

FILE REFERENCE NO: 20140614

ORDINANCE NO: 7745

AN ORDINANCE

SPECIAL LAND USE for property located in Land Lot 08750, District 16, Parcel 0120, in the corporate limits of the City of Marietta, Georgia, consisting of 10.166 acres for the addition of a second concrete plant and a variance for an accessory structure (silo) with a height of 85' and being known as 1398 Owenby Drive.

WHEREAS, application has been filed by **READY MIX USA, LLC** for a Special Land Use Permit for 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 certain piece, parcel or lot of land lying and being in Land Lots 875, 876, 926 and 925 of the 16th District, 2nd section of Cobb County, Georgia and being more fully shown as 10.166 acres (442,839 sq. ft.) and designated on boundary survey for Ready Mix USA, LLC, dated February 14, 2014 prepared by Hardy Surveying Group, LLC, and has the following metes and bounds to wit.

Commencing at the an intersection between the centerline of Canton Road (r/w varies) and the centerline of Owenby Drive (50' r/w), thence continuing south 52 degrees 54 minutes 51 seconds east (S52°54'51"E) for a distance of 282.09' to a #4 rebar set at the northeasterly right-of-way to Owenby Drive (50' r/w) and the southeasterly right-of-way to Georgia Northeast Railroad Company (50' r/w), said point being the **TRUE POINT OF BEGINNING (P.O.B.)**

From the **POINT OF BEGINNING (P.O.B.)**, thus established, thence leaving the northeasterly right-of-way to Owenby Drive (50' r/w) and continuing along the southeasterly right-of-way to Georgia Northeast Railroad Company (50' r/w) north 29 degrees 58 minutes 10 second east (N29°58'10"E) for a distance of 410.88 feet to an iron pin found; thence leaving said railroad right-of-way and continuing south 47 degrees 49 minutes 23 seconds east (S47°49'23"E) for a distance of 986.56 feet to an iron pin found; thence turning and continuing south 01 degrees 34 minutes 27 seconds west (S01°34'27"W) for a distance of 518.28' to an iron pin found at the northeasterly right-of-way to Owenby Drive (50' r/w); thence turning and continuing along said right-of-way north 48 degrees 11 minutes 52 seconds west (N48°11'52"W) for a distance of

1,237.01' to a #4 rebar set at the southeasterly right-of-way to Georgia Northeast Railroad Company (50' r/w), said #4 rebar being the true **POINT OF BEGINNING (P.O.B.)**.

Section 2: A Special Land Use Permit for the addition of a second concrete plant with an 85' silo is hereby approved, for property currently zoned HI (Heavy Industrial).

Section 3: The following stipulations are incorporated as part of the Special Land Use Permit approval:

1. Conveyor dust covers be replaced;
2. Bag collection system be operational;
3. Opaque fencing be installed. Items 1 through 3 be done within 30 days;
4. Set up a committee to meet with neighbors and have periodic sessions with neighbors;
5. Provide reachable people for neighbors to call to address problems as they occur.

Section 4: The following variance is incorporated as a condition of zoning:

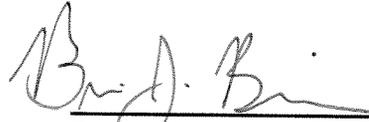
- Variance to increase the allowable height from 20' to 85' for a new silo.

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

Approved by City Council:

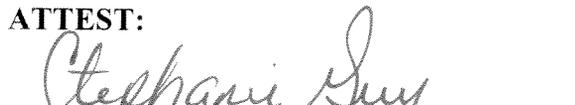
DATE: August 13, 2014

APPROVED:



R. Steve Tumlin, Jr., Mayor

ATTEST:



Stephanie Guy, City Clerk