



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-24

LEGISTAR: #20200367

LANDOWNERS: Bercher Homes, LLC
800 Kennesaw Ave, Suite 100
Marietta, GA 30060

APPLICANT: Same as above

AGENT: Kevin Moore, Esq. (Moore Ingram Johnson & Steele, LLP)
Emerson Overlook
326 Roswell Street
Marietta, GA 30060

PROPERTY ADDRESS: 224 & 226 Crescent Circle

PARCEL DESCRIPTION: 16123100260 & 16123100270

AREA: ~0.73 acres

COUNCIL WARD: 3A

EXISTING ZONING: OI (Office Institutional)

REQUEST: PRD-SF (Planned Residential Development – Single-Family)

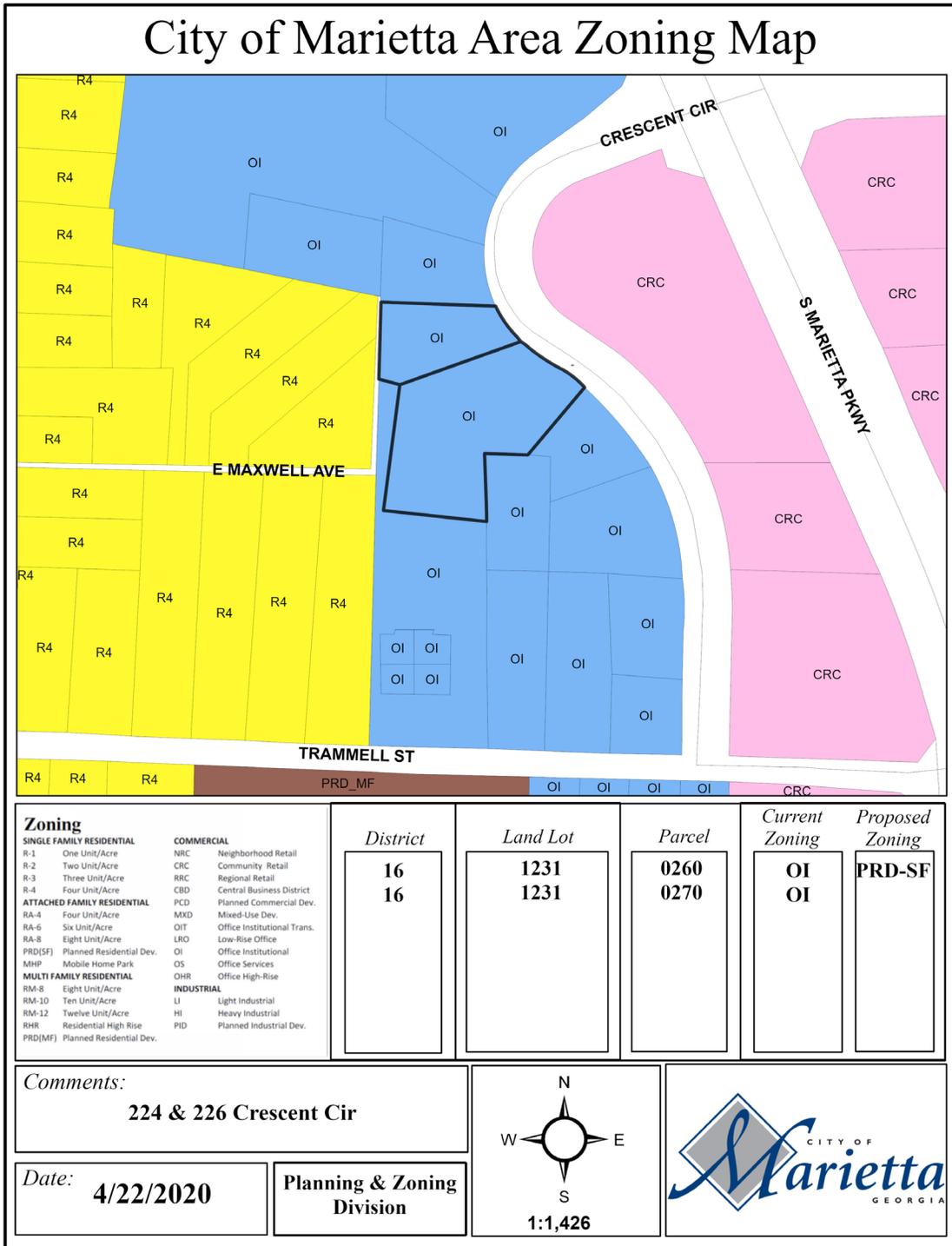
FUTURE LAND USE: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting the rezoning of the subject property from OI to PRD-SF in order to develop a five (5) unit attached townhome development.

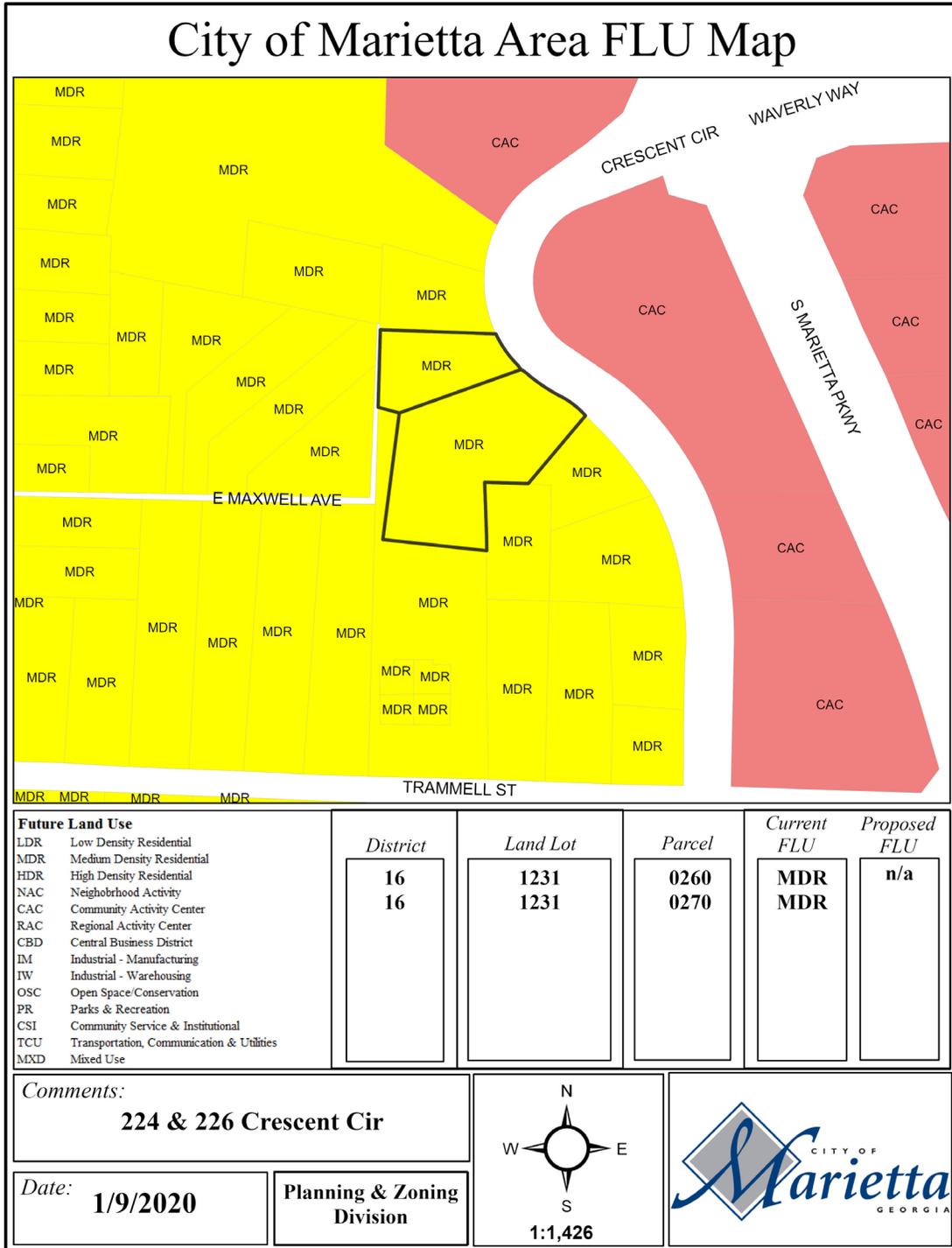
PLANNING COMMISSION HEARING: Tuesday, June 2nd, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, June 10th, 2020 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



224 Crescent Circle



226 Crescent Circle

STAFF ANALYSIS

Location Compatibility

The applicant, Bercher Homes, LLC, is requesting the rezoning of two (2) properties located at 224 and 226 Crescent Circle. The properties are currently vacant, total nearly 0.73 acres, and are zoned OI (Office Institutional). Properties to the north and south are also zoned OI. Homes to the west of the subject property are zoned R-4 (Single Family Residential – 4 units/ acre) while, to the east across Crescent Circle, is a gym zoned CRC (Community Retail Commercial). The applicant is requesting to rezone the properties from OI to PRD-SF (Planned Residential Development – Single-Family) to build a five-unit townhome building.

Use Potential and Impacts

The requested zoning PRD-SF allows for flexible zoning, which permits the developer to establish building setbacks and density using best management practices. Based on the submitted plans, five (5) units on 0.73 acres yields 6.85 units/acre. This density is lower than other recently approved intown townhouse developments and provides attractive housing with proximity to the Square and the Mountain to River Trail. The following is list of recently approved townhome communities in the City:

Development	Townhouse Units	Acreage	Density	Open Space
The Registry	12	1.02	11.8	9.3%
Grammercy Park	32	3.29	9.72	12.8%
South Avenue Townhomes	8	0.759	10.54	28%

Elevations provided suggests the homes would be rear entry, two (2) story units with two (2) car garages. The proposed townhomes would face Crescent Circle with the garages accessed from an alley. The alley also contains ten (10) parking spaces, which exceeds the additional parking requirements of providing 0.2 spaces per unit. Only one guest parking space is required for five (5) townhome units. However, the driveways for each unit do not appear to meet the minimum length of twenty (20) feet. There are also three (3) parking spaces shown that appear to be for use by the adjacent property to the north. Based on the provided plan, the following variance is being requested:

- Variance to reduce the minimum driveway length from 20 feet to no less than 13 feet. [§708.09 (B.2.e)]

With five (5) units, the applicant is required to provide a minimum of 10,000 square feet (0.23 acres) of recreation area, including a passive and an active feature. A passive recreational feature could include a walking trail, pavilion, gazebo or picnic area; and an active recreational feature could include a swimming pool, playground or tennis courts. This plan does not indicate any recreation areas.



Since these development standards have not been satisfied, the following variances would be necessary:

1. Variance to reduce the minimum lot size from 3 acres to 0.73 acres. [§708.09 H.]
2. Variance to waive the required active and passive recreation features. [§708.09 (B.2.i.)]

The Future Land Use (FLU) designation of the subject property is MDR (Medium Density Residential). The purpose of MDR is to accommodate residential areas that range in densities from 5 to 8 units per acre. The subject area could serve as a transition area from the lower density community to the west to the higher density non-residential development on all other sides of the subject property. Thus, the applicant’s request is supported by the City’s Comprehensive Plan.

Environmental Impacts

There is a stream running through the south side of the property. Most of the stream on the property is piped; however, there are state and local stream buffers that apply to the open channel on either end of the pipe. The plan includes disturbance and paving into the local stream buffers. An engineer’s certification of the condition and ability of the existing 60” pipe to withstand the proposed improvements will be required. The developer is proposing the use of an underground stormwater management area.

Further, the development would be required to comply with the tree protection and landscaping ordinance.

Economic Functionality

There had been a structure on 226 Crescent Circle, but it was demolished in 2013. Since then, the property owner has been pursuing proposals for both residential and commercial use. Because the property is within the Commercial Corridor Design Overlay District – Tier B, the property could be used for both residential and commercial purposes with the current zoning. However, to use the property as exclusively residential would require rezoning. Low to moderate intensity residential use would be more feasible due to the environmental limitations of the site.

Infrastructure

The 20-foot access drive to the garages will serve as a private alley. Rear yard garbage pick-up is required in all developments for which alleys are approved, and adequate sanitation vehicle access must be included in all projects. Any dead-end alley where sanitation vehicle



access is necessary must have an adequate means to turnaround if the alley is greater than 30' in length. Based on the lack of a proper turnaround, sanitation trucks will not be able to use the alley and will have to pick up trash from Crescent Circle. Thus, a garbage corral will be required.

Where alleys enter roads classified as local streets or greater, the intersection must meet sight distance requirements identified in the AASHTO publication - A Policy on Geometric Design of Highways and Streets, latest edition. Marietta Transportation will require adequate line of sight for the alley.

There are existing sewer mains alongside the piped creek and within Crescent Circle. The water main is adjacent to the property on Crescent Circle. The applicant is proposing a five (5) foot sidewalk with 2' grass strip along the Crescent Circle frontage.

The serving elementary school is A.L Burruss. Only three (3) students are expected to come from a five-unit development, and no adverse impact on the education system is anticipated.

Overhead Electrical/Utilities

There are existing overhead power poles along Crescent Circle as shown on the site plan provided. All structures must be at least 10 feet away from the power lines. If the power poles or utility lines are affected by the development, they must be relocated underground at the developer's expense. This would also minimize potential conflicts with street trees.

History of Property

In 2014, the subject property was granted an administrative variance to reduce the buffer along the western property line. (AV2014-23)

Other Issues

PRD-SF is a site-specific zoning, which requires City Council approval of a detailed plan prior to beginning construction. Detailed plans, which include a site plan, tree plan, and building elevations, must be submitted to Council by way of the Judicial Legislative Committee. The plan approved with the rezoning shall become the General Plan.

This property is located within the Commercial Corridor Design Overlay District – Tier B, although single family residences are exempt.

All units would be required to be built with automatic fire sprinklers.

ANALYSIS & CONCLUSION

Bercher Homes, LLC, is requesting the rezoning of 224 and 226 Crescent Circle from OI to PRD-SF to build a five-unit townhome building. The properties are currently vacant and total 0.73 acres in size. Properties to the north and south are also zoned OI. Homes to the west of the subject property are zoned R-4 while, to the east across Crescent Circle, is a gym that is zoned CRC.

Based on the submitted plans, five (5) townhome units on 0.73 acres yields 6.85 units/acre. This density is lower than other recently approved intown townhouse developments. The proposed two-story townhomes would face Crescent Circle with the garages accessed from an alley. The alley also contains ten (10) parking spaces, which exceeds the additional parking requirements of providing 0.2 spaces per unit. Only one guest parking space is required for five (5) townhome units. However, the driveways for each unit do not appear to meet the minimum length of twenty (20) feet. There are also three (3) parking spaces shown that appear to be for use by the adjacent property to the north.

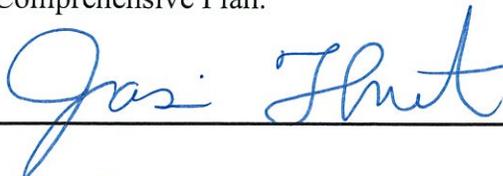
With five (5) units, the applicant is required to provide a minimum of 10,000 square feet (0.23 acres) of recreation area, including a passive and an active feature. This plan does not indicate any recreation areas.

Since these development standards have not been satisfied, the following variances would be necessary:

1. Variance to reduce the minimum driveway length from twenty (20) feet to no less than thirteen (13) feet. [*§708.09 (B.2.e.)*]
2. Variance to reduce the minimum lot size from 3 acres to 0.73 acres. [*§708.09 H*]
3. Variance to waive the required active and passive recreation features. [*§708.09 (B.2.i.)*]

The Future Land Use designation of the subject property is MDR, which is appropriate for residential areas ranging from 5 to 8 units per acre. The site would serve as a transition area from the lower density community to the west to the higher density non-residential development on all other sides of the subject property and would be supported by 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?	8"
Capacity of the water line?	A 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?	10" in the rear 8" in Crescent Cir
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	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 the flood plain?	N/A
What is the drainage basin for the property?	Ward 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?	No
Do stream bank buffers exist on the parcel?	Yes
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

Additional Comments:

- Full site development plans required
- Sidewalks required along frontage and interior to the project
- Engineer’s certification required for improvements in area of existing aged 60” CMP storm sewer pipe (piped live stream).

TRANSPORTATION

What is the road affected by the proposed change?	Crescent Cir
What is the classification of the road?	Local
What is the traffic count for the road?	Unknown
Estimated # of trips generated by the proposed development?	Information not provided
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	No
Transportation improvements in the area?	No
If yes, what are they?	NA

Additional Comments:

Perform line of sight for exit to Crescent Circle.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	112 Haynes St
Distance of the nearest station?	0.6 mile
Most likely station for 1 st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	under

Comments:

-All units will require automatic fire sprinklers. Marietta City Code 2-6-140.

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:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	AL Burruss
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	500
Capacity at Middle School:	1,350
Capacity at Marietta Sixth Grade Academy:	775
Capacity at High School:	2,150
Current enrollment of Elementary School:	409
Current enrollment of Middle School:	1,386
Current enrollment of High School:	2,410
Number of students generated by present development:	0
Number of students projected from the proposed development:	3
New schools pending to serve this area:	0

Comments: Student enrollment numbers based on the last day of school.



Department of Development Services
 205 Lawrence Street
 Marietta, Georgia 30060
 Phone (770) 794-5440

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 #: 22020-24 Legistar #: 20200367 PZ #: 20-131
 Planning Commission Hearing: 06/02/2020 City Council Hearing: 06/10/2020

* Owner's Name Bercher Homes, LLC

EMAIL Address: dale@bercherhomes.com

Mailing Address Suite 100, 800 Kennesaw Avenue
Marietta, GA Zip Code: 30060 Telephone Number (770) 590-5400

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Agent: J. Kevin Moore, Esq. / Moore, Ingram, Johnson + Steele, LLP

EMAIL Address: jkm@mij's.com

Mailing Address _____ Zip Code: _____

Telephone Number 770-429-1499 Email Address: _____

Address of property to be rezoned: 224, 226 Crescent Circle

Land Lot (s) 12310 District 16 Parcel 0260 Acreage 0.73± Ward 3A Future Land Use: MDR

Present Zoning Classification: OI Proposed Zoning Classification: PRD-SF

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.

*Applicant/Owner Representative - J. Kevin Moore - Moore Ingram Johnson & Steele, LLP

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: **June 2, 2020**
June 10, 2020

Applicant/Property Owner: Bercher Homes, LLC

DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT

The property which is the subject of the Application for Rezoning by Applicant/Property Owner, Bercher Homes, LLC (hereinafter collectively “Applicant”) totals approximately 0.73 acres located at 224 and 226 Crescent Circle, Land Lot 1231, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, as more particularly identified and set forth in the Application for Rezoning (hereinafter collectively the “Property” or the “Subject Property”). The Rezoning Application seeks approval of a request to rezone the Subject Property from the existing Office/Institutional (“OI”) zoning classification to the PRD-SF zoning classification (City of Marietta). Applicant is seeking rezoning for a townhome community.

Applicant proposes the construction of a maximum of five (5) townhome units. Access to the proposed development will be from Crescent Circle, as shown on the Zoning Plan submitted with the Application for Rezoning. A preliminary elevation is attached to this Project Description and submitted as part of the Application for Rezoning.

Applicant will supplement its Application for Rezoning with additional items throughout the rezoning process.

A detailed letter of agreeable zoning stipulations and conditions will be submitted on behalf of Applicant prior to the hearings before the Planning Commission and City Council.

Applicant is very excited with the opportunity of this project within the City of Marietta. The project shall be a quality development and shall be an enhancement to the Subject Property and existing nearby neighborhoods and the community as a whole.

PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING
(Page Two of Two)

Application No.: _____
Legistar No.: _____
Hearing Dates: **June 2, 2020**
June 10, 2020

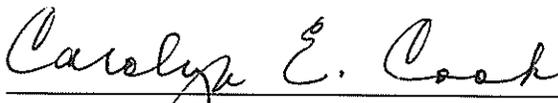
Applicant/Property Owner: Bercher Homes, LLC

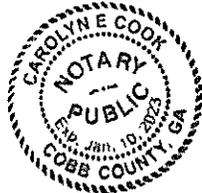
BERCHER HOMES, LLC

BY: 
Dale W. Bercher
Manager

Date Executed: April 21, 2020

Signed, sealed, and delivered in the presence of:


Notary Public
My Commission Expires: 01-10-2023
[Notary Seal]



Applicant/Property Owner Address:

Bercher Homes, LLC
Suite 100
800 Kennesaw Avenue
Marietta, Georgia 30060
(770) 590-5400
E-mail: dale@bercherhomes.com

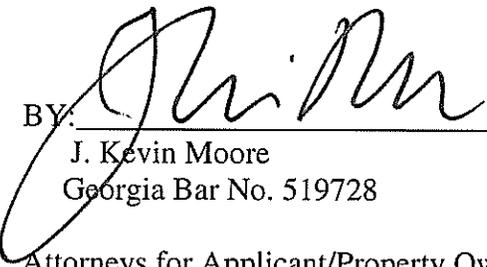
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Applicant/Property Owner: Bercher Homes, LLC

Representative for Applicant/Property Owner:

MOORE INGRAM JOHNSON & STEELE, LLP

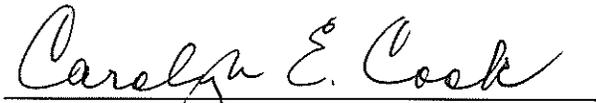
BY: 

J. Kevin Moore
Georgia Bar No. 519728

Attorneys for Applicant/Property Owner

Date Executed: April 21, 2020

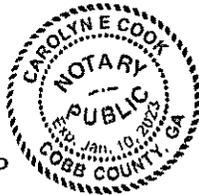
Signed, sealed, and delivered in the presence of:



Notary Public

Commission Expires: January 10, 2023

[Notarial Seal]



Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
Suite 100
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: May 15, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, June 2nd, 2020, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, June 10th, 2020, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2020-24 [REZONING] BERCHER HOMES, LLC is requesting the rezoning of 0.43 acres located in Land Lot 1231, District 16, Parcels 0260 & 0270 of the 2nd Section, Cobb County, Georgia, and being known as 224 & 226 Crescent Circle from OI (Office Institutional) to PRD-SF (Planned Residential Development – Single Family). Ward 3A.

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 including questions about virtual participation, 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.

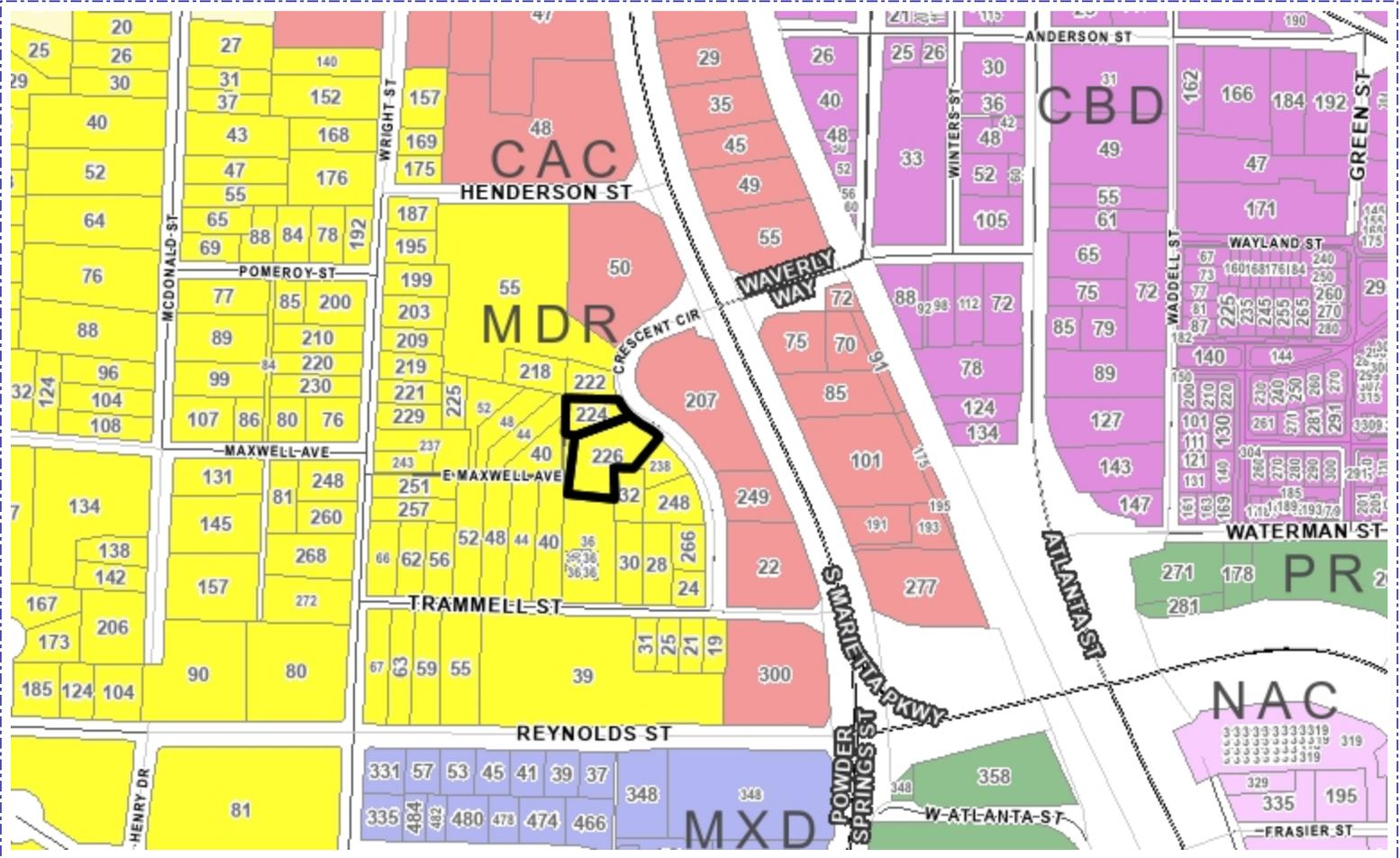
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning

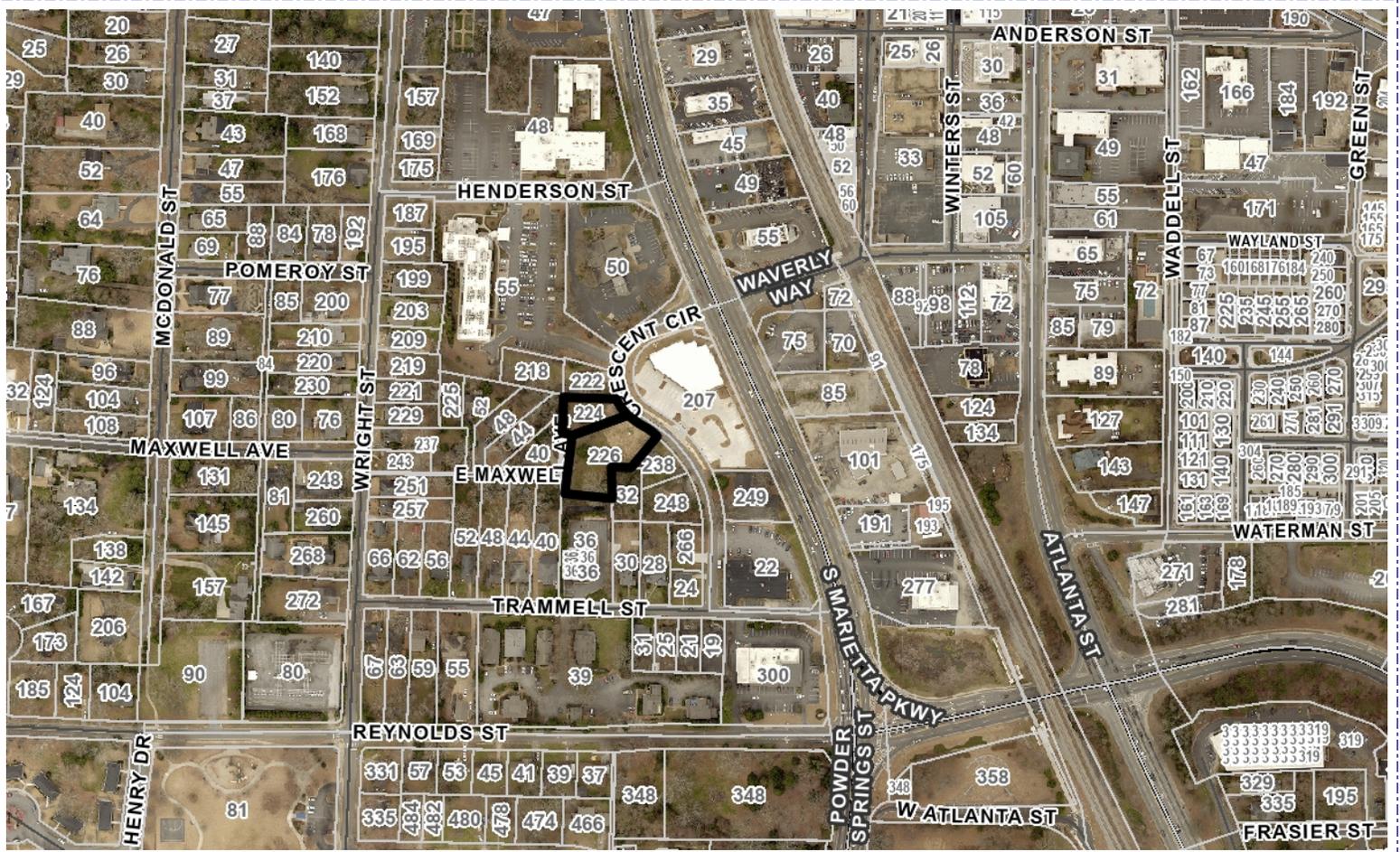


Address	Parcel Number	Acreage	Ward	Zoning	FLU
224 CRESCENT CIR L-10	16123100260	0.193	3A	OI	MDR
226 CRESCENT CIR L-11	16123100270	0.505	3A	OI	MDR

Property Owner:	Bercher Homes, LLC		Zoning Symbols
Applicant:			
Proposed Zoning:	OI to PRD-SF		
Agent:	J. Kevin Moore, Esq.		
Proposed Use:			
Planning Commission Date:	06/02/2020		
City Council Hearing Date:	06/10/2020	Case Number: Z2020-24	
City of Marietta Planning & Zoning			



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226 CRESCENT CIR L-11	16123100270	0.505	3A	OI	MDR
Planning Commission Hearing Date:	06/02/2020	Future Land Use Symbols 			
City Council Hearing Date:	06/10/2020				
Future Land Use:	MDR				
Case Number:	Z2020-24				
Comments:					
City of Marietta Planning & Zoning					



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Property Owner:	Bercher Homes, LLC
Applicant:	
City Council Hearing Date:	06/10/2020
Planning Commission Hearing Date:	06/02/2020
BZA Hearing Date:	Case Number: Z2020-24
Comments:	

Legend

- Railroads
- City Limits
- Cobb County Pockets



BERCHER HOMES

CRESCENT CIRCLE TOWNHOMES

CALDWELL CLINE
ARCHITECTS • DESIGNERS
222 CRESCENT CIRCLE MARIETTA, GEORGIA 30064
TELEPHONE: (770) 424-3882 FAX: (678) 668-8930

