

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 505 & 576, District 17, Parcels 0170, 0720, 0710, 0700, & 0690 of the 2nd Section, Cobb County, Georgia, and being known as **315 Frey's Gin Road and 1222, 1230, 1238, & 1246 Banberry Road.**

WHEREAS, application has been filed by **CAMPUS REALTY ADVISORS, LLC (HARTWOOD INVESTMENTS, 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:

That certain tract or parcel of land lying and being in land lots 505 and 576 of the 17th district, 2nd section, city of Marietta, Cobb County, Georgia and more particularly described as follows:

Beginning at a pk nail set at the intersection of the southern right of way of Banberry Road (40' public R/W) and the eastern right of way of Frey's Gin Road (40' public R/W), thence along said southern R/W south 89 degrees 38 minutes 26 east a distance of 253.29 feet to a 1/2" rebar found, thence leaving said R/W south 00 degrees 11 minutes 21 seconds east a distance of 148.01 feet to a point, thence south 89 degrees 38 minutes 26 seconds east a distance 873.13 feet to a point, thence south 00 degrees 38 minutes 59 seconds west a distance of 347.53 feet to a point, thence north 89 degrees 37 minutes 42 seconds west a distance of 337.94 feet to a point, thence north 89 degrees 37 minutes 42 seconds west a distance of 250.84 feet to a point on the north end of the eastern right of way of Kathleen Road (40' public r/w), thence along the northern end of said R/W north 89 degrees 55 minutes 11 seconds west a distance of 40.49 feet to a point on the northern end of the westerly right of way Kathleen Road, leaving said R/W north 89 degrees 40 minutes 38 seconds west a distance of 239.92 feet to a point, thence south 88 degrees 33 minutes 00 seconds west a distance of 118.62 feet to a 1/2" rebar found, thence north 01 degrees 39 minutes 03 seconds west a distance of 199.28 feet to an axle found, thence south 88 degrees 18 minutes 18 seconds west a distance of 227.65 feet to an axle found on the eastern right of way of Frey's Gin Road (40' r/w), thence along said R/W north 19 degrees 06 minutes 17 seconds east a distance of 187.74 feet to a point, thence continuing along said R/W and a curve to the left having a radius of 1,137.56 feet and an arc length of 135.30 feet, being subtended by a chord bearing of north 15 degrees 50 minutes 42 seconds east a distance of 135.22 feet to a nail set, said point being the point of beginning.

Said tract or parcel of land contains 9.57 acres or 417,224 sq.ft.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from PRD-SF (Planned Residential Development – Single Family) to PRD-MF (Planned Residential Development – Multi Family).

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

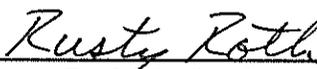
- Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 11, 2020.

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 Roth, Acting Director
Department of Development Services

Approved as to form:



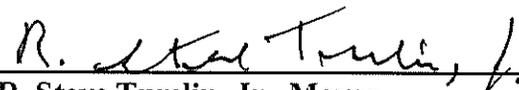
Douglas R. Haynie, City Attorney

Approved by City Council:

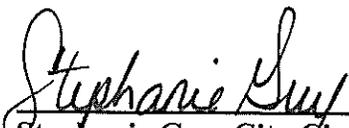
DATE: August 12, 2020

APPROVED:

ATTEST:



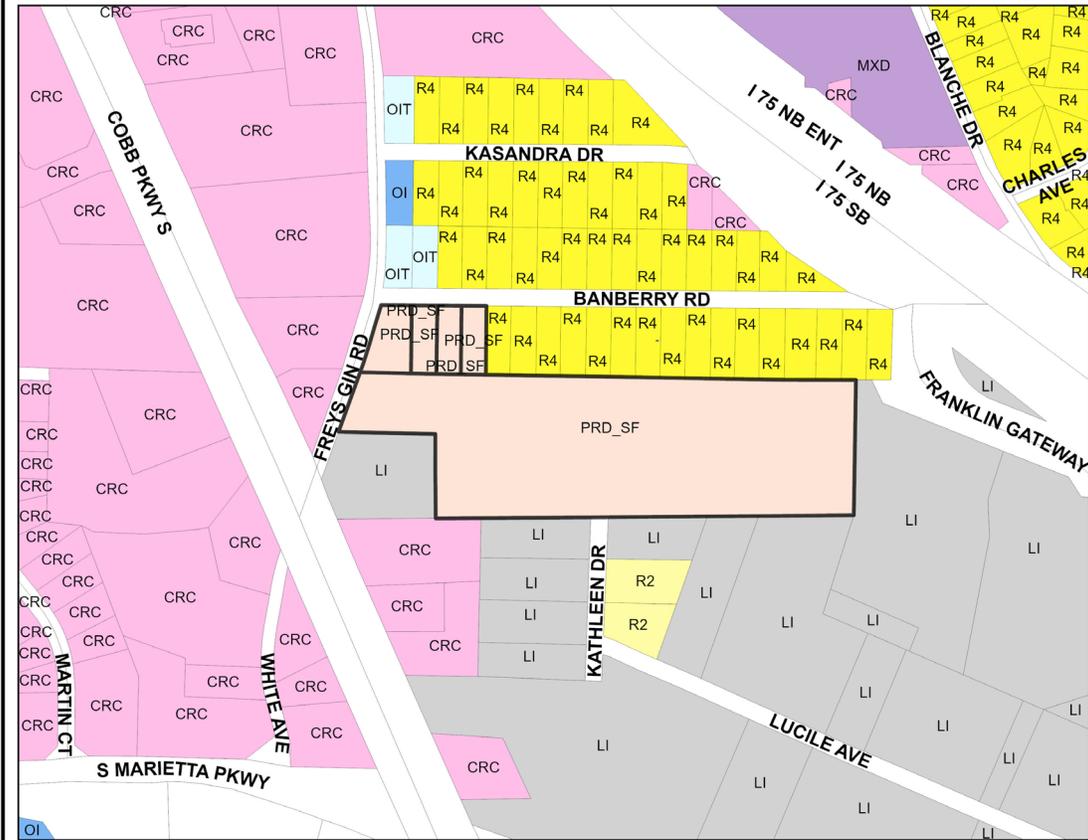
R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk

MAP

City of Marietta Area Zoning Map

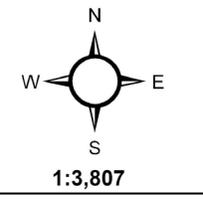


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL	COMMERCIAL					
R-1 One Unit/Acre	NRC Neighborhood Retail	17	505	0170	PRD-SF	PRD-MF
R-2 Two Unit/Acre	CRC Community Retail	16	1282	0720		
R-3 Three Unit/Acre	RRC Regional Retail	16	1282	0710		
R-4 Four Unit/Acre	CBD Central Business District	16	1282	0700		
ATTACHED FAMILY RESIDENTIAL	PCD Planned Commercial Dev.	16	1282	0690		
RA-4 Four Unit/Acre	MXD Mixed-Use Dev.					
RA-6 Six Unit/Acre	OIT Office Institutional Trans.					
RA-8 Eight Unit/Acre	LRO Low-Rise Office					
PRD(SF) Planned Residential Dev.	OI Office Institutional					
MHP Mobile Home Park	OS Office Services					
MULTI FAMILY RESIDENTIAL	OHR Office High-Rise					
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:
 315 Frey's Gin Road; 1222, 1230, 1238, & 1246 Banberry Rd

Date: **2/26/2020**

Planning & Zoning Division




MOORE INGRAM JOHNSON & STEELE

Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
Page 2 of 5
August 11, 2020

grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the prior letters of agreeable stipulations and conditions dated and submitted on June 30, 2020, and July 6, 2020. The proposed, revised stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning category of PRD-SF (Planned Residential Development – Single Family) to the proposed zoning category of PRD-MF (Planned Residential Development – Multi-Family), with reference to the revised Site Plan, attached to this revised stipulation letter. A reduced copy of the revised Site Plan is attached as Exhibit “A” and incorporated herein by reference.
- (2) The Subject Property consists of 9.57 acres, more or less, and shall be developed for a student housing development, containing a maximum of one hundred fifty-eight (158) units, and no more than four hundred fifty-five (455) bedrooms.
- (3) Access from Freys Gin Road shall include installation of a deceleration lane; as well as, sidewalk, curb, and gutter.
- (4) The proposed development shall have a minimum of 2.8 acres of open space consisting of passive recreation and buffer areas.
- (5) The proposed development shall have an active recreation area consisting of a clubhouse and pool.
- (6) There shall be no vehicular access to Banberry Road. Vehicular access to the proposed community shall be from Freys Gin Road and Kathleen Drive only.
- (7) The proposed community unit configurations shall be in compliance with The University System of Georgia Guidelines for student housing with respect to health-related protocols and policies.
- (8) Applicant agrees marketing materials; including, but not limited to, electronic and web-based, shall be targeted and directed to student populations at Kennesaw State University and Life University.
- (9) Applicant agrees the proposed community shall be limited to no more than one (1) resident per bedroom, which restriction shall be included in all leases.
- (10) There shall be no drop-off, location or provision for any commercial rental scooter operation or business.

MOORE INGRAM JOHNSON & STEELE

Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
Page 3 of 5
August 11, 2020

- (11) Vehicular access to the proposed community from Freys Gin Road and Kathleen Drive shall be secured access, through gates available only to management staff, emergency services, approved maintenance vendors, residents and their acknowledged guests; except for limited access to clubhouse and leasing areas.
- (12) Access to units shall be secured; controlled and available only to residents and management staff through the means of access cards and the like.
- (13) Applicant agrees the proposed community shall have 24-hour, on-site, management and personnel.
- (14) There shall be 24-hour surveillance and security, including coordination with local law enforcement. Applicant shall coordinate a safety and security plan with local law enforcement.
- (15) Applicant agrees the proposed community shall have a policy that all leases shall be a minimum of twelve (12) months based on the academic calendar (except in the case of any potential master lease with the University for student residents or students that sign leases after the start of the fall term on the condition those leases expire at the end of the academic year).
- (16) Applicant agrees the proposed community shall have student directed and oriented amenities and programs.
- (17) Applicant agrees the proposed community shall provide and make available student-oriented programming and study opportunities through coordination with Kennesaw State University and/or Life University, if agreeable, which can provide the opportunity for off-campus learning centers and dedicated space at the proposed community.
- (18) Applicant agrees to utilize best efforts to coordinate with Kennesaw State University regarding any opportunity to honor former University President Betty Siegel. By way of example, naming a street, amenity area, or building in her honor.
- (19) The overall exterior elevations for the proposed community shall be substantially similar to the elevations attached collectively as Exhibit "B" and incorporated herein by reference.

MOORE INGRAM JOHNSON & STEELE

Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
Page 4 of 5
August 11, 2020

- (20) There shall be a thirty (30) foot greenbelt buffer located along the northerly boundary of the Property, adjacent to residential properties located along Banberry Road. This greenbelt buffer shall be graded and replanted with landscaping and trees to provide for visual screening.
- (21) There shall be an eight (8) foot decorative brick wall along the Banberry Road frontage and around the corner to the Freys Gin Road entrance.
- (22) There shall be a minimum of a five (5) foot sidewalk and a ten (10) foot landscaping strip along the Banberry Road frontage, outside of the decorative brick wall.
- (23) There shall be a ten (10) foot sidewalk along the Freys Gin Road frontage with a ten (10) foot landscape strip.
- (24) All lighting within the proposed community, including parking lot lighting and exterior lighting for the buildings, shall be designed to not illuminate beyond the Property's boundaries.
- (25) In conjunction with the proposed rezoning, Applicant requests the following variances which shall be deemed approved by the City of Marietta upon approval of the requested rezoning, as referenced and submitted, together with the stipulations set forth herein:
 - (a) Variance to disturb and replant the thirty (30) foot buffer adjacent to residential;
 - (b) Variance to allow thirty-five (35) percent (161 parking spaces) of the provided parking spaces (465 parking spaces) to be eight and one half (8½) feet wide and sixteen (16) feet deep; and
 - (c) Variance to increase the allowable impervious surface coverage from sixty (60) percent to sixty-five (65) percent.

We believe the requested zoning, together with the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration uses of properties in the surrounding area. The proposed community will be a quality development and will be an asset to the City; as well as, enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

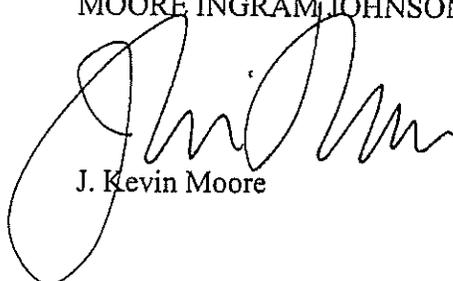
MOORE INGRAM JOHNSON & STEELE

Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
Page 5 of 5
August 11, 2020

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

A handwritten signature in black ink, appearing to read 'J. Kevin Moore', is written over the typed name. The signature is fluid and cursive, with a large loop at the beginning.

J. Kevin Moore

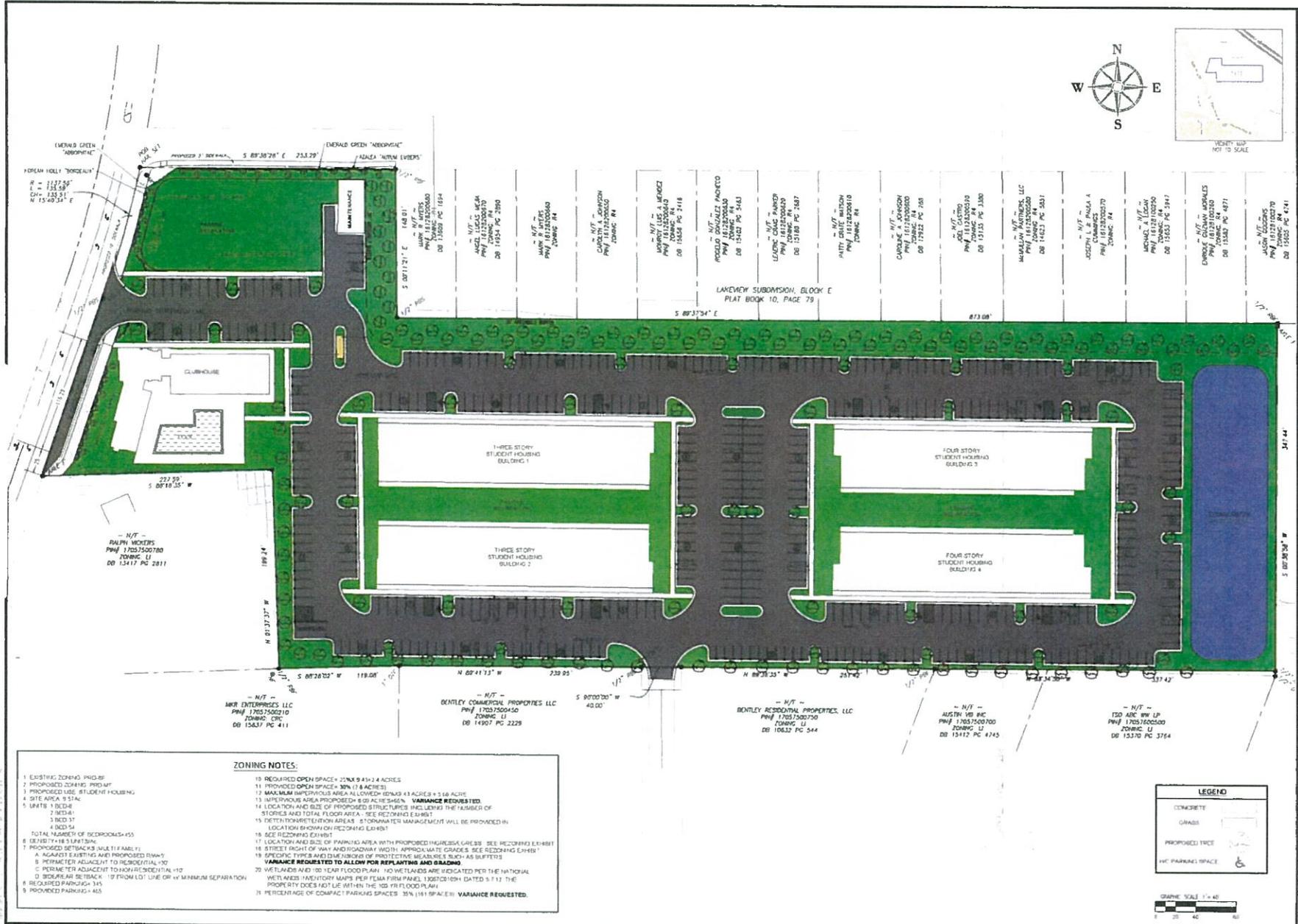
JKM:cc

Attachments

c: Russell J. Roth, AICP
Development Director
City of Marietta
(With Copies of Attachments)

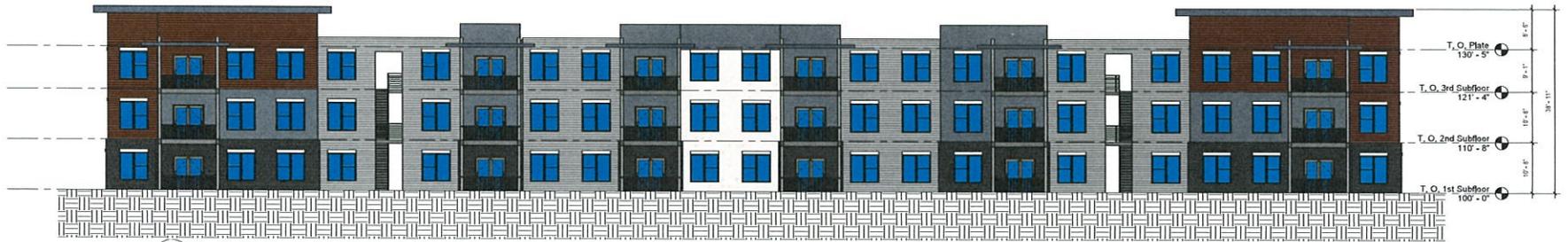
Campus Realty Advisors, LLC
(With Copies of Attachments)

EXHIBIT "A"



- ZONING NOTES:**
- EXISTING ZONING: PHD-BF
 - PROPOSED ZONING: PRODM
 - PROPOSED USE: STUDENT HOUSING
 - SITE AREA: 9.51A
 - UNITS: 1 BLDG: 2 BLDG: 3 BLDG: 4 BLDG: 54
 - TOTAL NUMBER OF BEDROOMS: 455
 - DEBTD: 118.5 LIFT: 54K
 - PROPOSED SETBACKS: 5.11 (FAMILY): A. AGAINST EXISTING AND PROPOSED RWAY; B. PERIMETER ADJACENT TO RESIDENTIAL; C. PERIMETER ADJACENT TO HIGH RESIDENTIAL; D. BOUNDARY SETBACK: 10' FROM LOT LINE OR 4' MINIMUM SEPARATION
 - REQUIRED PARKING: 345
 - PROVIDED PARKING: 465
 - REQUIRED OPEN SPACE: 25% (9.41) 2.4 ACRES
 - PROVIDED OPEN SPACE: 30% (11.6 ACRES)
 - BACKLASH IMPERVIOUS AREA ALLOWED: 10% (3.6 ACRES)
 - INTERVIOUS AREA PROPOSED: 6.00 ACRES. **VARIANCE REQUESTED.**
 - LOCATION AND SIZE OF PROPOSED STRUCTURES: INCLUDE THE NUMBER OF STORIES AND TOTAL FLOOR AREA. SEE REDWING EXHIBIT.
 - DETERMINATION: FLOOD AREAS: STORMWATER MANAGEMENT WILL BE PROVIDED BY LOCATION SHOWN ON REDWING EXHIBIT.
 - SEE REDWING EXHIBIT.
 - LOCATION AND SIZE OF PAVING AREA WITH PROPOSED INGRESS/EGRESS: SEE REDWING EXHIBIT.
 - STREET RIGHT OF WAY AND SIDEWALK WIDTH: APPROXIMATE GRADIES: SEE REDWING EXHIBIT.
 - SPECIFIC TYPES AND SIZE LOCUS OF PROTECTIVE MEASURES SUCH AS BUFFERS: **VARIANCE REQUESTED TO ALLOW FOR REPLANTING AND GRASSING.**
 - WETLANDS AND 100-YEAR FLOOD PLAIN: NO WETLANDS ARE INDICATED PER THE NATIONAL WETLANDS INVENTORY MAPS PER FEMA FORM PANEL 1, 2007 EDITION, DATED 5/11/11. THE PROPERTY DOES NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN.
 - PERCENTAGE OF COMPACT PARKING SPACES: 35% (114 SPACES). **VARIANCE REQUESTED.**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
REZONING EXHIBIT																																																																																																			
KSU-MARIETTA CAMPUS STUDENT HOUSING																																																																																																			
CAMPUS REALTY ADVISORS																																																																																																			
MARIETTA, GEORGIA																																																																																																			
F884																																																																																																			
SCALE 1"=40'																																																																																																			



1 3-Story Building Elevation 1
3/32" = 1'-0"



3 3-Story Building Elevation 2
3/32" = 1'-0"

MATERIALS LEGEND

-  BRICK VENEER
-  FIBER CEMENT LAP SIDING - WOOD TONE
-  FIBER CEMENT LAP SIDING - GRAY
-  FIBER CEMENT PANEL - DARK GRAY
-  FIBER CEMENT PANEL - WHITE



1 3-Story Building Elevation 3
3/32" = 1'-0"



2 3-Story Building Elevation 4
3/32" = 1'-0"

MATERIALS LEGEND

- BRICK VENEER
- FIBER CEMENT LAP SIDING - WOOD TONE
- FIBER CEMENT LAP SIDING - GRAY
- FIBER CEMENT PANEL - DARK GRAY
- FIBER CEMENT PANEL - WHITE



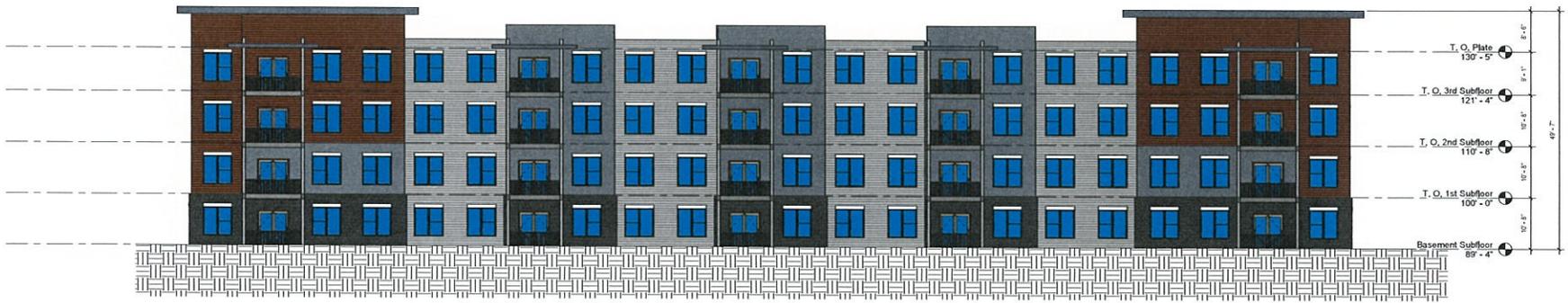
1 4-Story Building Elevation 1
3/32" = 1'-0"



2 4-Story Building Elevation 2
3/32" = 1'-0"

MATERIALS LEGEND

-  BRICK VENEER
-  FIBER CEMENT LAP SIDING - WOOD TONE
-  FIBER CEMENT LAP SIDING - GRAY
-  FIBER CEMENT PANEL - DARK GRAY
-  FIBER CEMENT PANEL - WHITE



1 4-Story Building Elevation 3
3/32" = 1'-0"



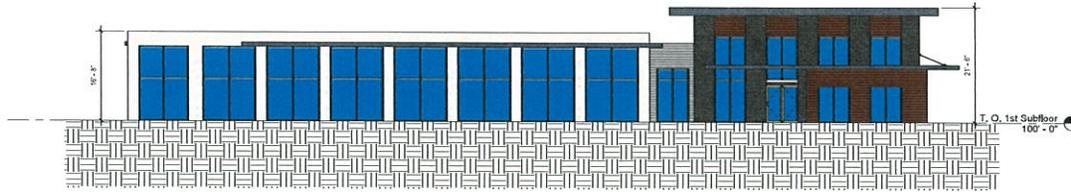
2 4-Story Building Elevation 4
3/32" = 1'-0"

MATERIALS LEGEND

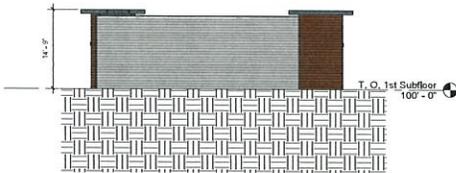
-  BRICK VENEER
-  FIBER CEMENT LAP SIDING - WOOD TONE
-  FIBER CEMENT LAP SIDING - GRAY
-  FIBER CEMENT PANEL - DARK GRAY
-  FIBER CEMENT PANEL - WHITE



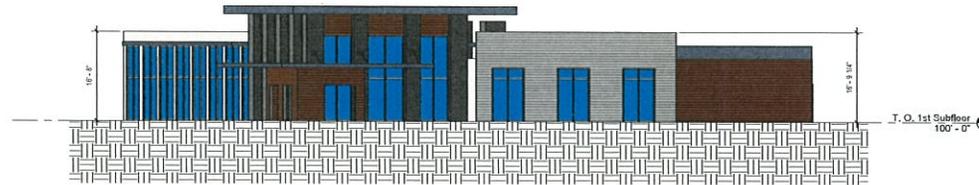
5 Maintenance Shop - North Elevation
3/32" = 1'-0"



1 Clubhouse - North Elevation
3/32" = 1'-0"



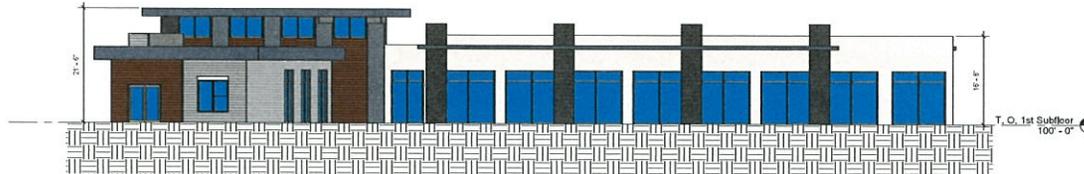
6 Maintenance Shop - West Elevation
3/32" = 1'-0"



2 Clubhouse - West Elevation
3/32" = 1'-0"



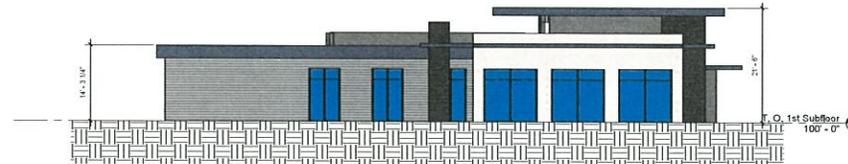
7 Maintenance Shop - South Elevation
3/32" = 1'-0"



3 Clubhouse - South Elevation
3/32" = 1'-0"



8 Maintenance Shop - East Elevation
3/32" = 1'-0"



4 Clubhouse - East Elevation
3/32" = 1'-0"

MATERIALS LEGEND

-  BRICK VENEER
-  FIBER CEMENT LAP SIDING - WOOD TONE
-  FIBER CEMENT LAP SIDING - GRAY
-  FIBER CEMENT PANEL - DARK GRAY
-  FIBER CEMENT PANEL - WHITE



CLUBHOUSE PERSPECTIVE

06/02/20

KSU STUDENT HOUSING

317 FREY'S GIN ROAD
MARIETTA, GEORGIA

rosemann 
& ASSOCIATES