

FILE REFERENCE NO: 20140764

ORDINANCE NO: 7746

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia in Land Lot 10900, District 16, Parcels 0780, 0840, and 0920, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 500 N. Fairground Street, 545 Kenneth E Marcus Way and 586 Kenneth E Marcus Way.

**WHEREAS**, application has been filed by the **CITY OF MARIETTA** 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:

**500 N. FAIRGROUND STREET:**

ALL That tract or parcel of land lying or being in Land Lot 1090 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Commencing at the mitered intersection of the northerly right of way line of Kenneth Marcus Way (40-foot right of way) and the easterly right-of-way line of Fairground Street (right of way varies); THENCE along the said mitered right-of-way line of Fairground Street North 47 degrees 48 minutes 36 seconds West, a distance of 42.11 feet to a point on the easterly right-of-way line of Fairground Street (right-of-way varies); THENCE leaving the said mitered intersection proceed along the said easterly right-of-way line of Fairground Street North 01 degrees 23 minutes 45 seconds East, a distance of 157.84 feet to an iron pin found, a one half inch rebar, said point being the POINT OF BEGINNING; THENCE continuing along the said easterly right-of-way line of Fairground Street North 00 degrees 55 minutes 43 seconds East, a distance of 93.68 feet to a point; THENCE leaving the said easterly right-of-way line of Fairground Street proceed South 88 degrees 42 minutes 45 seconds East, a distance of 553.09 feet to an iron pin found, a one half inch rebar; THENCE South 01 degrees 39 minutes 57 seconds West, a distance of 94.08 feet to a point; THENCE North 88 degrees 41 minutes 19 seconds West, a distance of 427.29 feet to an iron pin found, a one half inch rebar; THENCE North 88 degrees 36 minutes 44 seconds West, a distance of 124.59 feet to the POINT OF BEGINNING.

Said tract or parcel of land containing 51,901 Square Feet or 1.192 Acres, more or less.

**545 KENNETH E. MARCUS WAY:**

ALL That tract or parcel of land lying or being in Land lot 1090 of the 16th District, 2nd Section City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Commencing at the mitered intersection of the easterly right-of-way line of North Fairground Street (right-of-way varies) and the northerly right-of-way line of Kenneth Marcus Way (40-foot right-of-way) (f.k.a. Hyde Drive) said point being the POINT OF COMMENCEMENT;

THENCE proceed along the said northerly right-of-way line of Kenneth E. Marcus Way South 47 degrees 48 minutes 36 seconds east, a distance of 35.90 feet to a point; THENCE continuing along the said northerly right-of-way line of Kenneth E. Marcus Way North 83 degrees 39 minutes 02 seconds East, a distance of 81.79 feet to a point; THENCE continuing along the said northerly right-of-way line North 69 degrees 40 minutes 44 seconds East, a distance of 14.79 feet to an iron pin found, a one-half inch rebar, said point being the POINT OF BEGINNING; THENCE leaving the said northerly right-of-way line of Kenneth E. Marcus Way proceed North 00 degrees 41 minutes 43 seconds East, a distance of 168.89 feet to an iron pin found, a one-half inch rebar on the southern boundary line of land now or formerly owned by Ronald Ogunleye; THENCE along the said southern boundary line South 88 degrees 41 minutes 19 seconds East, a distance of 448.29 feet to an iron pin found, a one-half inch rebar with cap bearing W&B RLS #2554, on the westerly boundary line of now or formerly the City of Marietta, Custer Park; THENCE along the said westerly boundary line South 00 degrees 54 minutes 37 seconds West, a distance of 167.34 feet to an iron pin found, a one-half inch rebar on the northerly right-of-way line of Kenneth E. Marcus Way (40-foot right-of-way); THENCE leaving the said westerly boundary line and proceeding along the said northerly right-of-way line of Kenneth E. Marcus Way North 88 degrees 53 minutes 12 seconds West, a distance of 447.65 feet to the POINT OF BEGINNING.

Said tract or parcel of land containing 75,307 Square Feet or 1.729 Acres, more or less.

**586 KENNETH E. MARCUS WAY:**

ALL That tract or parcel of land lying or being in Land Lot 1090 of the 16 District, 2nd Section. City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Commencing at the mitered intersection of the easterly right-of-way line of North Fairground Street (right-of-way varies) and the southerly right-of-way line of Kenneth E. Marcus Way (40-foot right-of-way) (f.k.a. Hyde Drive) said point being the POINT OF BEGINNING;

THENCE along the said mitered southerly right-of-way line of Kenneth E. Marcus Way North 69 degrees 20 minutes 41 seconds East, a distance of 140.76 feet to a point; THENCE continuing along the said southerly right-of-way line South 88 degrees 53 minutes 54 seconds East, a distance of 440.01 feet to an "X" mark found scribed into the top of a wall, on the westerly boundary line of now or formerly the City of Marietta, Custer Park; THENCE along the said westerly boundary line of the City of Marietta South 00 degrees 54 minutes 43 seconds West, a distance of 169.98 feet to an iron pin found, a three-eighths inch rebar (disturbed) on the southerly line of Land Lot 1090 (said line being common to Land Lot 1143), said line also being the northerly line of an Oglethorpe EMC Substation; THENCE along the said southerly line of Land Lot 1090 North 88 degrees 52 minutes 39 seconds West, a distance of 570.58 feet to a point on the easterly right-of-way line of North Fairground Street (right-of-way varies) said easterly line being recently defined by a right-of-way deed in Deed Book 14822, pages 5804-5824; THENCE along the said easterly right of way line North 00 degrees 44 minutes 42 seconds East, a distance of 117.60 feet to the POINT OF BEGINNING.

Containing 93,551 square feet or 2.148 Acres, more or less

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from PRD-MF (Planned Residential Development – Multi Family) and CRC (Community Retail Commercial) to OI (Office Institutional).

**Section 3:** The following variances are incorporated as part of the rezoning:

- Variance to reduce the front yard setback from 30' to 20' [*§708.23 (H.)*]
- Variance to reduce the buffer along the northern property line from 30' to 15' [*§708.23 (I.)*]
- Variance to reduce site density and waive requirements for vehicle use areas subject to review of City Arborist [*§712.08 (D.4.) & (G.)*]

**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.

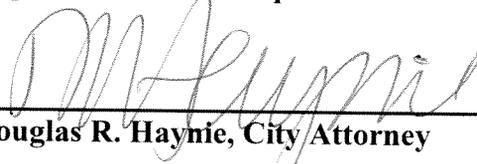
**Section 6:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**Final Ordinance submitted by:**



**Brian Binzer, Director  
Department of Development Services**

**Approved as to form:**



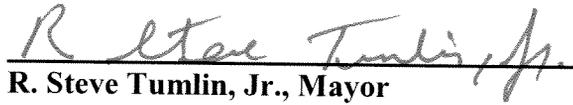
**Douglas R. Haynie, City Attorney**

**Approved by City Council:**

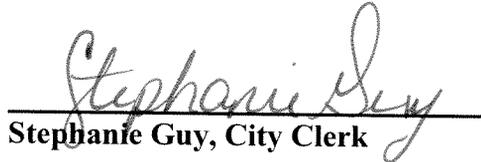
**DATE:** August 13, 2014

**APPROVED:**

**ATTEST:**



**R. Steve Tumlin, Jr., Mayor**



**Stephanie Guy, City Clerk**