

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 77 & 140, District 17, Parcels 0120 & 0220, 2nd Section, Marietta, Cobb County, Georgia and being known as **1021 & 1026 Oregon Trail**.

WHEREAS, application has been filed by **MISSIONARY ASSEMBLY OF GOD INC (PRISTINE WATER LLC)** for a Special Land Use Permit (SLUP) for 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:

1021 Oregon Trail

All that tract or parcel of land lying and being in Land Lot No. 77 and Land Lot No. 140 of the 17th District, 2nd Section, Cobb County, Georgia, as shown on plat of same prepared for D.H. Little, by Robert T. Weaver, Surveyor, dated November 1960, recorded in Plat Book 21, Page 175, Cobb County Records, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin and corner located on the South- easterly side of the Powder Springs Road right-of-way 942 Ft. Southwesterly from the intersection of the Southeasterly side of the Powder Springs Road right-of-way with the South- westerly side of Booth Road right-of-way, as measured along the Powder Springs Road right-of-way; thence running South 43 degrees 10 minutes East for a distance of 141.0 Ft. to an iron pin and corner; thence running South 24 degrees 29 minutes East for a distance of 73.9 Ft. to an iron pin and corner; thence running South 18 degrees 56 minutes East for a distance of 101.0 Ft. to an iron pin and corner; thence running South 68 degrees 36 minutes West for a distance of 250 Ft. to an iron pin and corner; thence running North 31 degrees 17 minutes West for a distance of 232.6 Ft. to an iron pin and corner located on the Southeasterly side of the Powder Springs Road right-of-way; thence running North 50 degrees 51 minutes East along the Southeasterly side of the Powder Springs Road right-of-way for a distance of 250 Ft. to a iron pin and corner and the point of beginning.

1026 Oregon Trail

All that tract or parcel of land lying and being in Land Lot No. 77, 17th District, 2nd Section Cobb county, Georgia, as shown on plat prepared by Robert T. Weaver, surveyor, dated January 4th, 1965 and being more particularly described as follows:

Beginning at an iron pin located at the intersection formed by the southeasterly side of Oregon Trail; thence running south 30 degrees, 14 minutes east along the southeasterly right of way line of Oregon Trail for a distance of 100 feet; thence continuing south 30 degrees, 50 minutes east along the southeasterly right of way line of Oregon Trail for a distance of 118.0 feet; continuing south 29 degrees, 47 minutes east along the southeasterly right-of-way line of Oregon Trail for a distance of 72.6 feet to an iron pin; thence running south 45 degrees, 06 minutes west for a distance of 55.1 feet to an iron pin; thence running south 60 degrees 02 minutes west for a distance of 131.5 feet to an iron pin; thence running north 28 degrees, 08 minutes west for a distance of 279 feet to an iron pin located on the southeasterly side of powder springs road right-of-way; thence running north 50 degrees, 16 minutes east along the southeasterly right-of-way of powder springs road for a distance of 174.8 feet to the point of beginning.

Together, said tracts contain 2.83 acres.

Section 2: The above-described property is hereby granted a Special Land Use Permit in the corporate limits in the City of Marietta, Georgia in order to expand and operate a place of assembly on property zoned R-2 (Single Family Residential – 2 units/acre).

Section 3: The following variances are incorporated as a condition of zoning:

1. Variance to increase the maximum allowable building height forty (40) feet to forty-eight (48) feet [*§708.02 (H)*].
2. Variance to increase the allowable impervious surface area from 50% to 75% on 1021 Oregon Trail to allow the site to remain as-is. [*§708.02 (H)*]
3. Variance to allow offsite parking on 1026 Oregon Trail satisfy parking requirements for 1021 Oregon Trail. [*§716.07 (A)*].
4. Variance to allow gravel as an acceptable parking surface according to the submitted plan [*§716.08 (B)*]
5. Variance to allow a bulk sanitation container in a single family residential district, which must be enclosed by a 6-foot fence. [*§710.08 (3)*]
6. Variance to reduce the rear setback for a shed from 10' to 9'. [*§708.02 (E.1.b)*]

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, Director
Department of Development Services

Approved as to form:



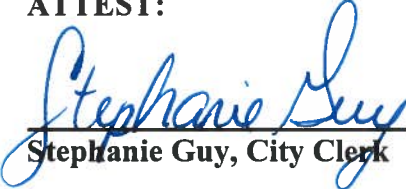
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: January 9, 2019

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor