

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia Land Lots 732, 733, 780, & 781, District 17, Parcel 0180 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as **2086 Cobb Parkway South**.

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**WHEREAS**, application has been filed by **SCP ACQUISITIONS, 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 Lots 732, 733, 780, and 781 of the 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, and being more particularly described as follows:

Commencing at a 1/2-inch rebar found at the intersection of the Southwesterly right-of-way line of Cobb Parkway, a.k.a. U.S. Highway 31 (200-foot right-of-way) and a Southeasterly right-of-way line of Windy Hill Road (100-foot right-of-way); Thence along the Southeasterly right-of-way line of Windy Hill Road, South 60 degrees 46 minutes 33 seconds West a distance of 200.00 feet to a 1/2-inch rebar found, said point being the TRUE POINT OF BEGINNING; Thence departing said right-of-way, South 37 degrees 49 minutes 13 seconds East, a distance of 177.92 feet to a 1/2-inch rebar found; Thence North 61 degrees 46 minutes 43 seconds East, a distance of 198.31 feet to a 1/2-inch rebar found located on the Southwesterly right-of-way line of Cobb Parkway; Thence along said right-of-way, South 37 degrees 55 minutes 26 seconds East, a distance of 285.91 feet to a 1/2-inch rebar found; Thence departing said right-of-way, South 52 degrees 17 minutes 09 seconds West, a distance of 757.06 feet to a 1/2-inch rebar found; Thence North 28 degrees 45 minutes 20 seconds West, a distance of 580.99 feet to a 5/8-inch rebar found located on the Southeasterly right-of-way line of Windy Hill Road; Thence along said right-of-way, North 61 degrees 38 minutes 27 seconds East, a distance of 475.95 feet to a 1/2-inch rebar found, said point being the TRUE POINT OF BEGINNING.

Said tract of land being improved property containing 7.730+/- acres, or 336,719+/- square feet.

**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 PRD-MF (Planned Residential Development – Multi Family).

**Section 3:** Further, the following property to wit:

All that tract or parcel of land lying and being in Land Lots 732, 733, 780 and 781 of the 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

Commencing at a 1/2-inch rebar found at the intersection of the Southwesterly right-of-way line of Cobb Parkway, a.k.a. U.S. Highway 41 (200-foot right-of-way) and Southeasterly right-of-way line of Windy Hill Road (100-foot right-of-way); Thence along the Southwesterly right-of-way line of Cobb Parkway, South 37 degrees 07 minutes 39 seconds East a distance of 181.11 feet to a 1/2-inch rebar found, said point being the TRUE POINT OF BEGINNING; Thence continuing said right-of-way, South 37 degrees 07 minutes 39 seconds East, a distance of 285.91 feet to a 1/2-inch rebar found; Thence departing said right-of-way, South 52 degrees 17 minutes 09 seconds West, a distance of 228.09 feet; Thence North 34 degrees 51 minutes 36 seconds West, a distance of 321.60 feet; Thence North 61 degrees 46 minutes 43 seconds East, a distance of 15.65 feet to a 1/2-inch rebar found; Thence continuing along North 61 degrees 46 minutes 43 seconds East, a distance of 198.31 feet to a 1/2-inch rebar found, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 1.53 Acres.

**Section 4:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from PRD-MF (Planned Residential Development – Multi Family) to CRC (Community Retail Commercial).

**Section 5:** The following stipulations are incorporated as conditions of zoning:

- Letter of stipulations and variances from Sams, Larkin & Huff to Rusty Roth, Director Development Services for the City of Marietta, dated February 8, 2021.

**Section 6:** 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 7:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 8:** 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  
Rusty Roth, Director  
Department of Development Services

Approved as to form:

MA Haynie  
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: February 10, 2021

APPROVED:

ATTEST:

Stephanie Guy  
Stephanie Guy, City Clerk

R. Steve Tumlin, Jr.  
R. Steve Tumlin, Jr., Mayor