



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2009-04

LANDOWNERS: Jan Hunnicut
c/o Carlton Group, LLC
210 Riverview Road
Athens, GA 30606

APPLICANT: Joel A. Digby, RA
Acme American, LLC
319 Atlanta Street, Unit 240
Marietta, GA 30060

PROPERTY ADDRESS: 301 and 311 Old Clay Street

PARCEL DESCRIPTION: Land Lots 02880 and 02890, District 17, Parcels 0390 and 0120

AREA: 1.17 acs **COUNCIL WARD:** 5

EXISTING ZONING: OI(Office Institutional) & R-4(Single Family Residential)

REQUEST: CRC (Community Retail Commercial)

**FUTURE LAND USE MAP
RECOMMENDATION:** NAC (Neighborhood Activity Center)

REASON FOR REQUEST: The applicant is requesting to rezone the properties at 301 and 311 Old Clay Street and totaling 1.17 acres from OI and R-4 to CRC in order to convert existing residences to a multi-story, mixed use development.

PLANNING COMMISSION HEARING: Tuesday, March 3, 2009 – 6:00 p.m.

PLANNING COMMISSION HEARING: Tuesday, May 5, 2009 – 6:00 p.m.

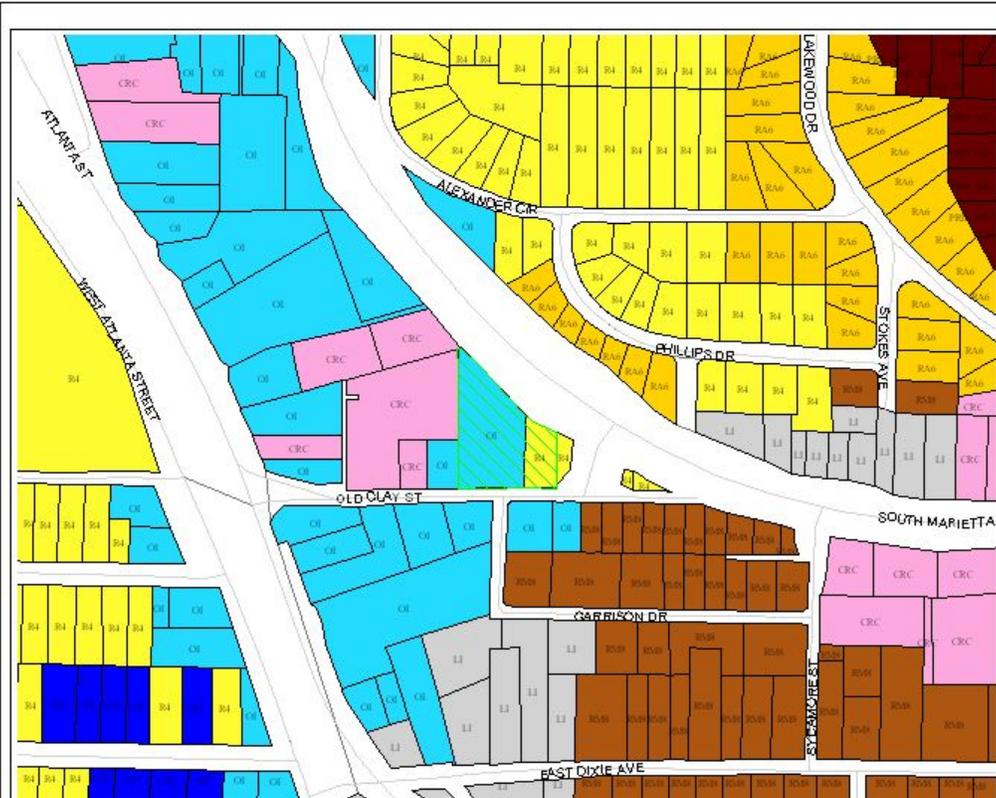
CITY COUNCIL HEARING: Wednesday, March 11, 2009 – 7:00 p.m.

CITY COUNCIL HEARING: Tabled to Wednesday, April 15, 2009 – 7:00 p.m.

CITY COUNCIL HEARING: Tabled to Wednesday, May 13, 2009 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map



Zoning	COMMERCIAL	District	Land Lot	Parcel	Zoning
SINGLE FAMILY RESIDENTIAL R-1: One Unit/Acre R-2: Two Unit/Acre R-3: Three Unit/Acre R-4: Four Unit/Acre ATTACHED FAMILY RESIDENTIAL RA-4: Four Unit/Acre RA-8: Six Unit/Acre RA-8: Eight Unit/Acre PRD(SF): Planned Residential Dev. MHP: Manufacture Housing Park MULTI FAMILY RESIDENTIAL RM-8: Eight Unit/Acre RM-10: Ten Unit/Acre RM-12: Twelve Unit/Acre RHR: Residential High Rise PRD(MF): Planned Residential Dev.	NRC: Neighborhood Retail CRC: Community Retail RRC: Regional Retail CBD: Central Business District PCD: Planned Commercial Dev. MXD: Mixed-Use Dev. OIT: Office Institutional Trans. LRO: Low-Rise Office OI: Office Institutional OS: Office Services OHR: Office High-Rise INDUSTRIAL LI: Light Industrial HI: Heavy Industrial PID: Planned Industrial Dev.	17	02880	0390	OI
		17	02890	0120	R4

Comments:
 301 & 311 Old Clay Street

Date: **02/06/2009**

Planning and Zoning Department




1" = 200'

PICTURES OF PROPERTY



Front of property along Old Clay Street



Property frontage along South Marietta Parkway

STAFF ANALYSIS

Location Compatibility

Joel Digby, agent for petitioner Acme American, LLC, is requesting to rezone 1.17 acres located at 301 and 311 Old Clay Street in order to redevelop the site as an office/retail and personal storage project. The property is currently zoned OI (Office Institutional) and R-4 (Single Family Residential – 4 units/acre) with a proposed zoning of CRC (Community Retail Commercial). The subject property is within the Tier B Commercial Corridor Design Overlay District.

Properties to the west and across Old Clay Street are zoned CRC and OI, although properties across Old Clay Street to the east are zoned RM-8. Western properties immediately adjacent to the subject property contain primarily light industrial uses, while properties on the south side of Old Clay Street and east of the subject site contain residences. The proposed project would provide a transitional use between existing residences and South Marietta Parkway; however, several uses allowed under the CRC district regulations would not be compatible with either the current zoning designations or the Future Land Use (FLU) of the properties.

Use Potential and Impacts

The applicant is proposing to redevelop the site as a four-story building to be used for of secure document storage and office/retail space. Plans indicate that the first story of the building (13,006 square feet) will contain office/retail and “secure document storage” uses; and the three (3) stories above will be entirely dedicated to secure document storage (40,393 square feet). The project, as proposed, would have minimum impact on adjacent residential properties located to the east across Old Clay Street. Any traffic increase associated with the project should have little impact on these residences because they are located past the entrance to South Marietta Parkway on a segment of Old Clay Street that is a dead end. The site’s location would allow access to a document storage facility for many of the offices located in close proximity to the Marietta Square.

The architectural elevations indicate that the building facade will be a primarily residential aesthetic, and the applicant has agreed to install garage access doors that appear residential or historic in character. Under this proposal, the structure will be larger than the 10,000 square feet size prescribed under the NAC designation, although the overall height of the structure will be within the CRC district maximum height requirement. Submitted plans also indicate that access to the parking garage along Old Clay Street will be a “roll up door of historical character”, which is an important design consideration for pedestrians and residents in the area. Without a residential component to the project, the floor-area-ratio requirement would be regulated under the CRC district standard of 0.5 floor-area-ratio (FAR). A variance would be necessary in order for the development to exceed 0.5 FAR.

Also, the applicant has not succeeded in acquiring the corner property located at 319 Old Clay Street, and a variance to waive the required 40 foot buffer adjacent to this residential property would be necessary.

The Future Land Use designation, as identified in the 2006 Comprehensive Plan, for this property is Neighborhood Activity Center (NAC). Appropriate zoning districts for the FLU are NRC, OIT, PCD and MXD. The purpose of NAC and any underlying zoning designation is to provide properties that serve as a retail center for the adjacent neighborhood. The previously proposed mixed use project provided more compatibility with the future land use; however, future considerations for residential space could maintain this compatibility. The proposed project is still consistent with the NAC guidelines covered in the Comprehensive Plan for “*low-intensity office and retail uses*”, although rezoning to CRC would potentially allow any by-right use approved in the district regulations. The proposed document storage component is consistent with guidelines calling for uses that “*contribute to the immediate needs of the neighborhood residents and businesses*”; however, the applicant may need to define “document storage” in contrast to commercial storage centers.

Environmental Impacts

The site is primarily wooded and slopes to a lower elevation toward the back, increasing the potential for existence of wetlands or endangered species. However, the plan does not provide any open space, defined as “*Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment*”, which will require a variance. Public Works has commented that the site drains to tributaries of an “Impaired Stream” and must follow the provisions of Appendix 1 of the NPDES General Permit.

The applicant has stated a desire to follow Leadership in Energy and Environmental Design (LEED) standards. LEED certification would alleviate environmental concerns attributed to development of a largely forested property, and an additional stipulation is suggested to enforce this stated commitment.

Economic Functionality

The site is currently contains functionally obsolete single-family residential dwellings. The economic values of these structures are declining and the area is in need of new investment. Without rezoning, the subject properties could not be developed as one site with different zoning designations.

STAFF ANALYSIS CONTINUED

Infrastructure

This area is currently serviced by the City of Marietta, and there are no foreseeable problems with water and sewer access or capacity in regards to the rezoning of these properties. There are no additional comments concerning additional demands on water, sewer, or schools.

Although not indicated on submitted plans, the applicant will have to demonstrate compliance with the commercial overlay during site plan review. Compliance may be achieved through a number of optional site and design criteria, including, but not limited to, installation of bike racks, pedestrian walkways, street lighting, and outdoor eating facilities.

Although comments from Public Works specify 5 foot sidewalks, the Commercial Corridor Design Overlay District requires that sidewalks be no less than 6 feet in width and located along all right-of-way lines. The revised plan no longer indicates the required six foot sidewalk along South Marietta Parkway, and staff discussion with the Public Works Department indicates that no sidewalk plans are proposed along this section of South Marietta Parkway.

History of Property

On March 3, 2009, the Planning Commission recommended denial of the rezoning request for the property located at 301 and 311 Old Clay Street. Subsequently, the applicant requested that City Council table the item at the March 11, 2009 hearing in order to clarify some issues with the request. After revised site plans were submitted in April, City Council decided to table the rezoning request at the April 15 hearing once again and send it back to Planning Commission for review.

In April 2007, the University of Georgia conducted a survey that identified both of the homes at this site as possibly being eligible for listing on the National Register of Historic Places. Although both residences have fallen into disrepair, neither property was considered too dilapidated to be restored into a habitable and historic structure. The Marietta Historic Preservation Commission recommended that both structures should be preserved and that the zoning request should be denied. However, the applicant indicated that one of the structures had significant termite damage, and received demolition permit approval in late February for the existing residential structures. The structure at 311 Old Clay Street has already been demolished.

STAFF ANALYSIS CONTINUED

Other Issues

Should this property be rezoned as requested, the following variances would be required for this project upon approval of this rezoning request, as determined by information and plans submitted by the applicant:

1. Variance to waive the required forty (40) foot buffer area adjacent to a residential district. [Section 708.16.I]
2. Variance to increase the maximum floor area ratio from 0.5 to 2.0. [Section 712.09.G.1.b.ii]
3. Variance to waive the 10% minimum open space requirement. (Open Space is defined as “any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment.” [Section 712.09.G.2.b.iv]

In addition, consideration should be given to the following stipulations:

1. Permitted uses shall be limited to those stated in a letter from Joel A. Digby, dated January 20, 2009. Any future changes to the proposed list of approved uses shall be subject to approval by City Council.
2. Leadership in Energy and Environmental Design (LEED) certification shall be obtained from the U.S. Green Building Council prior to issuance of a Certificate of Occupancy.
3. A six foot sidewalk zone shall be constructed along all property lines abutting public right-of-way.
4. Exterior garage access doors shall be of residential or historic character in design.

Additional variances may be required, but may not be determined until full detailed site and building plans are submitted.

ANALYSIS & CONCLUSION

On March 3, 2009, the Planning Commission recommended denial of the rezoning request for the property located at 301 and 311 Old Clay Street. Subsequently, the applicant requested that City Council table the item at the March 11, 2009 hearing. After revised site plans were submitted in April, City Council again tabled the rezoning request at the April 15 hearing, and sent it back to Planning Commission.

Joel Digby, agent for petitioner Acme American, LLC, is requesting to rezone 1.17 acres located at 301 and 311 Old Clay Street from OI and R-4 to CRC in order to redevelop the site as an office/retail and personal storage project. The property is within the Tier B Commercial Corridor Design Overlay District. The proposed project would provide a transitional use between existing residences and South Marietta Parkway; however, several uses allowed under the CRC district regulations would not be compatible with either the current zoning designations or the Future Land Use (FLU) of the properties. As proposed, the project would have minimal impact on adjacent residential properties located to the east across Old Clay Street. Any traffic increase associated with the project should have little impact on these residences because they are located past the entrance to South Marietta Parkway on a segment of Old Clay Street that is a dead end. The site's location would allow access to a document storage facility for many of the offices located in close proximity to the Marietta Square.

The architectural elevations indicate that the building facade will be a primarily residential aesthetic and that access to the parking garage along Old Clay Street will be a "roll up door of historical character", which is an important design consideration for pedestrians and residents in the area. The FLU for this property is Neighborhood Activity Center (NAC). The purpose of NAC and any underlying zoning designation is to provide properties that serve as a retail center for the adjacent neighborhood. The previously proposed mixed use project provided more compatibility with the future land use; however, future considerations for residential space could maintain this compatibility. The proposed project is still consistent with the NAC guidelines covered in the Comprehensive Plan for "*low-intensity office and retail uses*", although rezoning to CRC would potentially allow any by-right use approved in the district regulations. The proposed document storage component is consistent with guidelines calling for uses that "*contribute to the immediate needs of the neighborhood residents and businesses*"; however, the applicant may need to further define "document storage" in contrast to commercial storage centers.

Should this property be rezoned as requested, the following variances from the Tier B Overlay regulations would be required for this project upon approval of this rezoning request, as determined by information and plans submitted by the applicant:

1. Variance to waive the required forty (40) foot buffer area adjacent to a residential district. [708.16.I]
2. Variance to increase the maximum floor area ratio from 0.5 to 2.0. [712.09.G.1.b.ii]
3. Variance to waive the 10% minimum open space requirement. [712.09.G.2.b.iv]



In addition, consideration should be given to the following stipulations:

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2. Leadership in Energy and Environmental Design (LEED) certification shall be obtained from the U.S. Green Building Council prior to issuance of a Certificate of Occupancy.
3. A six foot sidewalk zone shall be constructed along all property lines abutting public right-of-way.
4. Exterior garage access doors shall be of residential or historic character in design.

On April 15, 2009, City Council voted to table the requested rezoning due to the fact that the applicants proposal had changed substantially. This item was tabled until the May 13, 2009 City Council meeting.

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?	---
Size of the water line?	6-inch
Capacity of the water line?	Flow Test Required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	---
Size of the sewer line?	8-inch
Capacity of the sewer line?	No known capacity issues
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?	---
What is the drainage basin for the property?	Rottenwood 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?	Old Clay Street, South Marietta Parkway
What is the classification of the road?	Old Clay Street: Local South Marietta Parkway: Arterial
What is the traffic count for the road?	Old Clay Street: No data available South Marietta Parkway: 19,180 AADT
Estimated number of cars generated by the proposed development?	Estimated by Applicant: 175
Estimated number of trips generated by the proposed development?	** (see below) 574 – 1397 AADT
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

- ** Trip Generation Calculations:
Option 1, with 24,724 square feet Office Space:
Office: $24.724 \times 11.01 = 272$
PM Peak Hr: $24.724 \times 1.49 = 37$
Mini-Storage: $15.737 \times 2.5 = 39$
PM Peak Hr: $15.737 \times 0.26 = 4$
Residential/Condo: $62.909 \times 4.18 = 263$
PM Peak Hr: $62909 \times 0.38 = 24$
Total AADT: 574
Pk PM Hr: 65

Option 2, with 24,724 square feet Retail Space:
Retail: $24.724 \times 44.32 = 1095$
PM Peak Hr: $24.724 \times 2.71 = 67$
Mini-Storage: $15.737 \times 2.5 = 39$
PM Peak Hr: $15.737 \times 0.26 = 4$
Residential/Condo: $62.909 \times 4.18 = 263$
PM Peak Hr: $62909 \times 0.38 = 24$
Total AADT: 1397
Pk PM Hr: 95
- Site plans will be required for construction. Site plans must include, parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City Code and the Georgia Stormwater Management Manual. Additional comments will be made at the time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm drain. Discharge will not be allowable at the property line with an adjacent property. If easements are required for drainage through adjacent property, then the owner is to obtain.
- The “pre” condition must be “good grass” (CN=61) for Hydrology Studies. Additional comments may be made at time of site plan submittal.
- The site drains to tributaries of an “Impaired Stream” and must follow the provisions of Appendix 1 of the NPDES General Permit.
- A GA DOT Permit is required for work within the R.O.W. of South Marietta Parkway (SR 120). Additionally, check records for a GA DOT slope easement on the property.
- Permitting by GA DOT may be required for drainage into the State system.
- The through drive is to be a minimum of 20’ of asphalt travelway, 24’ back of curb/back of curb. Parking spaces are in addition to the 20’ travelway.
- Parking spaces to be designed per ITE “Level A” standards exclusive of curb and gutter. Parking spaces are minimum of 9’ x 20’, and minimum of 20’ drive aisle.

- 2' grass strip and 5' sidewalk to extend to along entire frontage of Old Clay Street. Handicap Ramps are required at driveways to street. Stop Signs and handicap ramps to be provided at all crosswalks.
- A Quit Claim Deed is required to dedicate (if necessary) the Right-Of-Way twenty (20) feet from centerline (5' additional on property side) of Old Clay Street.
- No dumpster location was noted. Care is to be taken in location of the dumpster to facilitate traffic flow at all times.
- The grade at the entrances are to be per Ordinance and ITE standards. Proper vertical and horizontal curves are required. Accel / decel lane on Old Clay Street shall be exclusive of the vertical curve for the entrance roads / drives.
- Access at South Marietta Parkway is to be right-in only if approved by GA DOT, with a no outlet sign to prevent access onto South Marietta Parkway.
- All roads, including Private, are to be per City Standards, and inspected during construction. Roads are to be designed to AASHTO standards using the SU-30 vehicle with a minimum 25' or greater radii on curves (Fire Dept generally requires a minimum of 35'). As depicted, the radius from Old Clay Street cannot be negotiated by a truck, and the road has compound radii with no tangent. There is insufficient area for vehicles to "stack" and await turns.
- Building Plans must be submitted to the Building Inspections Division of Public Works for permitting.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	112 Haynes Street
Distance of the nearest station?	1.0 miles
Most likely station for 1 st response?	112 Haynes Street
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:



Marietta Fire Department

DATE: 1/23/09

TO: Patsy Bryan

FROM: Keith Person

RE: Rezoning for 301 & 311 Old Clay Street

The Fire Department has the following comments for the above-referenced project.

- There shall be no occupancy of the building or any of its floors until all life safety compliances are met.
- This building shall be fully sprinkled with a full N.F.P.A 13 system.
- This building shall have a fire alarm system compliant with N.F.P.A. 72.
- This Building shall comply with Georgia ADA code
- This building shall be equipped with a class 1 standpipe system to comply with N.F.P.A. 14.
- Fire department access shall be provided within 150 feet of all portions of the building.
- Fire department access roads shall have an unobstructed width of 20 feet.
- Fire department access roads shall have a maximum dead-end of 150 feet.
- Provide fire flow data current to within six months of project.
- Fire hydrants shall be provided within 400 feet of all portions of the structure.
- A fire pump may be required for this project.
- Ensure 35 foot turning radius for fire apparatus access.