

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 1234, District 16, Parcels 0340, 0350, & 0970 of the 2nd Section, Cobb County, Georgia, and being known as **127, 135, & 141 South Avenue.**

WHEREAS, application has been filed by **SIX POINTS HOMES, LLC (LAWRENCE R. HARRIS, JR. & EDDIE A. FRITZ)** 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 1234 of the 16th Land District, 2nd Section, Cobb County, Georgia, being known as Lots 10-12 of the George F. Gober Subdivision, as per plat recorded in Plat Book 3, page 83, Records of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at a point on the easterly right of way of South Avenue (50 foot right of way) 279.24 feet north of the intersection of said right-of-way and the northerly right-of-way of Waterman Street (50 foot right-of-way); thence running along the easterly right-of-way of South Avenue north 01 degrees 03 minutes 06 seconds east a distance of 162.31 feet to a point; thence leaving said right-of-way running north 86 degrees 05 minutes 06 seconds east a distance of 174.85 feet to a point; thence running north 85 degrees 41 minutes 06 seconds east a distance of 25.01 feet to a ½" rebar found; thence running south 00 degrees 50 minutes 43 seconds west a distance of 169.42 feet to a point; thence running south 88 degrees 04 minutes 46 minutes west a distance of 199.97 feet to a point on the easterly right-of-way of South Avenue, said point being the POINT OF BEGINNING.

Said tract or parcel of land contains 0.759± 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 PRD-SF (Planned Residential Development – Single Family).

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

- Letter of stipulations from J. Kevin Moore, Moore Ingram, Johnson & Steele, LLP to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated June 4, 2019, with the following changes:
1. Paragraph (1) shall be modified to read: "Applicant seeks rezoning of the Subject Property from the existing zoning category of Community Retail Commercial ("CRC") to the proposed zoning category of PRD-SF (Planned Residential Development — Single Family), site plan specific to the revised Site Plan ~~prepared for Applicant by Harris Fritz Architects, dated and last revised May 16, 2019, and~~ filed with the City Zoning Office on ~~May 22, 2019~~ June 12, 2019. A reduced copy of the revised Site Plan is attached hereto as Exhibit "A" and incorporated herein by reference."
 2. Paragraph (2) shall be modified to read: "The Subject Property consists of 0.759 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of ~~ten (10)~~ eight (8) residences."
 3. Paragraph (14) shall be modified to read: "Applicant agrees to the following variances for the proposed community:
 - (a) Variance to reduce the minimum tract size for development from the required three (3) acres to 0.759 acres;
 - (b) Variance to ~~reduce the required driveway length from twenty (20) feet to eighteen (18) feet, as measured from back of curb to sidewalk;~~ allow driveways to be a minimum of twenty (20) feet in length as measured from back of curb;
 - (c) ~~Variance to reduce the minimum recreation space from 0.24 acres to the open space area shown and reflected on the referenced, revised Site Plan;~~ (Minimum recreation area requirement will be met.)
 - (d) Variance to waive the active ~~and passive~~ recreation requirement;
 - (e) Variance to reduce the minimum lot size requirement from 4,000 square feet to the footprint of the smallest proposed unit; and
 - (f) Variance to allow a hammerhead configuration in lieu of the required cul- de-sac."

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:



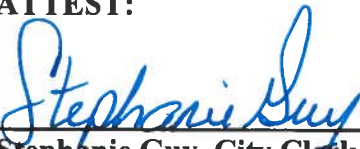
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 12, 2019

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor