

City Council
Atlanta, Georgia

03-0-0932

SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-03-32
9-4-03

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 **2665 Smith Street, N.W.** be changed from the **R-4A (Single-Family Residential)** District, to the **C-1-C (Community Business-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **252** of the **17th** 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

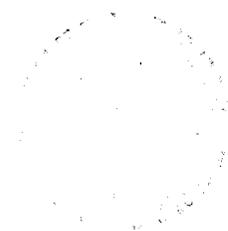
A true copy



Deputy Clerk

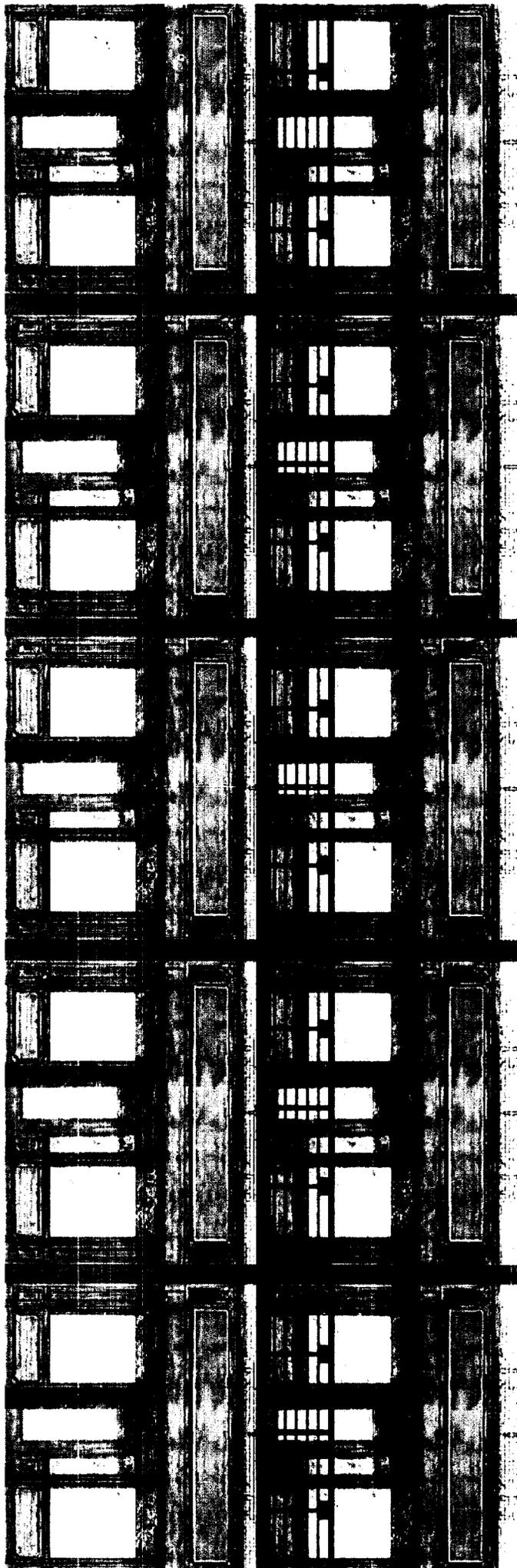
ADOPTED by the City Council
APPROVED by the Mayor

December 1, 2003
December 9, 2003

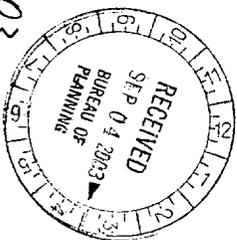


Conditions for Z-03-32

1. Site plan entitled "Site Plan (Rezoning), Retail Stores" prepared by A.C.E.S. Engineering, Inc., dated June 5, 2003 and marked received by the Bureau of Planning September 4, 2003.
2. Rendering, untitled and undated, marked received by the Bureau of Planning September 4, 2003.



2-03-32





2-03-32

PROPERTY DESCRIPTION.

A plat of survey, prepared by an engineer, registered in the State of Georgia is shown on the development plan.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, AS SHOWN ON A PLAT FOR JERRY BEARDEN, PREPARED BY CHARLES C. FRANKLIN, R.S., DATED JULY 10, 1987, SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE THERETO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron pin located at the point of intersection of the south right of way of Smith Street (having a 40 foot right of way) with the east right of way of Jackson Parkway (having a 200 foot right of way); thence run south 88 degrees 44 minutes 44 seconds east along the south right of way of Smith Street a distance of 272.47 feet to an iron pin; thence leaving said right of way south 01 degrees 15 minutes 16 seconds west a distance of 246.94 (having a 30 foot right of way); thence north 88 degrees 43 minutes 48 seconds west along the north right of way of Oakdale Street a distance of 237.85 feet to an iron pin located at the point of intersection of the north right of way of Oakdale Street with the east right of way of Jackson Parkway; thence north 06 degrees 43 minutes 43 seconds west along the east right of way of Jackson Parkway a distance of 249.29 feet to an iron pin located at the point of intersection of the south right of way of Smith Street with the east right of way of Jackson Parkway, said iron pin being the point of beginning. The property conveyed herein is comprised of property, which was formerly subdivided as Lots 1,3,5,7,9 and portions of 2,4,6,8 and 10. Block A, and Lots 24 and 25, Block B of the Greenwood Subdivision as shown on a plat of said Subdivision recorded in Plat Book 3, Page 21, Fulton County Plat Records, and the 40 foot wide right of way of Brooks Street as shown on said plat, said plat being incorporated herein by reference thereto. Reference is made to those certain deeds to Verna G. Bearden as follows: (A) from J.B. Summerlin, Jr., dated March 19, 1956, recorded in Deed Book 3096, Page 470, Fulton County Deed Records; and (B) from the City of Atlanta, a Municipal Corporation of the State of Georgia and County of Fulton, dated June 13, 1956, recorded in Deed Book 3126, Page 423, Fulton Deed Records.

SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENTS OF RECORD.

03-0-0932
(Do Not Write Above This Line)

AN ORDINANCE Z-03-32
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-4A (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE C-1 (COMMUNITY BUSINESS) DISTRICT, PROPERTY LOCATED AT 2665 SMITH STREET, N.W., FRONTING 272.47 FEET ON THE SOUTH SIDE OF SMITH STREET BEGINNING AT THE SOUTHEAST CORNER OF JAMES JACKSON PARKWAY. DEPTH: 249.29 FEET; AREA: 1.45 ACRES APPROXIMATELY; LAND LOT 252, 17TH DISTRICT, FULTON COUNTY, GEORGIA.
OWNER: PRAKASH K. WADHWANI
APPLICANT: SAME
NPC-D COUNCIL DISTRICT 9

ADOPTED BY
DEC 0 1 2003
COUNCIL

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

Date Referred 6/16/03
Referred To: ZRB + Zoning

First Reading

Committee
Date
Chair

Committee: ZONING
Date: Oct 14, 2003
Chair: [Signature]

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

Refer To:

Committee: [Signature]
Date: 11/18/03
Chair: May Howard
Actions:
Fav, Adv, Held (see rev. side)
Other:
Members: [Signature]
Refer To:

COUNCIL ACTION

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

CERTIFIED

CERTIFIED
DEC 0 1 2003
[Signature]
MUNICIPAL CLERK

CERTIFIED
DEC 0 1 2003
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
DEC 0 9 2003
[Signature]
MAYOR