



City Council  
Atlanta, Georgia

00-0-1895

SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Z-00-89  
12-14-00

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 **1265 Memorial Drive, S.E.** be changed from the **R-4 (Single-Family Residential)** District, to the **C-2-C (Commercial Service-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **177** of the **15<sup>th</sup>** District, **DeKalb** 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 That all ordinances or parts of ordinance in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

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

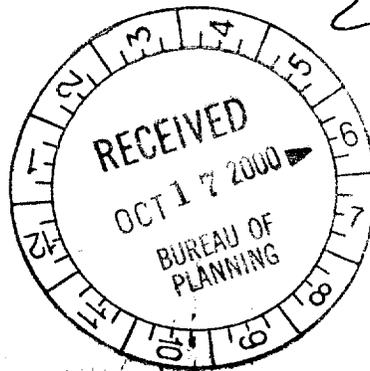
APR 02, 2001

APR 11, 2001



#### Conditions for Z-00-89

1. The proposed townhome development shall occur according to the submitted site plan that is titled "Proposed Site Plan", which was prepared by Keith J. Hicks, Registered Architect #5271 of Georgia, at a scale of 1"=20', that is undated, and is stamped as "RECEIVED" by the Bureau of Planning on October 17, 2000.
2. A handicapped parking space shall be designated within the visitors' parking area, with dimensions that meet City design standards.
3. If individual refuse containers are not used for the townhomes, a community refuse dumpster shall be provided in an acceptable location on the property, with appropriate access and screening.
4. A tree planting should be submitted according to the City Arborist's specifications.

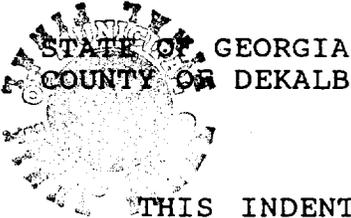


2-00-84

All that tract or parcel of land lying and being in Land Lot 177 of the 15th District of DeKalb County, Georgia, being Lot 1 and Lot 2, Block A of the Fred Koch Home Place; being more particularly described as follows:

**BEGINNING** at the southwest corner of the intersection of Memorial Drive and Trenton Street; running thence west along the south side of Memorial Drive one hundred (100) feet; thence south one hundred ninety-one and twenty-seven hundredths (191.27) feet; thence east one hundred (100) feet to the west side of Trenton Street; thence north along the west side of Trenton Street one hundred ninety-one and one-tenth (191.1) feet to the POINT OF BEGINNING; being a vacant lot.

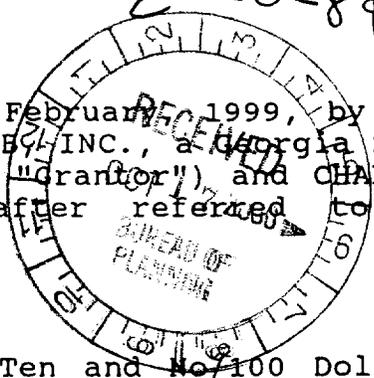
Sheet 1 of 3



STATE OF GEORGIA  
COUNTY OF DEKALB

LIMITED WARRANTY DEED

2-00-89



THIS INDENTURE is made this 25th day of February, 1999, by and between INITIATIVE FOR AFFORDABLE HOUSING/DEKALB, INC., a Georgia non-profit corporation (hereinafter referred to as "Grantor"), and CHARITY GARCIA-ELLIOTT and ELOSHUA ELLIOTT (hereinafter referred to as "Grantee").

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, Grantor has granted, bargained, sold, conveyed, and confirmed and by these presents does grant, bargain, sell, convey, and confirm unto Grantee, and the successors and assigns of Grantee, the following described property to wit:

All that tract or parcel of land lying and being in Land Lot 177 of the 15th District of Dekalb County, Georgia, being Lot 1 and Lot 2, Block A of the Fred Koch Home Place, as per plat recorded in Plat Book 5, Page 40, Dekalb County, Georgia Records, which plat is incorporated herein by this reference and made a part of this description.

This conveyance is made subject to any easements, restrictions, and encumbrances of record and specifically is made subject to City and County ad valorem property taxes for the tax years 1998 and 1999, (if any), which shall be the responsibility of Grantee.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee, and the successors and assigns of Grantee, forever IN FEE SIMPLE.

GRANTOR HEREBY WARRANTS and will forever defend all right, title and interest in and to the above-described property unto Grantee and the successors and assigns of Grantee against the lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has caused its duly authorized officers to execute this document under seal, on the day and year first above written.

GRANTOR:

INITIATIVE FOR AFFORDABLE HOUSING/DEKALB, INC.  
a Georgia Non-Profit Corporation

Sheet 2 of 3

By: Richard W. Stephens  
Richard W. Stephens, President

Signed, sealed and delivered in the presence of:  
[Signature]  
Unofficial Witness

[CORPORATE SEAL]

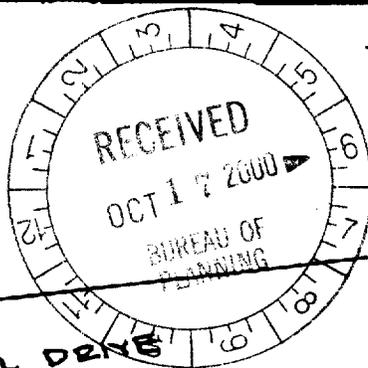


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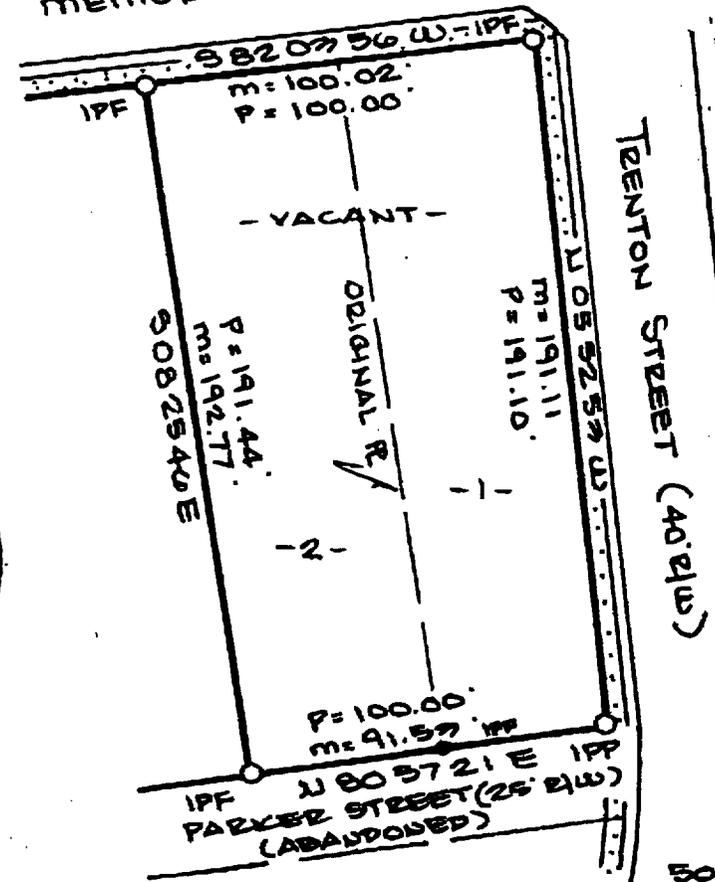
**LEGEND**

- IPF - 1/2" IRON PIN FOUND
- IPF - IRON PIN SET
- B/L - BENCH MARK
- W.L. - WYTHELINE
- C - CENTERLINE
- LL - LAND LOT
- LLL - LAND LOT LINE
- D.E. - DRAINAGE EASEMENT
- S.E. - SANITARY SEWER EASEMENT

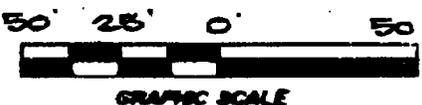
ALL CORNERS ARE 1/2" REBAR UNLESS NOTED



200-88



Sheet 3 of 3



AREA = 0.42 ACRES

I HAVE THIS DATE, EXAMINED THE  
THE OFFICIAL FLOOD HAZARD MAP  
AND FOUND REFERENCED HERE (NOT)  
IN AN AREA HAVING SPECIAL FLOOD HAZARD.

THE FIELD SURVEY UPON WHICH THIS MAP OR PLAT IS BASED HAS  
A CLASIFIC PRECISION OF ONE FOOT IN ONE HUNDRED FEET AND AN  
ANGULAR ERROR OF - SECONDS PER ANGLE POINT, AND HAS  
ADJUSTED USING CHORDS HILL. THIS MAP OR PLAT HAS  
BEEN CALCULATED FOR CLASIFIC AND IS FOUND TO BE ACCUR-  
ATE WITHIN ONE FOOT IN 50,000 FEET.

EQUIPMENT USED:  
TOPCON 573-250 & TRANSIT W/200' STEEL TAPE.

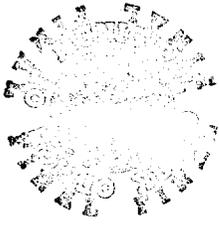
IN MY OPINION, THIS PLAT IS A CORRECT  
REPRESENTATION OF THE LAND PLATTED AND  
HAS BEEN PREPARED IN CONFORMITY WITH  
THE NORMAL STANDARDS AND REQUIREMENTS OF LAW.

*Ricky C. Busbee*  
**BUSBEE SURVEYING CO., INC.**  
LAND SURVEYING  
3151 MAIN STREET, DULUTH, GEORGIA 30096  
PH. 770-497-9886  
Fax 770-497-9881

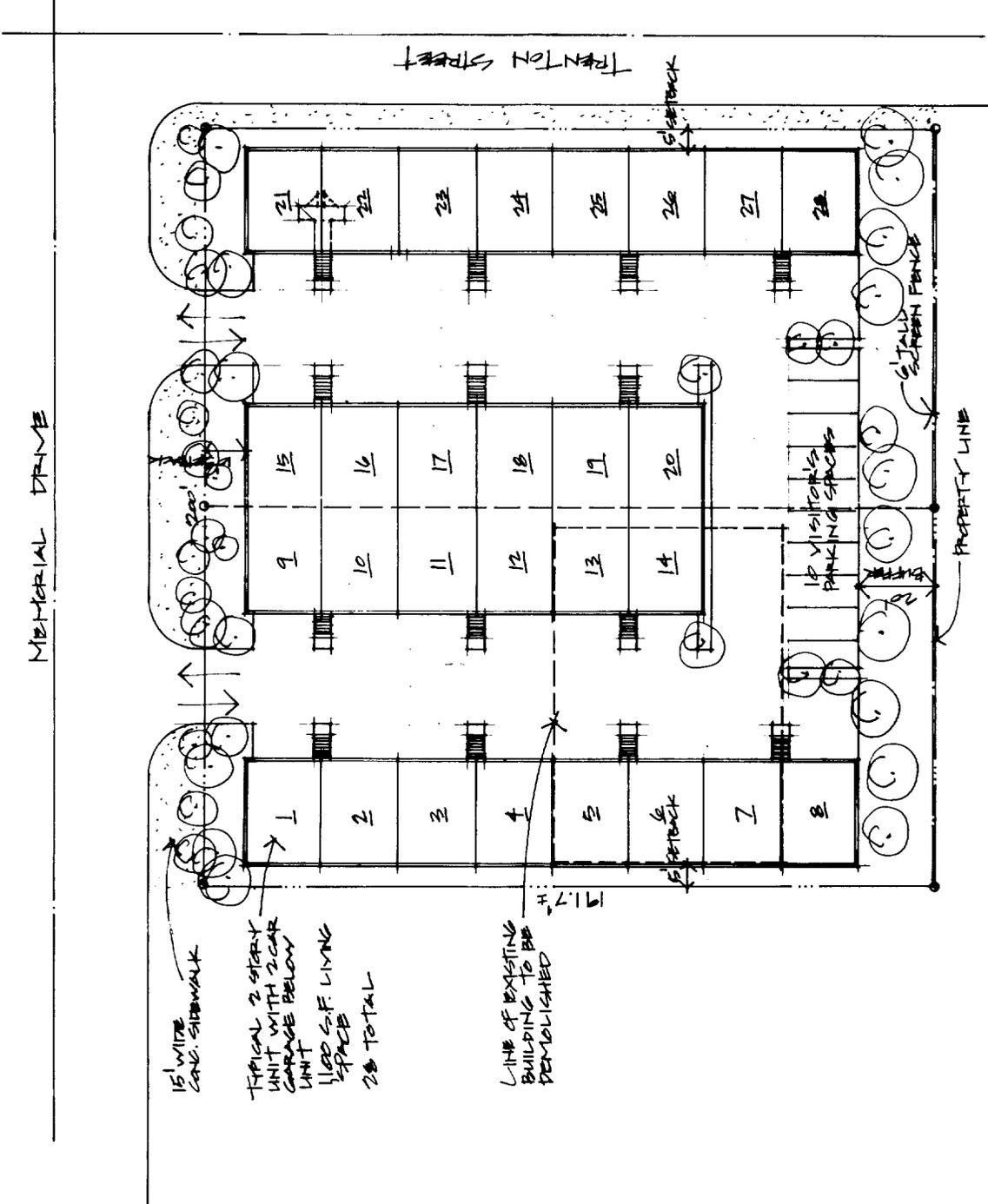
**SURVEY FOR:**

CHARITY GARCIA ELLIOTT

LOT(S) 1 & 2 BLOCK "A"	REVISIONS
FRED KOCH HOME PLACE	10/13/00
PLAT BK 5, PG. 40	
LAND LOT 171	CC TJS
15TH DISTRICT	DRY TJS
DEKALB COUNTY, GEORGIA	CRD RB
DATE: 2.27.00 SCALE: 1" = 50'	JOB #18973
	20



NAME: KEITH J. HICKS  
 LIC. NO. 5971 ST. OF GA.  
 Keith J. Hicks  
 NOTE: DRAWING PREPARED FOR ZONING PURPOSES ONLY. NOT A CONSTRUCTION PERMIT.



**PARKING COUNT**  
 • 2 SPACE GARAGE PER EACH UNIT - 56 SPACES  
 • 18 VISITOR'S SPACES - 18 SPACES  
 TOTAL 66 SPACES  
 • 1.3 X 18 UNITS = 23 SPACES REQUIRED

**PROPOSED SITE PLAN**  
 SCALE: 1" = 20'  
 10.16.00  
 NORTH

MATERIAL DRIVE

FRONT STREET

15' WIRE CONC. SIDEWALK  
 TYPICAL 2 STORY UNIT WITH 2 CAR GARAGE BELOW UNIT  
 1100 S.F. LIVING SPACE  
 28 TOTAL

LINE OF EXISTING BUILDING TO BE DEMOLISHED

18 VISITOR'S PARKING SPACES

PROPERTY LINE



00-0-1895

(Do Not Write Above This Line)

AN ORDINANCE Z-00-89  
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE C-2 (COMMERCIAL SERVICE) DISTRICT, PROPERTY LOCATED AT 1265 MEMORIAL DRIVE, S.E., FRONTING 100 FEET ON THE SOUTHSIDE OF MEMORIAL DRIVE BEGINNING AT THE SOUTHWEST CORNER OF TRENTON STREET. DEPTH: 192.77 FEET; AREA: 19,277 SQUARE FEET; LAND LOT 177, 15TH DISTRICT, DEKALB COUNTY, GEORGIA.  
OWNER: CHARITY GARCIA-ELLIOT  
APPLICANT: SAME  
NPU-0 COUNCIL DISTRICT 5

ADOPTED BY  
APR 02 2001  
COUNCIL

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

Date Referred 12/4/00

Referred To: ZRB & Zoning

Committee ZONING  
Date 11-28-00  
Chair John M. Starns

First Reading ZONING

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  
Readings  
 Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
APR 2 2001

*Richard B. ...*  
MUNICIPAL CLERK

APR 02 2001  
*Richard B. ...*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 11 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW