

AN ORDINANCE

REZONING the following property in the corporate limits of the City of Marietta, Georgia in Land Lot 10720, District 16, Parcels 0440 & 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 803 & 807 Cobb Parkway North.

WHEREAS, application has been filed by **VIML, INC** 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:

TRACT I:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 1071 AND 1072 OF THE 16TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTSIDE OF THE 4-LANE HIGHWAY 1,022 FEET NORTH OF THE CENTER OF FAIRGROUND STREET EXTENSION (OLD ALLGOOD ROAD); RUNNING THENCE NORTHWESTERLY ALONG SAID HIGHWAY FOR A DISTANCE OF 300 FEET TO A POINT AND CORNER; RUNNING THENCE SOUTHWESTERLY FOR A DISTANCE OF 300 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTHEASTERLY FOR A DISTANCE OF 300 FEET TO A POINT AND CORNER; THENCE NORTHEASTERLY 300 FEET TO THE POINT OF BEGINNING.

TRACT II:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 1071 AND 1072 OF THE 16TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE OF THE RIGHT OF WAY OF THE MARIETTA CARTERSVILLE 4 LANE HIGHWAY (U.S. HIGHWAY NO. 41), AT THE CORNER OF THE PROPERTY FORMERLY OWNED BY BOWERS ON WHICH THE BLUE TOP MOTOR COURT IS LOCATED; RUNNING THENCE SOUTHWESTERLY FOR A DISTANCE OF 300 FEET TO A POINT AND CORNER; THENCE SOUTHEASTERLY, FOR A DISTANCE OF 50 FEET TO THE PROPERTY FORMERLY OWNED BY JOHNSON; THENCE NORTHEASTERLY ALONG SAID JOHNSON PROPERTY, FOR A DISTANCE OF 300 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SAID HIGHWAY; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY SIDE OF SAID HIGHWAY FOR A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING.

Section 2: The following properties are hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-3 (Single Family Residential - 3 units/acre) and R-2 (Single Family Residential – 2 units/acre) to CRC (Community Retail Commercial).

Section 3: The following variances are approved as conditions of zoning for the current developed property only, as indicated on the attached survey by James H. Carter Land Surveying Company and dated November 6, 2012; and all variances shall be discontinued upon any future redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure:

Tract 1

1. Variance to reduce the front yard setback from 35 ft. to 0ft. [Section 708.16(H)]
2. Variance to reduce the north side yard setback from 15 ft. to 10 ft. [Section 708.16(H)]
3. Variance to reduce the south side setback from 15 ft. to 5 ft. [Section 708.16(H)]
4. Variance to reduce the rear yard setback from 35 ft. to 25 ft. [Section 708.16(H)]

Tract 2

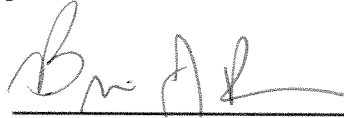
1. Variance to reduce the front yard setback from 35 ft. to 11 ft. [Section 708.16(H)]
2. Variance to reduce the northerly side yard setback from 15 ft. to 3 ft. [Section 708.16(H)]

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:



Brian Binzer, Director
Department of Development Services

Approved as to form:

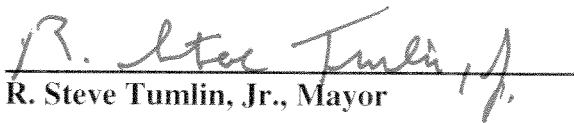


Douglas R. Haynie, City Attorney
Daniel W. White

Approved by City Council:

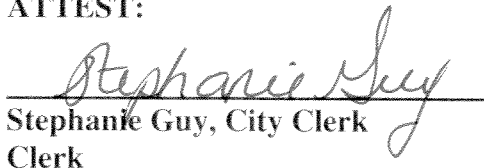
DATE: January 9, 2013

APPROVED:

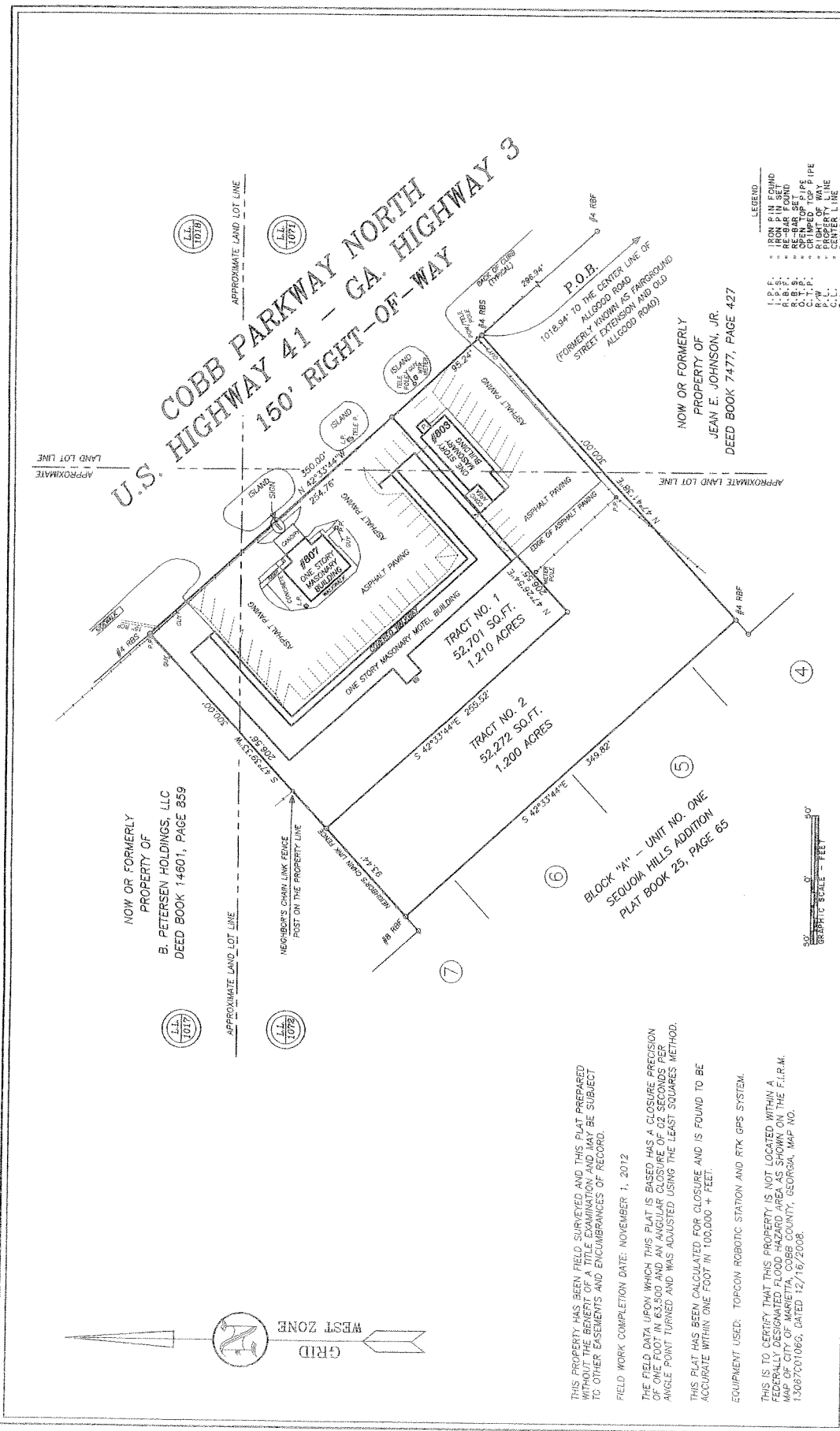


R. Steve Tumlin, Jr., Mayor

ATTEST:



Stephanie Guy, City Clerk
Clerk



U.S. HIGHWAY 41 - GA. HIGHWAY 3
150' RIGHT-OF-WAY

NOW OR FORMERLY
 PROPERTY OF
B. PETERSEN HOLDINGS, LLC
 DEED BOOK 14601, PAGE 859

NOW OR FORMERLY
 PROPERTY OF
JEAN E. JOHNSON, JR.
 DEED BOOK 7477, PAGE 427

TRACT NO. 1
 52,701 SQ.FT.
 1.210 ACRES

TRACT NO. 2
 52,272 SQ.FT.
 1.200 ACRES

BLOCK "A" - UNIT NO. ONE
 SEQUOIA HILLS ADDITION
 PLAT BOOK 25, PAGE 65



THIS PROPERTY HAS BEEN FIELD SURVEYED AND THIS PLAT PREPARED
 FOR THE BENEFIT OF A TITLE EXAMINATION, AND MAY BE SUBJECT
 TO OTHER EASEMENTS AND ENCUMBRANCES OF RECORD.
 FIELD WORK COMPLETION DATE: NOVEMBER 1, 2012
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION
 OF ONE FOOT IN 63,500 AND AN ANGULAR CLOSURE OF 0.05 SECONDS PER
 ANGLE POINT TURNED AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE
 ACCURATE WITHIN ONE FOOT IN 100,000 + FEET.
 EQUIPMENT USED: TOPCON ROBOTIC STATION AND RTK GPS SYSTEM.

THIS IS TO CERTIFY THAT THIS PROPERTY IS NOT LOCATED WITHIN A
 DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE F.I.R.M.
 MAP OF COBB COUNTY, GEORGIA, COBB COUNTY, GEORGIA, MAP NO.
 1308701066, DATED 12/16/2008.

LEGEND

•	IRON PIN FOUND
•	REBAR IN SET
•	REBAR SET
•	CRIMPED TOP PIPE
•	RIGHT OF WAY
•	CENTER LINE
•	BUILDING LINE
•	LAND LOT LINE
•	POWER LINE
•	RAILROAD
•	CHORD
•	NEW OR FORMERLY
•	REED BOOK
•	PAGE
•	DRAINAGE ASSESSMENT
•	F.I.R.M.
•	C.B.I.
•	EXISTING SPOT ELEVATION
•	PROPOSED SPOT ELEVATION
•	FINISHED FLOOR ELEVATION
•	F.F.E.
•	DIRECTION OF SURFACE DRAINAGE

SURVEY FOR
VIML, INC.
#807 & #807 COBB PARKWAY NORTH
 CITY OF MARIETTA, GEORGIA 30062
 TAX PARCEL NO. 1610720010
 LAND LOTS 1017, 1071 & 1072
 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA
 SCALE: 1" = 50' DATE: NOVEMBER 6, 2012

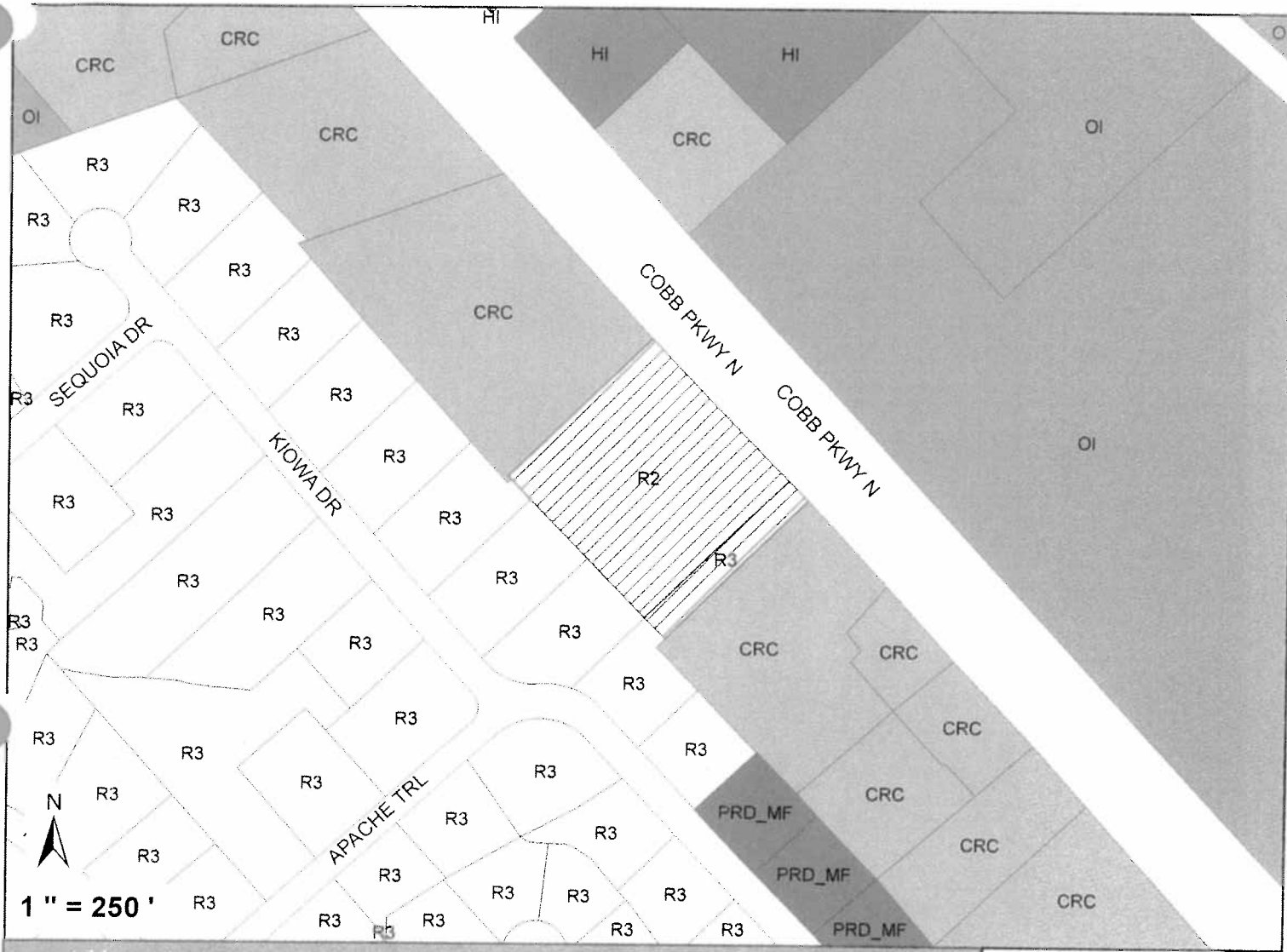
JAMES H. CARTER
LAND SURVEYING COMPANY
 P.O. BOX 957982
 DULUTH, GEORGIA
 30095
 TELEPHONE (404) 213-5706
 jcarter@carterlandsurveying.com

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF
 THE LAND PLATTED AND HAS BEEN PREPARED WITHIN THE
 MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

JAMES H. CARTER
 GEORGIA REGISTERED LAND
 SURVEYOR NO. 1999

F: 807COBB
 COORDINATE FILE - 807COBB
 SCREEN FILE - 807COBB
 JOB NUMBER: 2012110011

Rezoning



1" = 250'

Address District - Land Lot - Parcel Acreage Ward Zoning FLU

803 COBB PKWY N	16 10720 0440	0.304	5B	R3	CAC
807 COBB PKWY N	16 10720 0010	2.097	5B	R2	CAC

- ZONING SYMBOLS**
- RAILROAD
 - Selected Parcel
 - CITY LIMITS
 - ZONING**
 - R1 - Single Family Residential (1 unit/acre)
 - R2 - Single Family Residential (2 units/acre)
 - R3 - Single Family Residential (3 units/acre)
 - R4 - Single Family Residential (4 units/acre)
 - RA4 - Single Family Residential - Attached
 - RA6 - Single Family Residential - Attached
 - RA8 - Single Family Residential - Attached
 - MHP - Mobile Home Park
 - PRD-SF - Planned Residential Dev. Single Family
 - RM8 - Multi Family Residential (8 units/acre)
 - RM10 - Multi Family Residential (10 units/acre)
 - RM12 - Multi Family Residential (12 units/acre)
 - RHR - Residential High Rise
 - PRD-MF - Planned Residential Dev Multi Family
 - NRC - Neighborhood Retail Commercial
 - CRC - Community Retail Commercial
 - RRC - Regional Retail Commercial
 - PCD - Planned Commercial Development
 - LI - Light Industrial
 - HI - Heavy Industrial
 - PID - Planned Industrial Development
 - MXD - Mixed Use Development
 - CBD - Central Business District
 - OIT - Office Institutional Transitional
 - LRO - Low Rise Office
 - OI - Office Institutional
 - OS - Office Services
 - OHR - Office High Rise

Name of Applicant/
Petitioner: **VIML INC** Proposed Zoning: **CRC**

Property Owner: **VIML INC**

Agent: **n/a**

Proposed Use: **n/a**

Planning Commission Date: **1/2/13** Case Number: **Z2013-01**

City Council Hearing Date: **1/9/13**