FILE REFERENCE NO: 20141322
ORDINANCE NO: 7788

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 06430, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 1721 Spinks Drive.

WHEREAS, application has been filed by **AJAX LAND & CATTLE COMPANY** 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 643, 17th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

COMMENCING at the point where the easterly right of way margin of Rottenwood Drive (50' Right of Way) intersects the southerly right of way margin of Ashorough Road (also known as Spinks Drive) (50' Right of Way); THENCE in an easterly direction along the southerly right of way margin of Ashborough Road (also known as Spinks Drive) 336.95 feet to the TRUE POINT OF BEGINNING; THENCE continuing along the southerly right of way margin of Ashborough Road (also known as Spinks Drive), North 89 degrees 29 minutes 05 seconds East for a distance of 100.00 feet to an iron pin found (1" open top pipe) on the property line of the property now or formerly owned by the Municipal Electric Authority of Georgia; THENCE departing the southerly right of way margin of Ashborough Road (also known as Spinks Drive), South 00 degrees 26 minutes 18 seconds West for a distance of 289.18 feet along the property line of the property now or formerly owned by the Municipal Electric Authority of Georgia to an iron pin found (1/2" open top pipe) on the northerly right of way margin of Delk Road / State Route 280 (Limited Access – Variable Right of Way); THENCE departing the property line of the property now or formerly owned by the Municipal Electric Authority of Georgia, South 80 degrees 52 minutes 29 seconds West for a distance of 102.22 feet along the northerly right of way margin of Delk Road / State Route 280 to an iron pin found (3/4" open top pipe) on the property line of the property now or formerly owned by Susan K. Holder; THENCE departing the northerly right of way margin of Delk Road / State Route 280 (Limited Access – Variable Right of Way), North 00 degrees 35 minutes 31 seconds East for distance of 304.50 feet along the property line of the property now or formerly owned by Susan K. Holder to a point on the southerly right of way

margin of Ashborough Road (also known as Spinks Drive) and to the TRUE POINT OF BEGINNING.

Said tract contains 0.68 acres more or less.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-20 [Single Family Residential - County] to LI [Light Industrial-City].

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

1. Variance to reduce the required landscape strip from 10 feet to 7 feet.
2. Variance to reduce the (western) side yard setback from 20 feet to 10 feet.
3. Variance to eliminate the 50 foot buffer against the property to the east.
4. Variance to reduce a two way driveway from 20 feet to 15 feet.

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: **January 14, 2015**

APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk