

FILE REFERENCE NO: 20130928
ORDINANCE NO: 7696

AN ORDINANCE

REZONING the following property in the corporate limits of the City of Marietta, Georgia in Land Lot 02880, District 20, Parcel 0270 and 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1637 Burnt Hickory Road.

WHEREAS, application has been filed by **ROBERT V. BLALOCK (FARM AT THE RETREAT, 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 that tract or parcel of land lying and being in Land Lot 288 of the 20th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the western line of Land Lot 288 and the southerly right of way line of Burnt Hickory Road (variable R/W); thence along said southerly right of way 175.0 feet to a #4 rebar found on said southerly right of way; said point being the POINT OF BEGINNING;

thence along said southerly right of way South 84 degrees 14 minutes 42 seconds East, 471.38 feet to a #4 rebar set; thence leaving said southerly right of way South 00 degrees 53 minutes 29 seconds West, 1153.05 feet to a #4 rebar found on the southerly land lot line of Land Lot 288; thence along said southerly land lot line North 88 degrees 33 minutes 01 seconds West, 645.46 feet to a NPS stamped brass disk in concrete monument at the intersection of Land Lots Line 288, 289, 320 and 321; thence along the westerly line of Land Lot 288 North 00 degrees 59 minutes 15 seconds East, 333.50 feet to a #5 rebar found; thence North 00 degrees 57 minutes 09 seconds East, 230.11 feet to a #5 rebar found; thence North 00 degrees 59 minutes 03 seconds East, 337.75 feet to a #4 rebar found; thence leaving said westerly land lot line South 84 degrees 16 minutes 03 seconds East, 174.76 feet to a #4 rebar found; thence North 00 degrees 56 minutes 28 seconds East, 300.11 feet to a #4 rebar found on said southerly right of way; said point being the POINT OF BEGINNING.

Said tract or parcel contains 16.22 acres.

Section 2: The above-described properties are hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-20 [20,000 sq. ft. per lot (County)] to R-2 [Single Family Residential 2 units/acre (City)].

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

1. Variance to allow the construction of entry gates subject to Section 726.03.
2. Variance to increase the height of a decorative fence and gate in the front yard of a parcel from 4 feet to 8 feet.
3. Variance to increase the maximum length of a cul-de-sac to from 700 feet to 940 feet.
4. Variance to waive the requirement for a sidewalk along Burnt Hickory Road.

Section 4: The following stipulations are incorporated as conditions of zoning:

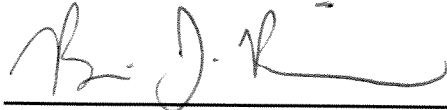
1. Stipulation letter dated September 17, 2013 from Garvis L. Sams, Jr. to Rusty Roth, AICP, Planning & Zoning Manager (except strike item number 18).
2. Stipulation letter dated September 27, 2013 from Garvis L. Sams, Jr. to Rusty Roth, AICP, Planning & Zoning Manager.
3. Stipulation letter dated October 2, 2013 from Garvis L. Sams, Jr. to Rusty Roth, AICP, Planning & Zoning Manager.
4. The applicant/property owner agrees to donate the necessary property to achieve 40 feet of right-of-way measured from the centerline of Burnt Hickory Road along the frontage of the property on Burnt Hickory Road, such that the right of way would be consistent with the right of way line shown for the Retreat at Kennesaw Mountain.
5. The applicant/property owner agrees to donate a 40 foot wide construction easement parallel to the right of way, as established in #4 above, along the frontage of the property on Burnt Hickory Road beginning at the eastern property line and extending to the center of the main entry drive for sidewalk construction. This will facilitate construction of the slope, establishing an area to compensate for filling a small area of flood plain, extension of the 84" CMP, and access for the CMP extension. The construction easement is to remain in place until construction of the sidewalk is completed by either the City of Marietta or Cobb County.
6. The applicant/property owner agrees to donate a 10 foot wide construction easement parallel to the right of way beginning at the center of the main entry drive and extending to the western property line. This will facilitate construction of the slope and sidewalk. The construction easement is to remain in place until construction of the sidewalk is completed by either the City of Marietta or Cobb County.
7. Donation of all property and easements shall occur at the time of final plat approval

Section 5: 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 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.


Section 7: 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:



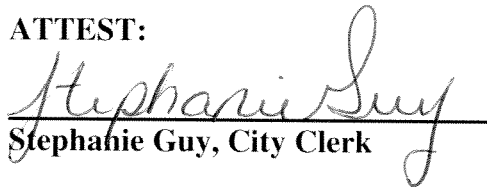
Douglas R. Haynie, City Attorney
Daniel White

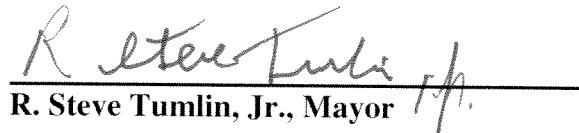
Approved by City Council:

DATE: October 9, 2013

APPROVED:

ATTEST:



Stephanie Guy, City Clerk

R. Steve Tumlin, Jr., Mayor