

00-0-0581

(Do Not Write Above This Line)

AN ORDINANCE Z-00-20  
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT AND THE R-LC-C (RESIDENTIAL-LIMITED COMMERCIAL-CONDITIONAL) DISTRICT TO THE PD-H (PLANNED DEVELOPMENT-HOUSING) DISTRICT, PROPERTY LOCATED AT 3377-3381-3383-3391-3395 MATHIESON DRIVE, N.E. AND THE REAR OF 3398 PIEDMONT ROAD, N.E., FRONTING 365.19 FEET ON THE SOUTHEASTERLY SIDE OF MATHIESON DRIVE BEGINNING APPROXIMATELY 292.7 FEET SOUTHWESTERLY FROM THE SOUTHWEST CORNER OF PIEDMONT AVENUE. DEPTH: VARIES; AREA: 3.061 ACRES; LAND LOT 62, 17TH DISTRICT, FULTON COUNTY, GEORGIA.  
OWNER: MATHIESON ASSOCIATES, LTD.  
APPLICANT: BHC PROPERTY GROUP, INC.  
NPÜ-B COUNCIL DISTRICT 7

REFERRED BY MAY 0 1 2000  
CITY COUNCIL

ADOPTED BY  
JUN 0 5 2000  
COUNCIL  
As Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 5/1/00  
Referred To: ZRB & Zoning

First Reading

Committee  
Date  
Chair

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others:

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others:

Members

Refer To

Committee  
Date  
Chair

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others:

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others:

Members

Refer To

COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED  
JUN - 5 2000  
ATLANTA CITY COUNCIL PRESIDENT  
Richard A. Parker

CERTIFIED  
JUN 0 5 2000

Deputy Municipal Clerk

MAYOR'S ACTION

APPROVED

JUN 1 4 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW



City Council  
Atlanta, Georgia

00-0-0581

AN ORDINANCE  
BY: ZONING COMMITTEE  
AS AMENDED

Z-00-20  
DATE FILED: 3-14-00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as  
Follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **3377-3381-3383-3391-3395 Mathieson Drive, N.E. and the rear of 3398 Piedmont Road, N.E.** be changed from the R-4 (Single-Family Residential) District and the R-LC-C (Residential-Limited Commercial-Conditional) District to the PD-H (Planned Development-Housing) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **62** of the **17<sup>th</sup>** District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

**ADOPTED** as amended by Council  
**RETURNED WITHOUT SIGNATURE OF THE MAYOR**  
**APPROVED** as per City Charter Section 2-403

JUNE 05, 2000

JUNE 14, 2000

OMC-amendment incorporated 6/5/00 by FWIII



### Conditions for Z-00-20

These 17 conditions are considered conditions of this rezoning and their provisions shall be enforced as such.

1. This is a site-specific zoning, as agreed to by the Buckhead Forest Civic Association.
2. A tree-save plan shall be attached as part of the site plan. All trees to remain shall be identified and drip line/root protective fencing shall be in place around said trees prior to commencing grading. Particular care is to be exercised along the common boundary with 3365 Mathieson Drive.
3. All construction traffic shall be contained on site with the exception of the vehicles used for the construction of the four houses on Mathieson Drive. Those construction vehicles will be allowed to park in the cul-de-sac and on the east side of Mathieson Drive.
4. A chain-link construction security fence with one strand of barbed-wire on top will be installed by the developer at the first opportunity, but not later than two weeks from the commencement of grading work. The fencing will attempt to limit pedestrian and vehicular access to the site and across the site into the neighborhood.
5. No CO's may be issued on any of the seven townhomes to the rear of the single-family homes on Mathieson Drive, until two of those four single-family homes are framed and the remaining two footings/foundations have been installed.
6. The developer will form a mandatory homeowner's association for the owners of the townhomes. The association will, among other rights and responsibilities, enforce the protective covenants, maintain the common areas and provide for the proper exterior maintenance of the buildings. The protective covenants will not permit the townhomes to be rented.
7. The predominant exterior finish will be brick with limited use of alternate materials, such as hard-coat stucco, wood or *Marley*® trim, and *Hardiplank*® siding for porches, siding over porches, chimneys, trim, columns, gables and architectural details, elevation relief and accents. The developer agrees not to use vinyl, hardboard, or aluminum siding, or EIFS type stucco on any building.
8. A brick wall 8ft high will be built along some of the site's exterior boundaries and in between the townhomes and the single family homes, as shown on the site plan.
9. A brick wall with wrought-iron gate shall be built at the pedestrian sidewalk entrance between Carson Lane and the Mathieson Drive cul-de-sac.
10. The turnaround at the southwest parking area shall be landscaped with evergreen materials, so as to limit the effect of automobile headlights shining into adjoining properties.
11. Temporary site toilets will not be placed within 30ft of Mathieson Drive for the duration of the project.
12. Concrete spilled on the street between the site and the intersection of Mathieson Drive and West Shadowlawn Avenue will be removed within 48 hours.
13. Conifer and deciduous plantings shall be placed in the green space disturbed areas behind existing residences.
14. The landscape plan will identify types, sizes and placement of material and will be submitted with the final site plan for approval.
15. A sidewalk will be installed along the northwest side of the site along Mathieson Drive.
16. The Buckhead Forest Civic Association will be given five (5) days written notice of any requests for changes to the approved site plan or conditions, prior to their submittal to the City of Atlanta by the developer or builder.



## Conditions for Z-00-20

17. The following is considered a condition of this rezoning and it shall be enforced as such : Storm water shall be retained at 100% and released at 80%.



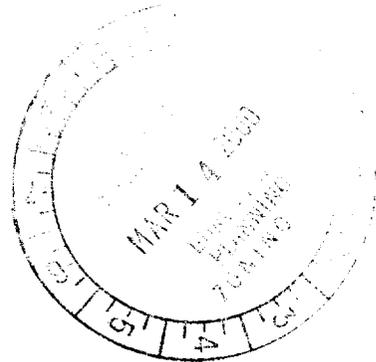
### LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 62 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at a point on the southerly right-of-way of Mathieson Drive 292.7 feet from the intersection of the southerly right-of-way of Mathieson Drive and the westerly right-of-way of Piedmont Road, said point being the POINT OF BEGINNING; thence along the right-of-way of Mathieson Drive North 49 degrees 44 minutes 11 seconds East a distance of 365.19 feet to a point; thence leaving said right-of-way South 34 degrees 32 minutes 13 seconds East a distance of 133.94 feet to a point; thence South 33 degrees 35 minutes 40 seconds East a distance of 132.90 feet to a point; thence South 63 degrees 49 minutes 42 seconds West a distance of 51.84 feet to a point; thence South 20 degrees 46 minutes 25 seconds East a distance of 144.92 feet to a point; thence South 69 degrees 46 minutes 10 seconds West a distance of 446.66 feet to a point; thence North 16 degrees 54 minutes 33 seconds West a distance of 99.23 feet to a point; thence North 63 degrees 19 minutes 04 seconds East a distance of 143.97 feet to a point; thence North 39 degrees 26 minutes 03 seconds West a distance of 178.98 feet to a point on the southerly right-of-way of Mathieson Drive and the POINT OF BEGINNING.

Containing 133,338 square feet or 3.061 acres, more or less.

2-00-20





## CONDITIONS FOR Z-00-20

Site plan entitled "Land Plan, Buckhead Forest Mews" prepared by Clark Design Group, P.C., Planners, Surveyors, Engineers, dated March 14, 2000 and marked received by the Bureau of Planning March 14, 2000.



RCS# 2004  
6/05/00  
6:36 PM

Atlanta City Council

Regular Session

MULTIPLE

00-0-0389; 0581; 0500; 99-0-1715; 0386;  
0578; 0577; 0576  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 0

00-0-0578  
and  
00-0-0576  
m Bond  
Voted Nay

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	E Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

MULTIPLE