

FILE REFERENCE NO: 20140960

ORDINANCE NO: 7764

AN ORDINANCE

SPECIAL LAND USE PERMIT for property located in Land Lot 12370, District 16, Parcels 0170 and 0330, in the corporate limits of the City of Marietta, Georgia, consisting of 1.70 acres in order to construct a brewery, with variances, and containing over 15,000 square feet of production space and being known as 994 and 1010 Roswell Street.

WHEREAS, application has been filed by **ROGER DAVIS (RED HARE BREWERY)** 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 TRACT or parcel of land lying and being in Land Lot 1237 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia; and being more particularly described as follows:

Commencing at a point located at the mitered intersection of the southerly right of way of Roswell Street (having a variable right of way) and the northeasterly mitered corner of Dodd Street (having a variable right of way;

THENCE along the southerly right of way of Roswell Street South 88°22'31" seconds East for a distance of 66.90 feet to a nail with cap found; THENCE South 88°20'06" seconds East for a distance of 79.94 feet to a point; thence South 88°24'43" East for a distance of 99.98 feet to a point on the intersection of the southerly right of way of Roswell Street and the westerly right of way of Coggins Place (having a 60 foot right of way); thence along the westerly right of way of Coggins Place South 00°08'22" East for a distance of 39.57 feet to a point; said point being the POINT OF BEGINNING; thence South 00°08'22" East for a distance of 398.77 feet to an open top pipe found; thence North 89°46'51" West for a distance of 100.02 feet to a 1/2 inch rebar found; thence North 00°07'57" West for a distance of 194.98 feet to a rebar set; thence North 00°03'43" West for a distance of 65.02 feet to a 1/2 inch rebar found; thence North 89°42'02"

West for a distance of 80.11 feet to a chiseled hole in concrete wall; thence North 89°42'02" West for a distance of 50.23 feet to a point; thence North 01°30'58" East for a distance of 135.27 feet to a point; thence North 45°35'03" East for a distance of 9.65 feet to a point; thence along a curve to the right having a radius of 9904.00 feet and an arc length of 121.36 feet, being subtended by a chord of South 89°02'34" East for a distance of 121.36 feet to a point; thence South 88°41'31" East for a distance of 98.12 feet to the POINT OF BEGINNING.

Said property contains 1.331 acres, more or less.

Section 2: A Special Land Use Permit for the construction of a brewery, with variances, and containing over 15,000 square feet of production space, for property currently zoned CRC (Community Retail Commercial).

Section 3: The following variances which apply to the parcel at 994 Roswell Street only are incorporated as part of the Special Land Use Permit approval:

1. Variance to allow the impervious surface coverage exceed 80%. §708.16 (H.)
2. Variance to allow off-street loading designed to require vehicle/truck maneuvering in the public right-of-way. §716.10
3. Variance to waive the 16' maximum setback for the Dodd Street frontage. §712.09 (F.)(2.)(b.)(i.)
4. Variance to allow metal siding on a portion of the building facing Coggins Place as shown on the rendered elevations submitted to staff. §708.16 (G.)(3.)
5. Variance to reduce the 10 foot planted strip/border area as shown on the submitted site plan. §712.08 (G.)(2.)(a.); §712.09 (F.)(2.)(b.)(viii.)
6. Variance to reduce the 10' landscaped buffer between the parking facility and the adjacent parcel. §712.09 (F.)(2.)(b.)(iv.)
7. Variance to reduce the 8 foot wide landscape zone between the sidewalk and the building face to 6 feet along Coggins Place. §712.09 (F.)(4.)(a.)(ii.)
8. Variance to allow existing city-planted trees along Roswell Street count as required street trees. §712.09 (F.)(4.)(a.)(ii.)(1.); §712.09 (F.)(4.)(a.)(ii.)(2.); §712.09 (F.)(4.)(a.)(ii.)(3.)
9. Variance to waive the installation of pedestrian lighting fixtures in the landscape/pedestrian zone. §712.09 (F.)(4.)(a.)(ii.)(9.)
10. Variance to waive the 6' brick sidewalk and 2' grass strip along the west side of Coggins Place. §712.09 (F.)(4.)(a.)(i.)
11. Variance to waive the required street trees along the west side of Coggins Place. §712.09 (F.)(4.)(a.)(ii.)(1.); §712.09 (F.)(4.)(a.)(ii.)(2.); §712.09 (F.)(4.)(a.)(ii.)(3.)
12. Variance to increase the allowable wall signage from 15% to 25% for the front façade. §714.04 (B.)

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.

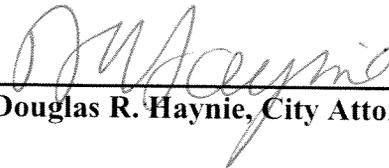
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



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

Approved as to form:



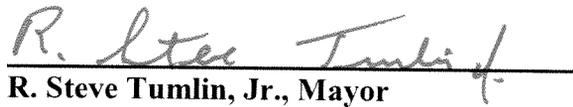
Douglas R. Haynie, City Attorney

Approved by City Council:

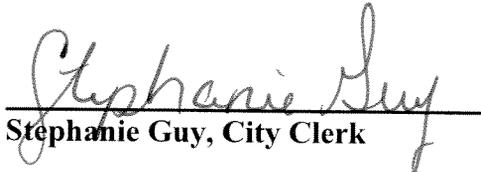
DATE: October 8, 2014

APPROVED:

ATTEST:



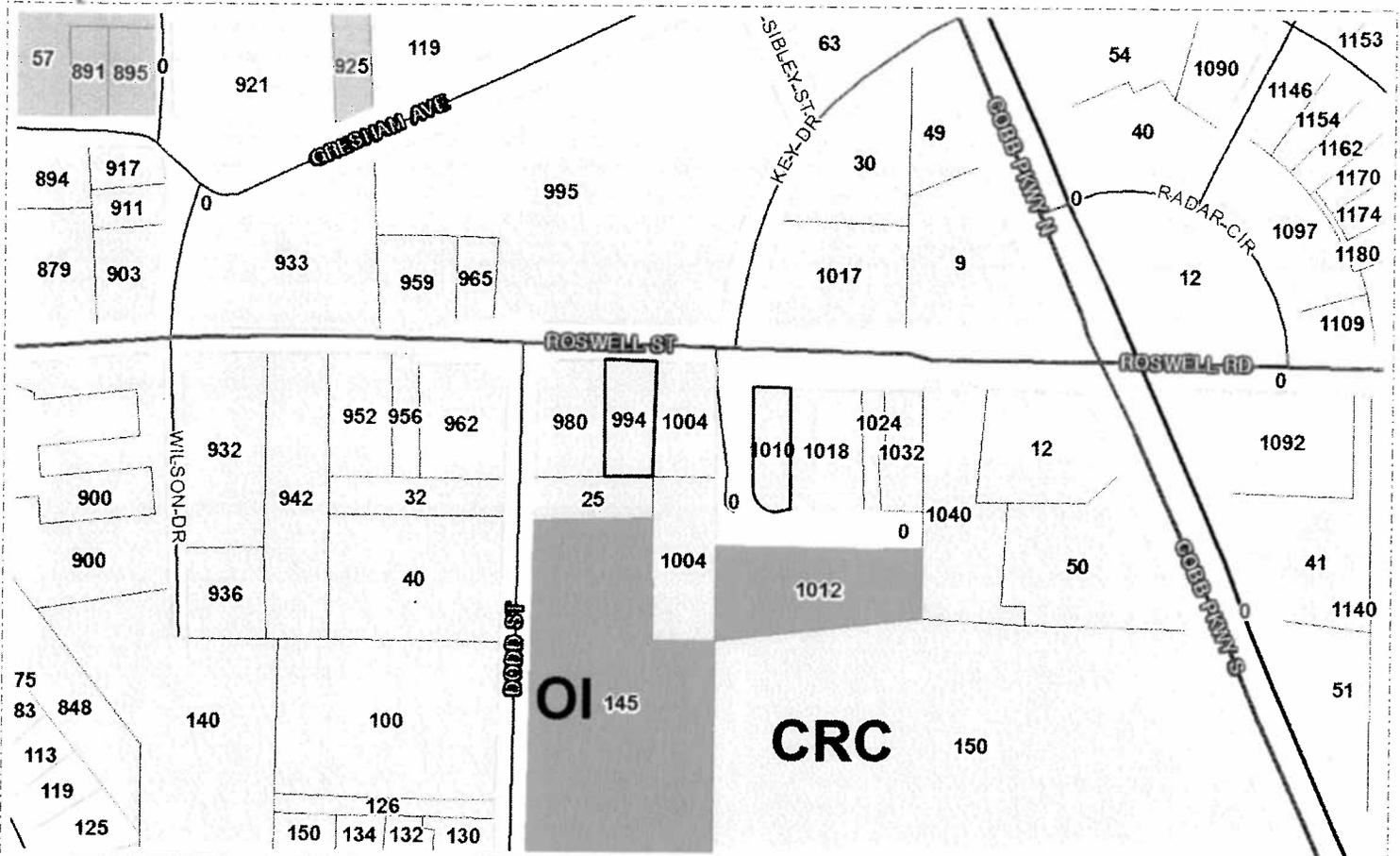
R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk



Special Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
994 ROSWELL ST	16123700330	0.335	7A	CRC	CAC
1010 ROSWELL ST	16123700170	0.263	7A	CRC	CAC

Property Owner:	City of Marietta
Applicant:	Roger Davis, Red Hare Brewery
Agent:	
Proposed Use:	
Planning Commission Hearing Date:	09/30/14 10/1/14
City Council Hearing Date:	10/08/14
Case Number:	Z2014-19

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- 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
- O - Office Institutional
- OS - Office Services
- OHR - Office High Rise

City of Marietta Planning & Zoning