



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-28

LEGISTAR: 20200795

LANDOWNERS: Sandra Allen DuPree
5750 Old Dallas Road SW
Powder Springs, GA 30127

APPLICANT: Same as above

AGENT: n/a

PROPERTY ADDRESS: 297 East Dixie Avenue

PARCEL DESCRIPTION: 17 0289 01700

AREA: 0.458 AC

COUNCIL WARD: 1A

EXISTING ZONING: LI (Light Industrial)

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

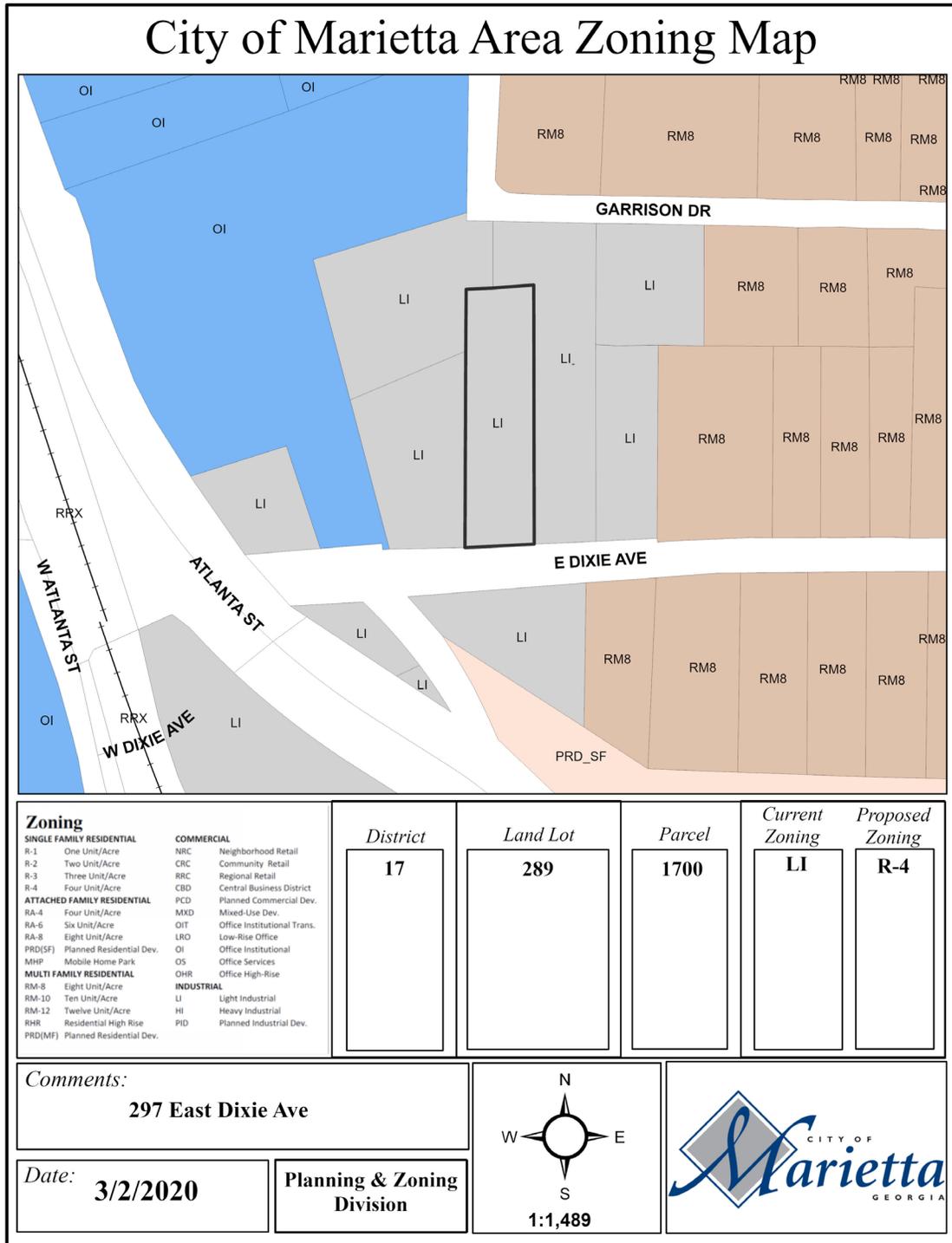
FUTURE LAND USE: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting this rezoning so the property can continue to be used as a single-family residence.

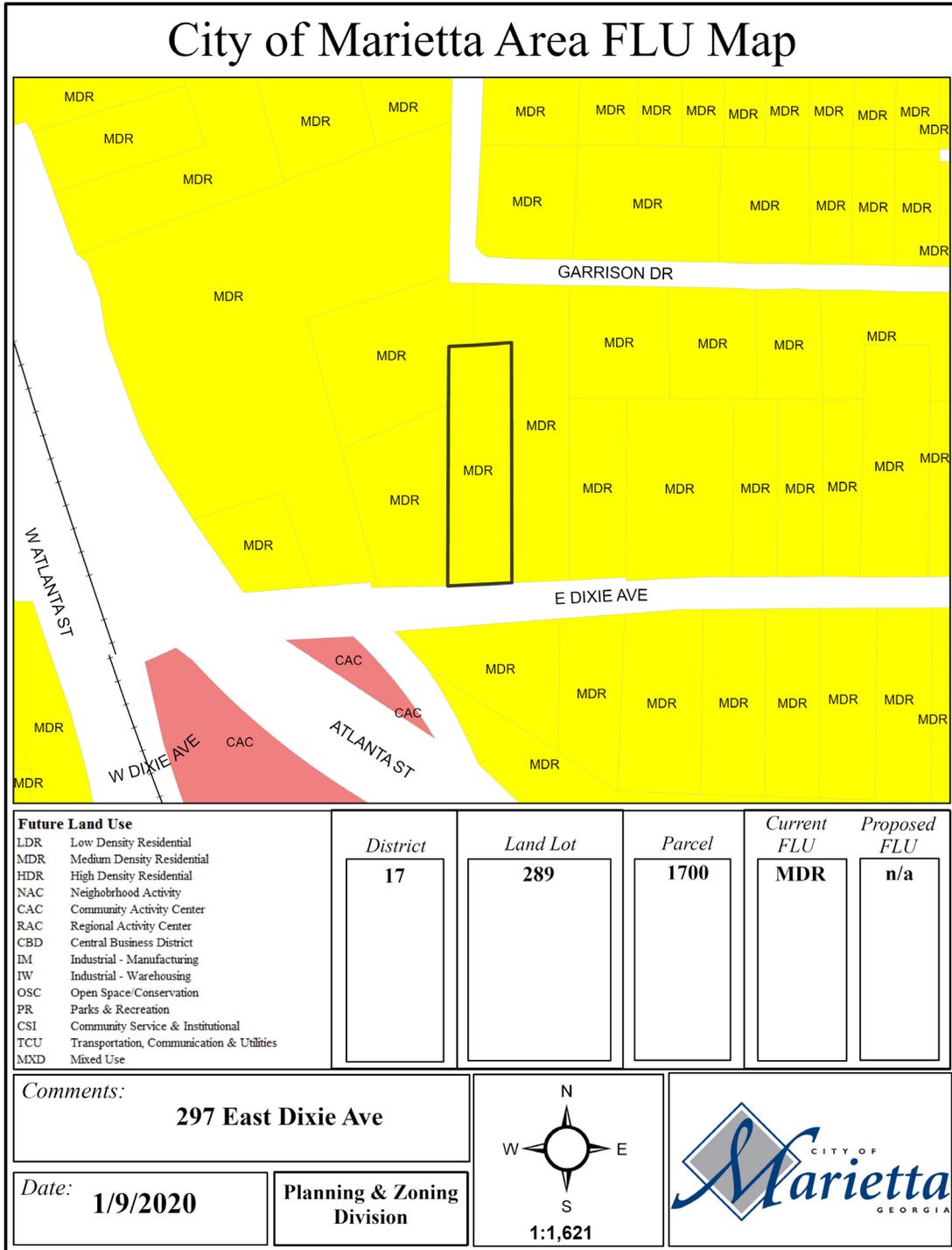
PLANNING COMMISSION HEARING: Wednesday, November 4th, 2020 – 6:00 pm

CITY COUNCIL HEARING: Wednesday, November 11th, 2020 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



Subject property at 297 East Dixie Avenue



Rear yard of subject property



Subject property

STAFF ANALYSIS

Location Compatibility

The owner and applicant, Sandra Allen DuPree, is requesting to rezone the property located at 297 East Dixie Avenue from LI (Light Industrial) to R-4 (Single Family Residential – 4 units/acre) in order to continue using the existing structure as a single-family residence. The adjacent properties are also zoned LI. Overall, this section of East Dixie Avenue is a mixture of LI (used as residences as well), RM-8 (Multi-Family Residential – 8 units/acre) and OI (Office Institutional) zonings. It should be noted that most of the surrounding properties have been continuously used as residences despite their LI zoning designation.

Use Potential and Impacts

The applicant is requesting to rezone the property from LI to R-4 to continue the use of the structure as a residence. The applicant has stated that they plan to sell the property as a residence in the near future. Most of the surrounding properties, despite their commercial zoning, have never been used as a business other than a home occupation. The surrounding area is mostly residential in nature aside from the few businesses at the end of the block along West Atlanta Street. The use of this property as a residence would be consistent with the area and should have no negative impacts on surrounding properties if rezoned. The home southeast of the subject property at 316 East Dixie Avenue was similarly rezoned from commercial to residential in 2008. Rezoning the subject property from LI to R-4 supports the existing character of the surrounding properties.

The property was renovated starting in 2013 but the applicant has stated that no additional construction will be taking place on the property. The current survey provided shows the property complies with all bulk and area regulation for R-4 but one; the following variance will be required should the rezoning request be granted:

- Variance to reduce the minimum lot width for a property zoned R-4 from seventy-five (75) feet to seventy (70) feet [*§708.04 (H)*]

The Future Land Use designation of this area is MDR (Medium Density Residential). MDR is intended for residential densities ranging from five (5) to eight (8) units per acre. The subject property's location at the edge of the neighborhood with proximate access to an arterial roadway is more compatible with a denser use, while the location also serves as a transition to the industrial/office/commercial corridor along Atlanta Street. This request to rezone from LI to R-4 would be supported by the City's Comprehensive Plan.

Environmental Impacts

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

Economic Functionality

The applicant has stated no proposed improvements will take place and that the structure has been consistently used as a residence for years despite its industrial zoning designation. Most of the surrounding properties are also used residentially. Due to its size and construction type, this property would be better suited for residential use.

Infrastructure

The proposed use as a single-family residence would have minimal impact on the transportation, education, water, sewer, electricity, or other public infrastructure in the area. As shown on the submitted plan, there is a shared drive between the subject property and the neighboring property at 305 East Dixie Avenue.

Overhead Electrical/Utilities

There are existing overhead utilities along the north side East Dixie Avenue.

History of Property

There is no history of any variances, rezonings, or special land use permits on the subject property.



ANALYSIS & CONCLUSION

The owner and applicant, Sandra Allen DuPree, is requesting to rezone the property located at 297 East Dixie Avenue from LI to R-4 in order to continue using the existing structure as a single-family residence. The adjacent properties are also zoned LI. Overall, this section of East Dixie is a mixture of LI (used as residences as well), RM-8 (Multi-Family Residential – 8 units/acre) and OI (Office Institutional) zonings. It should be noted that most of the surrounding properties have been continuously used as residences despite their LI zoning designation.

The applicant is requesting the rezoning of the subject property from LI to R-4 in order to continue the use of the structure as a residence. The applicant has stated that they plan to sell the property.

Most of the surrounding properties, despite their commercial zoning, have never been used as a business other than a home occupation. The surrounding area is mostly residential in nature aside from the few businesses at the end of the block along West Atlanta Street. The use of this property as a residence would be consistent with the area and should have no negative impacts on surrounding properties if rezoned.

The applicant has stated that no additional construction will be taking place on the property. Due to existing conditions, the following variance would be required should the rezoning request be granted:

- Variance to reduce the minimum lot width for a property zoned R-4 from seventy-five (75) feet to seventy (70) feet [*§708.04 (H)*]

The Future Land Use designation of this area is MDR (Medium Density Residential). MDR is intended for residential densities ranging from five (5) to eight (8) units per acre. The subject property's location at the edge of the neighborhood with proximate access to an arterial roadway is more compatible with a denser use, while the location also serves as a transition to the industrial/office/commercial corridor along Atlanta Street. As a result, this request to rezone from LI to R-4 would be supported by the City's Comprehensive Plan.

Prepared by: *J. Sindell*

Approved by: *Sherry Griffin*



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?	Fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	YES
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	6 inch
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	S Cobb
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 the flood plain?	N/A
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?	N/A
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?	
What is the classification of the road?	
What is the traffic count for the road?	
Estimated # of trips generated by the proposed development?	
Estimated # of pass-by cars entering proposed development?	
Do sidewalks exist in the area?	
Transportation improvements in the area?	
If yes, what are they?	



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	51
Distance of the nearest station?	1.2 Mi
Most likely station for 1 st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	Under

The Fire Department has no objection to rezoning from LI to R4.

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:

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APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: 22020-28 Legistar #: 20200795 PZ #: 20-256

Planning Commission Hearing: 11-4-20 City Council Hearing: 11-11-20

Owner's Name Sandra Allen Dupree

EMAIL Address: sdupree@sandy-springs.ga.gov

Mailing Address 5750 Old Dallas Rd SW, Zip Code 30127 Telephone Number

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code:

Telephone Number Add'l Email Address:

Address of property to be rezoned 297 East Dixie Avenue

Land Lot (s) 0289 District 17 Parcel 01700 Acreage .458 Ward 1A Future Land Use: MDR

Present Zoning Classification: LF Proposed Zoning Classification: RY

REQUIRED INFORMATION

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

- 1. The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.
2. Legal Description. Legal description must be in a WORD DOCUMENT.
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.

Copies Required: One (1) - (8 1/2" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED.

The following information must be included:

- Specific use or uses proposed for the site • Acreage, bearing and distances, other dimensions, and location of the tract(s)
• Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
• Detention/retention areas, and utility easements • Public or private street(s) - right of way and roadway widths, approximate grades • Location and size of parking area with proposed ingress and egress • Specific types and dimensions of protective measures, such as buffers • Landscaping • Wetlands, stream buffers, and 100 year floodplain

7. A detailed written description of the proposed development/project must be submitted with the application.

8. REZONING REQUESTS TO PRD, PCD, PID, or MXD MUST INCLUDE THE GENERAL PLAN CHECKLIST WITH THIS APPLICATION.

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

Sandra Allen Dupree
Applicant Print Name

[Signature]
Signature of Applicant

OWNER / APPLICANT CERTIFICATION

- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.
- **CAMPAIGN CONTRIBUTIONS:** The Owner and Applicant herein certify that he/she has has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

[Signature]
Applicant Signature (if not the Owner)

Sandra Allen Dupree
Please Print

Owner Signature

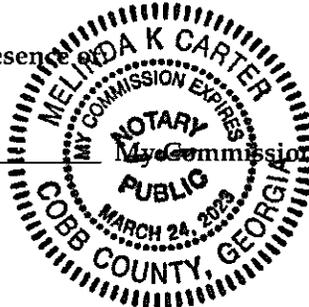
Please Print

5750 Old Dallas Rd, SW Powder Springs, GA 30127
Mailing Address

9/22/2020
Date

Signed, sealed and delivered in the presence of

Melinda K. Carter



My Commission Expires: March 24, 2023

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

Date 9-22-2020

To: City Marietta Rezoning

I would like to get my property located at 297 East Dixie Avenue rezoned to Residential it is currently Light Industrial. Unfortunately, I was unaware it could be changed even if I didn't apply for Light Industrial. It is presenting a hardship since I'm now unable to sell my property. Thank you for consideration and rezoning my property.

Thank you,

Property Owner

Sandra A DuPree

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TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: October 16, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, VARIANCES, & SPECIAL LAND USE PERMITS**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Wednesday, November 4th, 2020, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, November 11th, 2020, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2020-28 [REZONING] SANDRA ALLEN DUPREE is requesting the rezoning of 0.46 acres located in Land Lot 289, District 17, Parcel 1700 of the 2nd Section, Cobb County, Georgia, and being known as 297 East Dixie Avenue from LI (Light Industrial) to R-4 (Single Family Residential – 4 units/acre). Wards 1A.

A description and plat of the property sought for the rezoning, special land use permit, and variances 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. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

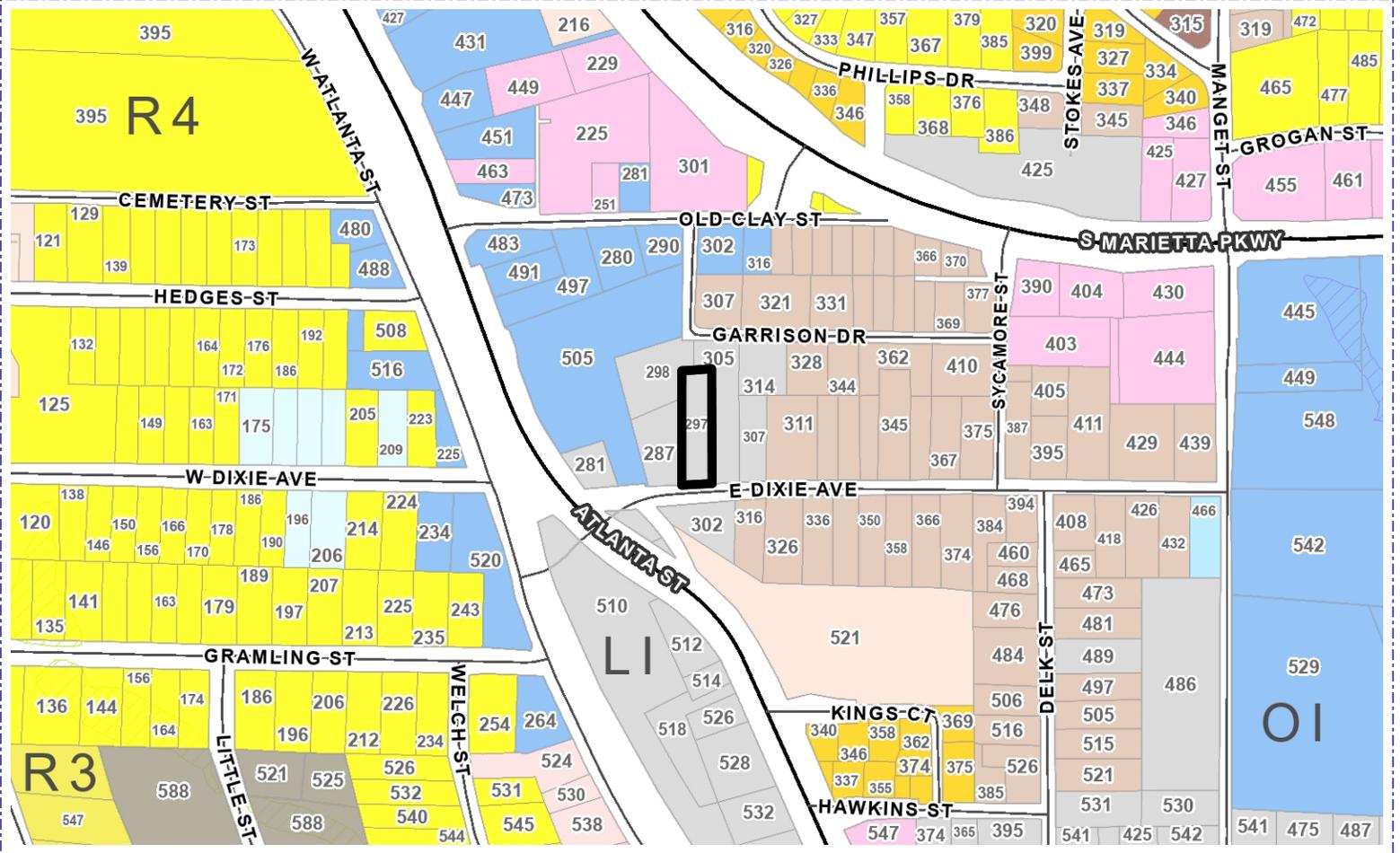
For additional information please call the Planning and Zoning Office (770) 794-5669.

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 ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

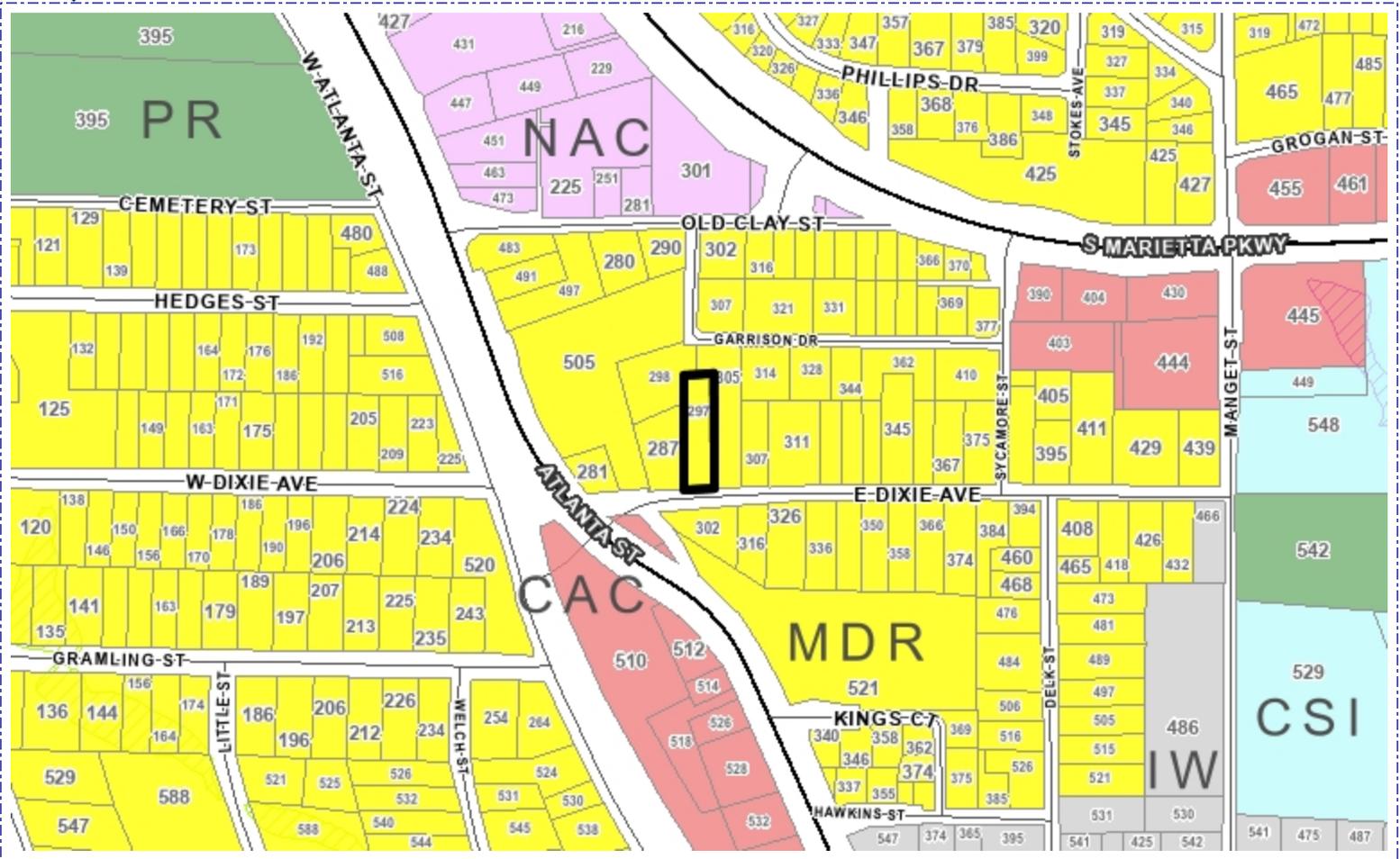


Rezoning



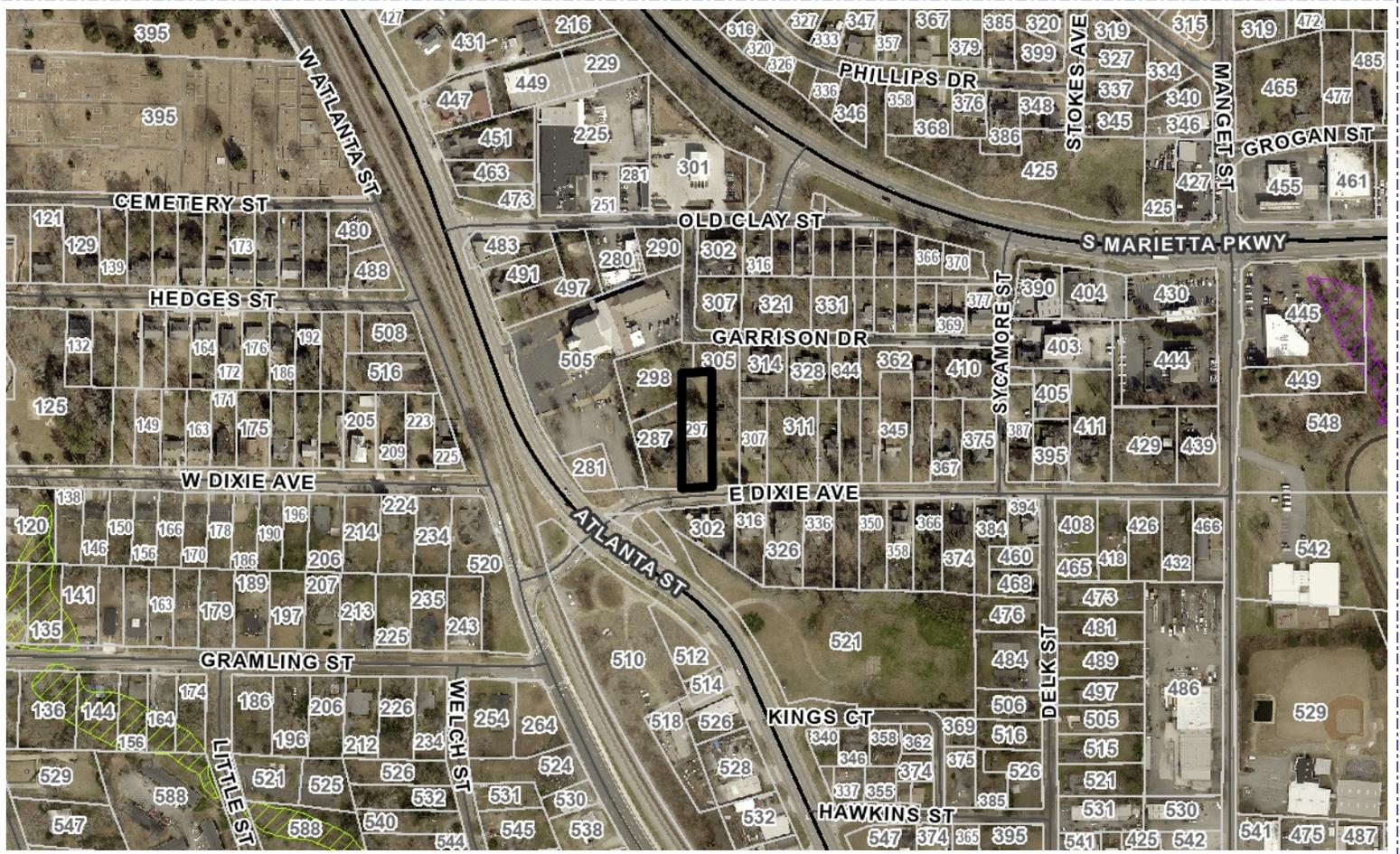
Address	Parcel Number	Acreage	Ward	Zoning	FLU
297 E DIXIE AVE	17028901700	0.458	1A	LI	MDR

Property Owner:	Sandra Allen DuPree	Zoning Symbols
Applicant:		
Proposed Zoning:	LI to R4	
Agent:		
Proposed Use:		
Planning Commission Date:	11/04/2020	
City Council Hearing Date:	11/11/2020	Case Number: Z2020-28
City of Marietta Planning & Zoning		



Address	Parcel Number	Acreage	Ward	Zoning	FLU
297 E DIXIE AVE	17028901700	0.458	1A	LI	MDR

Planning Commission Hearing Date: 11/04/2020 City Council Hearing Date: 11/11/2020 Future Land Use: MDR 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	



Address	Parcel Number	Acreage	Ward	Zoning	FLU
297 E DIXIE AVE	17028901700	0.458	1A	LI	MDR

Property Owner:	Sandra Allen DuPree
Applicant:	
City Council Hearing Date:	11/11/2020
Planning Commission Hearing Date:	11/04/2020
BZA Hearing Date:	Case Number: Z2020-28
Comments:	
City of Marietta Planning & Zoning	

Legend

- Railroads
- City Limits
- Cobb County Pockets

NORTH
GRID - GA WEST

PROJECT INFORMATION
FILE: 20-039
DATE: 09/20/2020
SCALE: 1"=30'

LEGEND

- IPF - IRON PIN FOUND (1/2" REBAR UNLESS OTHERWISE NOTED)
- IPP - IRON PIN PLACED
- RB - REBAR
- OTF - OPEN TOP PIPE
- CTP - CRIMPED TOP PIPE
- FH - FIRE HYDRANT
- BSL - BUILDING SETBACK LINE
- ☉ - POWER POLE

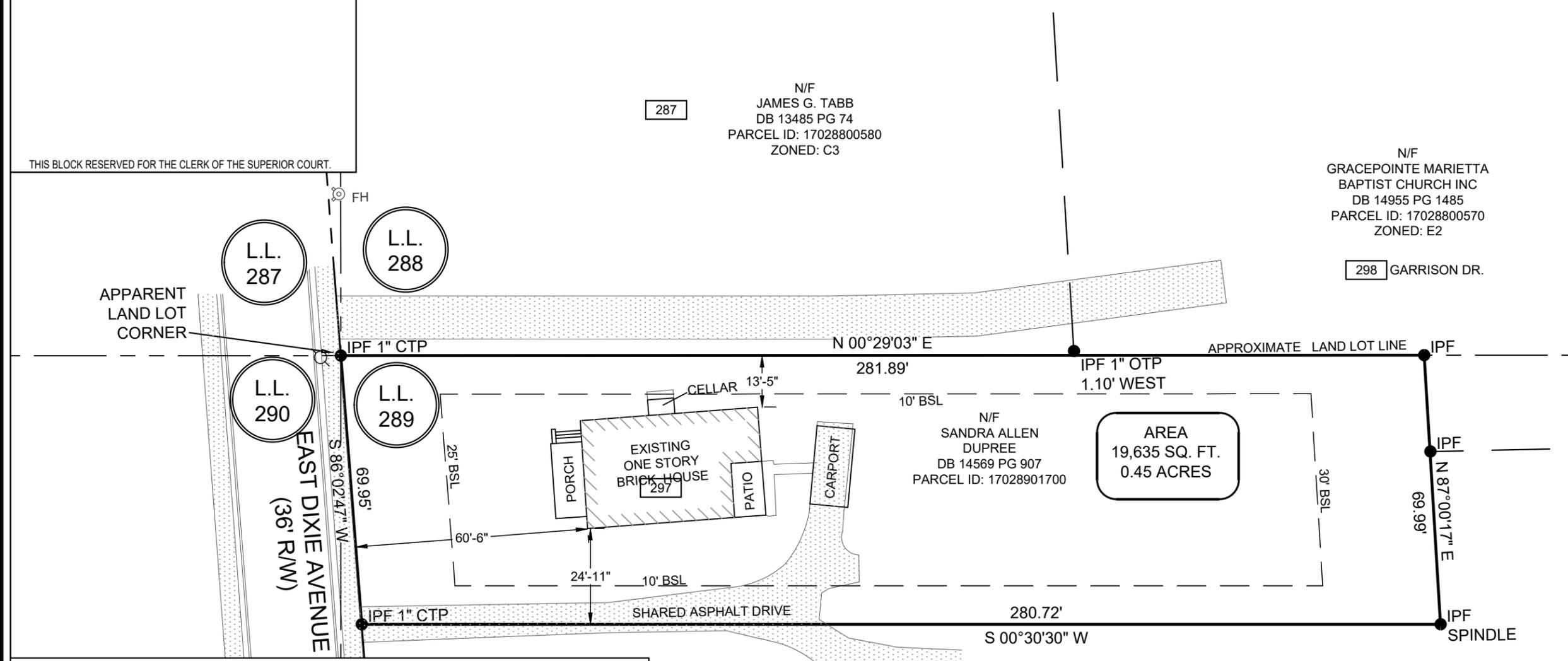
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

287
N/F
JAMES G. TABB
DB 13485 PG 74
PARCEL ID: 17028800580
ZONED: C3

N/F
GRACEPOINTE MARIETTA
BAPTIST CHURCH INC
DB 14955 PG 1485
PARCEL ID: 17028800570
ZONED: E2

298 GARRISON DR.

RETRACEMENT SURVEY AUTHORIZED AND PREPARED FOR:
SANDRA ALLEN DUPREE
PROPERTY LOCATED IN:
LAND LOT 289,
17th DISTRICT, 2nd SECTION,
IN THE CITY OF MARIETTA
COBB COUNTY, GEORGIA



SURVEYORS CERTIFICATION

THIS IS A RETRACEMENT OF AN EXISTING PARCEL OF LAND AND DOES SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA ASSET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



Joel M. Hart
JOEL M HART GA R.L.S. #2884 09/20/20

305
N/F
CRESTVIEW CAMBODIAN
MISSION BAPTIST CHURCH
DB 6242 PG 348
PARCEL ID: 17028901130
ZONED: E2

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN 1 FOOT IN 70,255'.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 10,000+ AND AN ANGULAR ERROR OF 3" PER POINT, AND WAS NOT ADJUSTED. ANGLES AND DISTANCES WERE MEASURED USING A TOPCON GPT8000A TOTAL STATION.



NOTES :

1. ALL MATTERS OF TITLE ARE EXCEPTED, THIS SURVEY WAS PREPARED WITHOUT A COMPLETE TITLE SEARCH.
2. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 15-6-67, IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.
3. EAST DIXIE AVENUE RIGHT-OF WAY BASED ON OBSERVATION ONLY. NO SPECIFIED RECORDED WIDTH FOUND.

ELEVATIONS
DESIGN GROUP LLC
SURVEYORS AND ENGINEERS
204 HIGHTOWER ROAD
HIRAM, GA 30141
770-865-6774
ELEVATIONS.DG.COM