



City Council
Atlanta, Georgia

00 - 0 - 1088

SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-00-55
8-10-00

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 **963-967-975-979 Kirkwood Avenue, S.E.**, be changed from the **R-5 (Two-Family Residential)** District to the **RG-3-C (Residential General Sector 3-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **13** of the **14th** District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.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 Daughkin Johnson
Municipal Clerk, CMC

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

JAN 02, 2001
JAN 10, 2001

r



Conditions for Z-00-55

1. Site plan entitled "Proposed Site Plan" by Community Design Center of Atlanta, Inc., undated, and marked received by the Bureau of Planning June 13, 2000.

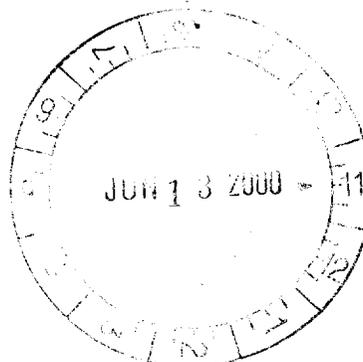
EXHIBIT "A" - 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN PLAT OF SURVEY PREPARED FOR FRANCIS C. WAGNER BY BUSBEE SURVEYING CO., INC., DATED FEBRUARY 27, 1996 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE EASTERLY RIGHT-OF-WAY OF GIBSON STREET, (40 FOOT RIGHT-OF-WAY), 147.43 FEET NORTH AS MEASURED ALONG SAID EASTERLY RIGHT-OF-WAY OF GIBSON STREET, FROM IT'S INTERSECTION WITH THE NORTHERN RIGHT-OF-WAY OF MAULDIN STREET, (50 FOOT RIGHT-OF-WAY), (DEEDED AS 149.0 FEET); RUN THENCE NORTH 03 DEGREES 43 MINUTES 07 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY OF GIBSON STREET 141.39 FEET TO AN IRON PIN; RUN THENCE NORTH 83 DEGREES 10 MINUTES 33 SECONDS EAST, ALONG THE SOUTHERN RIGHT-OF-WAY OF KIRKWOOD AVENUE, (40 FOOT RIGHT-OF-WAY), 42.67 FEET TO AN IRON PIN; RUN THENCE SOUTH 04 DEGREES 18 MINUTES 54 SECONDS EAST, 102.99 FEET TO AN IRON PIN; RUN THENCE NORTH 85 DEGREES 10 MINUTES 33 SECONDS EAST, 40.00 FEET TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 43 MINUTES 07 SECONDS EAST, 33.39 FEET TO AN IRON PIN; RUN THENCE SOUTH 83 DEGREES 10 MINUTES 33 SECONDS WEST, 80.00 FEET TO AN IRON PIN LOCATED ON THE EASTERLY RIGHT-OF-WAY OF GIBSON STREET AND THE POINT OF BEGINNING, BEING KNOWN AS 963 KIRKWOOD AVENUE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSING IN THE CITY OF ATLANTA, GEORGIA.

PROPERTY BEING THE SAME AS CONVEYED IN THAT CERTAIN WARRANTY DEED TO FRANCIS C. WAGNER, DATED JULY 27, 1995 AND RECORDED IN DEED BOOK 20016, PAGE 249, FULTON COUNTY, GEORGIA RECORDS.

2-00-55

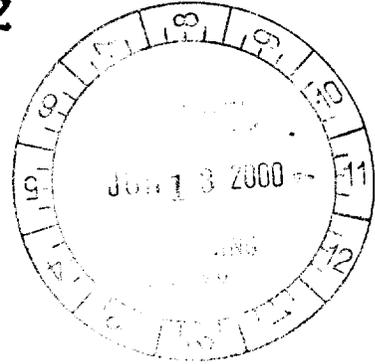


JSB

page 1 of 4

Exhibit "A" - 2

2-00-55



ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN PLAT OF SURVEY PREPARED FOR FRANCIS C. WAGNER BY BUSBEE SURVEYING CO., INC., DATED FEBRUARY 27, 1996 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

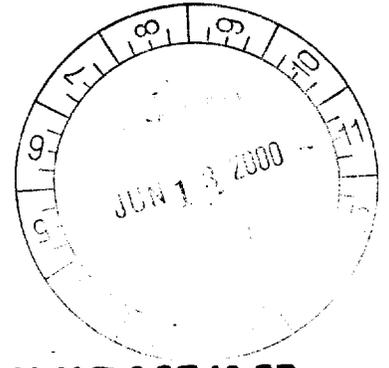
BEGINNING AT AN IRON PIN LOCATED ON THE SOUTH RIGHT-OF-WAY OF KIRKWOOD AVENUE, (40 FOOT RIGHT-OF-WAY) 42.67 FEET EAST OF THE SOUTHEAST CORNER OF THE EASTERLY RIGHT-OF-WAY OF GIBSON STREET AND THE SOUTHERLY RIGHT-OF-WAY OF KIRKWOOD AVENUE, RUN THENCE NORTH 85 DEGREES 10 MINUTES 33 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY OF KIRKWOOD AVENUE, 40.00 FEET TO AN IRON PIN; RUN THENCE SOUTH 04 DEGREES 18 MINUTES 54 SECONDS EAST, 108.99 FEET TO AN IRON PIN, RUN THENCE SOUTH 83 DEGREES 10 MINUTES 33 SECONDS WEST, 40.00 FEET TO AN IRON PIN, RUN THENCE NORTH 04 DEGREES 18 MINUTES 54 SECONDS WEST, 108.99 FEET TO AN IRON PIN LOCATED ON THE SOUTH RIGHT-OF-WAY OF KIRKWOOD AVENUE AND THE POINT OF BEGINNING, BEING KNOWN AS 967 KIRKWOOD AVENUE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSING IN THE CITY OF ATLANTA, GEORGIA.

PROPERTY BEING THE SAME AS CONVEYED IN THAT CERTAIN WARRANTY DEED TO FRANCIS C. WAGNER, DATED JULY 27, 1995 AND RECORDED IN DEED BOOK 20016, PAGE 249, FULTON COUNTY, GEORGIA RECORDS.

Handwritten signature

2-00-55

EXHIBIT "A" - 3



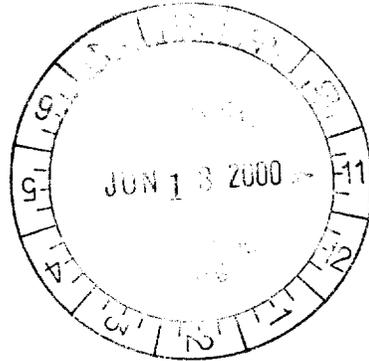
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN PLAT OF SURVEY PREPARED FOR FRANCIS C. WAGNER BY BUSBEE SURVEYING CO., INC., DATED FEBRUARY 27, 1996 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE SOUTH RIGHT-OF-WAY OF KIRKWOOD AVENUE, (40 FOOT RIGHT-OF-WAY) 82.67 FEET EAST OF THE SOUTHEAST CORNER OF THE EASTERLY RIGHT-OF-WAY OF GIBSON STREET AND THE SOUTHERLY RIGHT-OF-WAY OF KIRKWOOD AVENUE; RUN THENCE NORTH 83 DEGREES 10 MINUTES 33 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY OF KIRKWOOD AVENUE, 80.00 FEET TO AN IRON PIN; RUN THENCE SOUTH 04 DEGREES 39 MINUTES 38 SECONDS EAST, 144.57 FEET TO AN IRON PIN; RUN THENCE SOUTH 85 DEGREES 10 MINUTES 33 SECONDS WEST, 80.00 FEET TO AN IRON PIN; RUN THENCE NORTH 05 DEGREES 43 MINUTES 07 SECONDS WEST, 35.59 FEET TO AN IRON PIN; RUN THENCE NORTH 04 DEGREES 18 MINUTES 51 SECONDS WEST, 108.99 FEET TO AN IRON PIN LOCATED ON THE SOUTH RIGHT-OF-WAY OF KIRKWOOD AVENUE AND THE POINT OF BEGINNING, BEING KNOWN AS 975 HOUSING IN THE CITY OF ATLANTA, GEORGIA.

PROPERTY BEING THE SAME AS CONVEYED IN THAT CERTAIN WARRANTY DEED TO FRANCIS C. WAGNER, DATED JULY 27, 1995 AND RECORDED IN DEED BOOK 20016, PAGE 249, FULTON COUNTY, GEORGIA RECORDS.

Handwritten signature

2-00-55



ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH SIDE OF KIRKWOOD AVENUE (180) FEET EAST OF THE SOUTHEAST CORNER OF GIBSON STREET AND KIRKWOOD AVENUE; THENCE SOUTH (149) FEET, THENCE EAST (40) FEET, THENCE NORTH (132) FEET TO FLAT SHOALS AVENUE. THENCE NORTHWESTERLY ALONG THE SOUTHWEST SIDE OF FLAT SHOALS AVENUE (39) FEET TO KIRKWOOD AVENUE AND THE POINT OF BEGINNING, BEING IMPROVED PROPERTY KNOWN AS #973 FLAT SHOALS AVENUE. S.E., ALSO KNOWN AS #979 KIRKWOOD AVENUE ON WATER RECORDS OF THE CITY OF ATLANTA, GEORGIA.

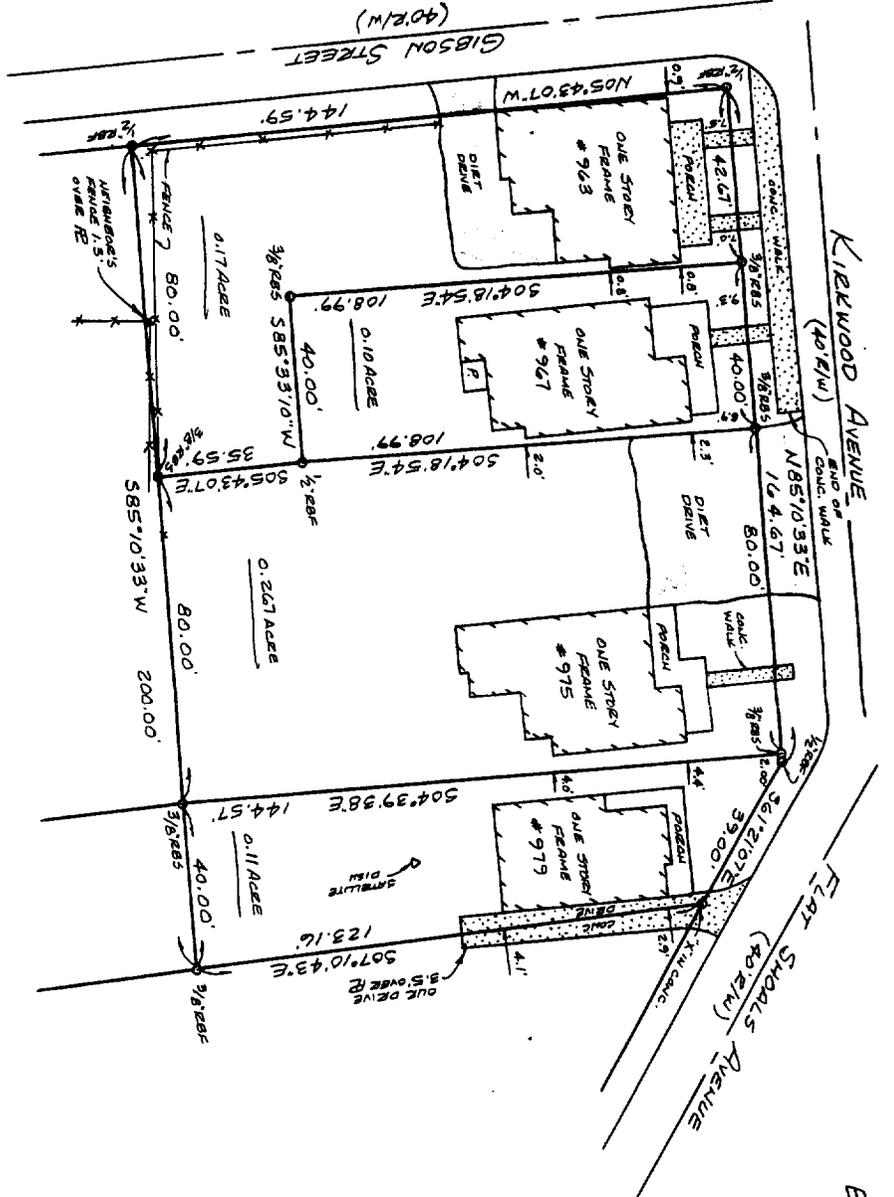


THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 25,572 FEET.

D.B. 20014, Pg. 249 f
REFERENCE: DA 23475, Pg 261
EQUIPMENT USED: TOPCON TOTAL STATION

THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE PLACED USING SIZE DIMENSIONS FROM HOUSE. ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAYS, PUBLIC OR PRIVATE.
IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED

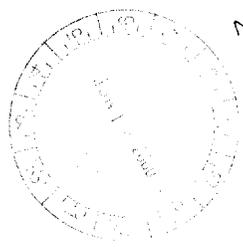
William L. Smith



EXISTING LAND USE

I have, this date, examined the "FIA OFFICIAL FLOOD HAZARD MAP" and the referenced parcel does not appear to be in an area having special flood hazards.
THE FLOOD INFORMATION ON THIS PLAT HAS BEEN OBTAINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE FLOOD HAZARD STUDY AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DAMAGE DEPARTMENT COMPS OF ENGINEERS, AND INSURANCE COMPANY OR AN APPRAISER.

REYNOLDESTOWN	
REVITALIZATION CORPORATION	
DATE: 12-29-99	SCALE: 1" = 30'
DRAWN BY: MCKENNA	GRAPHIC SCALE IN FEET
LAND LOT 1/3	SECTION
FULTON COUNTY	1/4 TH DISTRICT
GA. LAND SURVEYING CO., INC.	
155 CLIFTON DRIVE ATLANTA, GA. 30328 (404) 255-4871	
DRAWING NUMBER	F19-18
REC	166401



Z-00-55

RCS# 2505
1/02/01
2:57 PM

Atlanta City Council

Regular Session

MULTIPLE 00-O-1645 CDP-00-22 & 00-O-1088 Z-00-55

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

MULTIPLE

00-0-1088

(Do Not Write Above This Line)

AN ORDINANCE Z-00-55
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-5 (TWO-FAMILY RESIDENTIAL) DISTRICT TO THE RG-3 (RESIDENTIAL GENERAL-SECTOR 3) DISTRICT, PROPERTY LOCATED AT 963-967-975-979 KIRKWOOD AVENUE, S.E., FRONTING 201.67 FEET ON THE SOUTH SIDE OF KIRKWOOD AVENUE BEGINNING AT THE SOUTHEAST CORNER OF GIBSON STREET (979 KIRKWOOD AVENUE IS ALSO KNOWN AS 979 FLAT SHOALS AVENUE) DEPTH: 144.59 FEET; AREA: 28,360 SQUARE FEET; LAND LOT 13, 14TH DISTRICT, FULTON COUNTY, GEORGIA.
OWNER: REYNOLDSTOWN REVITALIZATION CORP.

APPLICANT: REYNOLDSTOWN REVITALIZATION CORP.
NPU-N COUNCIL DISTRICT 5

ADOPTED BY
JAN 0 2 2001
COUNCIL

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

Date Referred 7/17/00

Referred To: ZRB & Zoning

9/18/00

Referred Zoning

First Reading

Committee
Date
Chair

Committee
Date
Chair

Actions:
Fav, Adv, Held (see rev. side)
Other:
Members

Refer To

Committee
Date
Chair

Actions:
Fav, Adv, Held (see rev. side)
Other:
Members

Refer To

Committee
Date
Chair

Actions:
Fav, Adv, Held (see rev. side)
Other:
Members

Refer To

ZONING
12-12-00
Submitted
Fav, Adv, Held (see rev. side)
ON substitute
Members
Refer To

Committee
Date
Chair

Actions:
Fav, Adv, Held (see rev. side)
Other:
Members

Refer To

Committee
Date
Chair

Committee
Date
Chair

Actions:
Fav, Adv, Held (see rev. side)
Other:
Members

Refer To

Committee
Date
Chair

Actions:
Fav, Adv, Held (see rev. side)
Other:
Members

Refer To

Committee
Date
Chair

Actions:
Fav, Adv, Held (see rev. side)
Other:
Members

Refer To

COUNCIL ACTION

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

CERTIFIED

CERTIFIED
JAN 2 2001
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

MAYOR'S ACTION

APPROVED

JAN 10 2001

WITHOUT SIGNATURE
BY OPERATOR