

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia, Land Lot 1215, District 16, Parcel 0970 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as **586 Fort Street**.

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**WHEREAS**, application has been filed by **MPC REAL ESTATE HOLDINGS, LLC (ANNE G. CHAVANNE)** 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 lot, tract or parcel of land situate, lying and being in Land Lot 1215, of the 16th District, 2nd Section, Cobb County, Georgia, in the City of Marietta, as shown on that certain plat of survey for Trudy Brunson, prepared by W. E. Clonts, GA Registered Land Surveyor No. 2166, Tru-Line Surveying, Inc., dated September 21, 1998 and being more particularly described as follows:

BEGINNING at an iron pin on the south right of way of East Fort Street (formerly Fort Street) (35 foot right of way) a distance of 69.08 feet west of the west right of way of Fairground Street (70 foot right of way); and running thence south 01 degrees 39 minutes 26 seconds west, a distance of 186.06 feet to an iron pin and corner; running thence south 70 degrees 18 minutes 10 seconds west, a distance of 86.78 feet to an iron pin and corner, running thence north 01 degrees 11 minutes 15 seconds east, a distance of 215.28 feet to an iron pin and corner on the south right of way of East Fort Street; running thence along said right of way north 90 degrees 00 minutes 00 seconds east, a distance of 82.62 feet to an iron pin and POINT OF BEGINNING.

Said tract or parcel contains 0.32 acres, more or less.

**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 OI (Office Institutional).

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

1. Correction made to Variance #2 lot size is 13,000 sq. ft., not 18,000 sq. ft.
2. Applicant is aware that sprinklers will be required.

**Section 4:** The following variances are incorporated as conditions of zoning:

1. Variance to increase the maximum allowable beds from six (6) to twelve (12) for a personal care home. [§708.23 (B.19.b)]
2. Variance to reduce the minimum lot size from 20,000 sq. ft. to approximately 13,000 sq. ft. [§708.23 H]
3. Variance to allow the encroachment of the existing structure into the front and side yard setbacks. [§708.23 H]
4. Variance to waive the requirements for the Commercial Corridor Design Overlay – Tier B. [§712.09 (G)]

**Section 5:** 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.

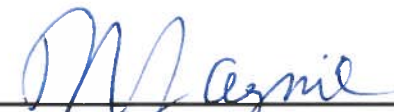
**Section 6:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 7:** 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:**

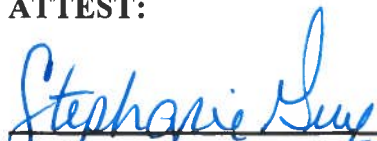
  
\_\_\_\_\_  
Douglas R. Haynie, City Attorney

**Approved by City Council:**

**DATE:** October 10, 2019

**APPROVED:**

**ATTEST:**

  
\_\_\_\_\_  
Stephanie Guy, City Clerk

  
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R. Steve Tumlin, Jr., Mayor