

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 855 & 874, District 16, Parcel 0520 of the 2nd Section, Cobb County, Georgia, and being known as **451 Dickson Road**.

WHEREAS, application has been filed by **WHITE HAWK BUSINESS PARK, LLC** 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 the tract or parcel of land lying and being in Land Lots 855 and 874 of the 16th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows: BEGIN at a right of way monument located at the intersection of the northeast margin of Dickson Road (50 foot right of way) and the northwest margin of Interstate 75; thence along the northwest margin of Interstate 75, north 18 degrees 20 minutes 03 seconds east 253.20 feet to a right of way monument; thence north 17 degrees 42 minutes east 148.82 feet to an iron pin; thence south 47 degrees 56 minutes 16 seconds east 241.33 feet to an iron pin; thence south 46 degrees 51 minutes 27 seconds west 370.02 feet to a right of way monument located on the northeast margin of Dickson Road; thence along the northeast margin of said road north 46 degrees 16 minutes 50 seconds west 47.14 feet to a right of way monument, which right of way monument is the POINT OF BEGINNING.

Said tract or parcel of land contains 1.21± acres (52,708 square feet).

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-2 (Single Family Residential – 2 units/acre) to LI (Light Industrial).

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


- Letter of stipulations from Adam J. Rozen of Sams, Larkin, Huff & Balli to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated December 21, 2018; except that stipulation #2 shall be amended to state that the black chain link fence shall be a minimum height of 6 ft.

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.

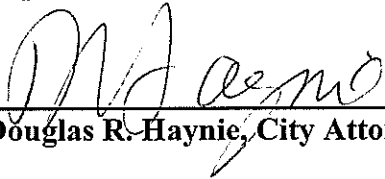
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Rusty Roth, Director
Department of Development Services

Approved as to form:



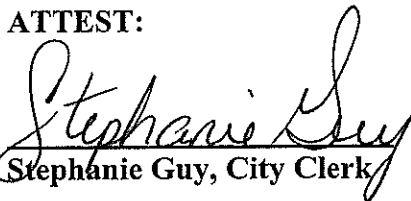
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: January 9, 2019

APPROVED:

ATTEST:



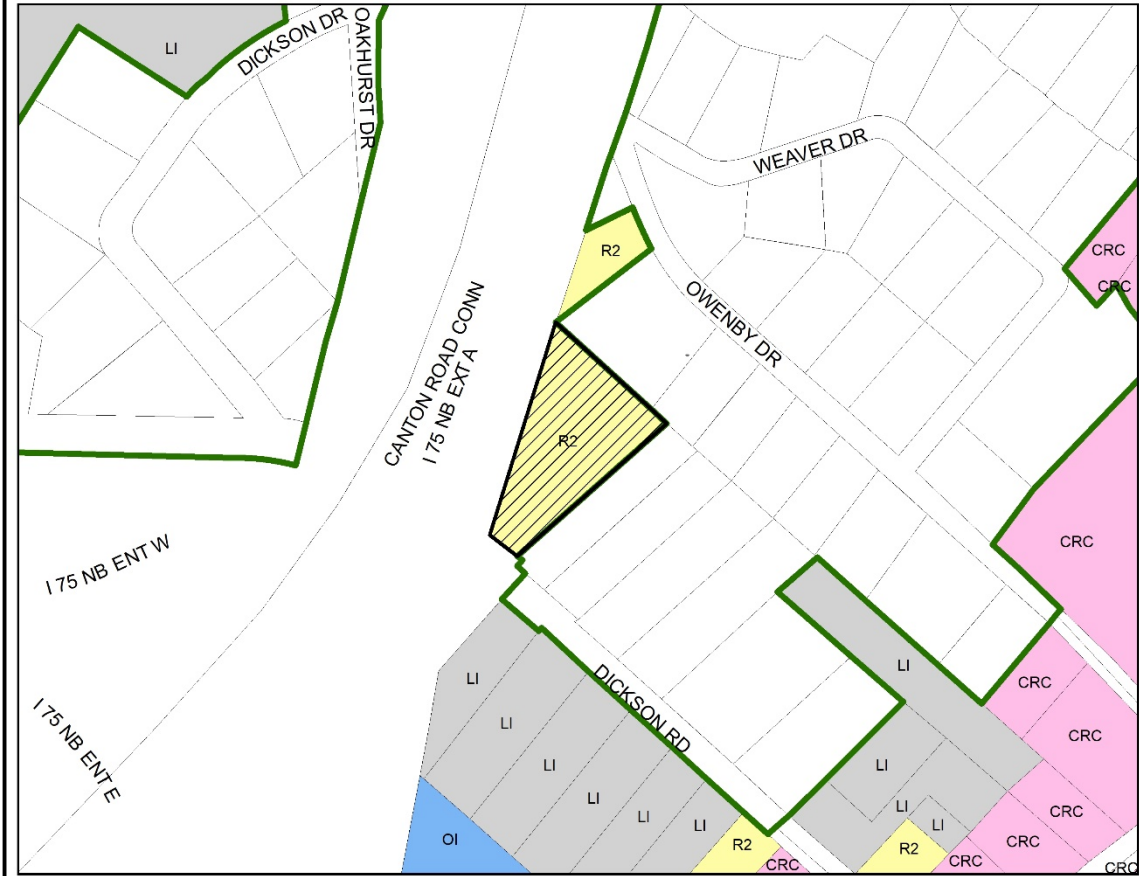
Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor

MAP

City of Marietta Area Zoning Map

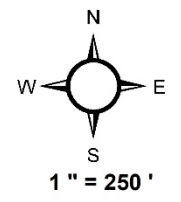



Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre ATTACHED FAMILY RESIDENTIAL RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park MULTI FAMILY RESIDENTIAL RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.	COMMERCIAL NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Control Business District PCD Planned Commercial Dev. MIXD Mixed-Use Dev. OIT Office Institutional Trans. LRO Low-Rise Office OI Office Institutional OS Office Services OHR Office High Rise INDUSTRIAL LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	16	874	0520	R-2	LI

Comments: 451 Dickson Road

Date: 11/28/2018

Planning & Zoning Division

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

December 21, 2018

VIA HAND DELIVERY AND EMAIL

Ms. Shelby Little, AICP
Planning & Zoning Manager
City of Marietta
Department of Development Services
205 Lawrence Street
Marietta, GA 30060

Re: Application for Rezoning of White Hawk Business Park, LLC regarding a 1.21 Acre Tract from R-2 to LI; Land Lots 855 & 874; 16th District, 2nd Section, City of Marietta, Cobb County, Georgia

Dear Shelby:

This firm represents White Hawk Business Park, LLC (“White Hawk”) concerning the above-captioned Application for Rezoning (“Application”). The Application is set to be heard and considered by the City of Marietta Planning Commission on January 2, 2019. Thereafter, the Application will be heard and considered for final action by the Mayor and City Council on January 9, 2019.

The property at issue (“subject property”) consists of a 1.21 acre tract of land which is located at the northeast intersection of Canton Road Connector and Dickson Road. The properties contiguous to the north and the east are located within Unincorporated Cobb County and although currently zoned R-20 all are within a large area designated as Industrial Compatible (“IC”) on Cobb County’s Future Land Use Map (“FLUM”) and a number are utilized, at least in part, for commercial and industrial uses.

The subject property is contiguous to the south (across Dickson Road) to properties which are owned by the Applicant, located within the City of Marietta, zoned Light Industrial (“LI”) and designated as Industrial – Warehousing (“IW”) on the City’s Future Land Use Map. These properties are the subject of a future industrial development by White Hawk in compliance with the LI Ordinance.

SAMS, LARKIN, HUFF & BALLI

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VIA HAND DELIVERY AND EMAIL

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December 21, 2018
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White Hawk proposes the rezoning of the subject property from R-2 to LI for the purpose of constructing a Stormwater Management Facility to provide stormwater detention for the White Hawk Business Park. The proposed stormwater structure will minimize the effect of concentrated stormwater discharges onto adjacent properties and will receive concentrated discharges where none naturally exist. The project will comply with all Permit and Code requirements as it relates to the City's Comprehensive Development Code and particularly Section 7-8-14 regarding stormwater management systems.

To that end, please accept this correspondence as White Hawk's letter of agreeable stipulations and conditions which shall become conditions and a part of the grant of the requested Rezoning Application and binding upon the subject property thereafter are as follows:

1. The Subject Property shall be developed in substantial conformity to the Site Plan prepared by Gaskins which is marked as Exhibit "A" attached hereto and incorporated herein.
2. The Applicant shall install and maintain a black chain link fence along the disturbance perimeter area. The fence shall be lined with a row of evergreen plantings facing adjoining residential properties for the purpose of providing additional screening to supplement any remaining mature vegetation.
3. During the plan review process the Applicant shall submit a detailed landscaping and vegetation plan detailing the items in Stipulation # 2 and describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices pursuant to Section 7-8-14-010 (C)(7). The landscaping plan will also include the following:
 - a) the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

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4. The granting of the following contemporaneous variances:
 - a) Variance to reduce the minimum lot width from one hundred (100) feet to forty seven (47) feet to accommodate existing circumstances. [§708.26 (H)].
 - b) Variance to reduce the required landscaped buffer from fifty (50) feet to zero (0) feet. [§708.26 (I)].
5. Compliance with the Public Works Director regarding the stormwater management facility which will serve as off-site management pursuant to Section 7-8-14-010 (G).
 - a) The stormwater management plan for the project shall provide for stormwater management measures located on the site of the project. The facility will be legally dedicated for stormwater management purposes and will be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by an on-site facility. To wit:
 - b) The Applicant will designate a legally-obligated entity responsible for long-term operation and maintenance of the facility.
 - c) The Applicant will further implement on-site measures, where necessary, to protect upstream and downstream properties and drainage channels.
6. Compliance with recommendations from the Public Works Director and the City Engineer with respect to traffic and transportation issues.
7. Compliance with the recommendations from the City of Marietta Fire Department with respect to Fire Prevention; Life-Safety issues.
8. Minor modifications to the within and foregoing stipulations/conditions, the site plan, architecture and other site features and the like may be approved by the Department of Development Services Director or his designee as needed or necessary, except for those that:

SAMS, LARKIN, HUFF & BALLI

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VIA HAND DELIVERY AND EMAIL

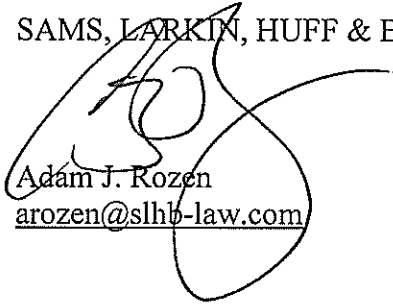
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- a) Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
- b) Relocate a structure closer to the property line of an adjacent property which is zoned in the same or more restrictive zoning district.
- c) Change access locations to a different roadway.

In all respects, White Hawks' proposal is appropriate from a land use planning perspective; is consistent with staff's recommendation and analysis; and, will set a positive precedence and infrastructure for future development and redevelopment along Dickson Road. Please do not hesitate to contact me should you or your staff require further information or documentation prior to the Application being heard and considered by the Planning Commission and Mayor and City Council in January, 2019.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Adam J. Rozen
arozen@slhb-law.com

AJR/sfw

Enclosures

cc: Planning Commission, City of Marietta
City Council, City of Marietta
Mr. Russell J. Roth, AICP, Director, Department of Development Services
Jasmine Thornton, Planning & Zoning Administrator II
Douglas R. Haynie, Esq., City of Marietta Attorney
Ms. Ines Embler, Planning & Zoning Coordinator
White Hawk Business Park, LLC
Kelly Davis, P.E., Gaskins Engineering
Garvis L. Sams, Jr. Esq.



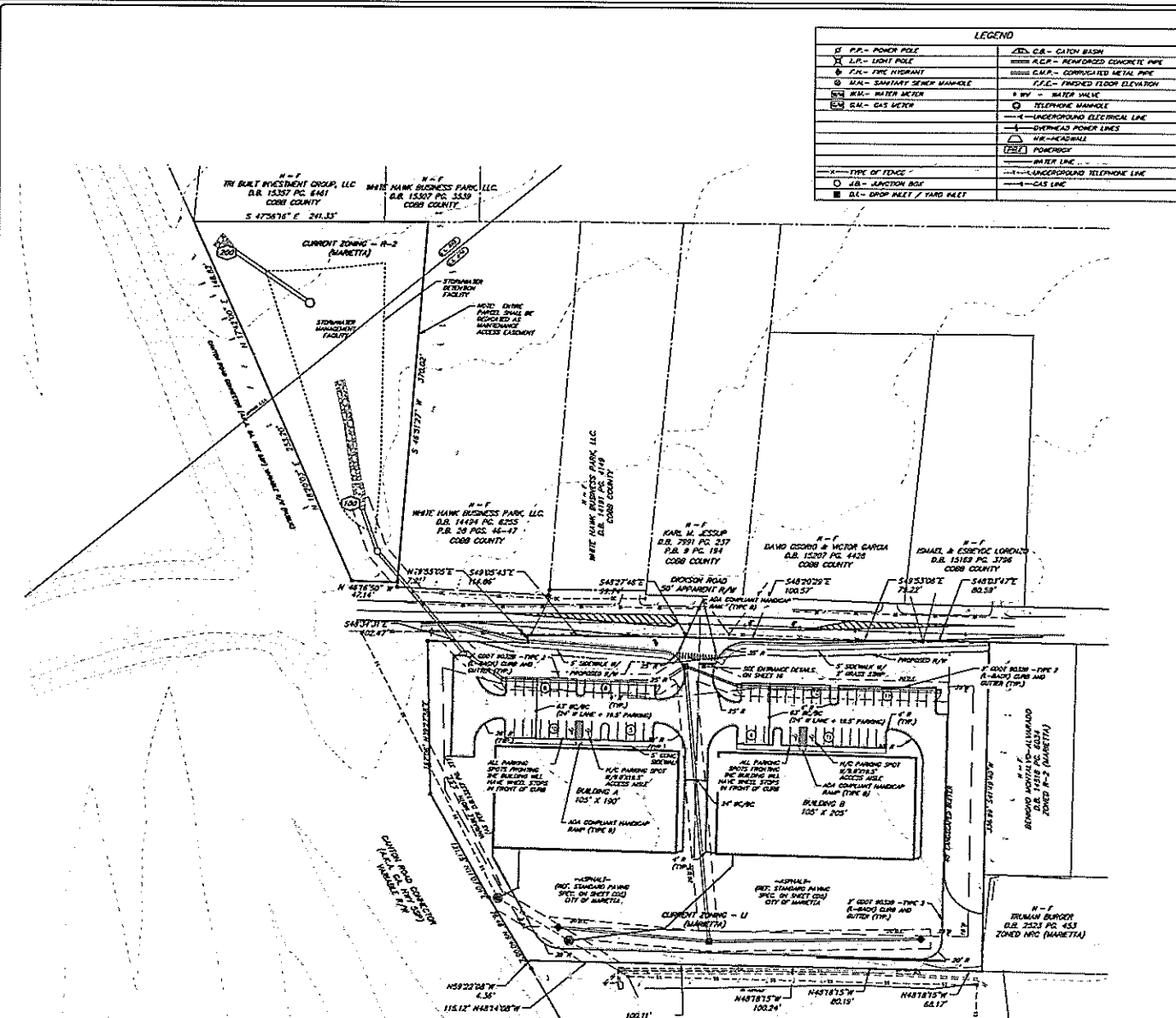
811 before you dig.

THIS PLAN IS PREPARED FROM A FIELD SURVEY USING A PINE SECOND DIGITAL INSTRUMENT AND ELECTRONIC DISTANCE MEASUREMENT (EDM) EQUIPMENT. THE SURVEY IS SUBJECT TO THE FOLLOWING CONDITIONS: 1. THE SURVEY IS BASED ON THE ASSUMPTION THAT ALL ADJACENT OWNERS HAVE BEEN NOTICED AND HAVE AGREED TO THE SURVEY. 2. THE SURVEY IS BASED ON THE ASSUMPTION THAT ALL ADJACENT OWNERS HAVE BEEN NOTICED AND HAVE AGREED TO THE SURVEY. 3. THE SURVEY IS BASED ON THE ASSUMPTION THAT ALL ADJACENT OWNERS HAVE BEEN NOTICED AND HAVE AGREED TO THE SURVEY.

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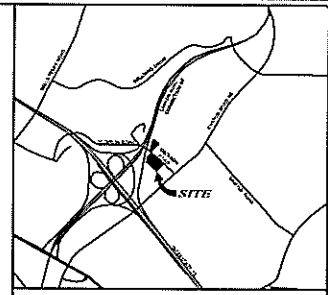
75 PROPERTY PARTNERS, LLC
D.B. 15273 PG. 2158
TAX ID: 16087400210
CUBEN (UNIMPROVED TRAPSHOLE)
ELEV. = 1112.44'
TOP OF MOUND
LOCATED BY BEST
PROPERTY LINE

OWNER/DEVELOPER:
WHITE HAWK, INC.
1475 CANTON ROAD
SUITE 100
MARIETTA, GA 30066



LEGEND

⊕ P.P. - POWER POLE	⊕ C.B. - CATCH BASIN
⊕ L.P. - LIGHT POLE	⊕ R.C.P. - REINFORCED CONCRETE PIPE
⊕ F.H. - FIRE HYDRANT	⊕ C.M.P. - CORRUGATED METAL PIPE
⊕ M.A. - SANITARY SEWER MANHOLE	⊕ F.F.E. - FINISHED FLOOR ELEVATION
⊕ W.V. - WATER VALVE	⊕ W.V. - WATER VALVE
⊕ G.M. - GAS METER	⊕ T.M. - TELEPHONE MANHOLE
— U — UNDERGROUND ELECTRICAL LINE	— U — UNDERGROUND TELEPHONE LINE
— O — OVERHEAD POWER LINES	— O — OVERHEAD POWER LINES
— K — TYPE OF FENCE	— K — TYPE OF FENCE
⊕ J.B. - JUNCTION BOX	⊕ J.B. - JUNCTION BOX
⊕ D.L. - DROP INLET / YARD INLET	⊕ D.L. - DROP INLET / YARD INLET



LOCATION MAP 1" = 2000'

- FOUND NOTES:**
1. TOTAL AREA = 2.01 AC.
 2. CURRENT ZONING OF 4 PARCELS SOUTH OF DICKSON ROAD (INCLUDING PARCELS 152, 153, 154 AND 155 DICKSON ROAD) = U (COMMERCIAL) ZONING.
 3. CURRENT ZONING OF 1 PARCEL NORTH OF DICKSON ROAD (451 DICKSON ROAD) = U (COMMERCIAL) ZONING.
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PARKING CALCULATIONS:

REAR:

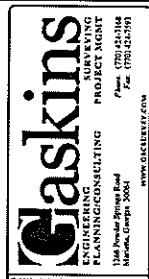
- OFFICE SPACE = 1000 SF @ 1 SPACE/200 SF = 5 SPACES
- BUSINESS SPACE = 1000 SF @ 1 SPACE/200 SF = 5 SPACES

FRONT:

- OFFICE SPACE = 1000 SF @ 1 SPACE/200 SF = 5 SPACES
- BUSINESS SPACE = 1000 SF @ 1 SPACE/200 SF = 5 SPACES

TOTAL PARKING SPACES NEEDED = 10

TOTAL PARKING SPACES PROVIDED = 10



1346 Peachtree Springs Road
Marietta, Georgia 30066
Phone: (770) 424-1144
Fax: (770) 424-1149
WWW.GASKINS.COM

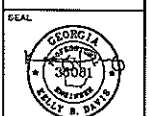
DICKSON ROAD PROJECT

LAND LOTS 0974, 1674 DISTRICT, 2ND SECTION,
CITY OF MARIETTA, COBB COUNTY, GEORGIA
ZONED U (COMMERCIAL) #6980

REVISIONS

REV	DATE	REVISION REFERENCE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET TITLE
PRELIMINARY PLAN



NOT ISSUED FOR CONSTRUCTION

PROJECT NO.	FIELD BOOK
1608026	---
DRAWN BY	CHECKED BY
MES	CEJ
SCALE	ISSUE DATE
1"=XXX'	11/3/16
SHEET NUMBER	
