FILE REFERENCE NO: <u>20241116</u> ORDINANCE NO: <u>8445</u>

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 434, District 17, Parcel 0180 of the 2nd Section, Cobb County, Georgia, and being known as **950 Hudson** Road.

WHEREAS, application has been filed by CAMPUS REALTY ADVISORS 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 the Land Lot 434 of the 17th District, Second Section of Cobb County, Georgia, and being more particularly described a s follows:

Beginning at a concrete monument located at the southwest corner of Land Lot 434, Thence North 01 degree 59 minutes 45 seconds West, along the west line of said Land Lot 434, for a distance of 399.65 feet to a 1 /2" rebar pin found; Thence leaving said land lot line, North 54 degrees 19 minutes 53 seconds East for a distance of 112.89 feet to a point; Thence North 10 degrees 39 minutes 12 seconds West for a distance of 90.35 feet to a point; Thence North 12 degrees 31 minutes 00 seconds West for a distance of 81.40 feet to a point; Thence North 01 degrees 14 minutes 4 seconds West for a distance of 116.30 feet to a point; Thence South 89 degrees 09 minutes 41 seconds East for a distance of 471.17 feet to a 1/2" rebar pin found: Thence South 00 degrees 47 minutes 32 seconds West for a distance of 154.33 feet to a P.K.N.F.; Thence South 89 degrees 09 minutes 08 seconds East for a distance of 79.70 feet to a 1/2" rebar pin found; Thence South 45 degrees 58 minutes 03 seconds East for a distance of 66.73 feet to a 1/2" rebar pin found; Thence South 36 degrees 35 minutes 42 seconds West for a distance of 167.18 feet to a 1/2" rebar pin found; Thence South 65 degrees 25 minutes 17 seconds East for a distance of 44.58 feet to a 1/2" rebar pin found; Thence South 08 degrees 35 minutes 19 seconds West for a distance of 160.03 feet to a 1/2" rebar pin found; Thence South 71 degrees 37 minutes 26 seconds West for a distance of 48.83 feet to a 1/2" rebar pin found; Thence South 06 degrees 36 minutes 41 seconds West for a distance of 79.87 feet to a 1/2" rebar pin found: Thence North 73 degrees 28 minutes 23 seconds West for a distance of 34.97 feet to a 1 /2" rebar pin found; Thence South 16 degrees 30 minutes 27 seconds West for a distance of 62.14 feet to a 1/2" rebar pin found; Thence North 48 degrees 12 minutes 14 seconds West for a distance of 114.60 feet to a 1/2" rebar pin found; Thence North 40 degrees 02 minutes 33 seconds West for a distance of 110.95 feet to a 1/2" rebar pin found; Thence South 02 degrees 14 minutes 34 seconds East for a distance of 235.26 feet to a 5/8" rebar pin found located on the southern land lot line of Land Lot 434; Thence

continuing along said land lot line, South 87 degrees 44 minutes 08 seconds West for a distance of 300.53 feet to a point and said point being the **POINT OF BEGINNING**.

Said property contains 8.20 acres or 357,343 Square feet, more or less.

Together with:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 434, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at a concrete monument found at the Land Lot Comer common to land lots 430, 431, 434 and 435; thence along the Land Lot line common to land lots 434 and 435, South 89 degrees 43 minutes 40 seconds East a distance of 300.43 feet to a 5/8-inch rebar found: thence leaving said Land Lot Line, North 00 degrees 14 minutes 29 seconds East a distance of 235.39 feet to a 5/8-inch rebar found; thence South 37 degrees 34 minutes 06 seconds East a distance of 110.90 feet to a 5/8-inch rebar found; thence South 45 degrees 41 minutes 43 seconds East a distance of 114.55 feet to a 5/8-inch rebar found, thence North 19 degrees 05 minutes 04 seconds East a distance of 62.06 feet to a 5/8-inch mbar found; thence South 70 degrees 55 minutes 14 seconds East a distance of 35.00 feet to a 5/8-inch rebar found; thence North 09 degrees 04 minutes 46 seconds East a distance of 80.00 feet to a 5/8-inch rebar found; thence North 74 degrees 10 minutes 49 seconds East a distance of 10.17 feet to a 5/8-inch rebar set; thence North 74 degrees 10 minutes 49 seconds East, a distance of 38.68 feet to a 5/8-inch rebar found; thence North 11 degrees 03 minutes 45 seconds Eest, a distance of 160.00 feet to a 5/8-inch rebar found; thence North 62 degrees 48 minutes 42 seconds West, a distance of 44.47 feet to a 5/8-inch rebar found; thence North 39 degrees 05 minutes 50 seconds East, o distance of 167.01 feet to a 5/8-inch rebar found; thence North 43 degrees 22 minutes 08 seconds West, a distance of 66.90 feet to a 5/8-inch rebar found, said rebar being the TRUE POINT OF BEGINNING. From the TRUE POINT OF BEGINNING thus established, proceed thence North 86 degrees 43 minutes 06 seconds West, a distance of 79.57 feet to a p.k. nail found; thence North 03 degrees 16 minutes 54 seconds East. a distance of 154.45 feet to a 5/8-inch rebar found on the Northern Land Lot Line of Land Lot 434; thence along the aforesaid Land Lot Line South 86 degrees 43 minutes 01 seconds East, a distance of 170.24 feet to a 5/8-inch rebar set; thence leaving the aforesaid Land Lot Line South 04 degrees 24 minutes 43 seconds West, a distance of 68.94 feet to a 5/8-inch rebar set; thence South 49 degrees 31 minutes 13 seconds West, a distance of 123.66 feet to a 5/8-inch rebar found, said rebar being the TRUE POINT OF BEGINNING, as more particularly described on that exemption plot for Hudson Road Tram for the KSU Marietta- Hudson Road Real Estate Foundation, LLC prepared by GeoSurvey by David Hester GRLS No. 3042 dated February 20, 2024, containing 0.512 acres according to said survey.

Together with

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 434, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at a concrete monument found at the Land Lot comer common to land lots 430, 431, 434 and 435, thence along the Land Lot line common to land lots 434 and 435, South 89 degrees 43 minutes 40 seconds East a distance of 300.43 feet to a 5/8-inch rebar found; thence leaving said Land I.ot Line, North 00 degrees 14 minutes 29 seconds East a distance of 235.39 feet to a 5/8-inch rebar found; thence South 37 degrees 34 minutes 06 seconds East a distance of 110.90 feet to a 5/8-inch rebar found; thence South 45 degrees 41 minutes 43 seconds East a distance of 114.54 feet to a 5/8-inch rebar found. said rebar being the TRUE POINT OF BEGINNING. From the TRUE POINT OF BEGINNING, thus established proceed thence North 19 degrees 05 minutes 04 seconds East a distance of 62.06 feet to a 5/8-inch rebar found; thence South 70 degrees 55 minutes 12 seconds East a distance of 35.00 feet to a 5/8-inch rebar found; thence North 09 degrees 04 minutes 46 seconds East a distance of 80.00 feet to a 5/8-inch rebar found; thence North 74 degrees 10 minutes 49 seconds East a distance of 10.17 feet to a 5/8-inch rebar set; thence South 09 degrees 04 minutes 46 seconds West, a distance of 78.76 feet to a 5/8-inch rebar set; thence South 70 degrees 22 minutes 10 seconds East, a distance of 145.02 feet to a 5/8-inch rebar set; thence South 19 degrees 15 minutes 17 seconds West, a distance of 74.11 feet to a 5/8-inch rebar set; thence North 71 degrees 44 minutes 37 seconds West, a distance of 129.34 feet to a 5/8-inch rebar set; thence North 62 degrees 53 minutes 33 seconds West, a distance of 59.17 feet to a 5/8- inch rebar found, said rebar being the TRUE POINT OF BEGININING, as more particularly described on that exemption plat for Hudson Road Tract for KSU Marietta-Hudson Road Real Estate Foundation, LLC prepared by GeoSurvey by David Hester GRLS No. 3042, dated February 20, 2024, containing 0.334 acres according to said survey.

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

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

- 1. Letter of agreeable stipulations and conditions to Shelby Little, Zoning Manager, City of Marietta from J. Kevin Moore of Moore, Ingram, Johnson & Steele dated March 11, 2025.
- 2. Bike racks and long-term bike storage will be provided on site.

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.

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

<u>Section 6</u>: 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:

<u>Rusta Rott</u> Rusty Roth, Director

Rusty Roth, Director Department of Development Services

Maynie

Douglas R. Haynie, City Attorney

Approved by City Council:

Approved as to form:

DATE: March 12, 2025

APPROVED:

til

R. Steve Tumlin, Jr., Mayor

ATTEST: tephanie Guy,



A LIMITED LIABILITY PARTNERSHIP WWW.MIJS.COM

MARIETTA, GEORGIA EMERSON OVERLOOK 326 ROSWELL STREET SUITE 100 MARIETTA, GEORGIA 30060 TELEPHONE (770) 429-1499 KNOXVILLE, TENNESSEE 408 N. CEDAR BLUFF ROAD SUITE 500 KNOXVILLE, TENNESSEE 37923 TELEPHONE (865) 692-9039.

JACKSONVILLE, FLORIDA 10201 CENTURION PARKWAY N. SUITE 401 JACKSONVILLE, FLORIDA 32256 TELEPHONE (904) 428-1465 BRENTWOOD, TENNESSEE 12 CADILLAC DRIVE SUITE 200 BRENTWOOD, TENNESSEE 37027 TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY 2408 SIR BARTON WAY SUITE 375 LEXINGTON, KY 40509 TELEPHONE (859) 309-0026 ORLANDO, FLORIDA 390 N. ORANGE AVENUE SUITE 625 ORLANDO, FLORIDA 32801 TELEPHONE (407) 367-6233 HARRISBURG, PENNSYLVANIA 101 ERFORD ROAD SUITE 300 CAMP HILL, PA 17011 TELEPHONE (717) 790-2854

March 11, 2025

Via E-mail Only to slittle@mariettaga.gov

Ms. Shelby Little, AICP Zoning Manager Department of Planning and Zoning City of Marietta 205 Lawrence Street Marietta, Georgia 30060

RE:	Application for Rezoning -	Zoning Case No.: Z2025-05
		(Legistar No. 20241116)
	Applicant:	Campus Realty Advisors, LLC
	Property Owners:	RRG Campus Edge, LLC
		RRG Management, LLC
	Property:	9.05 acres, more or less, located southerly of
	1	South Marietta Parkway, being more particularly
		known as 950 Hudson Road and a portion of
		956 Hudson Road, Land Lot 434, 17 th District,
		2 nd Section, City of Marietta, Cobb County,
		Georgia

Dear Shelby:

The undersigned and this firm represent Campus Realty Advisors, LLC, the Applicant (hereinafter referred to as "Applicant"), and RRG Campus Edge, LLC and RRG Management, LLC, the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in their request for rezoning of approximately 9.05 acres of property located southerly of the South Marietta Parkway, being more particularly known as 950 Hudson Road and a portion of 956 Hudson Road, Land Lot 434, 17th District, 2nd Section, City of Marietta, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and various City Staff, reviewing the City's Rezoning Application Analysis, reviewing the use of surrounding properties, and following the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and

Ms. Shelby Little, AICP Zoning Manager Department of Planning and Zoning City of Marietta Page 2 of 4 March 11, 2025

replace in full the previous letter of agreeable stipulations and conditions dated and submitted on February 28, 2025. The proposed, revised stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning category of PRD-MF (Planned Residential Development Multi-Family) to the proposed zoning category of PRD-MF (Planned Residential Development Multi-Family), with reference to the revised Site Plan prepared for Applicant by Gaskins + LeCraw, Inc., dated and last revised February 25, 2025, and submitted to Planning and Zoning on the same date. A reduced copy of the revised Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (2) The Subject Property consists of 9.05 acres, more or less, and shall be developed for a student housing development, containing a maximum of two hundred forty (240) units, and no more than six hundred sixty-five (665) bedrooms.
- (3) The proposed development shall have a minimum of 2.62 acres of open space consisting of passive recreation and buffer areas.
- (4) The proposed development shall have an active recreation area consisting, at a minimum, of a pool and pool house.
- (5) The proposed community unit configurations shall be in compliance with The University System of Georgia Guidelines for student housing with respect to health-related protocols and policies.
- (6) Applicant agrees marketing materials; including, but not limited to, electronic and web-based, shall be targeted and directed to student populations at Kennesaw State University and Life University.
- (7) Applicant agrees the proposed community shall be limited to no more than one (1) resident per bedroom, which restriction shall be included in all leases.
- (8) There shall be no drop-off, location or provision for any commercial rental scooter operation or business.
- (9) Vehicular access to the proposed community shall be secured access, through gates available only to management staff, emergency services, approved maintenance vendors, residents and their acknowledged guests; except for limited access to leasing areas.

Ms. Shelby Little, AICP Zoning Manager Department of Planning and Zoning City of Marietta Page 3 of 4 March 11, 2025

- (10) Access to units shall be secured; controlled and available only to residents and management staff through the means of access cards and the like.
- (11) Emergency access shall be provided as depicted on the revised Site Plan subject to final approval and recorded easement agreement with Kennesaw State University and/or The University System of Georgia.
- (12) Applicant agrees the proposed community shall have 24-hour, on-site, management and personnel.
- (13) There shall be 24-hour surveillance and security, including coordination with local law enforcement. Applicant shall coordinate a safety and security plan with local law enforcement.
- (14) Applicant agrees the proposed community shall have a policy that all leases shall be a minimum of twelve (12) months based on the academic calendar (except in the case of any potential master lease with the University for student residents or students that sign leases after the start of the fall term on the condition those leases expire at the end of the academic year).
- (15) Applicant agrees the proposed community shall have student directed and oriented amenities and programs.
- (16) Applicant agrees the proposed community shall provide and make available student-oriented programming and study opportunities through coordination with Kennesaw State University and/or Life University, if agreeable, which can provide the opportunity for off-campus learning centers and dedicated space at the proposed community.
- (17) The overall exterior elevations for the proposed community shall be substantially similar to the elevations attached collectively as Exhibit "B" and incorporated herein by reference.

Ms. Shelby Little, AICP Zoning Manager Department of Planning and Zoning City of Marietta Page 4 of 4 March 11, 2025

- In conjunction with the proposed rezoning, Applicant requests the following (18)variance which shall be deemed approved by the City of Marietta upon approval of the requested rezoning, as referenced and submitted, together with the stipulations set forth herein:
 - Variance to reduce the number of required resident and guest parking (a) spaces from 519 spaces to 458 spaces.
- Final approval by the Mayor and City Council of the requested rezoning shall also (19)include and constitute approval of a Detailed Plan per the revised Site Plan presented and the complete Detailed Plan Set previously submitted to City Staff.

We believe the requested zoning, together with the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration uses of properties in the surrounding area. The proposed community will be a quality development and will be an asset to the City; as well as, enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

Jam JOHN Julia I Kevin Moore

JKM:cc Attachments

c: Russell J. Roth, AICP **Development Director** City of Marietta (With Copies of Attachments)

> Campus Realty Advisors, LLC (With Copies of Attachments)

EXHIBIT "A"













