

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 505 & 576, District 17, Parcels 0170, 0720, 0710, 0700, & 0690 of the 2nd Section, Cobb County, Georgia, and being known as **315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road.**

WHEREAS, application has been filed by **CAMPUS REALTY ADVISORS, LLC (HARTWOOD INVESTMENTS, 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:

That certain tract or parcel of land lying and being in land lots 505 and 576 of the 17th district, 2nd section, city of Marietta, Cobb County, Georgia and more particularly described as follows:

Beginning at a pk nail set at the intersection of the southern right of way of Banberry Road (40' public R/W) and the eastern right of way of Frey's Gin Road (40' public R/W), thence along said southern R/W south 89 degrees 38 minutes 26 east a distance of 253.29 feet to a 1/2" rebar found, thence leaving said R/W south 00 degrees 11 minutes 21 seconds east a distance of 148.01 feet to a point, thence south 89 degrees 38 minutes 26 seconds east a distance 873.13 feet to a point, thence south 00 degrees 38 minutes 59 seconds west a distance of 347.53 feet to a point, thence north 89 degrees 37 minutes 42 seconds west a distance of 337.94 feet to a point, thence north 89 degrees 37 minutes 42 seconds west a distance of 250.84 feet to a point on the north end of the eastern right of way of Kathleen Road (40' public r/w), thence along the northern end of said R/W north 89 degrees 55 minutes 11 seconds west a distance of 40.49 feet to a point on the northern end of the westerly right of way Kathleen Road, leaving said R/W north 89 degrees 40 minutes 38 seconds west a distance of 239.92 feet to a point, thence south 88 degrees 33 minutes 00 seconds west a distance of 118.62 feet to a 1/2" rebar found, thence north 01 degrees 39 minutes 03 seconds west a distance of 199.28 feet to an axle found, thence south 88 degrees 18 minutes 18 seconds west a distance of 227.65 feet to an axle found on the eastern right of way of Frey's Gin Road (40' r/w), thence along said R/W north 19 degrees 06 minutes 17 seconds east a distance of 187.74 feet to a point, thence continuing along said R/W and a curve to the left having a radius of 1,137.56 feet and an arc length of 135.30 feet, being subtended by a chord bearing of north 15 degrees 50 minutes 42 seconds east a distance of 135.22 feet to a nail set, said point being the point of beginning.

Said tract or parcel of land contains 9.57 acres or 417,224 sq.ft.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from PRD-SF (Planned Residential Development – Single Family) to PRD-MF (Planned Residential Development – Multi Family).

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

- Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 11, 2020.

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.

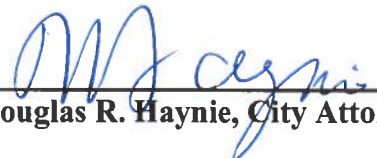
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

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: August 12, 2020

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor