

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 1014, District 16, Parcels 1310, 1090, 1120, 1060 & 1070 of the 2nd Section, Cobb County, Georgia, and being known as 833 & 900 Campbell Hill Street, 100, 120; & 150 Florence Street.

WHEREAS, application has been filed by **HR ACQUISITION I CORPORATION (EVOQ MARIETTA 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:

Campbell Hill Street:

All that tract or parcel of land lying and being in Land Lot 1014 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Commence at a point formed by the West right of way of Campbell Hill Street (40' RW) and the South right of way line of Florence Street (40' RW); thence running South 02 degrees 07 minutes 27 seconds West for a distance of 20.91 feet to a concrete right of way monument at the Southeast corner of the mitered right of way line of Campbell Hill Street and the True Point of Beginning (40' RW); thence running South 02 degrees 07 minutes 27 seconds West for a distance of 205.44 feet to a point; thence continuing along said right of way line South 04 degrees 40 minutes 23 seconds West for a distance of 40.00 feet to a point; thence continuing along said right of way line South 05 degrees 41 minutes 55 seconds West for a distance of 44.83 feet to a point; thence continuing along said right of way South 10 degrees 05 minutes 22 seconds West for a distance of 49.10 feet to a rebar set; thence leaving said right of way line and running North 85 degrees 07 minutes 18 seconds West for a distance of 186.37 feet to a rebar found; thence North 85 degrees 08 minutes 17 seconds West for a distance of 112.73 feet to a rebar set; thence North 87 degrees 35 minutes 58 seconds West for a distance of 170.24 feet to a rebar found; thence South 04 degrees 37 minutes 42 seconds West for a distance of 1.50 feet to a rebar found; thence North 87 degrees 42 minutes 17 seconds West for a distance of 20.10 feet to a rebar set; thence North 88 degrees 15 minutes 42 seconds West for a distance of 187.86 feet to a rebar found on the East right of way line

of White Street (35' RW); thence continuing along said right of way line of White Street and running North 00 degrees 57 minutes 46 seconds East for a distance of 134.25 feet to a point; thence continuing along said right of way line along a curve to the right said curve having an arc length of 56.39 feet and a radius of 298.43 feet, said curve being subtended by a chord bearing of North 06 degrees 22 minutes 32 seconds East and a chord distance of 56.30 feet to a point; thence continuing along said right of way line along a curve to the left said curve having an arc length of 105.50 feet and a radius of 826.06 feet, said curve being subtended by a chord bearing of North 08 degrees 07 minutes 46 seconds East and a chord distance of 105.43 feet to a point at the intersection formed by the East right of way line of White Street (35' RW) and the South right of way line of Florence Street (40' RW); thence continuing along the South right of way line of Florence Street and running South 81 degrees 25 minutes 18 seconds East for a distance of 188.64 feet to a point; thence continuing along said right of way along a curve to the left said curve having an arc length of 101.17 feet and a radius of 347.88 feet and being subtended by a chord bearing of South 89 degrees 45 minutes 11 seconds East and a chord distance of 100.81 feet to a point; thence continuing along said right of way line and running North 81 degrees 54 minutes 55 seconds East for a distance of 368.10 feet to a concrete right of way monument found on the Northwest corner of the mitered right of way line of Florence Street (40' RW); thence leaving said right of way line and running South 54 degrees 13 minutes 47 seconds East for a distance of 29.60 feet to a concrete right of way monument found at the Southeast corner of the mitered right of way line of Campbell Hill Street (40' RW) and the POINT OF BEGINNING.

Said tract of land being improved property containing 4.715+/- acres, or 205,398+/- square feet.

Florence Street:

All that tract or parcel of land lying and being in Land Lot 1014 of the 16th District, 2nd Section, within the City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a 5/8-inch rebar found at the intersection of the Southwesterly right-of-way line of Marble Mill Road (variable right-of-way) and the Northerly right-of-way line of Florence Street (variable right-of-way), said point being the TRUE POINT OF BEGINNING; Thence along said right-of-way line of Florence Street South 77 degrees 41 minutes 44 seconds West, a distance of 95.97 feet to a 5/8-inch rebar found; Thence departing said right-of-way line North 07 degrees 20 minutes 56 seconds West, a distance of 57.60 feet to a 3/4-inch open top pipe found; Thence North 88 degrees 04 minutes 14 seconds West, a distance of 52.49 feet to a iron "T"-bar found; Thence North 03 degrees 39 minutes 33 seconds West, a distance of 61.73 feet to a "PK" nail found; Thence North 10 degrees 59 minutes 55 seconds East, a distance of 90.40 feet to a 1/2-inch rebar found located on the Southwesterly right-of-way line of Marble Mill Road; Thence along said right-of-way line South 54 degrees 20 minutes 14 seconds East, a distance of 24.90 feet to a point; Thence along a curve to the right having an arc length of 205.37 feet, with a radius of 374.42 feet, being subtended by a chord bearing of South 38 degrees 08 minutes 33 seconds East, for a distance of 202.81 feet to a 5/8-inch rebar found; Thence South 19 degrees 23 minutes 44 seconds West, a

distance of 15.65 feet to a 5/8-inch rebar found, said point being the TRUE POINT OF BEGINNING.

Said tract of land being improved property containing .425+/- acres, or 18,513+/- square feet.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) and RHR (Residential High Rise) to OI (Office Institutional).

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

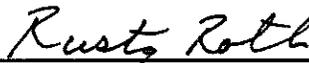
- Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 31, 2020, as amended September 9, 2020.

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:



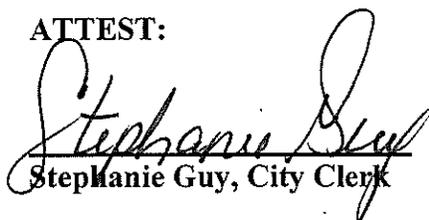
Douglas R. Haynie, City Attorney

Approved by City Council:

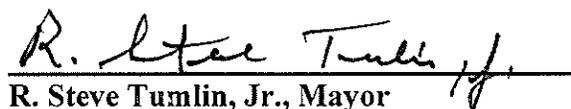
DATE: September 9, 2020

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor

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Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
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Zoning Staff and various City Staff and reviewing the City's Rezoning Application Analysis, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) The 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 on the Subject Property.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning categories of Office Institutional ("OI") and Residential High Rise ("RHR") to the proposed zoning category of Office Institutional ("OI"), with reference to the Site Plan filed with the Application for Rezoning. A reduced copy of the Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (3) On a portion of the Subject Property comprised of 833 Campbell Hill Street, Applicant proposes to construct a new medical office building, a maximum of four (4) stories in height, and containing a maximum of 85,000 square feet, as more specifically identified on the submitted Site Plan.
- (4) Applicant will provide a maximum overall total of five hundred thirty-two (532) parking spaces (five hundred nine (509) spaces required). There will be a total of three hundred eight (308) surface parking spaces immediately adjacent to the proposed and existing medical office buildings on 833 Campbell Hill Street; as well as a maximum of two hundred twenty-four (224) surface parking spaces in the auxiliary parking area located across Florence Street.
- (5) Applicant agrees to a dedicated pedestrian cross-walk connecting the auxiliary parking area with the medical office buildings, as shown and reflected on the Site Plan. Applicant will work with the City of Marietta Public Works to establish a safe crossing area on Florence Street.
- (6) Applicant agrees to the installation of sidewalk, curb, and gutter, together with a two (2) foot beautification strip, along the frontage of the Subject Property on Marble Mill Road, Campbell Hill Street, Florence Street, and a portion of White Street, as shown and reflected on the submitted Site Plan.
- (7) All landscaping referenced herein; including, but not limited to, the frontage, entrance area, and open space areas, shall be approved by the City of Marietta as

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part of the Plan Review Process and incorporated into the overall landscape plan for the proposed development.

- (8) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by the City of Marietta or any utility provider.
- (9) Applicant agrees to the following variances for the proposed project:
 - (a) Variance to allow for off-site parking to meet the minimum parking standards for a property used as medical offices; and
 - (b) Variance to waive the planter island requirements.

We believe the requested zoning, together with the referenced Site Plan and the stipulations set forth above, is an appropriate use of the Subject Property while taking into consideration the location of the Property and the uses of properties in the surrounding area. The proposed medical office building, and redevelopment of the surrounding property, will be a quality facility and provide much-needed services to the healthcare community, area residents, and the City. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachment

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Ms. Shelby Little, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
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c: Russell J. Roth, AICP
Development Director
City of Marietta
(With Copy of Attachment)

HR Acquisition I Corporation
(With Copy of Attachment)

Florence Street MOB
 Marietta, GA



Existing Kenmar MOB: 68,000 sf
 Proposed MOB: 85,000 sf
 Total: 153,000 sf
 Required Parking: 509 parking stalls (3.33/1000)
 Provided Parking: 532 parking stalls (3.47/1000)

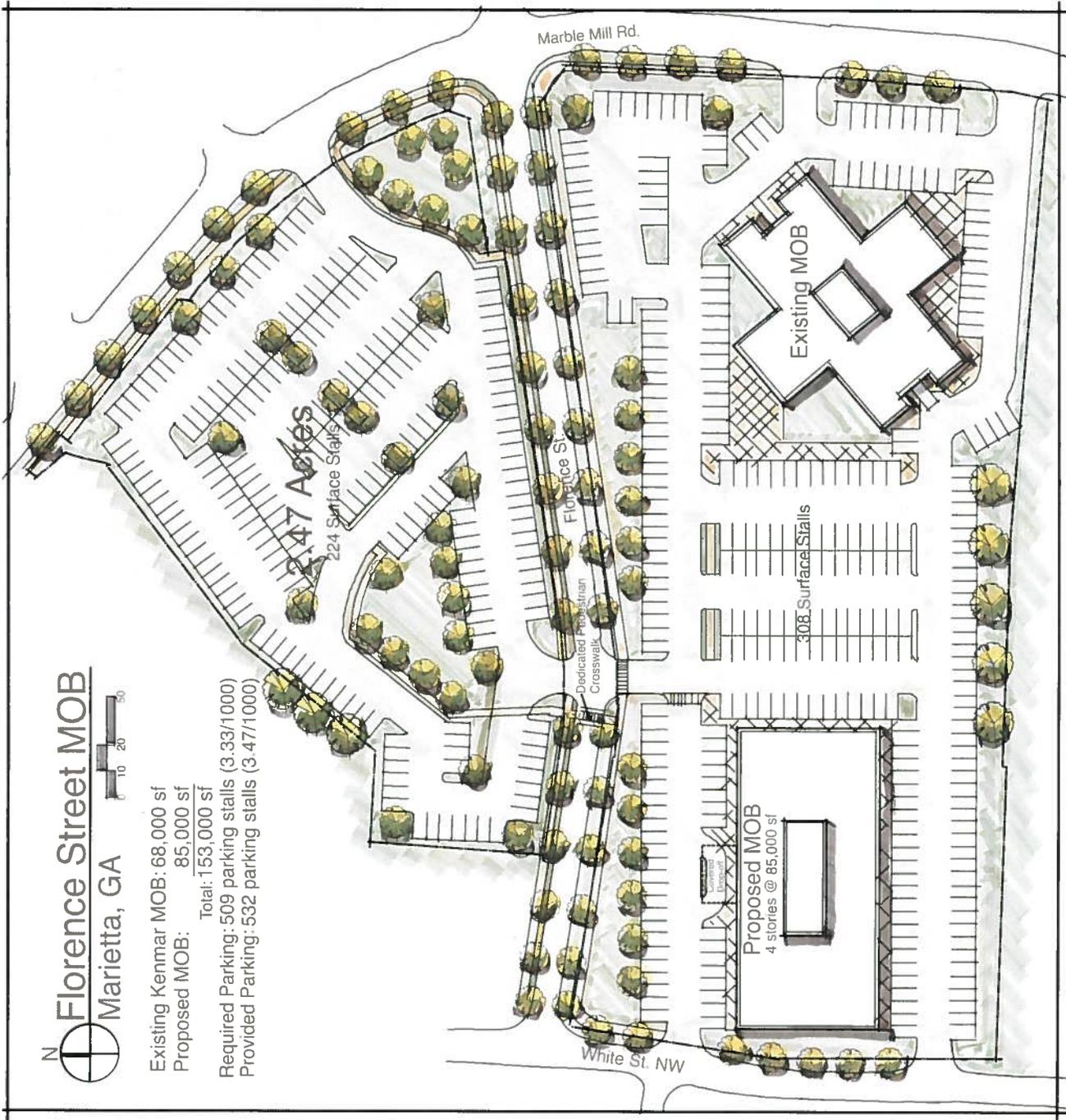


EXHIBIT "A"