

FILE REFERENCE NO: 20151122

ORDINANCE NO: 7868

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 1287, District 16, Parcels 0700, 0790, 0780, 0770, & 0360, 2nd Section, Marietta, Cobb County, Georgia and being known as **566 Waterman St; 559, 569, & 579 Frasier St; and 235 Grover St.**

WHEREAS, application has been filed by **FIRST CHRISTIAN CHURCH (DISCIPLES OF CHRIST) MARIETTA GEORGIA, INC.** 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:

TRACT A:

All that tract or parcel of land lying and being in Land Lot 1287 of the 16th District, 2nd Section, Cobb County, Georgia, being 1.028 acres, designated as Lots 7, 8, 9, 10, 11 and 12 of the Harrison & Venable Subdivision as per plat of survey prepared for First Christian Church of Marietta, Georgia, dated June 3, 2003 and prepared by Barton Surveying, Inc., David Barton, G.R.L.S. No. 2636, and being more particularly described as follows:

Beginning at an iron pin located on the westerly side of the right of way of South Fairground Street (being a 70 foot right of way), at its intersection with the southerly side of the right of way of East Waterman Street (being a variable right of way), and running thence South 09 degrees 47 minutes 31 seconds East along the westerly side of the right of way of South Fairground Street for a distance of 309.74 feet to a point and comer at the beginning of said right of way's mitered intersection with Frasier Street; running thence South 40 degrees 23 minutes 45 seconds West along said mitered intersection for a distance of 15.37 feet to a point and comer located on the northerly side of the right of way of Frasier Street (being a 40 foot right of way); running thence North 89 degrees 24 minutes 59 seconds West along the northerly side of the right of way of Frasier Street for a distance of 191.57 feet to a ¼ inch open top pipe and comer; running thence North 00 degrees 36 minutes 55 seconds East for a distance of 151.19 feet to a 1" open top pipe and comer; running thence North 88 degrees 16 minutes 08 seconds East for a distance of 68.00 feet to an iron pin and corner; running thence North 04 degrees 20 minutes 09 seconds West for a distance of 155.00 feet to an iron pin and comer located on the southerly side of the right of way of East Waterman Street; running thence North 85 degrees 28 minutes 51 seconds East along the southerly side of the right of way of East Waterman Street for a distance of 91.25 feet to an iron pin at the point of beginning.

TRACT B:

All that tract or parcel of land lying and being in Land Lot 1287 of the 16th District, 2nd Section, Cobb County, Georgia, being 0.191 acres, designated as Lot 32 of the Harrison & Venable Subdivision as per plat of survey prepared for First Christian Church of Marietta, Georgia, dated September 10, 2002 and prepared by Barton Surveying, Inc., David Barton, G.R.L.S. No. 2636, and being more particularly described as follows:

Beginning at an iron pin located on the easterly side of the right of way of Grover Street (being a 40 foot right of way), at its intersection with the southerly side of the right of way of Frasier Street (being a 40 foot right of way), and running thence South 89 degrees 01 minutes 37 seconds East along the southerly side of the right of way of Frasier Street for a distance of 112.50 feet to a 1.5" crimp top and comer; running thence South 07 degrees 02 minutes 30 seconds East for a distance of 75.80 feet to an iron pin and comer; running thence North 87 degrees 00 minutes 44 seconds West for a distance of 116.30 feet to a ½ inch open top pipe and comer located on the easterly side of the right of way of Groover Street; running thence North 04 degrees 31 minutes 56 seconds West along the easterly side of the right of way of Groover Street for a distance of 71.30 feet to the point of beginning.

Said tract contains 1.13 acres (49,222 square feet) more or less.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-4 (Single Family Residential – 4 units/acre) and NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential – 4 units/acre) with a Special Land Use Permit for a place of assembly.

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

1. A 6 ft. privacy fence, at a minimum effective height of 7 feet, and constructed of pressure treated wood, shall be placed between properties at 553 and 559 Frasier Street, and constructed according to code, within 90 days.
2. Hours of operation for distribution of food shall be on Mondays and Saturdays between 9:00AM and 4:00PM.
3. Maximum truck size for use by the church on the property currently known at 559 Frasier Street shall be limited to a medium duty, single axle truck.
4. No outside storage is allowed.
5. Outside walk-in cooler shall be covered by matching vinyl siding attached to the exterior side of the cooler, which shall extend 2 feet above the side of the cooler to screen the compressors.
6. The roof on the food pantry and awning will be changed within one (1) year so that it will be one color.
7. An exemption plat to combine all contiguous church-owned property shall be submitted to the Planning & Zoning Office for review within 90 days.

Section 4: The following variances are granted as conditions of zoning for the current developed property only, and would be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure:

1. Reduction of the west side property line from 75' to 6.9' for the existing primary structure.
2. Reduction of the west side property line from 75' to 10' for the existing primary structure.
3. Reduction of the major side setback for the existing primary structure on East Waterman Street from 25' to 22'.
4. Waiver of the requirements of the Tree Protection and Landscaping ordinance.
5. Increase the maximum impervious surface from 50% to 67%.
6. Variance to reduce the required setback between any building or structure used in connection with the church from 75 feet to 1.8 feet for the existing buildings currently shown on the site plan dated June 3, 2003.

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:

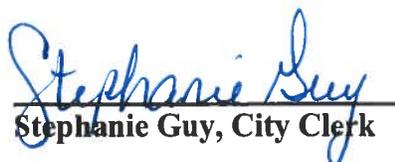
DATE: February 10, 2016

APPROVED:

ATTEST:

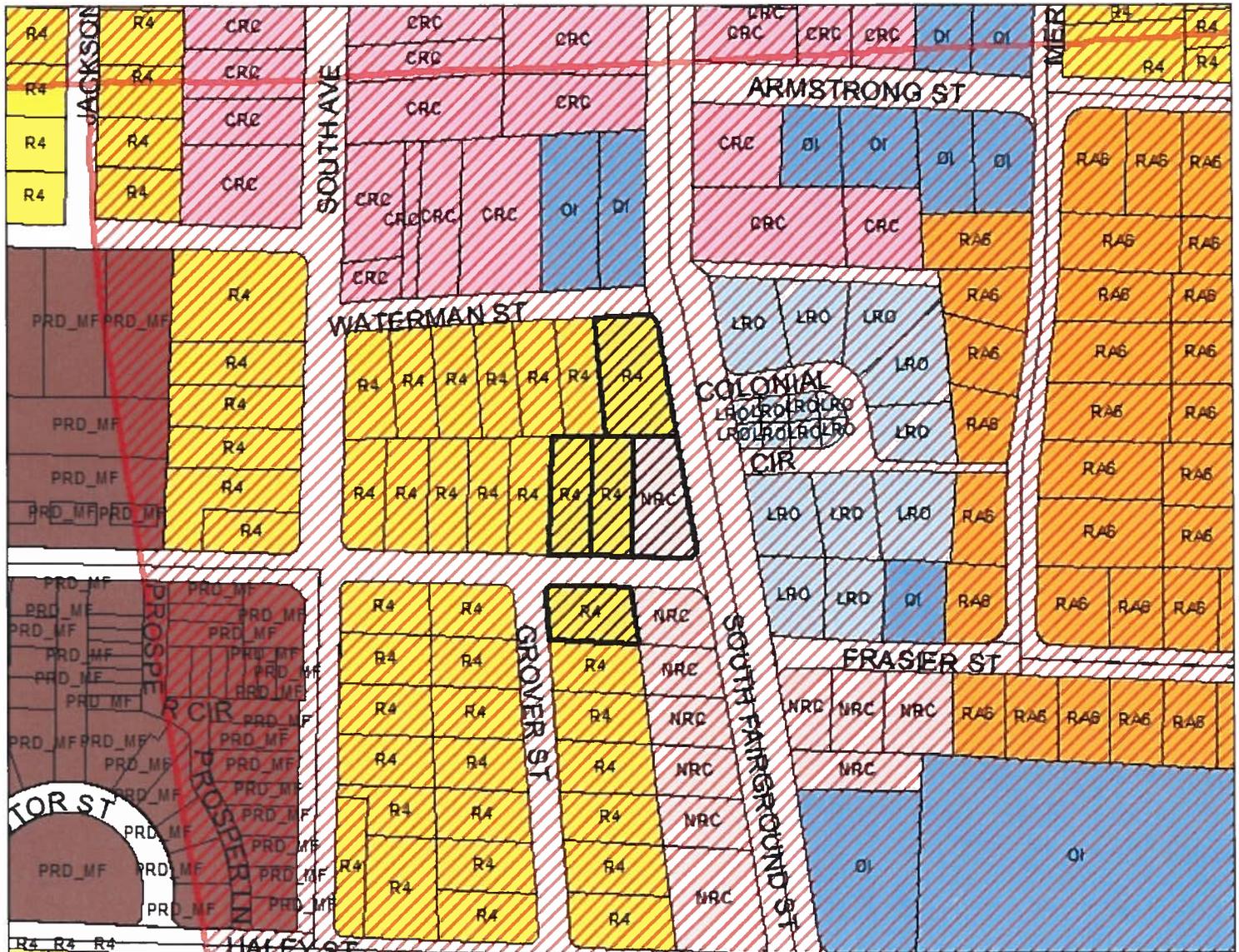


R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk

City of Marietta Area Zoning Map



Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL	COMMERCIAL					
R-1 One Unit/Acre	NRC Neighborhood Retail	16	12870	0770	R-4	R-4
R-2 Two Unit/Acre	CRC Community Retail	16	12870	0780	R-4	w/
R-3 Three Unit/Acre	NRC Regional Retail	16	12870	0790	NRC	SLUP
R-4 Four Unit/Acre	CBD Central Business District	16	12870	0700	R-4	
ATTACHED FAMILY RESIDENTIAL	PCD Planned Commercial Dev.	16	12870	0360	R-4	
RA-4 Four Unit/Acre	MDD Mixed-Use Dev.					
RA-6 Six Unit/Acre	OIT Office Institutional Trans.					
RA-8 Eight Unit/Acre	LNO Low-Rise Office					
PRD(SF) Planned Residential Dev.	OI Office Institutional					
MHP Mobile Home Park	OS Office Services					
MULTI FAMILY RESIDENTIAL	OHR Office High-Rise					
RM-8 Eight Unit/Acre	INDUSTRIAL					
RM-10 Ten Unit/Acre	LI Light Industrial					
RM-12 Twelve Unit/Acre	HI Heavy Industrial					
RHR Residential High Rise	PID Planned Industrial Dev.					
PRD(MF) Planned Residential Dev.						

Comments:
 559, 569, & 579 Frasier St;
 566 Waterman St; 235 Grover St

Date:
 12/3/2015

**Planning & Zoning
 Department**

