

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 433, District 17, Parcel02 0140 of the 2nd Section, Cobb County, Georgia, and being known as **401 Rose Drive**.

WHEREAS, application has been filed by **33 HOLDINGS LLC** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

All that tract or parcel of land lying and being in Land Lot 433 of the 17th District, 2nd Section, Cobb County, Georgia, and being Tract 1, as shown on Exemption Plat for Armando & Alejandro Munoz, dated March 27, 2003, recorded in Plat Book 215 Page 7, Cobb County, Georgia records which plat is incorporated into and made a part hereto by reference, and being further described as follows:

Commencing at a point at the intersection of the northern right-of-way of South Marietta Parkway a/k/a 120 South Loop (variable right-of-way) with the Eastern right-of-way of Rose Drive (36 foot right-of-way); thence along said right-of-way of Rose Drive, North 00 degrees 24 minutes 51 seconds East a distance of 310.17 feet to a 5/8 inch rebar set being the TRUE POINT OF BEGINNING. Thence North 00 degrees 20 minutes 52 seconds East a distance of 443.00 feet to a 3/4 inch open top pipe found; thence South 88 degrees 45 minutes 54 seconds East a distance of 485.37 feet to a 5/8 inch rebar set; thence South 00 degrees 59 minutes 54 seconds West a distance of 143.77 feet to a 5/8 inch rebar set; thence South 59 degrees 15 minutes 07 seconds West a distance of 564.84 feet to a 5/8 inch rebar set; said 5/8 inch rebar set found being the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 3.26 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential – 12 units/acre).

Section 3: The following stipulations are incorporated as conditions of zoning:

1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.
2. At the time that the preliminary plat is submitted for consideration and approval, in addition to the site plan and landscape plan, a building footprint plan showing staggered units and architectural elevations showing all four sides of the buildings must also be included as part of the preliminary plat for consideration and approval.

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

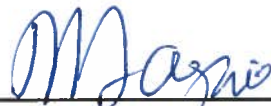
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Rusty Roth, Acting Director
Department of Development Services

Approved as to form:




Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 10, 2020

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor