CITY COUNCIL
ATLANTA, GEORGIA

02-O-0875

A SUBSTITUTE ORDINANCE
AS AMENDED
BY: ZONING COMMITTEE

Z-02-37
8-08-02

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 be rezoned as follows:

Tract 1 – I-1-C (Light Industrial-Conditional) District to LW-C (Live Work-Conditional) District – **1258-1278 DeKalb Avenue, N.E.**

Tract 2 – Withdrawn

Tract 3 – I-1-C (Light Industrial-Conditional) District to R-5 (Single-Family Residential) District, **Part of 1278 DeKalb Avenue, N.E.**

Said Tracts lying and being in Land Lot **209** of the **15th** 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 suffice "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 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.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 Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council SEP 16, 2002
APPROVED by the Mayor SEP 24, 2002

ZONING CONDITION FOR Z-02-37

1. The 20-foot transitional yard required for the portion of the property that abuts an R district without an intervening street shall include a 15-foot unpaved, landscaped buffer immediately adjacent to the R district boundary. This 15-foot buffer shall include 3-inch caliper non-ornamental trees, at least 50 percent of which shall be deciduous hardwoods. Trees shall be spaced in a staggered pattern not to exceed 30 feet on center. The applicant will provide to the homeowners' association a bond or guaranty to cover replacement of any tree that dies within one year after installation. The remaining 5 feet of the 20-foot transitional yard may be paved and used for a driveway.

This condition applies to Tract 1 only.

02-O-0875

CONDITIONS FOR Z-02-37

(1) DRIVEWAY MUST BE CONFIGURED WITH CONCRETE CHANNELIZING ISLAND SO AS TO ENCOURAGE DRIVERS TO EXIT THE DEVELOPMENT ONLY TO THE RIGHT (TOWARDS DEKALB AVENUE)

(2) THE NUMBER OF UNITS SHALL NOT EXCEED FORTY-THREE (43). EIGHT (8) OF WHICH SHALL BE LIVE WORK UNITS.

LEGAL DESCRIPTION

TRACT 1

All that tract or parcel of land lying and being within Land Lot 209 of the 15th District, City of Atlanta, Dekalb County, Georgia and being more particularly described as follows:

Beginning at the intersection formed by the northwesterly R/W of Dekalb Avenue (variable R/W) and the westerly R/W of Candler Street (40'R/W) and running thence southwesterly along the northwesterly R/W of Dekalb Avenue, South 78° 57' 14" West, a distance of 199.51 feet to a point; thence 85.12 feet along the arc of a curve to the left, said curve having a radius of 3500.61 feet and being subtended by a chord of South 78° 15' 26" West, 85.12 feet, to an iron pin found; thence North 00° 21'19" East for a distance of 89.50 feet to a point; thence North 00° 21'19' East for a distance of 99.90 feet to a point; thence North 00° 21' 19" East for a distance of 80.46 feet to a point, thence North 00° 40'33" West for a distance of 40.52 feet to a point; thence North 00° 27' 01" East for a distance of 40.29 feet to a point; thence North 87° 56' 43" East for a distance of 93.76 feet to a point; thence South 00° 24' 55" West 2.00 feet to a point, thence South 88° 49' 19" West 181.14 feet to a point on the westerly right of way line of Candler Street South 00° 32' 36" East for a distance of 300.21 feet to the intersection of said westerly R/W line of Candler Street and the northwesterly R/W line of Dekalb Avenue and the Point of Beginning. Containing 90,006 square feet or 2.06626 Acres.

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PLANNING

Z-02-37

DESCRIPTION OF TRACT 3

All that tract or parcel of land lying and being within Land Lot 209 of the 15th District, City of Atlanta, Dekalb County, Georgia and being more particularly described as follows:

To find the point of Beginning, commence at the intersection formed by the northwesterly R/W of Dekalb Avenue (variable R/W) and the westerly R/W of Candler Street (40'R/W) and running thence northerly along said westerly right of way line of Candler Street, North 00°32'36" West for a distance of 300.21 to the True Point of Beginning. From the Point of Beginning thus established; depart said westerly right of way, South 88°49'19" West, a distance of 181.14 feet to a point; thence North 00°24'55" East for a distance of 2.00 feet to a point; thence North 88°12'07" East for a distance of 181.14 feet to a point on said westerly right of way line of Candler Street; thence southerly along said westerly right of way South 00°32'36" West for a distance of 3.96 feet to the Point of Beginning. Continuing 540 square feet or 0.01239 Acres.

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Z-02-37

ZONE: #249 #295 & #261: R-5 (TWO-FAMILY RESIDENTIAL)
SETBACKS: 30 FT. (FRONT), 7 FT. MIN. SIDE, 7 FT REAR
MAX. BUILDING HEIGHT: 35 FT.
PARKING REQUIREMENTS: 1 P.S. PER DWELLING PER STRUCTURE IN WHICH ONE OF THE UNITS DOES NOT EXCEED 1500 SQ. FT. FOR TWO-FAMILY STRUCTURES PARKING PROVIDED AS FOLLOWS: a) 2 P.S. PER DWELLING PER DWELLINGS UP TO 3 BEDROOMS. b) 1 P.S. PER DWELLINGS PLUS 1 SPACE P.S. EACH BEDROOM ABOVE 3 BEDROOMS PER DWELLINGS WITH 4 OR MORE BEDROOMS.

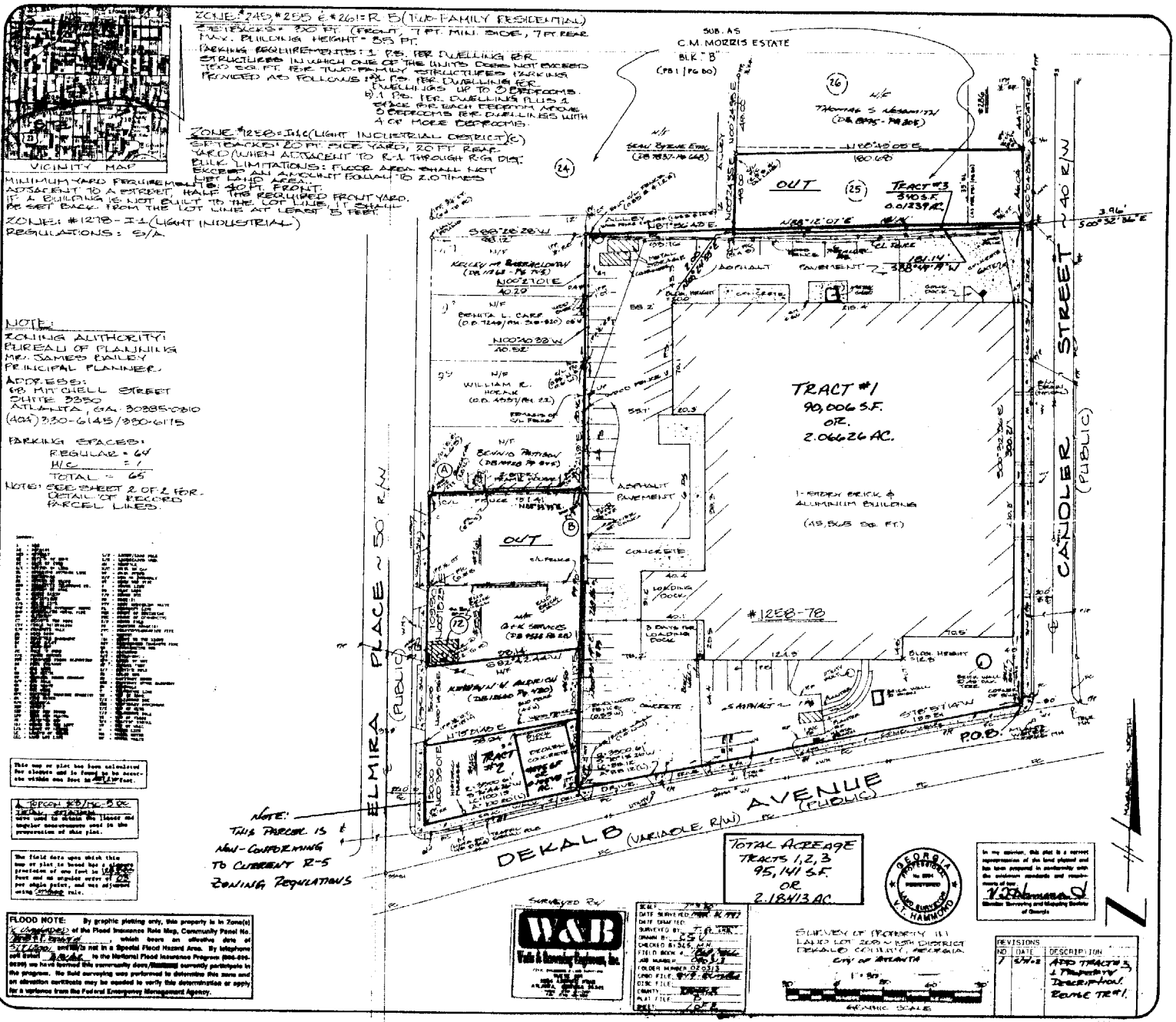
ZONE: #1258: I-1 (LIGHT INDUSTRIAL DISTRICT) (C)
SETBACKS: 20 FT. SIDE YARD, 20 FT. REAR YARD (WHEN ADJACENT TO R-1 THROUGH R-5 DIST.
BULK LIMITATIONS: FLOOR AREA SHALL NOT EXCEED ALL AMOUNT FOLLOWS TO 2.0 TIMES NET LAND AREA.
MINIMUM YARD REQUIREMENTS: 40 FT. FRONT. ADJACENT TO A STREET. HALF THE REQUIRED FRONT YARD. IF A BUILDING IS NOT BUILT TO THE LOT LINE, IT SHALL BE SET BACK FROM THE LOT LINE AT LEAST 5 FEET.

ZONE: #1278 - I-1 (LIGHT INDUSTRIAL)
REGULATIONS: S/A.

NOTE:
ZONING AUTHORITY:
BUREAU OF PLANNING
MR. JAMES BAILEY
PRINCIPAL PLANNER
ADDRESS:
178 MITCHELL STREET
SUITE 3350
ATLANTA, GA. 30885-0310
(404) 330-6145/330-6115

PARKING SPACES:
REGULAR = 64
H/C = 1
TOTAL = 65

NOTE: SEE SHEET 2 OF 2 FOR DETAIL OF RECORD PARCEL LINES.



This map or plat has been calculated for closure and is found to be accurate within one foot in [illegible] feet.

A TOPCON RS/MC-5 DC TOTAL STATION was used to obtain the linear and angular measurements used in the preparation of this plat.

The field data upon which this map or plat is based has a closure of one foot in [illegible] feet and an angular error of [illegible] per angle point, and was adjusted using Compass rule.

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) X of the Flood Insurance Rate Map, Community Panel No. [illegible], which bears an effective date of [illegible], and is not in a Special Flood Hazard Area. By telephone call dated 3/6/02, to the National Flood Insurance Program (800-638-6620) we have learned this community does/does not currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.
V.T. Hammond
Georgia Surveying and Mapping Society of Georgia

Description of Tract 1 & 2

All that tract or parcel of land lying and being within Land Lot 209 of the 15th District, City of Atlanta, Dekalb County, Georgia and being more particularly described as follows:

Beginning at the intersection formed by the northwesterly R/W of Dekalb Avenue (variable R/W) and the westerly R/W of Candler Street (40'R/W) and running thence southwesterly along the northwesterly R/W of Dekalb Avenue, South 78°57'14" West, a distance of 199.51 feet to a point; thence 85.12 feet along the arc of a curve to the left, said curve having a radius of 3500.61 feet and being subtended by a chord of South 78°15'26" West, 85.12 feet to a point, thence 100.20 feet along the arc of a curve to the left, said curve having a radius of 3500.61 feet and being subtended by a chord of South 76°44'26" West, 100.19 feet to a point located at the intersection of said northwesterly R/W of Dekalb Avenue and the easterly R/W of Elmira Place (50'R/W); thence northerly along said easterly R/W, North 00°35'01" East for a distance of 50.00 feet to a point, thence departing said R/W, North 79°31'43" East for a distance of 98.94 feet to a point; thence North 00°21'19" East for a distance of 44.50 feet to a point; thence North 0°21'19" East for a distance of 99.90 feet to a point; thence North 00°21'19" East for a distance of 80.46 feet to a point; thence North 00°40'33" West for a distance of 40.52 feet to a point; thence North 00°27'01" East for a distance of 40.29 feet to a point; thence North 87°56'43" East for a distance of 93.76 feet to a point, thence South 00°24'55" West for a distance of 2.00 feet to a point; thence North 88°49'19" East for a distance of 181.14 feet to a point on said westerly right of way line of Candler Street; thence southerly along said westerly right of way South 00°32'36" East for a distance of 300.21 feet to a point on said northwesterly right of way line of Dekalb Avenue and the Point of Beginning. Containing 94,601 square feet or 2.17174 Acres

Description of Tract 3

All that tract or parcel of land lying and being within Land Lot 209 of the 15th District, City of Atlanta, Dekalb County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at the intersection formed by the northwesterly R/W of Dekalb Avenue (variable R/W) and the westerly R/W of Candler Street (40'R/W) and running thence northerly along said westerly right of way line of Candler Street, North 00°32'36" East for a distance of 309.21 to the True Point of Beginning. From the Point of Beginning thus established, depart said westerly right of way, South 88°49'19" West, a distance of 181.14 feet to a point, thence North 00°24'55" East for a distance of 2.00 feet to a point; thence North 88°12'07" East for a distance of 181.14 feet to a point on said westerly right of way line of Candler Street; thence southerly along said westerly right of way South 00°32'36" East for a distance of 3.96 feet to the Point of Beginning. Containing 540 square feet or 0.01239 Acres

ALTA/ACSM LAND TITLE SURVEY

for

To: The Invimen Group, LLC and Fidelity National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes items 1, 2, 3, 4, 6, 7a, 7b1, 8, 9, 10, 11 & 13 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies proper field procedures, instrumentation and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

Date: 3/22/02

V.T. Hammond Georgia Land Surveyor Registration No. 2944

Adopted by the American Land Title Association on October 6, 1999

Adopted by the Board of Directors, American Congress on Surveying and Mapping on October 30, 1999

Adopted by the Board of Directors, National Society of Professional Surveyors on October 18, 1999

Date: 3/22/02

Note: This property was inspected on the ground on the date shown hereon for the purpose of determining physical changes on the property. Any significant changes, if any, have been added to the survey. The property lines were not resurveyed.

By: V.T. Hammond, Georgia Land Surveyor Number 2944

SHEET 1 OF 2

2-02-3

RECEIVED JUN 05 2002 BUREAU OF PLANNING

Dekalb 15th LL 209

RCS# 4007
9/16/02
3:46 PM

Atlanta City Council

Regular Session

02-O-0875 Z-02-37;1258-1278 DeKalb Ave.; I-1-C to LW-C & I-1-C to R-5
ADOPT/SUB/AMEND

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	1
ABSENT	1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	E Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

02- 0 -0875

(Do Not Write Above This Line)

AN ORDINANCE Z-02-37
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE I-1-C (LIGHT INDUSTRIAL-CONDITIONAL) AND THE R-5 (TWO-FAMILY RESIDENTIAL) DISTRICTS TO THE C-2-C (COMMERCIAL SERVICE-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT 1258-1278 DEKALB AVENUE AND 255 ELMIRA PLACE, N.E., FRONTING 382.5 FEET ON THE NORTHERLY SIDE OF DEKALB AVENUE BEGINNING AT THE NORTHWESTERLY CORNER OF CANDLER STREET AND DEKALB AVENUE. DEPTH: VARIES; AREA: 2.18 ACRES; LAND LOT 209 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA.
OWNER: G & K SERVICES, CO.
APPLICANT: GREGORY WOHL
BY: SHARON A. GAY
NPU-N COUNCIL DISTRICT 6

ADOPTED BY
SEP 16 2002
COUNCIL

As Amended

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

Date Referred 5/20/02

Referred To: ZRB+ Zoning

First Reading
Committee ZONING
Date May 15 2002
Chair Debbie M. Stevens

Committee	Committee
ZONING	
Date: Sept. 11, 2002	Date:
Chair: Debbie M Stevens	Chair:
Action: Fav, Adv, Held (see rev. side)	Action: Fav, Adv, Held (see rev. side)
Other: ON-Substitute As Amended	Other:
Members: Cathy Archibong, Carla Smith, H.L. Ward	Members:
Refer To:	Refer To:

Committee	Committee
Date:	Date:
Chair:	Chair:
Action: Fav, Adv, Held (see rev. side)	Action: Fav, Adv, Held (see rev. side)
Other:	Other:
Members:	Members:
Refer To:	Refer To:

COUNCIL ACTION

☑ 2nd ☐ 1st & 2nd Readings ☐ 3rd

☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

CERTIFIED
SEP 16 2002
MUNICIPAL CLERK

CERTIFIED
SEP 2 4 2002
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
SEP 24 2002
MAYOR