



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2019-04

LEGISTAR: 20190009

LANDOWNERS:

Owner:	Address:
53 Indian Trail, LLC	53 Indian Trail/ 1895 Lower Roswell Road
56 Indian Trail, LLC	56 Indian Trail
63 Indian Trail, LLC	63 Indian Trail
Alvaro A. Arauz & Elizabeth Arauz	73 Indian Trail
76 Indian Trail, LLC	76 Indian Trail
1905 Lower Roswell Road, LLC	1905 Lower Roswell Road
1923 Lower Roswell Road, LLC	1923 Lower Roswell Road
1935 Lower Roswell Road, LLC	1935 Lower Roswell Road

APPLICANT: Traton Homes, LLC
720 Kennesaw Avenue
Marietta, GA 30060

AGENT: J. Kevin Moore, Esq.
Moore, Ingram, Johnson, & Steele, LLP
326 Roswell Street
Marietta, GA 30060

PROPERTY ADDRESS: To
53, 56, 63, 73, & 76 Indian Trail and 1895, 1905, 1923,
& 1935 Lower Roswell Road

PARCEL DESCRIPTION: 16120600040, 16120600250, 16120600050,
16120600060, 16120600270, 16120600030,
16120600070, 16120600300, 16120600280

AREA: ~7.48 **COUNCIL WARD:** 6A

EXISTING ZONING: R-20 (Cobb County Single Family Residential Zoning) &
CRC (Community Retail Commercial)

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

FUTURE LAND USE: LDR (Cobb County Low Density Residential) & CAC
(Community Activity Center)

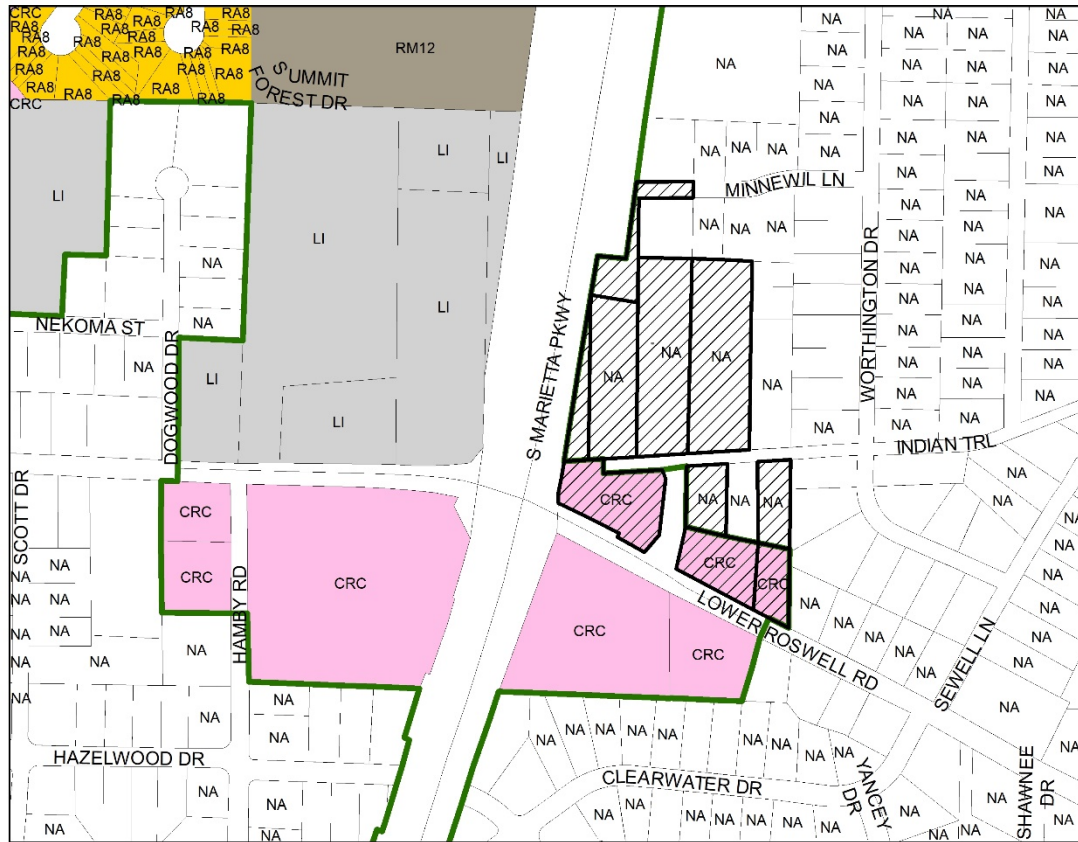
REASON FOR REQUEST: The applicant is requesting the annexation of six (6) parcels and the rezoning of nine (9) parcels to PRD-SF in order to develop sixty-three (63) townhome units and one (1) single-family residence.

PLANNING COMMISSION HEARING: Tuesday, February 5, 2019 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, February 13, 2019 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map

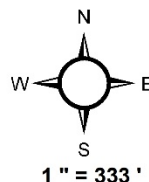


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre ATTACHED FAMILY RESIDENTIAL RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home 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.		16	1206	0030 0070 0300 0280 0040 0250 0050 0060 0270	R-20 CRC CRC CRC R-20 R-20 R-20 R-20 R-20	PRD-SF (City)
COMMERCIAL 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.						

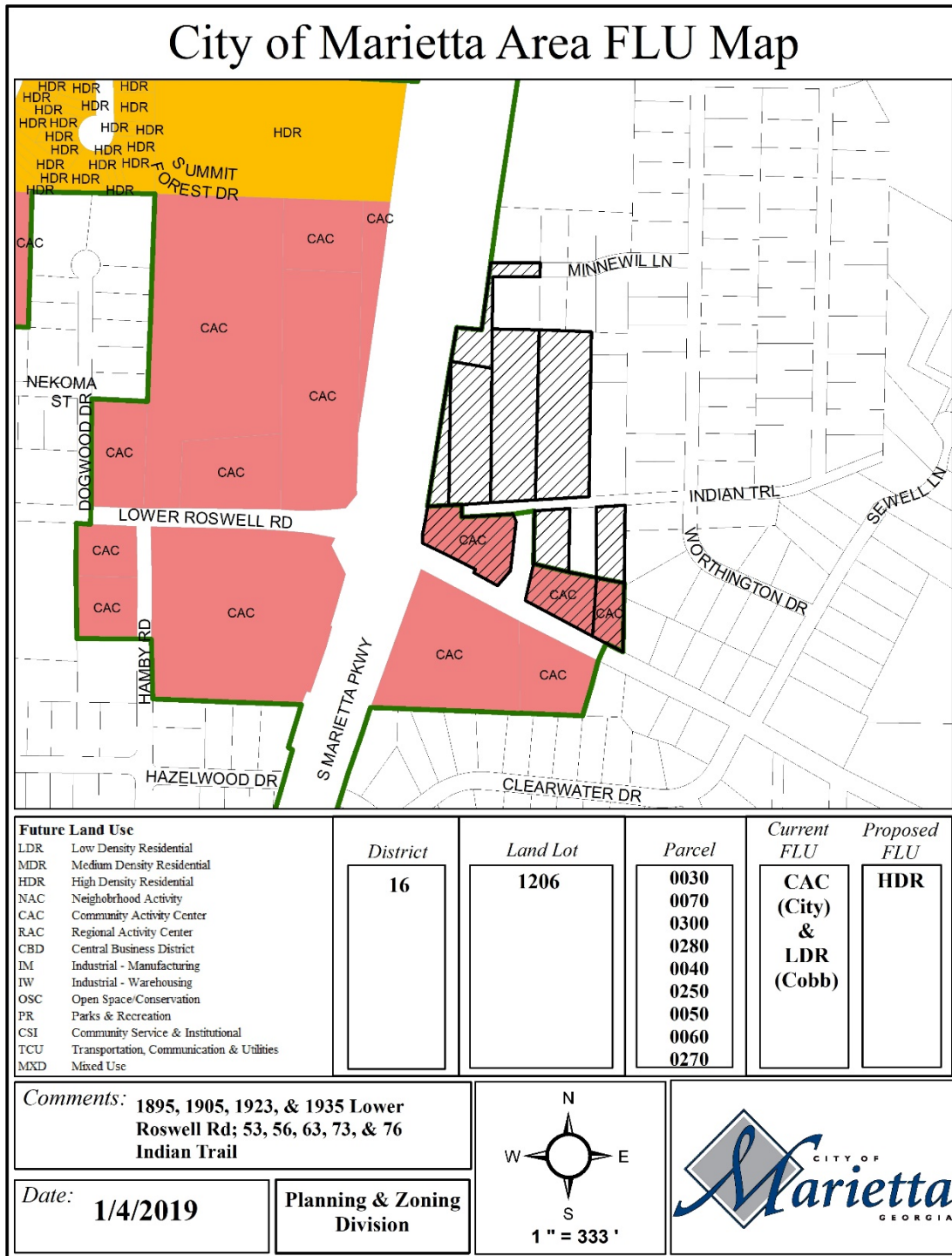
Comments: 1895, 1905, 1923, & 1935 Lower Roswell Rd; 53, 56, 63, 73, & 76 Indian Trail

Date: 1/4/2019

Planning & Zoning Division



FLU MAP



PICTURES OF PROPERTY



53 & 63 Indian Trail and 1895 Lower Roswell Road



56 Indian Trail



73 Indian Trail



76 Indian Trail



Facing South Marietta Parkway from Indian Trail



1905 Lower Roswell Road



North – South direction portion of Indian Trail



1923 & 1935 Lower Roswell Road

STAFF ANALYSIS

Location Compatibility

The applicant, Traton Homes, LLC, is requesting the annexation of six (6) parcels (53, 56, 63, 73 & 76 Indian Trail and 1895 Lower Roswell Road) into the City of Marietta limits and, along with three (3) parcels (1905, 1923, and 1935 Lower Roswell Road) that are already within the City limits, rezone the nine (9) parcels to accommodate a new residential development. Collectively, the subject property would total approximately 7.48 acres. The parcels within Cobb County are zoned R-20 (Single Family Residential) and the parcels within the City limits are zoned CRC (Community Retail Commercial). The applicant wishes to rezone all the parcels to PRD-SF (Planned Residential Development – Single Family).

Adjacent to the development is an established single-family neighborhood within Cobb County that is zoned R-20. Across Lower Roswell Road to the south is a QuikTrip that is zoned CRC. The overall development would lie at the northeastern corner of South Marietta Parkway and Lower Roswell Road.

Use Potential and Impacts

Traton Homes is proposing to construct a 63-unit townhome development along with one (1) single family detached residence. The new single-family detached residence would be developed on the parcel at 76 Indian Trail and the townhome units would be developed on the remaining parcels. The development proposes new private roads off Indian Trail and private alleys to access the townhome units. This proposed development would yield a density of 8.56 units/acre. Townhouse developments at other locations within the City of Marietta have been approve at densities like that proposed for this project, as shown below:

Development	Townhome Units	Acreage	Density
Allgood Rd/Lawanna Dr	59	5.24	11.25
Roseline St	22	1.87	11.76
White St 271	16	1.45	11.03
Powder Springs Rd 1400	72	8.03	9.0
North Square	90	13.92	6.5
Cambridge Walk	30	4.27	7.0
The Registry	12	1.02	11.8
Frasier St	32	3.29	9.72

The purpose of the requested zoning (PRD-SF) is to allow flexibility with design standards (setbacks, density, etc.) for site plan specific developments. However, PRD-SF does have additional requirements for townhome construction, such as open space and impervious surface regulations.

Attached units are required to provide a 2-car garage and a driveway at least 20 feet in length to accommodate 2 additional cars. According to the plans, the applicant is requesting a variance to reduce the driveway length to 18 feet. There is also a guest parking requirement of 0.2 spaces per unit for the 63 attached units. Based on this standard, the proposed development would require 13 parking spaces; the plans show 23 guest spaces.

PRD-SF zoning also requires a recreation area to be provided at a ratio of 1 acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 square feet provided. This area is required to contain at least one passive recreational feature, such as a walking trail, pavilion, gazebo or picnic area, and at least one active recreational feature. A 63-unit development would require 1.26 acres of recreation space. The site plan that has been submitted shows “open space” but does not indicate any amenities to be provided other than a pool and pool house for their active feature. In addition, PRD-SF requires a minimum lot size of 4,000 sq. ft. Like recently approved townhome developments by Traton Homes, a variance is being requested to reduce the minimum lot size to the footprint of each unit; the remainder of the property will be common space.

Considering the proposed site plan has a number of features that do not meet current requirements under the PRD-SF zoning classification, the following variances would be necessary for approval of the plan as submitted:

- Variance to reduce the required driveway length from 20 feet to 18 feet, as measured from back of curb or sidewalk. [§708.09 (B.2.e)]
- Variance to waive the requirement for passive recreational features. [§708.09 (B.2.i)]
- Variance to reduce the recreation area from 1.26 acres to 0.94 acres. [§708.09 (B.2.i)]
- Variance to reduce the required open space from 25% (1.87 acres) to 12.6% (0.94 acres). [§708.09 (H)]
- Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit. [§708.09 (H)]

The Future Land Use (FLU) designation is used to describe the anticipated land uses in a long-term perspective. The parcels within Cobb County are classified as LDR (Low Density Residential). The parcels within City limits are classified as CAC (Community Activity Center). The City’s Comprehensive Plan describes LDR as appropriate for single-family dwellings up to four (4) units per acre; and CAC is suitable for retail and service including businesses and professional offices. Should the property be annexed and rezoned, the City would propose a future land use classification of HDR (High-Density Residential) for consistency with the requested density of 8.56 units/acre. The City’s Comprehensive Plan describes HDR as appropriate for housing with densities ranging from nine (9) to twelve (12) units per acre.

In a letter dated February 1, 2019, Cobb County has formally objected to the annexation because the proposed density exceeds that identified the 2004 HB 489 Agreement. Under this agreement, the agreed upon density for residential developments in the proposed area is up to 4 units per acre.

Environmental Impacts

The proposed housing development, or any development, would substantially increase the amount of impervious surface and runoff given that only one (1) out of the nine (9) parcels is currently developed. There is no floodplain or indication of endangered species on the site. City staff has identified state waters at the northwestern corner of the subject property (63 Indian Trail), which may impact the proposed design of the project.

Economic Functionality

Although functional as currently zoned, structures on portions of the subject property have been demolished since 2016. There is one remaining parcel that is functioning as zoned. Limited vehicular accessibility for the commercial parcels along Lower Roswell Road due to congestion at the signalized intersection is an issue impacting the functionality of these parcels as zoned.

Infrastructure

Access to the overall development would be from Lower Roswell Road and the Indian Trail neighborhood to the east. The individual units would be accessed from private roads or alleys. All private roads must be designed and constructed according to public road standards including easements, visibility, intersections, paving widths, etc.

The proposed roads and alleys cannot accommodate curbside pick-up by City sanitation vehicles. Dumpsters, trash pads, and/or trash corrals would have to be provided in locations that accommodate City sanitation vehicles. Also, the Fire Department and Public Works have expressed concern that the long hammerheads may create an issue for adequate access. Additional issues identified by Public Works are listed in the “Appendix” to this report.

Sidewalks must be incorporated along all streets and public improvements. Sidewalks - minimum width five (5) feet - must be provided within the development and along the perimeter of the development.

When new subdivisions intersect with arterial and collector streets, an acceleration and deceleration lane is required with the minimum standards of being 200 feet in length, including a 50 foot taper. There have been previous proposals to relocate the north-south section of Indian Trail further away from the major intersection of South Marietta Parkway and Lower Roswell Road, which would improve safety and accessibility to the subject property and Indian Trail neighborhood.

The Zoning Ordinance requires residential developments containing more than 51 units to provide at least two access points to an arterial or collector street. Lower Roswell Road, an arterial road, is the primary access point with an alternative access point from Indian Trail, a local road.

Because of the potential traffic hazards created by adding this many units to an already hazardous intersection, a traffic impact study will be required.

The following are transportation related variances that would be necessary to proceed with the submitted plan:

- Variance to reduce the minimum centerline radii from 100 feet to what is shown on the plan dated 12/14/18. [§730.01 (H)]
- Variance to waive the requirement to install a sidewalk along S. Marietta Parkway. [§732.07]
- Variance to allow sidewalks as designated on the plans submitted (dated: 12/14/2018). [§732.07 (C)]
- Variance to waive the required acceleration and deceleration lane on Lower Roswell Road. [§730.01 (I.4.b.)]
- Variance to allow a single-family development of more than 51 dwelling units provide one access point to an arterial street. [§730.01 (A.)]

Sewer availability for the northern portion of this property will be a significant issue. A gravity sanitary sewer system will not work on this site without considerable changes in topography.

Overhead Electrical/Utilities

The proposed location of the units facing Lower Roswell Road may create a conflict with the existing power poles. Structures shall be set at least 10 feet from the utility poles and lines.

Due to the short distance between the townhome buildings and Lower Roswell Road, there is a high probability for conflict with the proposed buildings and existing 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

The subject properties within the city limits were annexed from Cobb County in 1998.

Other Issues

Should the property be annexed and rezoned as submitted, separate hearings would be necessary for the right of way exchange and rezoning. The existing billboard at the corner of South Marietta Parkway and Lower Roswell Road would be removed as part of this project.

The elementary school serving this area would be Lockheed.



ANALYSIS & CONCLUSION

The applicant, Traton Homes, LLC, is requesting the annexation of six (6) parcels (53, 56, 63, 73 & 76 Indian Trail and 1895 Lower Roswell Road) into the City of Marietta limits and, along with three (3) parcels (1905, 1923, and 1935 Lower Roswell Road) that are already within the City limits, rezone the nine (9) parcels to accommodate a new residential development. Collectively, the subject property would be approximately 7.48 acres. The current zoning classification for the parcels within Cobb County are zoned R-20 and the parcels within the City limits are zoned CRC. The applicant wishes to rezone all the parcels to PRD-SF.

Traton Homes is proposing to develop a 63-unit townhome development with one (1) single family residence. The new single-family residence would be developed on the parcel at 76 Indian Trail and the townhome units would be developed on the remaining parcels. The development proposes new private roads off Indian Trail and private alleys to access the townhome units. This proposed development would yield a density of 8.56 units/acre.

In addition to other issues identified by Public Works that must be addressed, the following variances would be necessary:

1. Variance to reduce the required driveway length from 20 feet to 18 feet, as measured from back of curb or sidewalk. [*§708.09 (B.2.e)*]
2. Variance to waive the requirement passive recreational features. [*§708.09 (B.2.i)*]
3. Variance to reduce the recreation area from 1.26 acres to 0.94 acres. [*§708.09 (B.2.i)*]
4. Variance to reduce the minimum open space from 25% to 12.6%. [*§708.09 (H)*]
5. Variance to reduce the minimum lot size requirement from 4,000 sq. ft. to the footprint of the smallest unit. [*§708.09 (H)*]
6. Variance to reduce the minimum centerline radii from 100 feet to what is shown on the plan dated 12/14/18. [*§730.01 (H)*]
7. Variance to waive the requirement to install a sidewalk along S. Marietta Parkway. [*§732.07*]
8. Variance to allow sidewalks as designated on the plans submitted (dated: 12/14/2018). [*§732.07 (C)*]
9. Variance to waive the requirements of an acceleration and deceleration lane into the new subdivision. [*§730.01 (I.4.b.)*]
10. Variance to allow a single-family development of more than 51 dwelling units provide one access point to an arterial street. [*§730.01 (A.)*]

The Future Land Use (FLU) designation for the parcels within Cobb County are classified as LDR (Low Density Residential). The parcels within City limits are classified as CAC (Community Activity Center). The City's Comprehensive Plan describes LDR as appropriate for single family dwellings up to four (4) units per acre, and CAC is suitable for retail and service including businesses and professional offices. Should the properties be annexed and rezoned, the City would assign a future land use classification of HDR (High-Density Residential) for consistency with the requested density of 8.56 units/acre.

In a letter dated February 1, 2019, Cobb County has formally objected to this annexation because the proposed density violates the 2004 HB 489 Agreement, which limits residential density for annexation in this area to be no more than 4 units per acre.

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" DIP
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?	8"
Capacity of the sewer line?	A.D.F. Peak
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	R. L Sutton
Treatment Plant Capacity?	N/A
Future Plant Availability?	N/A

There is a major change in elevation on this site. A gravity sanitary sewer system will not work on this site without considerable changes in topography.

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?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	Yes (63 Indian Trl)
If so, is the use compatible with the possible presence of wetlands?	Yes
Do stream bank buffers exist on the parcel?	Yes (63 Indian Trl)
Are there other topographical concerns on the parcel?	Yes
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

TRANSPORTATION

What is the road effected by the proposed change?	Lower Roswell Rd; Indian Trl
What is the classification of the road?	Arterial; Local
What is the traffic count for the road?	Traffic study needed; contact Cobb DOT to see if they have recently performed a study
Estimated # of trips generated by the proposed development?	370 per day
Estimated # of pass-by cars entering proposed development?	(27 peak AM hr, 32 peak PM hr)
Do sidewalks exist in the area?	0 per day
Transportation improvements in the area?	Yes, on Lower Roswell Rd
If yes, what are they?	Yes, by Cobb DOT
<ul style="list-style-type: none"> The existing location and configuration of Indian Trail (a Cobb County roadway) is proposed as the subdivision's entrance. The subdivision's entrance is in close proximity to the intersection of Lower Roswell Road with South Marietta Parkway, situated approximately 275-ft to the east of South Marietta Parkway. The proposed entrance presents traffic concerns including, but not limited to, the following items: <ul style="list-style-type: none"> Lower Roswell Road: Westbound vehicles stacking and blocking vehicles attempting to enter and exit Indian Trail. 	

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- Lower Roswell Road: Eastbound vehicles stacking into South Marietta Parkway, due to eastbound vehicles attempting to turn left onto Indian Trail.
 - Indian Trail: Vehicles stacking on Indian Trail, due to vehicles attempting to turn left onto Lower Roswell Road.
 - Private Alley D: Southbound vehicles unable to turn left onto Indian Trail, due to vehicles attempting to enter Lower Roswell Road.
 - Full site development plans required.
 - State Waters exist at the northwestern corner of 63 Indian Trail. The stream head exists near a stand of three magnolias and a stacked stone wall surrounds the bowl. City staff placed two flags at the head on 01/09/19. The drainage area is less than 25-acres, so only the State-required 25-ft undisturbed stream buffer applies.
 - Modifications to County rights-of-way require approval by Cobb County Department of Transportation.
 - Deceleration lane required.
 - Private roads must be constructed to City street standards.
 - Roads and alleys have centerline radii less than the required minimum of 100-ft. Adjustments of roadway configurations and/or variances would be required.
 - Proposed roads and alleys cannot accommodate curbside pick-up by City sanitation vehicles. Dumpsters, trash pads, and/or trash corrals must be provided in locations that accommodate City sanitation vehicles. Trash corrals, rather than trash pads, are required if bins are to be permanently stored on the pad.
 - All intersections, curves, hill crests, and other locations of roadway and alleys must meet AASHTO sight distance requirements. In cases where the sight line is not contained within the right of way or easement, a sight distance easement will be required. Areas of concern include, but are not limited to reduced centerline radii locations, corner lots, tree locations, and access points. These will be further reviewed as part of the site development plan review process but warrant comment at this time.
 - Any items that require electric service (e.g. amenities area, mail kiosk, entrance signs, sewage pump, etc.) must have a separate address.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development? 52

Distance of the nearest station? 2 MI

Most likely station for 1st response? 52

Service burdens at the nearest city fire station (under, at, or above capacity)? EDGE OF CITY LIMITS

Comments:

1. Provide a fire access road inside the development to serve lots 56-64 and lots 2-11.
2. The maximum allowable dead end for a fire access road is 150' without providing an acceptable turnaround.
3. Single-family developments containing more than 51 dwelling units shall provide at least two access points to arterial or collector streets.
4. Accessibility for fire equipment on hard surfaced sub-base (subgrade plus an asphalt first layer or bound crushed stone) shall be maintained through all stages of construction from the time framing begins.
5. Minimum turning radius shall be 35 feet
6. Access to the Mail Kiosk and other amenities shall provide all necessary features to facilitate accessibility and comply with the Georgia Accessibility Code.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes x No x

If not, can this site be served? Yes x No

What special conditions would be involved in serving this site?

Some parcels are served by Cobb EMC and some parcels are served by Marietta Power.

****Customer Choice****



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	Lockheed Elementary
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	775
Capacity at Middle School:	1,350
Capacity at Marietta Sixth Grade Academy:	775
Capacity at High School:	2,150
Current enrollment of Elementary School:	671
Current enrollment of Middle School:	1,339
Current enrollment of High School:	2,392
Number of students generated by present development:	0
Number of students projected from the proposed development:	30
New schools pending to serve this area:	0
<u>Comments:</u>	

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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 #: 22019-04 Legistar #: _____ PZ #: 18-609
Planning Commission Hearing: 02/05/2019 City Council Hearing: 02/13/2019

Owner's Name See Exhibit "A" Attached Collectively

EMAIL Address: See Attached Property Owner Contact Information

Mailing Address _____ Zip Code: _____ Telephone Number _____

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Representative: J. Kevin Moore - Moore Ingram Johnson & Steele, LLP
Applicant: Traton Homes, LLC

EMAIL Address: clif@tratonhomes.com

Mailing Address 720 Kennesaw Avenue, Marietta, GA Zip Code: 30060

Telephone Number (770) 427-9064 Email Address: clif@tratonhomes.com

Address of property to be rezoned: 53, 56, 63, 73, 76 Indian Trail
1895, 1905, 1923, 1935 Lower Roswell Road

Land Lot (s) 12060 District 16 Parcel 0030 Acreage 7.48± Ward 6A Future Land Use: CAC (City)
0050, 0060, 0070, 0250, 0270, 0280, 0300 Low-Density
Present Zoning Classification: CRC (City) Proposed Zoning Classification: PRD-SF Residential
R-20 (Cobb County) (Cobb County)

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 ½" 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:

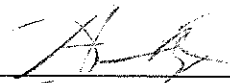
- Specific use or uses proposed for the site
 - Acreage, bearing and distances, other dimensions, and location of the tract(s)
 - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
 - Detention/retention areas, and utility easements
 - Public or 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.

PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: February 5, 2019
February 13, 2019

Applicant: Traton Homes, LLC
Property Owner: 53 Indian Trail, LLC

53 INDIAN TRAIL, LLC


BY: 
Garrett Boyd
Managing Member

Date Executed: December 18, 2018

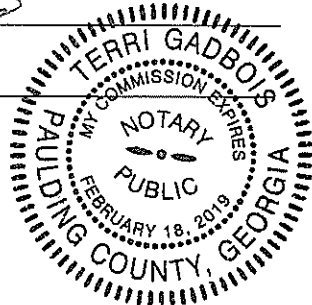
Address: Suite 400
600 Kennesaw Avenue
Marietta, Georgia 30060

Telephone: (404) 252-5174
E-mail: gboyd@rayboydproperties.com

Signed, sealed, and delivered in the presence of:


Notary Public
My Commission Expires: _____

[Notary Seal]



PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: February 5, 2019
February 13, 2019

Applicant: Traton Homes, LLC
Property Owner: 56 Indian Trail, LLC

56 INDIAN TRAIL, LLC

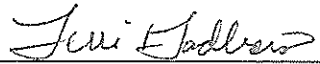
BY: 
Garrett Boyd
Managing Member

Date Executed: December 18, 2018

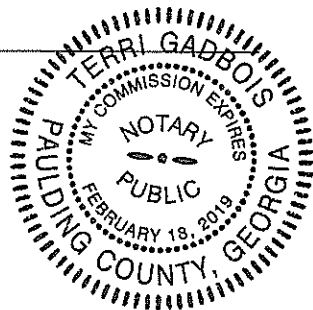
Address: Suite 400
600 Kennesaw Avenue
Marietta, Georgia 30060

Telephone: (404) 252-5174
E-mail: gboyd@rayboydproperties.com

Signed, sealed, and delivered in the presence of:


Notary Public
My Commission Expires: _____

[Notary Seal]

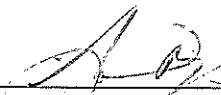


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Applicant: Traton Homes, LLC
Property Owner: 63 Indian Trail, LLC

63 INDIAN TRAIL, LLC


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Date Executed: December 18, 2018

Address: Suite 400
600 Kennesaw Avenue
Marietta, Georgia 30060

Telephone: (404) 252-5174
E-mail: gboyd@rayboydproperties.com

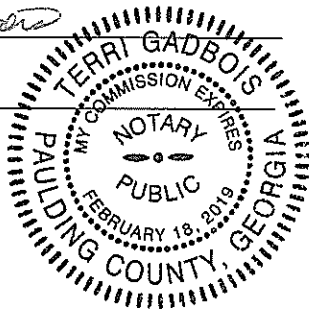
Signed, sealed, and delivered in the presence of:



Notary Public

My Commission Expires: _____

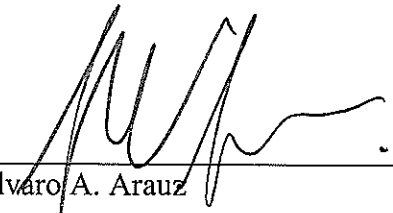
[Notary Seal]



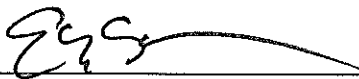
PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: February 5, 2019
February 13, 2019

Applicant: Traton Homes, LLC
Property Owners: Alvaro A. Arauz and Elizabeth Arauz



Alvaro A. Arauz



Elizabeth S. Arauz


Date Executed: December 18, 2018

Address: 73 INDIAN TRAIL
MARIETTA, GA 30068

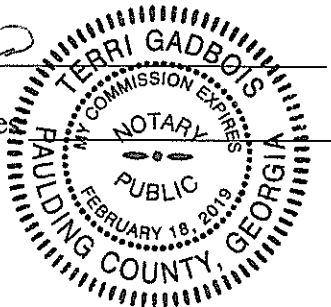
Telephone: (678) 360 3211

E-mail: 3a@3alawmanagement.com

Signed, sealed, and delivered in the presence of:



Notary Public
My Commission Expires
[Notary Seal]

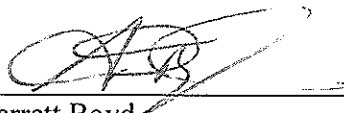


PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: February 5, 2019
February 13, 2019

Applicant: Traton Homes, LLC
Property Owner: 76 Indian Trail, LLC

76 INDIAN TRAIL, LLC

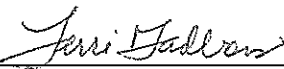
BY: 
Garrett Boyd
Managing Member

Date Executed: December 18, 2018

Address: Suite 400
600 Kennesaw Avenue
Marietta, Georgia 30060

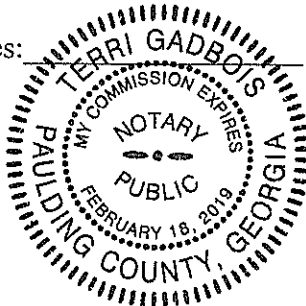
Telephone: (404) 252-5174
E-mail: gboyd@rayboydproperties.com

Signed, sealed, and delivered in the presence of:



Notary Public
My Commission Expires: _____

[Notary Seal]




PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: February 5, 2019
February 13, 2019

Applicant: Traton Homes, LLC
Property Owner: 1905 Lower Roswell Road, LLC

1905 LOWER ROSWELL ROAD, LLC

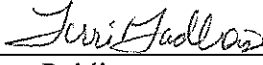
BY: 
Garrett Boyd
Managing Member

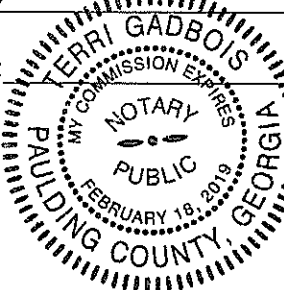
Date Executed: December 18, 2018

Address: Suite 400
600 Kennesaw Avenue
Marietta, Georgia 30060

Telephone: (404) 252-5174
E-mail: gboyd@rayboydproperties.com

Signed, sealed, and delivered in the presence of:


Notary Public
My Commission Expires: _____
[Notary Seal]



PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: February 5, 2019
February 13, 2019

Applicant: Traton Homes, LLC
Property Owner: 1923 Lower Roswell Road, LLC

1923 LOWER ROSWELL ROAD, LLC

BY: 
Garrett Boyd
Managing Member

Date Executed: December 18, 2018

Address: Suite 400
600 Kennesaw Avenue
Marietta, Georgia 30060

Telephone: (404) 252-5174
E-mail: gboyd@rayboydproperties.com

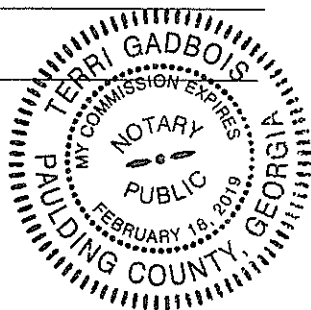
Signed, sealed, and delivered in the presence of:



Notary Public

My Commission Expires: _____

[Notary Seal]

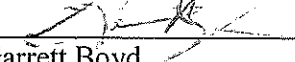


PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: February 5, 2019
February 13, 2019

Applicant: Traton Homes, LLC
Property Owner: 1935 Lower Roswell Road, LLC

1935 LOWER ROSWELL ROAD, LLC

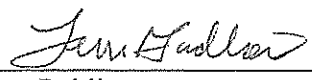
BY: 
Garrett Boyd
Managing Member

Date Executed: December 18, 2018

Address: Suite 400
600 Kennesaw Avenue
Marietta, Georgia 30060

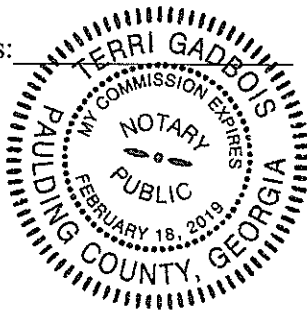
Telephone: (404) 252-5174
E-mail: gboyd@rayboydproperties.com

Signed, sealed, and delivered in the presence of:



Notary Public
My Commission Expires: _____

[Notary Seal]



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ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Legistar No.: _____
Hearing Dates: February 5, 2019
February 13, 2019

Applicant: Traton Homes, LLC
Titleholders: 1905 Lower Roswell Road, LLC; 1923 Lower Roswell Road, LLC; 1935 Lower Roswell Road, LLC; 53 Indian Trail, LLC; 56 Indian Trail, LLC; 63 Indian Trail, LLC; 76 Indian Trail, LLC; and Alvaro A. Arauz and Elizabeth S. Arauz

DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT

The property which is the subject of the Application for Rezoning by Applicant, Traton Homes, LLC (hereinafter "Applicant") is an assemblage of nine parcels totaling 7.48 acres, more or less, located in Land Lot 1206, 16th District, 2nd Section, Cobb County, Georgia, and are more particularly identified in the Property Owner/Parcel Listing submitted with the Application for Rezoning (hereinafter collectively the "Property" or the "Subject Property"). Six of the parcels are located within unincorporated Cobb County; and, therefore, Applications for Annexation for those parcels are filed contemporaneously with the Application for Rezoning of the overall tract. The Rezoning Application seeks approval of a request to rezone the Subject Property from the existing R-20 (Cobb County) and Community Retail Commercial ("CRC") (City of Marietta) zoning classifications to the PRD-SF zoning classification. Applicant is seeking rezoning for a townhome community.

The assembled parcels are located on the northerly side of Lower Roswell Road (1905, 1923, and 1935 Lower Roswell Road), the easterly side of the North Marietta Parkway (1895 Lower Roswell Road), and the northerly and southerly sides of Indian Trail (53, 63, 73, 56, 76 Indian Trail). The properties contain either small businesses, single-family residences, or are vacant lots. Applicant proposes the construction of a maximum of sixty-two (62) townhome units and one (1) single-family residence. All residences shall be traditional or Craftsman style in architecture and design, with the exteriors consisting of brick, stone, stacked stone, cedar shake, board and batten, and combinations thereof. All residences shall have two car garages. Access to the proposed development will be as shown on the Zoning Plan submitted with the Application for Rezoning.

Extensive landscaping will be done for the overall project. Approximately 0.94 acres of open space shall be provided for the use and enjoyment of residents for passive recreational activities and gatherings. However, Applicant will seek a waiver for the required minimum open space area of 1.87 acres.

Applicant will supplement its Application for Rezoning with additional items; including, but not limited to the following, throughout the rezoning process:

- (1) Updated and revised Zoning Plan, if necessary;
- (2) Landscape Plan for buffer areas and proposed Open Space areas;
- (3) Elevations, floorplans, and finishes; and
- (4) Details for open space and amenity areas.

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. Variances for required open space and minimum driveway length are set forth on the Zoning Plan submitted with the Application for Rezoning; however, any additional required variances will be more particularly set forth during the rezoning process.

Applicant is very excited with the opportunity of this new project within the City of Marietta. The project will redevelop the Property for a quality product in a highly sought after area of the City, in close proximity to Downtown Marietta and with interstate connectivity.



COBB COUNTY BOARD OF COMMISSIONERS

100 Cherokee Street, Suite 300
Marietta, Georgia 30090-7000
Phone: (770) 528-3305 Fax: (770) 528-2606

Michael H. Boyce
Chairman

CERTIFIED MAIL
7015 0640 0001 4999 4515

February 1, 2019

The Honorable Steve Tumlin
Mayor
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Re: Petition for Annexation— Land Lot 1206, 16th District, Parcels 0003, 0004, 0005, 0006, 0025 & 0027, 2nd Section, 1895 Lower Roswell Road, 53, 56, 63, 73 & 76 Indian Trail, Cobb County, Georgia; Notice of Objection

Dear Mayor Tumlin:

This correspondence is the **basis of objection** in response to the above-referenced annexation petition. For the reasons indicated below, Cobb County respectfully objects to this proposed annexation and rezoning, in accordance with the provisions of O.C.G.A. § 36-36-113 and the terms contained in sections 2 and 4 of the Intergovernmental Agreement with the City of Marietta, dated July 12, 2004 (“HB 489 Agreement”).

The subject properties are currently zoned R-20, which allows an average density of 1.75 units per acre (upa), and are proposed for rezoning to PRD-SF with a density of 8.76 upa. The site is located within an area designated as Low Density Residential (LDR) on the Cobb County Future Land Use Map. The LDR designation accommodates detached single-family residential development at densities ranging from 1.0 to 2.5 upa. Additionally, all surrounding unincorporated properties are zoned R-20 and designated as LDR.

The proposed rezoning is objectionable pursuant to Section 4 of the HB 489 Agreement. The requested action does not constitute a down-zoning, as the proposed density under the City’s PRD-SF classification is significantly higher than what would be allowed under the County’s R-20 classification. Additionally, the proposed zoning classification and the County’s Future Land Use designation are incompatible according the land use compatibility table (Exhibit A) contained within the HB 489 Agreement.

Further, this objection is valid pursuant to O.C.G.A. § 36-36-113(d)(1)(A) as the proposed rezoning results in “a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use.” The PRD-SF zoning, as proposed to be applied

Re: Petition for Annexation– Land Lot 1206, 16th District, Parcels 0003, 0004, 0005, 0006, 0025 & 0027, 2nd Section, 1895 Lower Roswell Road, 53, 56, 63, 73 & 76 Indian Trail, Cobb County, Georgia; Notice of Objection

to the area of annexation, would result in a substantial change in the intensity of the use of the property. The density would increase from 1.75 to 8.56 units per acre.

The area of annexation in this application is within the “buffer for the eastern arch” on the map titled “Undeveloped LDR Land, 2 miles outside unobjectionable area,” contained within Exhibit B of the HB 489 Agreement. Within the aforementioned buffer, the agreed upon density is “up to 4 (units per acre).”

This letter is being sent because there has been no resolution resulting from informal negotiation and / or the timeframe for initiating arbitration is about to lapse in accordance with O.G.C.A. § 36-36-113 (c). This letter will be provided to the Georgia Department of Community Affairs (DCA) along with the forms requesting the appointment of an arbitration panel. DCA will provide a list of potential panelist from which the City will have the opportunity to excuse a set number. This must be accomplished within fifteen (15) days of the date you receive this letter.

Should you have any questions or need any additional information, please contact Jay Northrup, Intergovernmental Coordinator, at (770) 528-2199 or jay.northrup@cobbcounty.org .

Re: Petition for Annexation– Land Lot 1206, 16th District, Parcels 0003, 0004, 0005, 0006, 0025 & 0027, 2nd Section, 1895 Lower Roswell Road, 53, 56, 63, 73 & 76 Indian Trail, Cobb County, Georgia; Notice of Objection

Sincerely,



Michael H. Boyce, Chairman

cc: Rob Hosack, County Manager – VIA E-mail
Jackie McMorris, Deputy County Manager – VIA E-mail
Deborah Dance, County Attorney- VIA E-mail
Michael Hughes, Interim Director – VIA E-mail
Jason Gaines, Planning Division Manager – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta
Shelby Little, Planning and Zoning Manager, City of Marietta
Jon West, Senior Planner, Local & Intergovernmental Programs,
Georgia Department of Community Affairs – VIA E-mail

Re: Petition for Annexation– Land Lot 1206, 16th District, Parcels 0003, 0004, 0005, 0006, 0025 & 0027, 2nd Section, 1895 Lower Roswell Road, 53, 56, 63, 73 & 76 Indian Trail, Cobb County, Georgia; Notice of Objection

[signature page continued]

Sincerely,

Keli Gambrill


Keli Gambrill, District 1 Commissioner

cc: Rob Hosack, County Manager – VIA E-mail
Jackie McMorris, Deputy County Manager – VIA E-mail
Deborah Dance, County Attorney- VIA E-mail
Michael Hughes, Interim Director – VIA E-mail
Jason Gaines, Planning Division Manager – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta
Shelby Little, Planning and Zoning Manager, City of Marietta
Jon West, Senior Planner, Local & Intergovernmental Programs,
Georgia Department of Community Affairs – VIA E-mail

Re: Petition for Annexation– Land Lot 1206, 16th District, Parcels 0003, 0004, 0005, 0006, 0025 & 0027, 2nd Section, 1895 Lower Roswell Road, 53, 56, 63, 73 & 76 Indian Trail, Cobb County, Georgia; Notice of Objection

[signature page continued]

Sincerely,



Bob Ott, District 2 Commissioner

cc: Rob Hosack, County Manager – VIA E-mail
Jackie McMorris, Deputy County Manager – VIA E-mail
Deborah Dance, County Attorney- VIA E-mail
Michael Hughes, Interim Director – VIA E-mail
Jason Gaines, Planning Division Manager – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Rusty Roth, Planning & Zoning Director, City of Marietta
Shelby Little, Planning and Zoning Manager, City of Marietta
Jon West, Senior Planner, Local & Intergovernmental Programs,
Georgia Department of Community Affairs – VIA E-mail

ANNEXATION/REZONING

APPLICANT: Marietta
1206/16

PETITION NO : _____ :

PRESENT ZONING: R-20

PETITION FOR: PRD :

**TRANSPORTATION COMMENTS &
RECOMMENDATIONS**

The following comments and recommendations are based on office review of the subject annexation/rezoning case:

Reviewed plans do not show detailed plans and/or specific uses. Additional concerns/comments will be provided after plans have been submitted to Cobb County via the formal Plan Review Process.

Indian Trail is classified as a local road. R/W does not appear to meet the minimum requirements.

Reviewed plans do not show future plans or specific uses. Additional concerns/comments will be provided after plans have been submitted to Cobb County via the formal Plan Review Process.

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way along Indian Trail, 25' from road centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend curb, gutter and sidewalk entire property frontage.

Plans to be submitted for Cobb County Plan Review and approval.

Annexation Application From The City of Marietta

January 2019

16 th District
Land Lot 1206
Parcels:
0003, 0004,
0005, 0006, &
0025, 0270

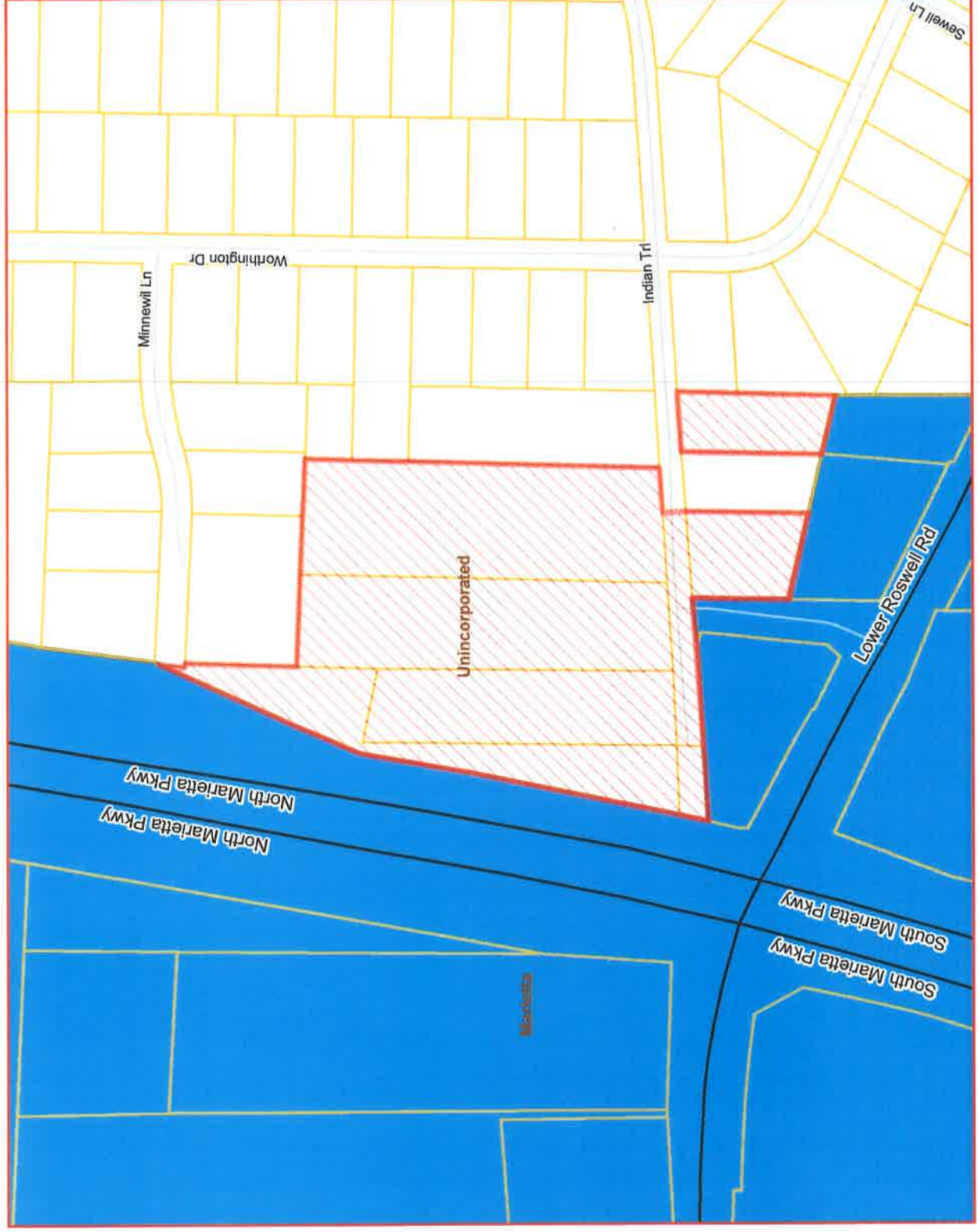
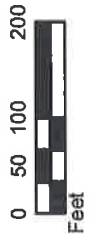
Legend



Marietta



Annexation



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TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: February 15, 2019

**CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS and CODE AMENDMENT**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, March 5th, 2019, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, March 13th, 2019, 7:00 p.m.**, City Hall, for a final decision to be made.

ZZ2019-04 [REZONING] TRATON HOMES, LLC (53 INDIAN TRAIL, LLC; 56 INDIAN TRAIL, LLC; 63 INDIAN TRAIL, LLC; 76 INDIAN TRAIL, LLC; ALVARO & ELIZABETH ARAUZ) are requesting the rezoning of approximately 7.48 acres located Land Lot 1206, District 16, Parcels 0030, 0070, 0300, 0280, 0040, 0250, 0050, 0060, 0270 of the 2nd Section, Cobb County, Georgia and being known as 1895, 1905, 1923, & 1935 Lower Roswell Road and 53, 56, 63, 73, & 76 Indian Trail from R-20 (Single Family Residential – Cobb County) and CRC (Community Retail Commercial - City) to PRD-SF (Planned Residential Development Single Family - City). Ward 6A.

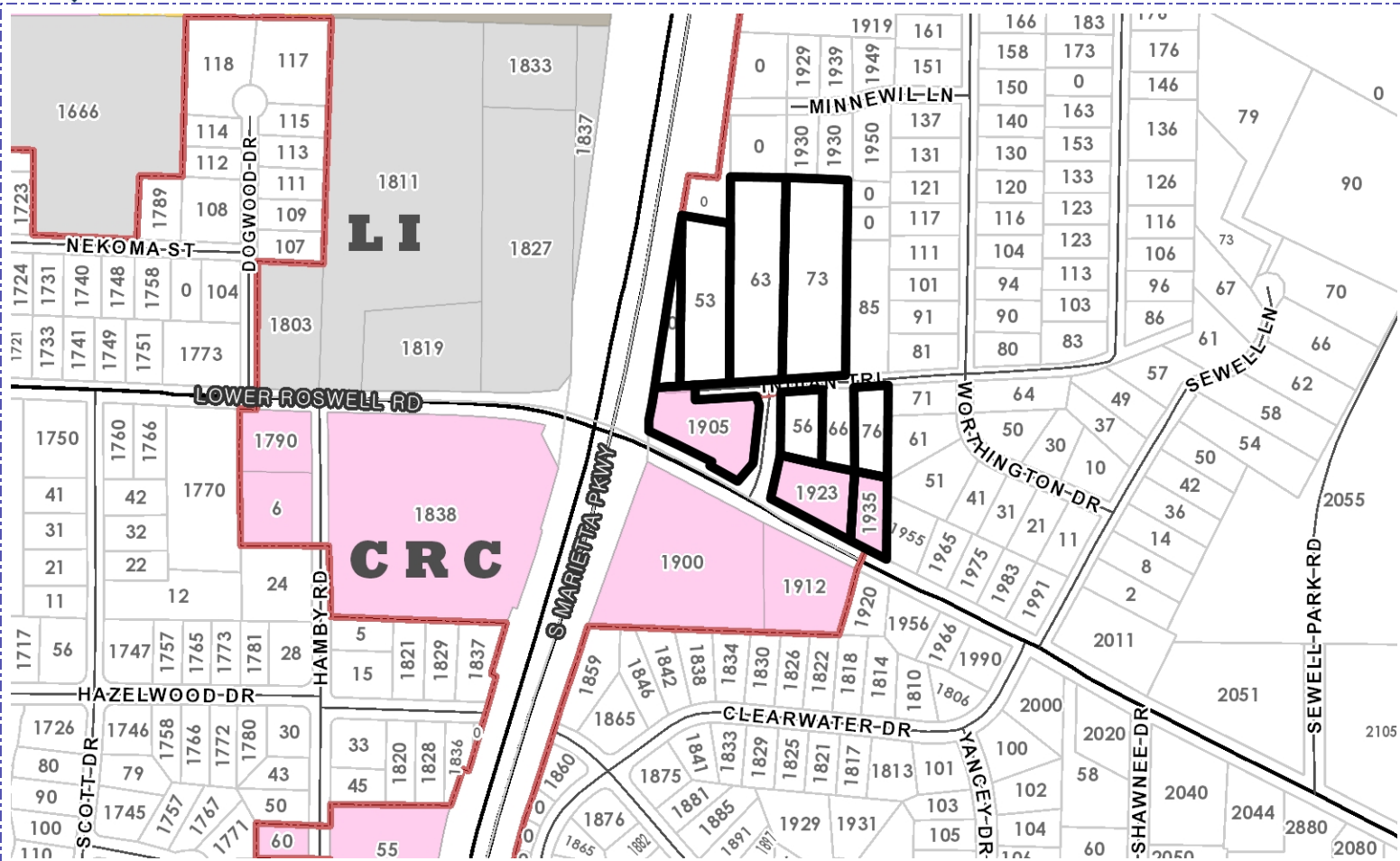
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative 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.

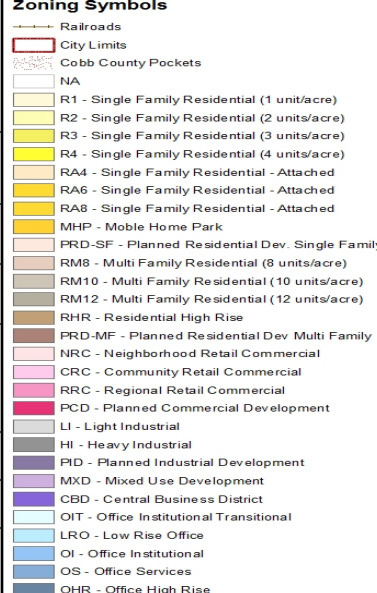
Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Ms. Nicole Curl, ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

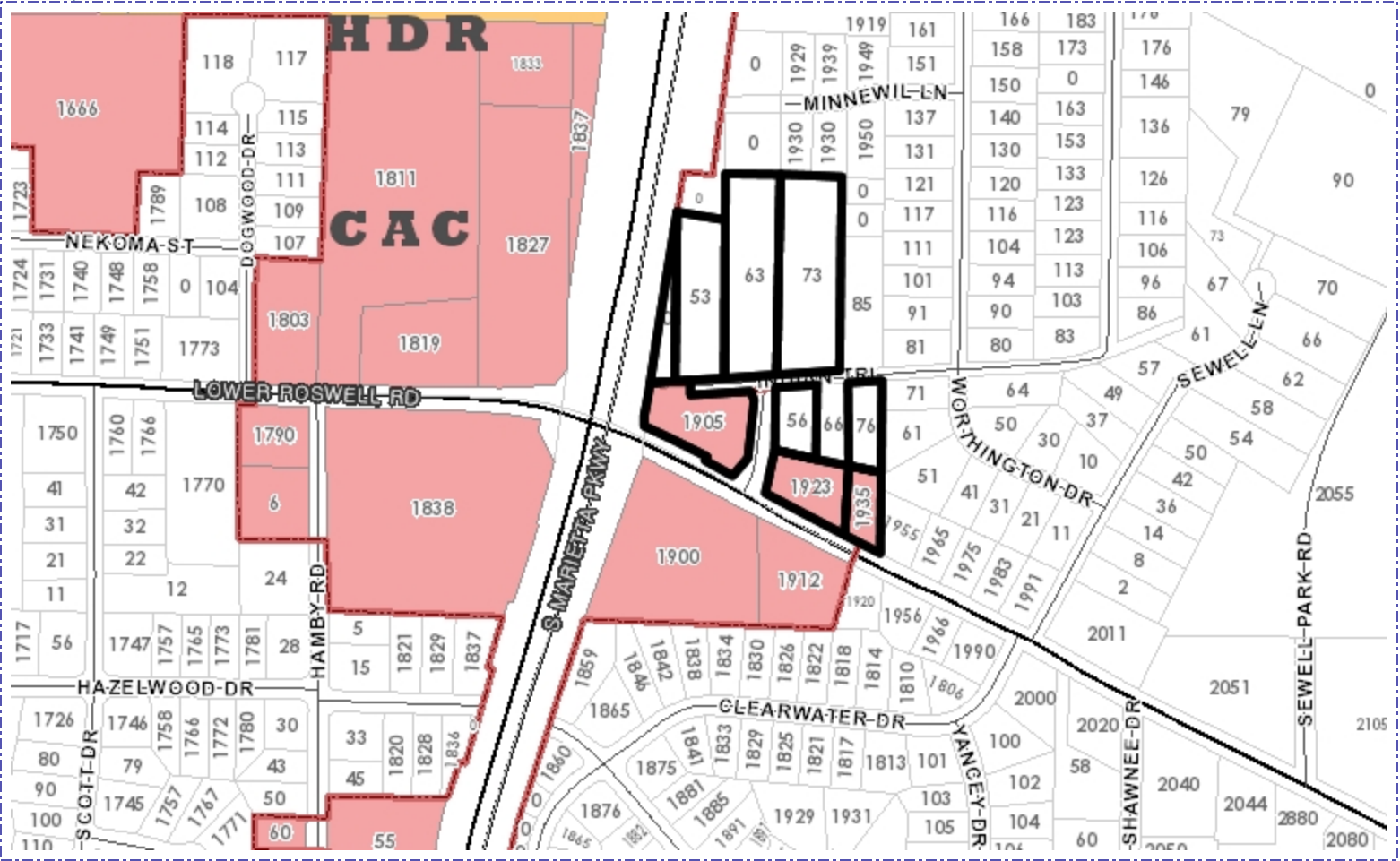
Rezoning



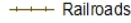

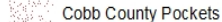
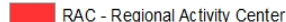


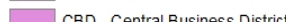


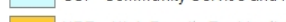
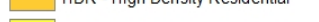
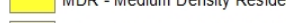
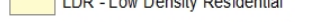
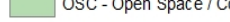
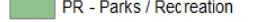
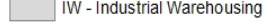
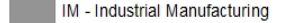
Address	Parcel Number	Acreage	Ward	Zoning	FLU
1935 LOWER ROSWELL RD	16120600280	0.343	6A	CRC	CAC
1923 LOWER ROSWELL RD	16120600300	0.592	6A	CRC	CAC
1905 LOWER ROSWELL RD	16120600070	0.887	6A	CRC	CAC
56 INDIAN TRL		0.374		NA	
76 INDIAN TRL		0.384		NA	
53 INDIAN TRL		1.056		NA	
73 INDIAN TRL		1.62		NA	
63 INDIAN TRL		1.435		NA	
0	C	0.283			

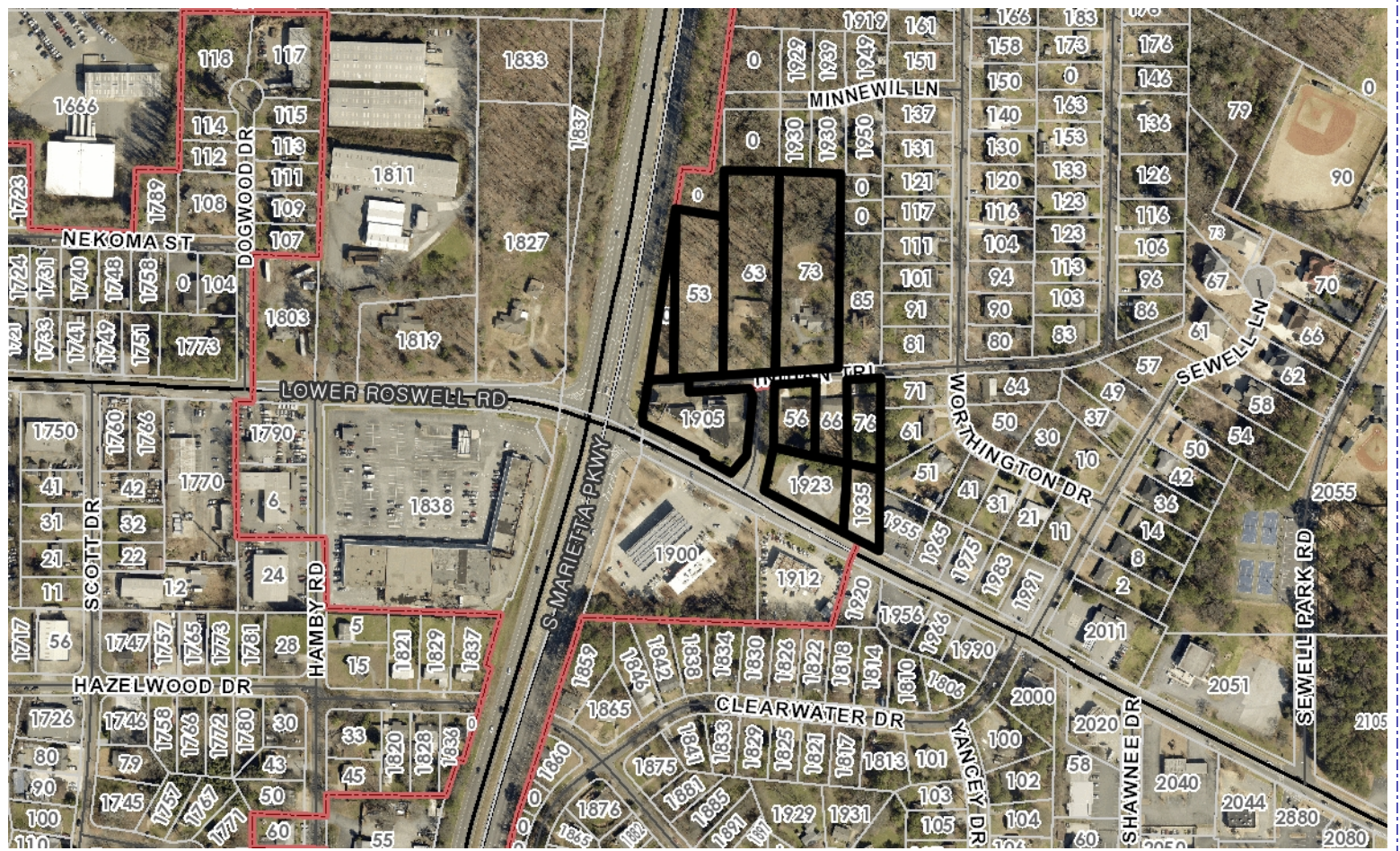
Property Owner:	Various	Zoning Symbols 
Applicant:	Traton Homes	
Proposed Zoning:	R20 (Cty) CRC (City) to PRD-SF	
Agent:	J. Kevin Moore, Esq.	
Proposed Use:		
Planning Commission Date:	03/05/2019	
City Council Hearing Date:	03/13/2019	Case Number: Z2019-04
City of Marietta Planning & Zoning		

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1935 LOWER ROSWELL RD	16120600280	0.343	6A	CRC	CAC
1923 LOWER ROSWELL RD	16120600300	0.592	6A	CRC	CAC
1905 LOWER ROSWELL RD	16120600070	0.887	6A	CRC	CAC
56 INDIAN TRL		0.374		NA	
76 INDIAN TRL		0.384		NA	
53 INDIAN TRL		1.056		NA	
73 INDIAN TRL		1.62		NA	
63 INDIAN TRL		1.435		NA	
0	C	0.283			

Planning Commission Hearing Date:	03/05/2019	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 Council Hearing Date:	03/13/2019	
Future Land Use:	CAC	
Case Number:		
Comments:		
City of Marietta Planning & Zoning		



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1935 LOWER ROSWELL RD	16120600280	0.343	6A	CRC	CAC
1923 LOWER ROSWELL RD	16120600300	0.592	6A	CRC	CAC
1905 LOWER ROSWELL RD	16120600070	0.887	6A	CRC	CAC
56 INDIAN TRL		0.374		NA	
76 INDIAN TRL		0.384		NA	
53 INDIAN TRL		1.056		NA	
73 INDIAN TRL		1.62		NA	
63 INDIAN TRL		1.435		NA	
0	C	0.283			

Property Owner:	Various	<div>Legend</div> <div><div><div></div></div>Railroads</div> <div><div></div>City Limits</div> <div><div></div>Cobb County Pockets</div>
Applicant:	Traton Homes	
City Council Hearing Date:	03/13/2019	
Planning Commission Hearing Date:	03/05/2019	
BZA Hearing Date:	Case Number: Z2019-04	
Comments:		
City of Marietta Planning & Zoning		

