 to CRC, and to adjoin the subject property with 843 and 861 Washington Avenue to establish a used car lot on the adjoined properties.



ANALYSIS & CONCLUSION

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Due to its location, the subject property could not be developed until Beaver Street is improved to provide adequate access. Expansion of the adjacent business may be a logical and appropriate use of the property, and could also be compatible with the other businesses with access along Washington Road. However, the proposed CRC zoning category has many uses that could be allowed that would have greater impact on neighboring properties.

The subject property and adjacent properties have been designated with a Future Land Use (FLU) of MDR (Medium Density Residential). The requested CRC (Community Retail Commercial) zoning category is not compatible with this FLU designation. There is also adjacent residentially zoned property that is designated as MDR, Medium Density Residential. While the proposed request to expand the existing business onto this small parcel may be reasonable, protecting future development in the area should also be a concern. If this request is approved, the FLU for the properties may need to be examined and possibly changed to be compatible with the granted request.

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?	2-inch
Capacity of the water line?	No fire protection
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	+/- 170 feet
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	0%
What is the drainage basin for the property?	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?	000
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	Steeper slopes at north end of property
Are there storm water issues related to the application?	None known
Potential presence of endangered species in the area?	No

Transportation

What is the road affected by the proposed change?	Beavers Street & Washington Avenue
What is the classification of the road?	Beavers Street: Local Washington Avenue: 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?	Yes, Washington Avenue; No, Beavers Street
Transportation improvements in the area?	Nearby, but not adjacent
If yes, what are they?	Roswell Street Capacity Improvements & Streetscapes



DRAINAGE AND ENVIRONMENTAL CONTINUED:

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EMERGENCY SERVICES

Table with 2 columns: Question and Answer. Questions include: Nearest city or county fire station from the development? (Marietta Station 52), Distance of the nearest station? (0.5 miles), Most likely station for 1st response? (Marietta Station 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 X _____
If not, can this site be served? Yes X _____ No _____

What special conditions would be involved in serving this site?

Additional comments: