

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Land Lots 214 & 215, District 17, Parcels 1180, 1120, 1140, 1150, and a portion of 0780 of the 2nd Section, Cobb County, Georgia, and being known as **84, 88, 100 & 150 Fairlane Drive**.

WHEREAS, application has been filed by **WILLIAM C. HAGEMANN** 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 214 & 215 of the 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the northerly right of way of Powder Springs Road (100' R/W) and the westerly right of way of Fairlane Drive (Variable R/W); THENCE following along the westerly right of way of Fairlane Drive (Variable R/W) 243.2 feet to a point, said point being the POINT OF BEGINNING; THENCE South 38 degrees 13 minutes 23 seconds West, 56.90 feet to a point; THENCE North 78 degrees 42 minutes 11 seconds West 16.86 feet to a point; THENCE North 86 degrees 20 minutes 10 seconds West 98.85 feet to a point; THENCE North 85 degrees 11 minutes 10 seconds West 96.24 feet to a point; THENCE South 87 degrees 55 minutes 50 seconds West 92.95 feet to a point; THENCE South 84 degrees 34 minutes 50 seconds West 99.35 feet to a point; THENCE South 81 degrees 50 minutes 00 seconds West 198.12 feet to a point; THENCE North 25 degrees 06 minutes 13 seconds East 57.28 feet to a point; THENCE North 02 degrees 03 minutes 14 seconds East 354.10 feet to a point; THENCE South 89 degrees 21 minutes 14 seconds East 283.04 feet to a point; THENCE South 89 degrees 50 minutes 59 seconds East 328.14 feet to a point; THENCE South 02 degrees 23 minutes 39 seconds West 334.10 feet to a point, said point being the POINT OF BEGINNING;

Said tract or parcel of land contains 5.25 acres, more or less.

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 PRD-SF (Planned Residential Development – Single Family).

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

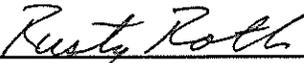
- Letter of stipulations and variances from Adam J. Rozen, PC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 23, 2020.

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 Rohf, Acting Director
Department of Development Services

Approved as to form:



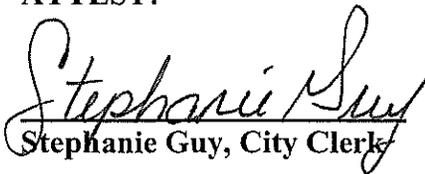
Douglas R. Haynie, City Attorney

Approved by City Council:

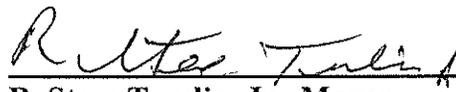
DATE: May 13, 2020

APPROVED:

ATTEST:



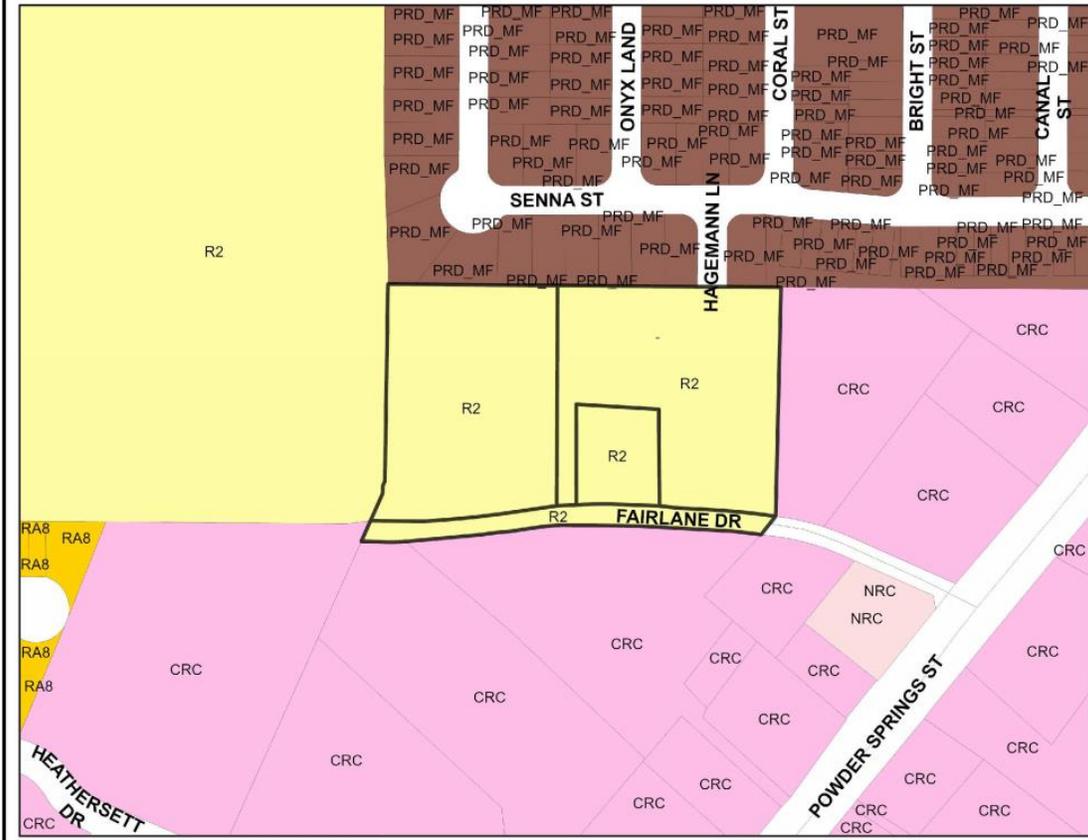
Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor

MAP

City of Marietta Area Zoning Map

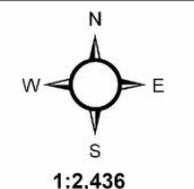


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL	COMMERCIAL					
R-1 One Unit/Acre	NRC Neighborhood Retail	17	215	1180	R-2	PRD-SF
R-2 Two Unit/Acre	CRC Community Retail	17	215	1120	R-2	
R-3 Three Unit/Acre	RI Regional Retail	17	215	1140	R-2	
R-4 Four Unit/Acre	CBD Central Business District	17	215	1150	R-2	
ATTACHED FAMILY RESIDENTIAL	PCD Planned Commercial Dev.	17	215	1150	R-2	
RA-4 Four Unit/Acre	MXD Mixed-Use Dev.	17	215	1150	R-2	
RA-6 Six Unit/Acre	OIT Office Institutional Trans.	17	215	1150	R-2	
RA-8 Eight Unit/Acre	LRO Low-Rise Office	17	215	1150	R-2	
PRD(SF) Planned Residential Dev.	OI Office Institutional	17	215	1150	R-2	
MHP Mobile Home Park	OS Office Services	17	214	0780	R-2	
MULTI FAMILY RESIDENTIAL	OHR Office High-Rise				CRC	
RM-8 Eight Unit/Acre	INDUSTRIAL					
RM-10 Ten Unit/Acre	LI Light Industrial					
RM-12 Twelve Unit/Acre	HI Heavy Industrial					
RHR Residential High Rise	PID Planned Industrial Dev.					
PRD(MF) Planned Residential Dev.						

Comments:
 84, 88, 100, 150 Fairlane Dr;
 a portion of 680 Powder Springs St

Date: 2/26/2020

Planning & Zoning Division




ADAM J. ROZEN, P.C.

248 Roswell Street, SE
Marietta, Georgia 30060

(770) 427-7004 (T)

(770) 426-9584 (F)

Received

4/27/2020

ADAM J. ROZEN

ajrozen@rozenandrozen.com

April 23, 2020

VIA HAND-DELIVERY

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 William C. Hagemann a 5.25± Acre Tract from R-2 to PRD-SF located in Land Lot 214 & 215 of the 17th District, 2nd Section, (84, 88, 100 & 150 Fairlane Drive & 680 Powder Springs Street; Suite 300) City of Marietta, Cobb County, Georgia; Z2020-14

Dear Shelby:

As you know, I represent William C. Hagemann (“Applicant”) concerning the above-captioned Application for Rezoning. The Application was originally set to be heard for final action in April of this year but the Applicant was granted its request to table the Application until May 2020 in order to gain additional time to work with Staff and submit a revised site plan. Subsequently, the City’s State of Emergency Order effectively stayed all pending entitlement actions until further notification. Nonetheless, the Application is currently set to be heard and considered by the City of Marietta Planning Commission on May 5, 2020. Thereafter, the application will be heard and considered for final action by the Mayor and City Council on May 13, 2020.

The property at issue (“subject property”) consists of an approximate 5.25± acre assemblage of land which is located on the northerly side of Fairlane Drive just removed from the northwesterly side of Powder Springs Street. The subject property is contiguous to the Promenade at the Square development on W. Gramling Street (“Promenade”) and in close proximity to Downtown Marietta and the Commercial Business District. The Promenade is currently finishing its build-out phase and contemplated the Applicant’s proposal with a planned connection to the proposed development which is already graded, curbed and paved.

The subject property has contiguity to an area denominated for High Density Residential (“HDR”) and is located within an area on the City’s Future Land Use Map (“FLUM”) which is denominated for Community Activity Center (CAC”). However, it’s positioning adjacent to HDR and MXD makes the subject property an excellent transition west as Downtown Marietta and its nearby redevelopment projects continue to pressure this corridor of Powder Springs Street into revitalization.

ADAM J. ROZEN, P.C

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VIA EMAIL DELIVERY:

Ms. Shelby Little, AICP
Planning & Zoning Manager
City of Marietta Department of Development Services
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The Applicant proposes the rezoning of the subject property from R-2 to PRD-SF. The Applicant's original Application proposed a sixty-three (63) unit townhome community. However, after revisiting the proposal, the Applicant now proposes a quality-built community of thirty-six (36) single family detached homes. Generally, the detached homes will be of the same quality, design and appearance of the neighboring detached homes in the Promenade at the Square and similar to those architectural elevations attached to this letter and incorporated below. Specifically, the square footage of the homes will range in size from 2,000 to 3,000 square feet and greater, shall have, at a minimum, an attached two-car garage and sufficient width and length of driveways in order accommodate the parking of two (2) additional vehicles. The required parking ratio will be provided in addition to active and passive recreation features. The homes are expected to be priced in the \$400,000 range and as high as the upper \$400,000's for the four (4) bedroom homes. These features consistent with its connecting development but are compliant with the PRD-SF zoning district regulations.

This letter will serve as the Applicant's expression of agreement with the following stipulations which shall, upon the requested Rezoning Application being approved, become conditions and a part of the grant of the Application and binding upon the Subject Property thereafter. The referenced stipulations are as follows, to wit:

1. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place with respect to the Subject Property.
2. The development of the Subject Property shall be consistent with the revised site plan dated April 23, 2020 ("Revised Site Plan"), prepared by Bilson and Associates and filed contemporaneously herewith.
3. The residential community shall consist of a total number of thirty-six (36) single family detached homes on 5.25 acres for a total of 6.8 units per acre.¹
4. The square footage of the homes shall range from a minimum of approximately 2,000 sq. ft. up to 3,000 sq. ft. and beyond. All of the homes will have three (3) bedrooms.

¹ Adjacent and connecting to the subject property is the Promenade at the Square which is zoned PRD-SF at a density of 8.15 units per acre. Across Powder Springs Street is Hedges Park at 8.62 units per acre. Between the subject property and the Marietta Square is Marietta Walk at 7.92 units per acre.

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5. The architectural style and composition of the homes to be constructed shall be compliant with the City of Marietta's four (4) sided architecture requirements and will be traditional, including a mixture of materials consisting of brick, stacked stone, and hardiplank on all four sides. Representations of the elevations depicting the architectural style and composition of the homes are enclosed herewith. Additionally, the exterior of the homes will feature the following:
 - a. Architecturally controlled color schemes and designs with traditional exteriors.
 - b. Detailed millwork porches, covered entries and custom designed shutters.
 - c. Two-car garages with decorative carriage-style doors.
6. The Applicant agrees to the creation of a Mandatory Homeowners Association and the submission of Covenants, Conditions and Regulations ("Covenants") which will include inter alia, strict architectural controls.
7. There shall be a recital contained within the Covenants of the subdivision ensuring that the two-car garages are used for vehicular storage purposes only. Additionally, the driveways will be a minimum of twenty feet (20') in length, as measured from the back of the sidewalk (or curb in the event of streets with no sidewalk) to the face of each building in order to accommodate the parking of two (2) additional vehicles.
8. A Third-Party Management Company shall be hired to manage the day-to-day operations of the mandatory Homeowners Association. The Third-Party Management Company shall also be responsible for the management of all Association monies as well as ensuring that the Association is properly insured.
9. The granting of the following contemporaneous variances as identified in the Staff Analysis of April 14, 2020, to wit:
 - a. Variance to reduce the minimum lot size from 4,000 sf to 3,500 sq. ft.;
 - b. Variance to reduce the required open space from 25% to 5.7%; and
 - c. Variance to reduce the right of way width from fifty feet (50') to forty-four feet (44') consistent with the Promenade.
10. The submission of a Landscape Plan during the Plan Review process, subject to staff review and approval, including the following:

ADAM J. ROZEN, P.C

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Ms. Shelby Little, AICP
Planning & Zoning Manager
City of Marietta Department of Development Services
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Page 4

- a. Said Landscape Plan shall be prepared, stamped and signed by a Georgia registered landscape architect or a degreed horticulturist for common areas and the entrance to the community on Fairlane Drive and through the Promenade.
 - b. Entry signage shall be ground-based, monument-style, landscaped and irrigated.
 - c. Sodded front, side and rear yards of the homes and common areas.
 - d. All utilities for the residential communities shall be located underground.
 - e. Signage interior to the residential development shall be themed to the architectural style and composition of the homes and overall development.
 - f. The installation of decorative streetlights throughout the residential community that shall be themed to the architectural style as described above.
 - g. Detention/water quality areas shall be fenced and landscaped for purposes of visual screening subject to staff review and approval.
11. The residential community shall contain a neighborhood park approximately .3 acres or greater ("Park") with an active and passive component and as identified in the Revised Site Plan. The Park shall be maintained by the Mandatory Homeowners Association and accessible for its residents.
12. Compliance with recommendations from the City Public Works Department and the City's Engineering Division with respect to traffic/transportation issues, including the following:
- a. Public streets shall be constructed to match the Promenade with a forty-four foot (44') right of way and minimum of twenty four feet (24') of paving from back of curb² and otherwise constructed to the requirements of the Public Works Director.
 - b. The site shall contain the two existing vehicular access points from Fairlane Drive and W. Gramling.

² The paved driving area will remain consistent with a fifty foot (50') right of way and accommodate utilities but reduces the overall width to allow for greater yard area.

ADAM J. ROZEN, P.C

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- c. The installation of a five-foot (5') sidewalk at a minimum of one side of each street and providing walking connectivity to the Promenade.
 - d. The installation of a mail kiosk and additional parking area as depicted on the Revised Site Plan.
13. Compliance with recommendations from the City's Public Works Department and its Engineering Division with respect to detention, hydrology and downstream considerations, including following staff's recommendations concerning the ultimate location and configuration of on-site detention and water quality.
 14. Minor modifications may be approved by the Director of Development Services and/or his designee.

The current revised proposal for thirty-six (36) detached homes at a density of 6.8 units per acre is at least 1.25 units per acre less than recent neighboring and nearby residential developments which are experiencing successful sales and build-out rates.

In all respects, the Applicant's proposal is appropriate from a land use planning perspective; it continues the positive precedence for future development and redevelopment along Powder Springs Street. The Applicant's proposal will also continue to provide the desired residential rooftops to satisfy consumer demand and supply a commercial base for the ongoing and future redevelopment of existing commercial space at and near the intersections of Powder Springs Street with Garrison and Sandtown Roads.

Please do not hesitate to contact me should you or your staff require further information or documentation prior to the formulation of your Analysis and/or prior to the application being heard and considered by the Planning Commission and Mayor and City Council in May, 2020.

Sincerely,

ADAM J. ROZEN, P.C.

Adam J. Rozen
ajrozen@rozenandrozen.com

Enclosures

cc: Continued onto following page

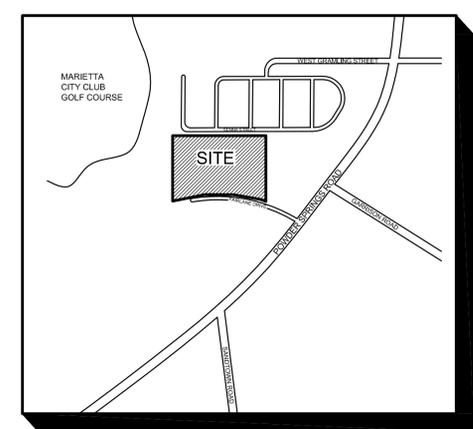
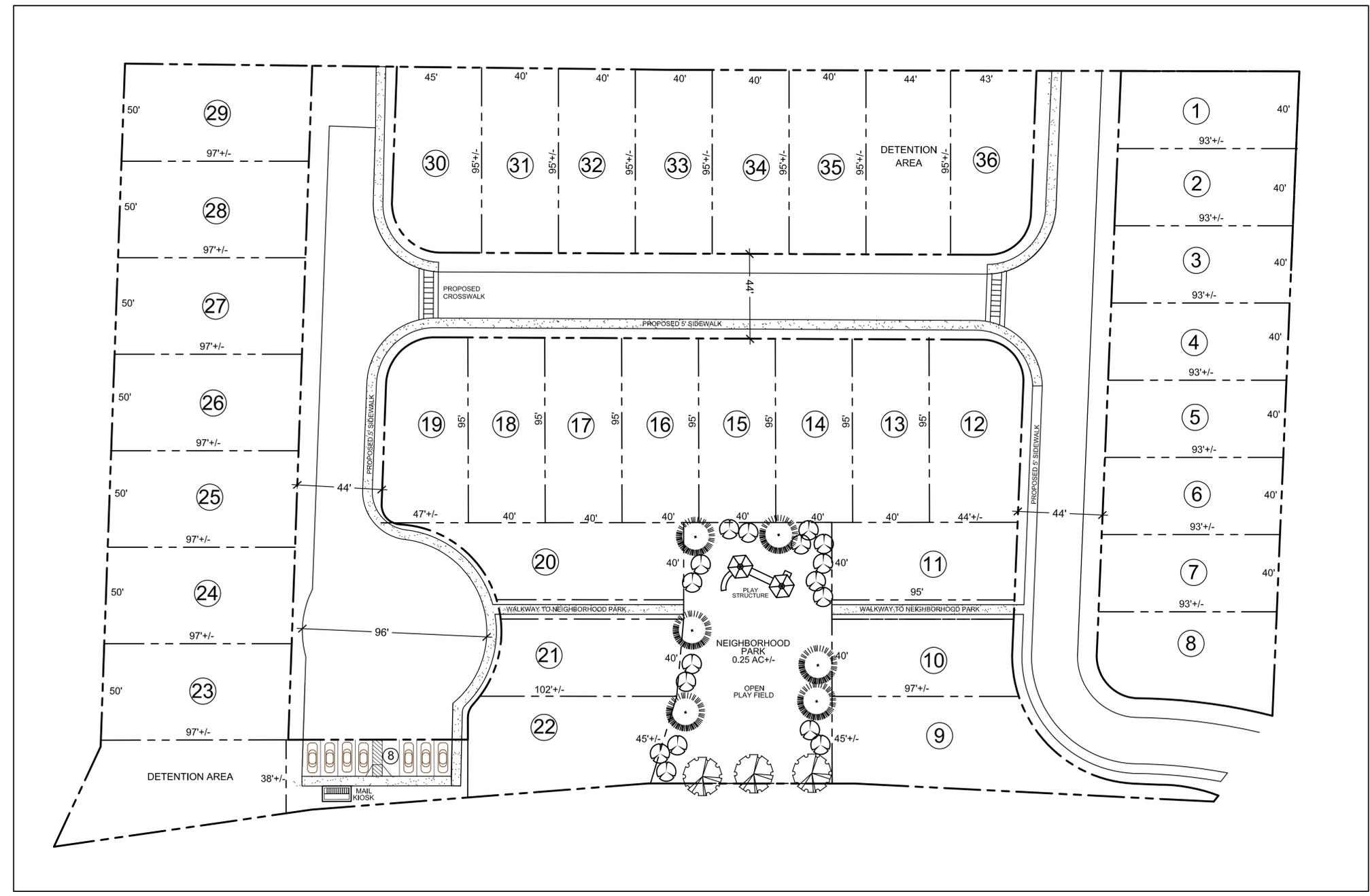
ADAM J. ROZEN, P.C

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VIA EMAIL DELIVERY:

Ms. Shelby Little, AICP
Planning & Zoning Manager
City of Marietta Department of Development Services
April 23, 2020
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cc: Steve "Thunder" Tumlin, Esq., City of Marietta Mayor
City of Marietta Mayor and Council
Ms. Stephanie Guy, City Clerk
Chairman R.W. (Bob) Kinney
Commissioner Jay Davis, Ward 1
City of Marietta Planning Commissioners
Mr. Rusty Roth, AICP Development Services Director
Ms. Jasmine Thornton, Planning and Zoning Administrator II
Commander Jason Garner, Fire Department
Douglas R. Haynie, Esq., City of Marietta Attorney
Ms. Ines Emblar, Planning and Zoning Coordinator
Mr. Pete Bilson, RLA, Bilson & Associates (via email)
Mr. William C. Hagemann (via email)



VICINITY MAP
 N.T.S

GENERAL SITE PLAN SUMMARY
 SITE AREA: 5.3 ACRES +/- (INLCUDES DEDICATED R/W)
 CURRENT ZONING: R-2, PROPOSED ZONING: PRD (SF)
 TOTAL NUMBER OF LOTS SHOWN: 36
 MINIMUM FLOOR SQ. FT.: 2,000 SF
 MAXIMUM HEIGHT: 30 FEET
 MINIMUM LOT SIZE: 3,500 SF
 SETBACKS: FRONT - 5'
 SIDE - 5'
 REAR - 25' (EXTERNAL LOTS)
 15' (INTERNAL LOTS)

ALL PROPOSED PUBLIC STREETS TO HAVE A 44 FOOT RIGHT OF WAY WITH 4 FOOT WIDE SIDEWALK ADJACENT TO THE BACK OF CURB ON ONE SIDE OF THE ROAD.

ALL DRIVEWAYS TO BE MINIMUM 20 FEET FROM BACK OF SIDEWALK OR 20 FEET BACK OF CURB WHERE THERE IS NO SIDEWALK.

PARKING PROVIDED: 4 SPACES PER DETACHED SINGLE FAMILY UNIT

2 SPACES PER GARAGE
 2 SPACES PER DRIVEWAY
 36 UNITS X 4 = 144 SPACES REQUIRED
 152 SPACES RPROVIDED
 (8 ADDITIONAL SPACES PROVIDED FOR MAIL KIOSK AND GUEST PARKING)

SITE INFORMATION

SITE ADDRESS: 84 FAIRLANE DRIVE
 88 FAIRLANE DRIVE
 100 FAIRLANE DRIVE
 150 FAIRLANE DRIVE
 MARIETTA, GEORGIA 30064
 PIN: 17021501180
 PIN: 17021501120
 PIN: 17021501140
 PIN: 17021501150

OWNER/DEVELOPER: WILLIAM C. HAGEMANN
 120 SOUTH PARK SQUARE
 MARIETTA, GEORGIA 30060
 770-655-0064

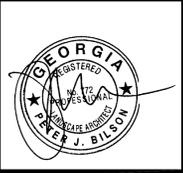
SITE AREA: 5.3 ACRES +/-

EXISTING ZONING: R-2
 PROPOSED ZONING: PRD (SF)

TOTAL NO. OF LOTS: 36

REVISIONS	BY

Blum & Associates
 LANDSCAPE ARCHITECTS & LAND PLANNERS
 P.O. BOX 9442 MARIETTA GA 30061
 www.blumassociates.com
 PHONE: 770-419-0006



PRELIMINARY SITE PLAN
PROPOSED DEVELOPMENT
 CITY OF MARIETTA, GEORGIA
 LAND LOT 2.1.4 & 2.1.5, 17TH DISTRICT, COBB COUNTY, GEORGIA
 PREPARED FOR
 WILLIAM C. HAGEMANN

DRAWN
CHECKED
DATE
SCALE
JOB No.
SHEET



SHOWN IN OPTIONAL ELEVATION B

4 BEDROOM
3.5 BATHROOM
2,550 SQ FT

Ashley

PROMENADE AT THE SQUARE | FLOORPLAN



Prices, plans, elevations, square footage, specifications, materials, and included features are subject to change at any time without notice or obligation. Drawings, renderings, images, square footage, plans, elevations, features, colors and sizes are approximate and may vary from the actual homes built. Drawings are artist interpretation © 2020 Tamra Wade Team of RE/MAX TRU. All rights reserved.

Revised 3-9-20

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TEAM

Sales Center: 770.502.6230 | HeatherlandHomes.com



Ashley

PROMENADE AT THE SQUARE | FLOORPLAN



Elevation A



Elevation B



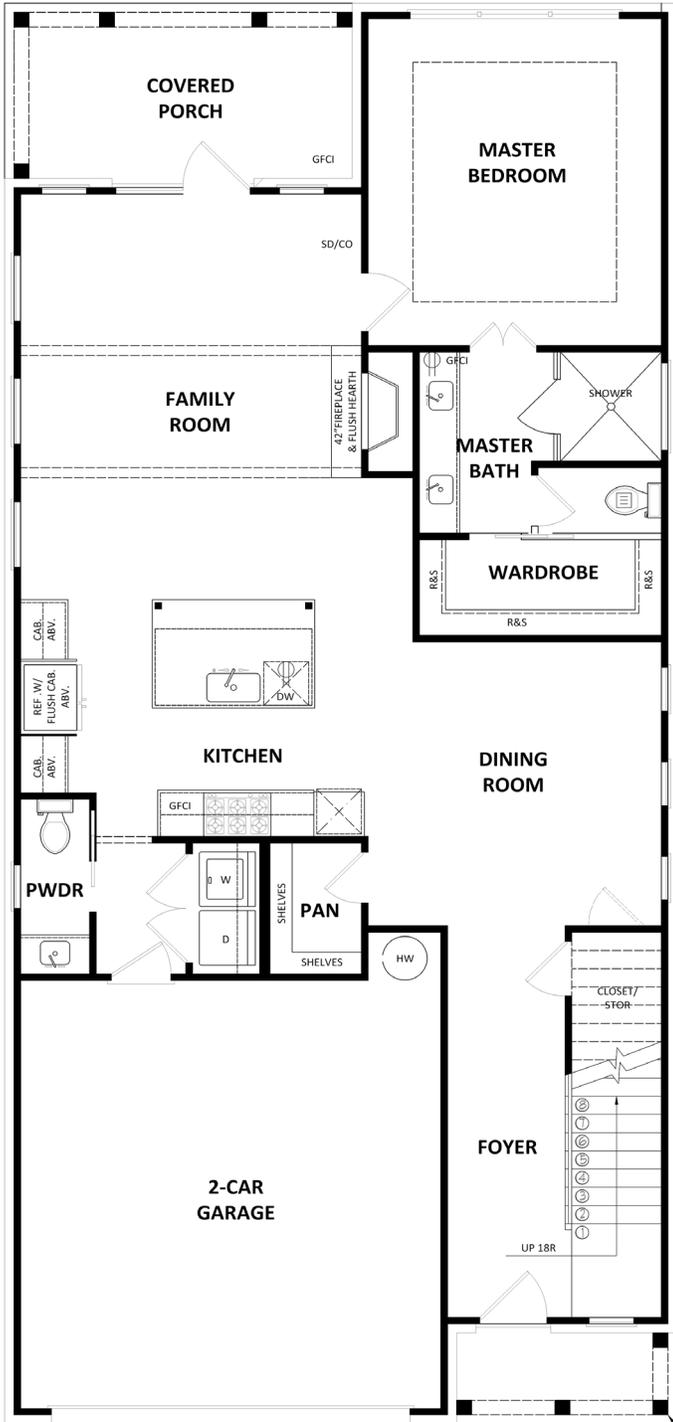
Elevation C



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Revised 3-9-20





First Floor



Second Floor



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SHOWN IN OPTIONAL ELEVATION C

4 BEDROOM
3.5 BATHROOM
3,029 SQ FT

Cameron

PROMENADE AT THE SQUARE | FLOORPLAN



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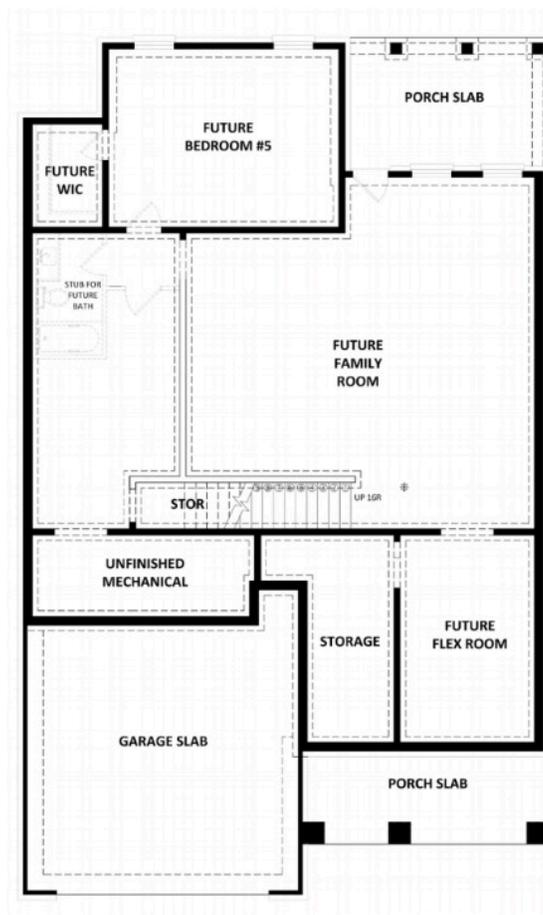
Elevation A



Elevation B



Elevation C



Opt. Basement Floor



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First Floor



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Second Floor



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SHOWN IN OPTIONAL ELEVATION B

4 BEDROOM
4.5 BATHROOM
3,034 SQ FT

Melissa

PROMENADE AT THE SQUARE | FLOORPLAN



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Melissa

PROMENADE AT THE SQUARE | FLOORPLAN



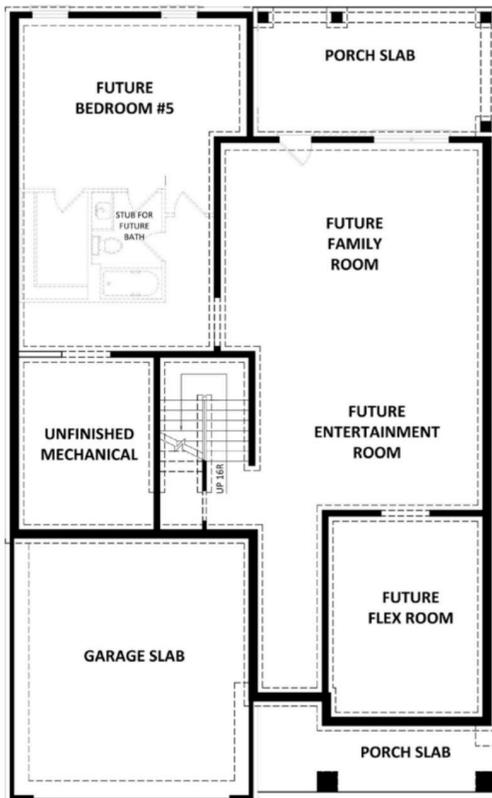
Elevation A



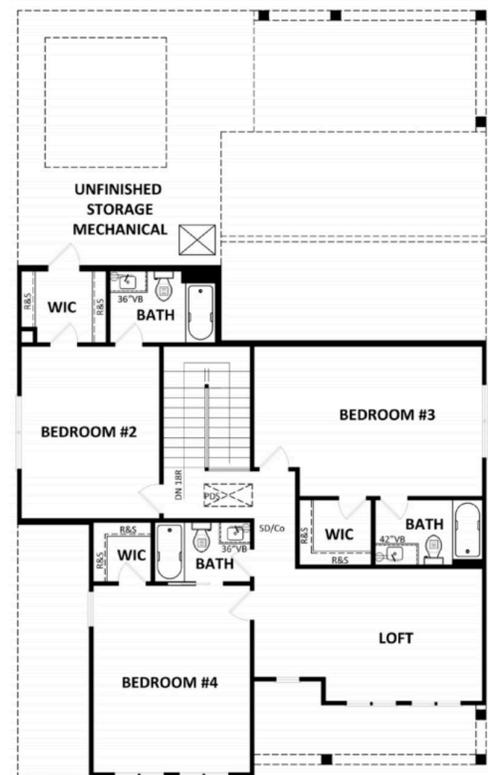
Elevation B



Elevation C



Opt. Basement Floor Plan



Second Floor Plan "C"



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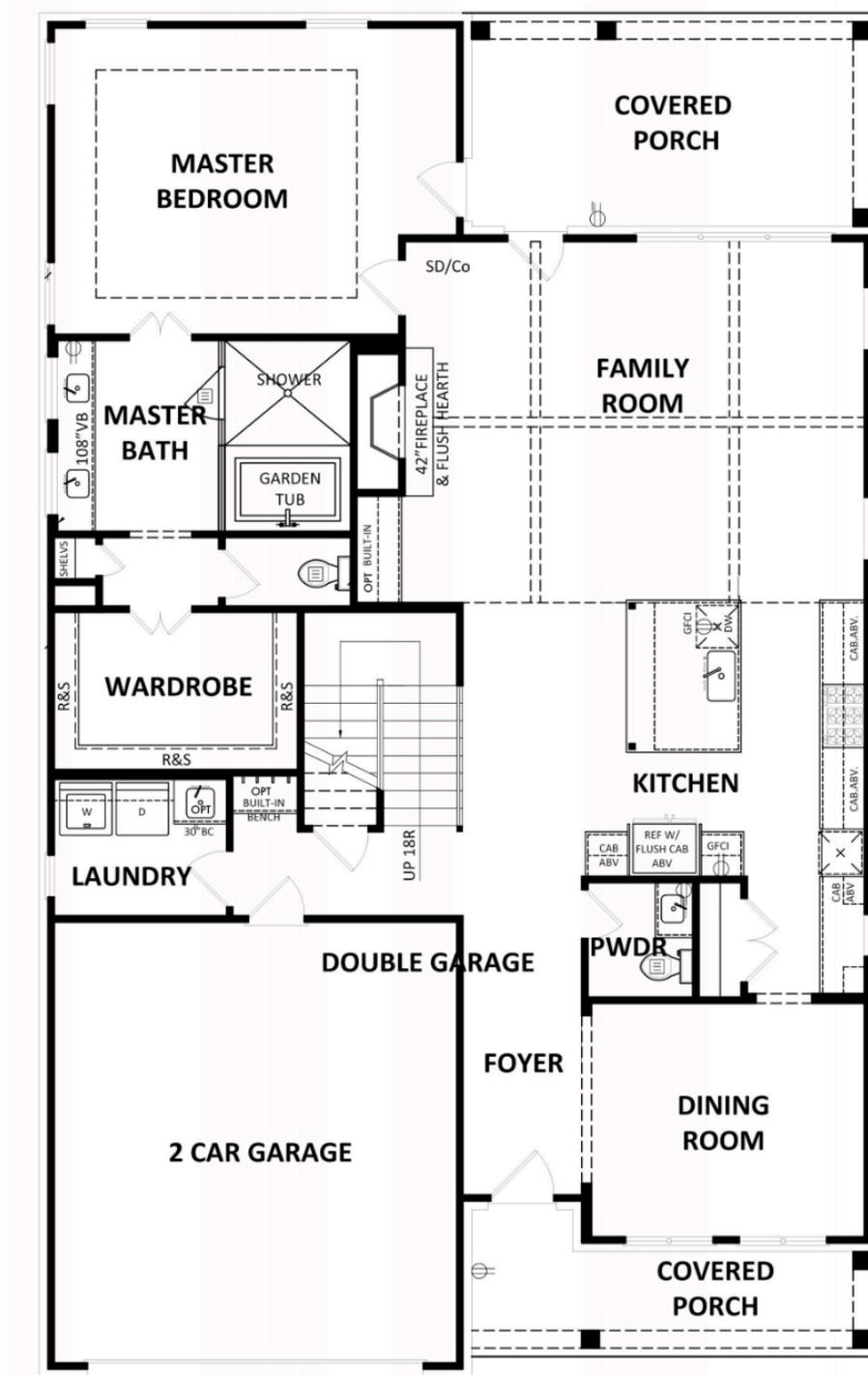
Revised 3-9-20





Melissa

PROMENADE AT THE SQUARE | FLOORPLAN



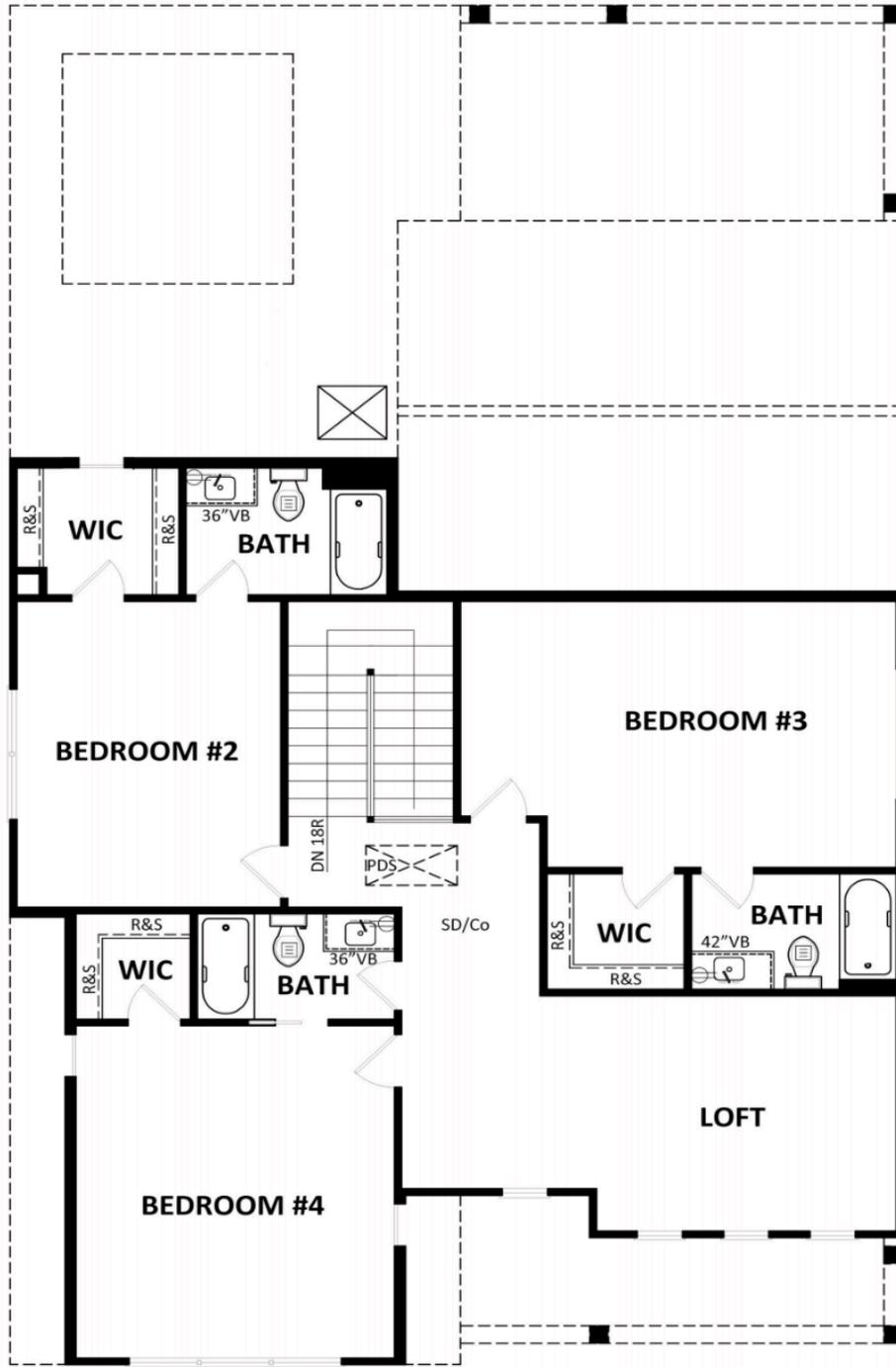
First Floor



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Second Floor



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SHOWN IN OPTIONAL ELEVATION B

4 BEDROOM
3.5 BATHROOM
3,060 SQ FT

Sadie

PROMENADE AT THE SQUARE | FLOORPLAN



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Sadie

PROMENADE AT THE SQUARE | FLOORPLAN



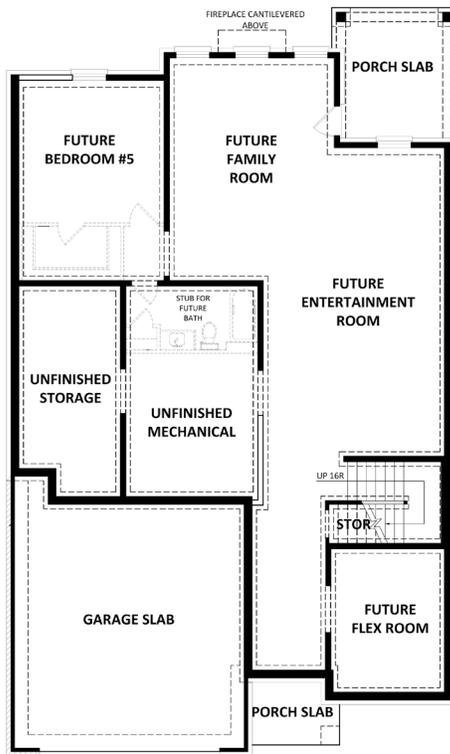
Elevation A



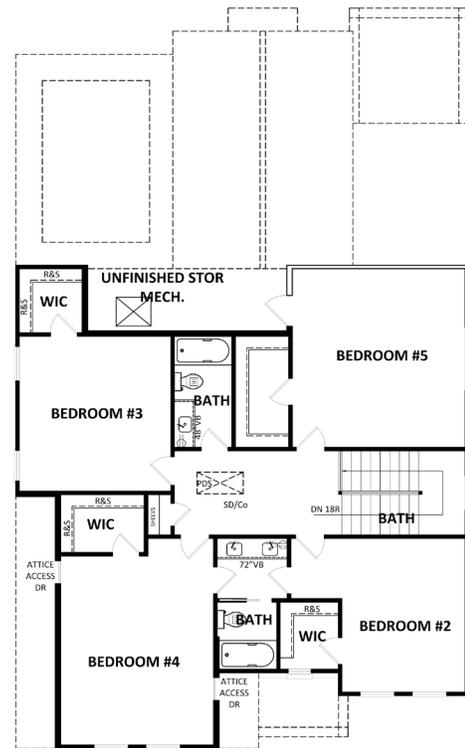
Elevation B



Elevation C



Opt. Basement Floor Plan



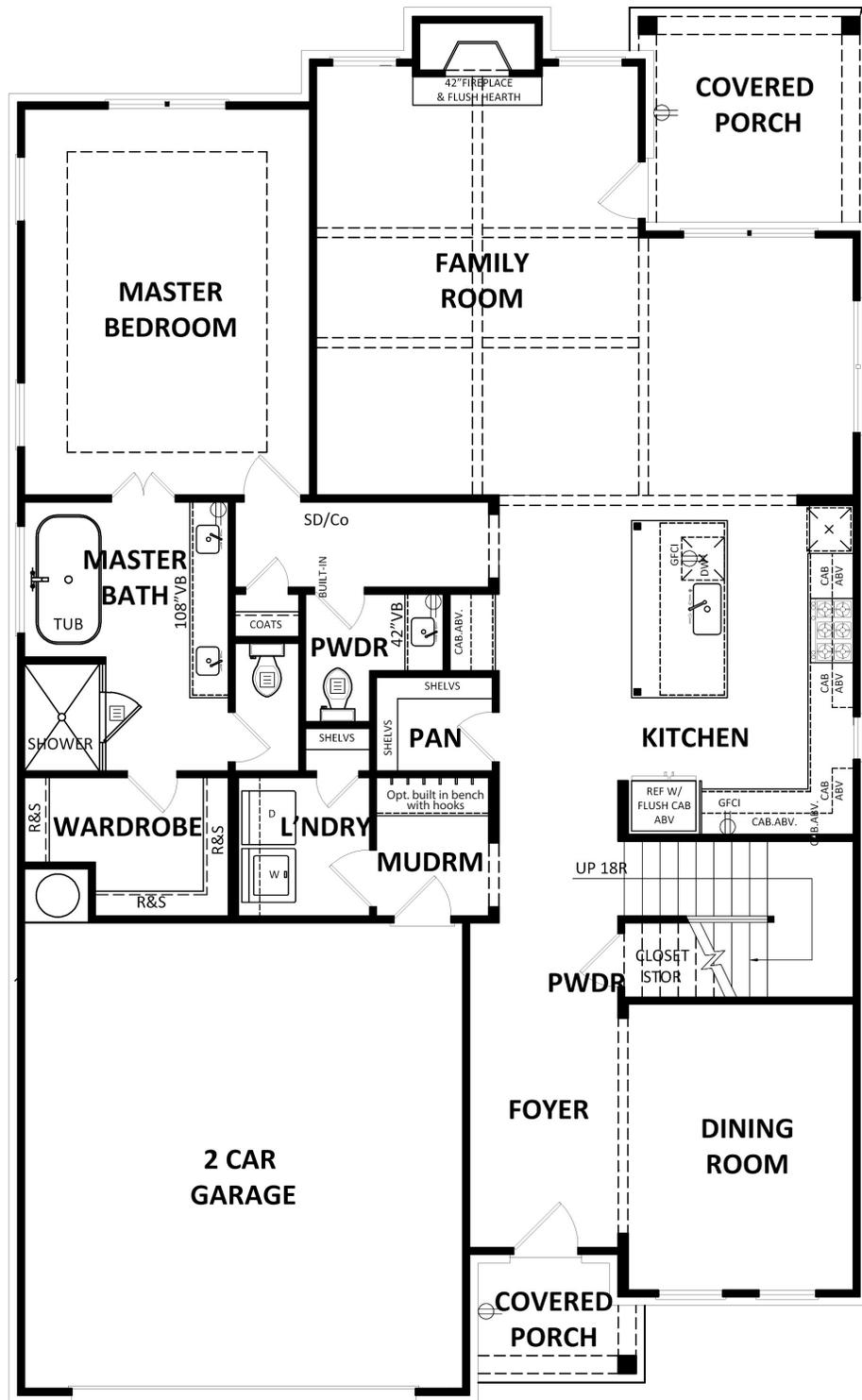
Second Floor Plan
W/ Opt. Bedroom #5



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First Floor

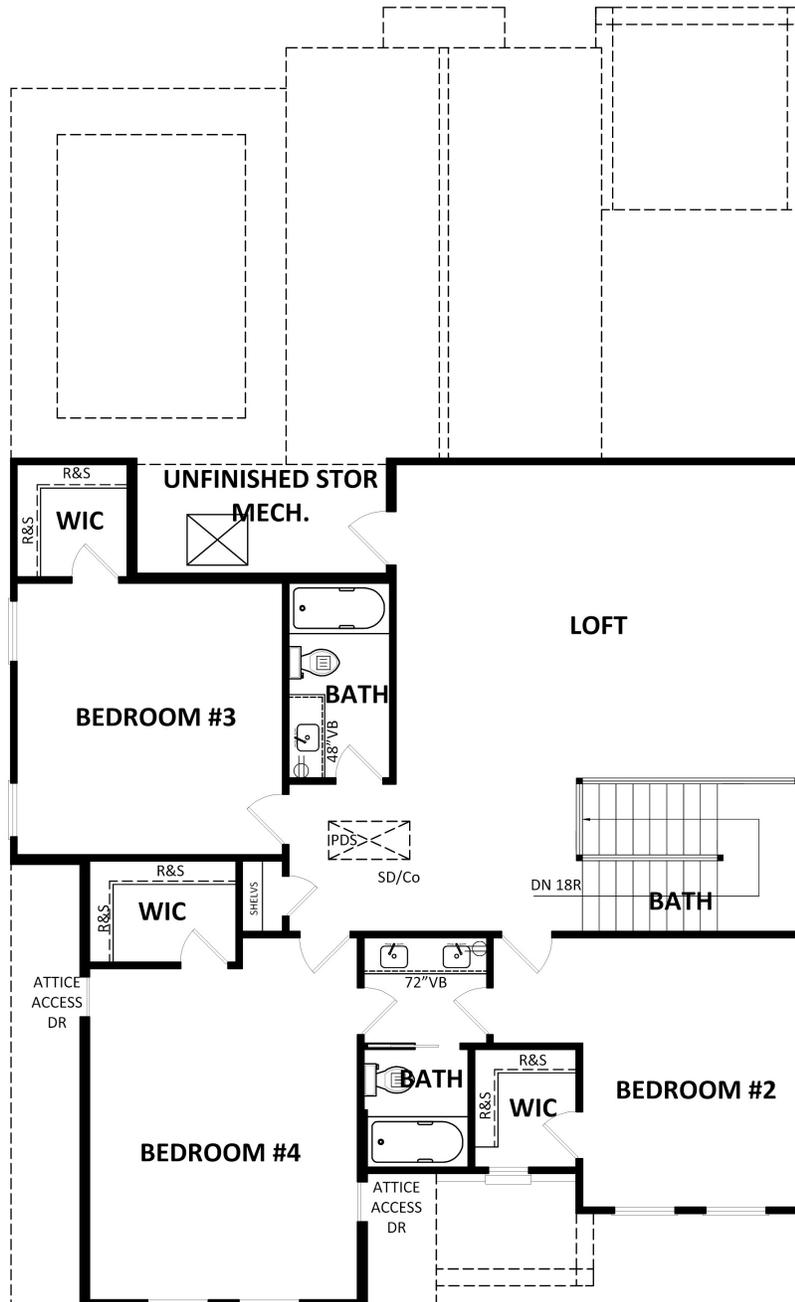


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Second Floor



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TEAM



SHOWN IN OPTIONAL ELEVATION B

4 BEDROOM
3.5 BATHROOM
2,676 SQ FT

Whitney

PROMENADE AT THE SQUARE | FLOORPLAN



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Whitney

PROMENADE AT THE SQUARE | FLOORPLAN



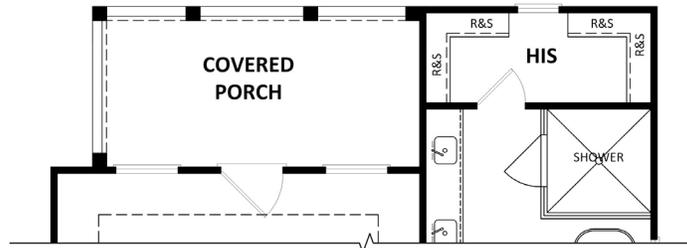
Elevation A



Elevation B



Elevation C



Second Floor Plan W/ Opt.
Master Covered Porch



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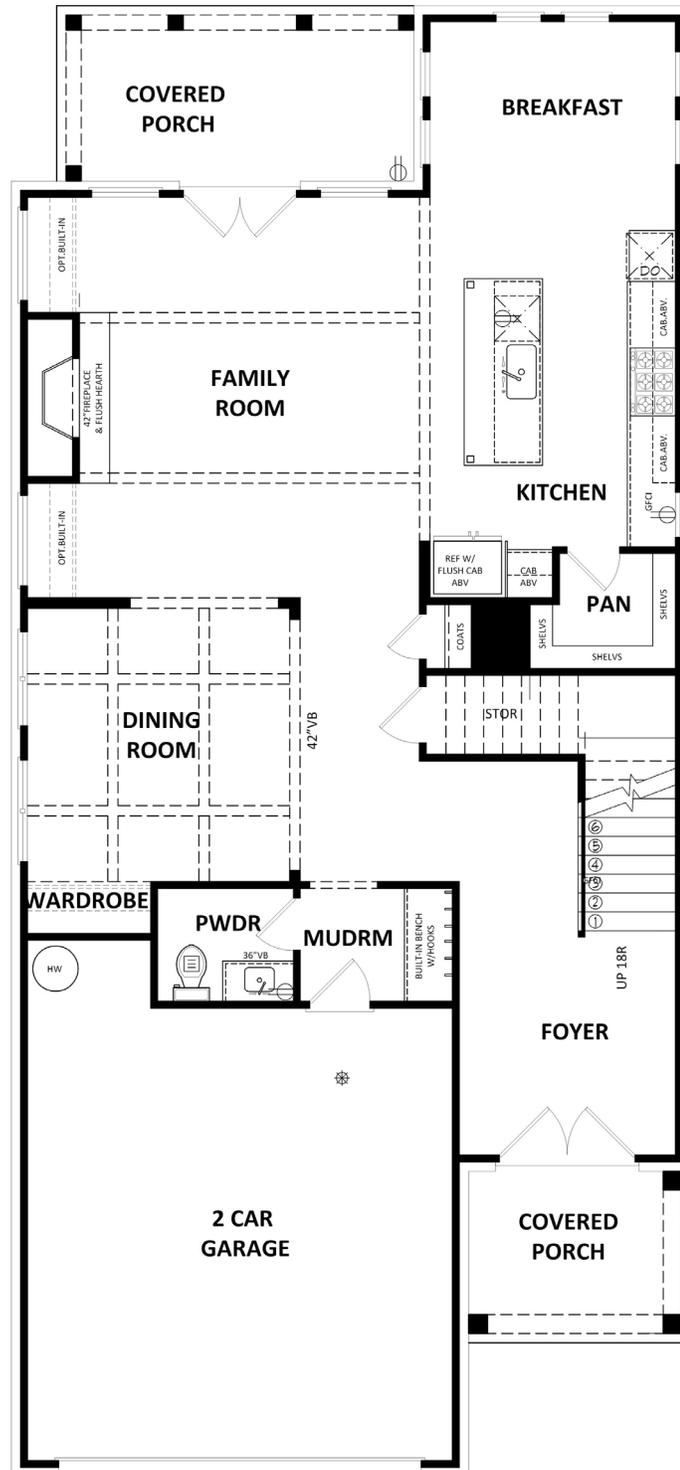
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Whitney

PROMENADE AT THE SQUARE | FLOORPLAN



First Floor



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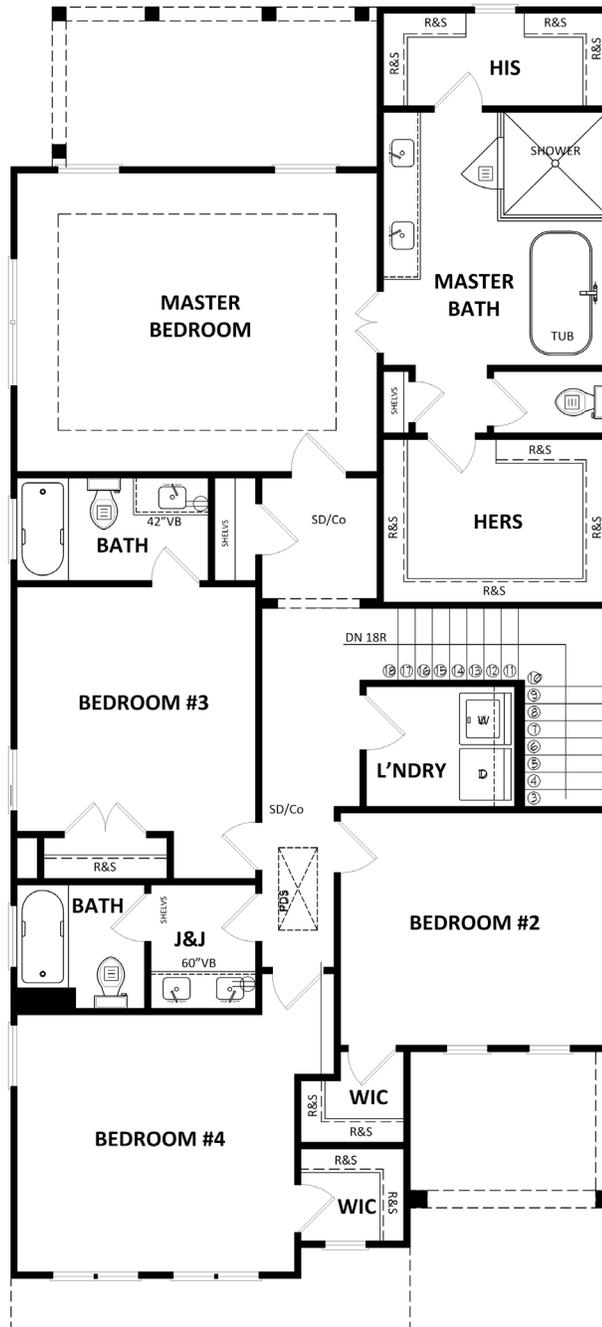
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Whitney

PROMENADE AT THE SQUARE | FLOORPLAN



Second Floor



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