

AN ORDINANCE

REZONING AND SPECIAL LAND USE PERMIT for property in the corporate limits of the City of Marietta, Georgia Land Lot 1086, District 16, Parcels 0010, 0450, 0460, 0370, 0220, 0210, 0230, & 0240 of the 2nd Section, Cobb County, Georgia, and being known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street.

WHEREAS, application has been filed by **SAINT JOSEPH CATHOLIC SCHOOL** for rezoning and special land use permit 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:

All of that tract or parcel of land lying and being in land lot 1086 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Beginning at a point formed by the southerly right-of-way of Lacy Street (30' right-of-way) and the westerly right-of-way of Campbell Hill Street (40' right-of-way) and proceed thence south 01°29'32" west along the westerly right-of-way of Campbell Hill Street (40' right-of-way) for a distance of 350.88 feet to a point;

Thence departing the westerly right-of-way of Campbell Hill Street (40' right-of-way) and proceeding north 87°35'08" west for a distance of 184.76 feet to an iron pin found (1/2" rebar); thence north 88°16'30" west for a distance of 77.05 feet to an iron pin found (1/2" rebar); thence north 88°16'30" west for a distance of 39.20 feet to a point; thence north 28°57'40" east for a distance of 48.90 feet to a point; thence north 30°29'11" west for a distance of 43.48 feet to a point; thence north 89°49'00" west for a distance of 59.67 feet to a point; thence south 01°32'04" west for a distance of 28.58 feet to a point; thence north 89°20'06" west for a distance of 60.53 feet to a point; thence south 00°20'49" west for a distance of 98.52 feet to a point; thence north 87°11'44" east for a distance of 39.35 feet to an iron pin found (2" open top pipe) on the westerly right-of-way of sugar hill road (40' right-of-way);

Thence along the westerly right-of-way of sugar hill road (40' right-of-way) the following courses and distances: (1) south 01°40'38" west for a distance of 71.00 feet to an iron pin set; (2) south 02°00'26" west for a distance of 95.00 feet to an iron pin set;

Thence departing the westerly right-of-way of Sugar Hill Road (40' right-of-way) and proceeding north 89°12'05" west for a distance of 129.00 feet to an iron pin set; thence north 01°19'22" west for a distance of 94.98 feet to an iron pin found (1" open top pipe); thence north 01°27'25" west for a distance of 50.00 feet to a point; thence south 88°37'00" west for a distance of 148.63 feet to a point on the easterly right-of-way of St. Josephs Way (40' right-of-way); thence north 01°20'26" west along the easterly right-of-way of St. Josephs Way (40' right-of-way) for a distance of 76.00 feet to a point formed by the intersection of the easterly right-of-way of St. Josephs Way (40' right-of-way) and the northerly right-of-way of Nancy Street (40' right-of-way); thence along the northerly right-of-way of Nancy Street (40' right-of-way) the following courses and distances: (1) north 89°05'54" west for a distance of 197.85 feet to an iron pin placed; (2) north 89°03'24" west for a distance of 170.00 feet to an iron pin placed;

Thence departing the northerly right-of-way of Nancy Street (40' right-of-way) and proceeding north 00°03'58" east for a distance of 160.00 feet to an iron pin found (1/2" rebar); thence north 00°42'42" east for a distance of 183.56 feet to an iron pin found (1/2" rebar) on the southerly right-of-way of Lacy Street (30' right-of-way); thence along the southerly right-of-way of Lacy Street (30' right-of-way) the following courses and distances: (1) south 88°56'51" east for a distance of 85.00 feet to an iron pin found (1" open top pipe); (2) south 88°56'51" east for a distance of 85.00 feet to a point iron pin placed; (3) south 88°56'51" east for a distance of 874.30 feet to the **point of beginning**.

Said tract or parcel of land contains 8.9 ± acres, more or less.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) and R-4 (Single Family Residential – 4 units/acre) to R-4 (Single Family Residential – 4 units/acre) with a Special Land Use Permit for a place of assembly.

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

1. Variance to reduce the required 75-foot setback for the restroom/storage building to no less than 49 feet from a property not owned by the Church. [*§708.04 (E)*]
2. Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet. [*§712.08 (G.2.a)*]
3. Variance to increase the impervious surface from 50% to 60%. [*§708.04 (H)*]
4. Variance to allow parking in the front yard. [*§716.08 (C.8)*]
5. Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet. [*§716.02 (B)*]
6. Variance to reduce the minimum turning radii from 25 feet to 10 feet. [*§730.01 (I.3.b)*]
7. Variance to allow a black vinyl chain link fence as an approved material seen from the road. [*§710.04 (B)*]
8. Variance to increase the allowable fence height from 6 feet to 12 feet, as shown on plans. [*§710.04 (D)*]

Section 4: The following stipulations are hereby incorporated as conditions of zoning:

1. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
2. The new 12' chain link fence and 10' retaining walls only be allowed in the new recreation area and not adjacent or near any adjacent residential property.

Section 5: And the following variances and stipulations should be carried over from Z2009-01 Special Land Use Permit to keep the property in compliance:

1. Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.
2. Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street.
3. Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.
4. Variance to reduce required parking for a place of assembly and an elementary school from 252 to 242 spaces.
5. Variance to allow more than 12 parking spaces in a row without a planter island.
6. Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.

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, Director
Department of Development Services

Approved as to form:



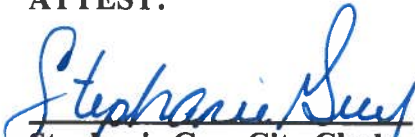
Douglas R. Haynie, City Attorney


Approved by City Council:

DATE: May 13, 2020

APPROVED:

ATTEST:


Stephanie Guy, City Clerk


R. Steve Tumlin, Jr., Mayor