

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia Land Lot 433, District 17, Parcel02 0140 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as **401 Rose Drive**.

**WHEREAS**, application has been filed by **33 HOLDINGS LLC** 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 433 of the 17th District, 2nd Section, Cobb County, Georgia, and being Tract 1, as shown on Exemption Plat for Armando & Alejandro Munoz, dated March 27, 2003, recorded in Plat Book 215 Page 7, Cobb County, Georgia records which plat is incorporated into and made a part hereto by reference, and being further described as follows:

Commencing at a point at the intersection of the northern right-of-way of South Marietta Parkway a/k/a 120 South Loop (variable right-of-way) with the Eastern right-of-way of Rose Drive (36 foot right-of-way); thence along said right-of-way of Rose Drive, North 00 degrees 24 minutes 51 seconds East a distance of 310.17 feet to a 5/8 inch \_rebar set being the TRUE POINT OF BEGINNING. Thence North 00 degrees 20 minutes 52 seconds East a distance of 443.00 feet to a 3/4 inch open top pipe found; thence South 88 degrees 45 minutes 54 seconds East a distance of 485.37 feet to a 5/8 inch rebar set; thence South 00 degrees 59 minutes 54 seconds West a distance of 143.77 feet to a 5/8 inch rebar set; thence South 59 degrees 15 minutes 07 seconds West a distance of 564.84 feet to a 5/8 inch rebar set; said 5/8 inch rebar set found being the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 3.26 acres.

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from CRC (Community Retail Commercial) to RM-12 (Multi Family Residential – 12 units/acre).

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

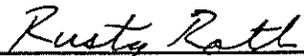
1. Letter of stipulations and variances from Samwell K. Kimani, Architect, KSI Design Group to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 29, 2020.
2. At the time that the preliminary plat is submitted for consideration and approval, in addition to the site plan and landscape plan, a building footprint plan showing staggered units and architectural elevations showing all four sides of the buildings must also be included as part of the preliminary plat for consideration and approval.

**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:**

  
\_\_\_\_\_  
Rusty Roth, Acting Director  
Department of Development Services

**Approved as to form:**

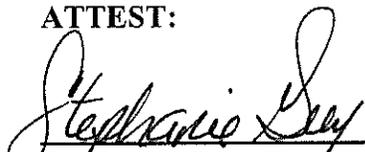
  
\_\_\_\_\_  
Douglas R. Haynie, City Attorney

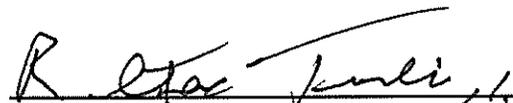
**Approved by City Council:**

**DATE:** June 10, 2020

**APPROVED:**

**ATTEST:**

  
\_\_\_\_\_  
Stephanie Guy, City Clerk

  
\_\_\_\_\_  
R. Steve Tumlin, Jr., Mayor

Friday, May 29, 2020

Ms. Shelby Little, AICP  
Zoning Manager  
Department of Planning and Zoning  
City of Marietta  
205 Lawrence Street, Marietta, Georgia 30060

**RE: PROPOSED PROJECT STIPULATIONS AND CONDITIONS**

Property Address: 401 Rose Dr, Marietta, GA  
Property Size 3.260 Acres  
Developer 33 Holdings LLC  
Proposed Zoning: RM-12,  
Existing Zoning: CRC

The undersigned and this firm will be the Project Architect and has been authorized by the project Owner, 33 Holdings LLC to submit this letter of agreeable Stipulations and conditions as part of the Rezoning Applications.

1. This proposed development will involve demolishing the existing structure and replacing it with thirty-five (35) townhomes that are more compatible with the surrounding residential developments in use, style, and scale.
2. On site guest parking will be provided per the city's requirement. Guest Parking will be spread throughout the development to be close to the homes.
3. Dumpsters, mechanical units, meters, and other unsightly features will be screened using planting and enclosures.
4. Each unit with a minimum heated area of at least 1,800sf will have:
  - 2 Car Garage
  - Living areas on Main
  - 3 Bedrooms on 2<sup>nd</sup> floor with Bonus room in the Attic
5. The proposed townhomes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, in compliance with the City of Marietta's "four-sided architecture" requirement.
6. No garage areas within the proposed townhome community shall be converted into heated living space for the units. All garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles
7. Applicant agrees there shall be no "short-term" (defined as less than a one-year lease) rental of homes within the proposed development
8. Applicant agrees to the creation of a mandatory homeowners' association consistent with upscale communities in the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all landscaping and landscaping maintenance of common areas, buffer areas, open space areas, and exterior yard areas around the residences; as well as entrance area; mail kiosk; private street, and the like contained within the proposed residential community.