

**AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER**

AN ORDINANCE CONFIRMING THE APPLICATION OF DEVELOPMENT IMPACT FEES TO BE PAID IN CONNECTION WITH THE TWO ORDINANCES GRANTING SITE PLAN AMENDMENTS FOR PROPERTY LOCATED AT 3060 PEACHTREE ROAD N.W. SUCH THAT SAID DEVELOPMENT IMPACT FEES WILL FUND THE PARTIAL COST OF PUBLIC FACILITIES IMPROVEMENTS IN THE IMMEDIATE VICINITY ASSOCIATED WITH SAID SITE PLAN AMENDMENTS, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta Development Impact Fee ordinance (hereinafter, the "Impact Fee Ordinance") was adopted by the City Council on March 18, 1993, and approved by the Mayor on March 26, 1993; and

WHEREAS, Section 19-1004 (2) states that one of the purposes of the Impact Fee Ordinance is to ensure that new land development shall bear a proportionate share of the cost of new public facilities, including transportation facilities, necessary to serve such growth; and

WHEREAS, the current transportation Level of Service (LOS) on West Paces Ferry Rd. is rated "F" and approved future developments will have further detrimental impact on the movement of traffic on West Paces Ferry Rd. and the immediate surrounding area; and

WHEREAS, the City recognizes the need to confirm that the construction of street improvements, sidewalks and traffic calming devices in the immediate area will be funded in part by an amount equal to the amount of development impact fees paid for the development of 3060 Peachtree Road as proposed in the site plan amendments known as Z-02-02/Z-84-52 and Z-02-03/Z-84-52, and will be undertaken contemporaneous with the construction of said projects.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

SECTION ONE: The Commissioner of the Department of Planning and Community Development is directed to use any Transportation Impact Fees paid in connection with the development authorized by site plan amendments as stated in Z-02-02/Z-84-52 and Z-02-03/Z-84-52, for the purpose of funding the costs associated with the projects aimed at mitigating existing traffic congestion, including but not limited to those listed in Exhibit A.

SECTON TWO: The projects listed in Exhibit A may be implemented, subject to the approval of the Commissioner of the Department of Planning and Community Development, by the developer of the projects authorized by the site plan amendments as stated in Z-02-02/Z-84-52 and Z-02-03/Z-84-52, and any associated cost may be applied toward the Transportation Impact Fees to be paid in connection with such development.

SECTION THREE: The sequence in which the projects listed in Exhibit A are to be constructed shall be determined as a component of the study to be funded according to the provisions as provided in Exhibit B, provided however that the initial project to be constructed shall begin no later than sixty (60) days following the issuance of the first certificate of occupancy for either of the projects associated with the development authorized by the site plan amendments as stated in Z-02-02/Z-84-52 and Z-02-03/Z-84-52.

SECTION FOUR: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

EXHIBIT A

1. Construct sidewalks within immediate vicinity of Buckhead Plaza.
2. Improve intersection of Peachtree Road and Pharr Road by providing a sheltered left turn lane for north bound traffic on Peachtree Road.
3. Construct other improvements identified in the infrastructure study that is being funded by the developers of the two subject site plan amendments according to the provisions of Exhibit B.

EXHIBIT B

(SEE ATTACHED DOCUMENTS)

EXHIBIT B

(SEE ATTACHED DOCUMENTS)

RCS# 5126
11/03/03
1:45 PM

Atlanta City Council

Regular Session

03-O-0194

DEV IMPACT FEE APPLICATION FOR
3060 PEACHTREE ROAD
FILE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

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

03-O-0194

03-0-0194
 (Do Not Write Above This Line)

AN ORDINANCE
 BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE CONFIRMING THE APPLICATION OF DEVELOPMENT IMPACT FEES TO BE PAID IN CONNECTION WITH THE TWO ORDINANCES GRANTING SITE PLAN AMENDMENTS FOR PROPERTY LOCATED AT 3060 PEACHTREE ROAD N.W. SUCH THAT SAID DEVELOPMENT IMPACT FEES WILL FUND THE PARTIAL COST OF PUBLIC FACILITIES IMPROVEMENTS IN THE IMMEDIATE VICINITY ASSOCIATED WITH SAID SITE PLAN AMENDMENTS, AND FOR OTHER PURPOSES.

FILED BY
 CITY COUNCIL

NOV 03 2003

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

Date Referred: 2/3/03
 Referred To: Finance/Executive
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee: Finance
 Date: 2/2/03
 Chair: _____
 Referred To: _____

Action: Hold (see rev. side)
 Other: _____

Members

Refer To

Committee

Date

Chair

Action: Hold (see rev. side)
 Other: _____

Members

Refer To

Committee

Date

Chair

Action: Hold (see rev. side)
 Other: _____

Members

Refer To

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

CERTIFIED

CERTIFIED
 NOV 03 2003
 ATLANTA CITY COUNCIL PRESIDENT
 Claire M. Muller

CERTIFIED
 NOV 03 2003
 Raula D. Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION