



City Council  
Atlanta, Georgia

02-0-2185

**AN ORDINANCE AS SUBSTITUTED & AMENDED U-02-37/U-89-1  
BY ZONING COMMITTEE**

AN ORDINANCE TO AMEND ORDINANCE U-89-1, ADOPTED BY CITY COUNCIL APRIL 3, 1989 AND APPROVED BY THE MAYOR APRIL 11, 1989, GRANTING A SPECIAL USE PERMIT FOR A NURSING HOME. PROPERTY LOCATED AT **3734-3760 (AKA 3750) PEACHTREE ROAD, N.E.** FOR THE PURPOSE OF APPROVING A REVISED SITE PLAN.  
OWNER: CANTERBURY COURT  
APPLICANT: SAME  
BY: T. MICHAEL TENNANT AND HAROLD BUCKLEY, JR., ATTORNEYS  
NPU-B COUNCIL DISTRICT 7

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the conditional site plan governing the development of property located at 3734-3760 (aka 3750) Peachtree Road, N.E., and more particularly described by the attached legal description identified as Exhibit A, is hereby deleted in its entirety and a revised site plan entitled "Canterbury Court, Atlanta, Georgia, Architectural Site Plan" prepared by Stevens and Wilkinson, Inc., dated December 2, 2002 and marked received by the Bureau of Planning December 2, 2002 is hereby adopted in lieu thereof.

SECTION 2. The attached document, identified as Exhibit B, consisting of two (2) pages and titled "Canterbury Court, Zoning Conditions" is hereby considered a condition of this site plan amendment and its provisions shall be enforced as such.

SECTION 3. The attached document, identified as Exhibit C, consisting of one (1) page and titled "Canterbury Court, Additional Zoning Conditions" is hereby considered a condition of this site plan amendment and its provisions shall be enforced as such.

SECTION 4. That a copy of the currently governing ordinance, U-89-1, is hereby attached for reference purposes only.

SECTION 5. That any conditions hereby approved (including the 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 6. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.





U-02-37/U-89-1

# Canterbury Court

## ZONING CONDITIONS

Exhibit B

Page 1 of 2

1. Vertical Height of Building.

The Building shall not exceed nine (9) stories, as measured from grade level at the front of the building. The ground level garage that will be entered from the rear only shall not be included in the nine stories. The total elevation of the new construction, calculated from the first floor elevation of the existing building shall not exceed the height of 96' 10".

2. Building Appurtenances.

All HVAC components, back-up generators servicing the Buildings on the site shall be and encased in a sound absorbent structure and shall be concealed from view. Other structures, such as cell phone towers, satellite dishes, etc. that can be seen are prohibited.

3. Vertical Height of Parking Deck and Patio.

Underground parking deck and the landscaped roof top patio shall not exceed one story, with the exception of a landscaped upper roof top patio approximately 60 feet by 90 feet that aligns with the 2<sup>nd</sup> floor level, and is set back approximately 100 feet from the northwest end of the main roof top patio and approximately 20 feet from the southwest edge of the rooftop patio. All exposed exterior walls of the parking deck shall be faced with materials and general architectural detail consistent with the Building.

4. Exterior Lighting.

Exterior lighting shall not trespass onto adjoining properties, fencing or walls. Lamp Posts shall be of minimum height to minimize light spillage. A light study shall be conducted and shared with Brookhaven Civic Neighborhood Association ("BCNA"), whose recommendations shall be followed.

5. Sewer Capacity.

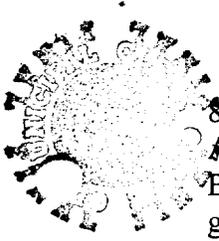
No building permit may be issued for the proposed buildings until: 1) the City of Atlanta has confirmed that adequate sewer capacity exists and 2) all state, federal and local requirements regarding the certification of such adequacy have been followed.

6. Storm Water Runoff.

Storm Water Runoff shall be routed so not to affect Vermont Road. A hydrology analysis/study shall be performed on changes in drainage patterns and runoff volume due to increased impervious surface. All necessary steps shall be taken to prevent any increase in runoff volumes using study recommendations, on site underground retention and on site bogs.

7. Green space.

The area that was originally zoned R-3 will remain as green space with no permanent structures erected. Canterbury Court shall, in good faith, apply for a conservation easement that covers this R-3 area. If its good faith application for a conservation easement is denied, Canterbury Court shall not be guilty of a zoning violation. Walking paths created shall be no closer than 25 feet from the Vermont Road homes rear property lines.



8. Tree Save.

Applicant shall provide a copy of its Tree Save Survey and Tree Replacement Plan to the BCNA Zoning Committee Chair concurrent with the filing of the original with the governmental authorities. All existing mature trees in the Rear Buffer shall be saved. Tree fencing to be placed around drip edge of trees during construction that are near and/or affected by construction, construction vehicles, and building materials. Applicant shall use diligent and best efforts to save all other trees that are not in the footprint of a building structure, parking area, utility location or other site improvements.

9. Fencing.

A solid 6-foot high brick wall shall extend from the corner of Peachtree and Vermont, down Vermont, and turning to follow along the southern boundary line of the first home located at 3717 Vermont Road. It shall then turn and continue to the rear southeast corner boundary of the property located at 3717 Vermont Road. A painted black or green chain link fence shall be erected on the remaining rear property lines of adjacent homes on Vermont Road. The chain link fencing along the rear of properties fronting on Vermont Road shall be set inside the Canterbury property line 10 feet and heavily landscaped on both sides of fence in accordance with Item 10 below. If mature trees interrupt the fence line, the fence shall be diverted around those trees. On the remaining property boundaries, a black or green chain link fence shall be erected.

10. Landscaping along Brick Walls and Fencing.

Landscape trees shall be Magnolias or other broadleaf evergreen, October Glory, Red Sunset Maples, and Shumard and/or Willow Oaks, or other trees mutually agreed upon by BCNA and Canterbury Court's landscape architect. Landscape trees shall be no less than 8 feet tall. Landscape trees shall be planted every 12 feet along the solid brick wall. In addition, mixed floral and evergreen shrubbery shall be planted between trees along the solid brick wall and on both sides of chain link fencing. Applicant shall diligently commence the landscaping before a request for a certificate of occupancy for the Building.

11. Construction Staging.

All staging of construction traffic shall be on site on the Peachtree side or on Peachtree. No construction staging along interior neighborhood streets. No construction parking along interior neighborhood streets.

12. Administrative Modifications.

The Property Owner shall provide a minimum of five (5) days advance written notice to the BCNA Zoning Committee of requests for any administrative modifications.

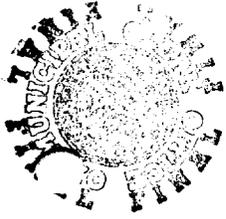
13. Service Areas.

Trash Receptacles and Pickup shall be limited to the service area noted on this site plan.

14. Commencement of Grading.

No grading or other land disturbance activities shall be conducted until a building permit has been issued for the proposed buildings and the City of Atlanta has confirmed that sewer and storm drain facilities are available to the site.

U-02-37 / U-89-1  
Exhibit B  
Page 2 of 2



# Canterbury Court

U-02-37/4-89-1

Exhibit C

Page 1 of 1

## ADDITIONAL ZONING CONDITIONS

1. (Clairfication of Item 5) No building permit (other than a permit limited to grubbing, grading, the installation of new or changes in modifications to existing site infrastructure, including alteration of existing interior roadways) shall be issued permitting the construction of any buildings without written assurance from the City of Atlanta's Commissioner of Public Works that sewer capacity is available and reserved for the site, or will be available to and reserved for the site prior to the completion of construction. Under no circumstances will a Certificate of Occupancy or temporary Certificate of Occupancy be issued unless sewer capacity is confirmed to be available and reserved for the site in writing by said commissioner.
2. (Clarification of Item 6) All storm water detention facilities shall be constructed to replicate the existing storm water detention (bog) and landscaped similarly.
3. (Correction of Item 9) Owners of single-family homes adjacent to property may upgrade fencing along common property lines at their expense. All fencing design changes must be approved by Canterbury Court..
4. (Clarification of Item 3) Total height of any pergola erected on rooftop deck/patio shall not exceed 35' above ground level.
5. Roof top decks/patios of parking facilities will have tree planters with appropriate plant materials to improve the view from the adjoining properties.
6. These conditions of zoning shall be binding upon all successors and assigns of the applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning.
7. Canterbury Court shall provide the BCNA Zoning Committee or its designee with a copy of the final building design drawings. Within 7 days of the receipt of such drawings, the BCNA Zoning Committee or designee shall provide Canterbury Court with written comments on the final building design. Canterbury Court shall review the written comments by the BCNA Zoning Committee or its designee.
8. All of these narrative conditions will be attached to the final site plan filed with the City of Atlanta in addition to those conditions noted on the existing site plan recorded November 26, 2002.

Z-89-10  
U-89-1

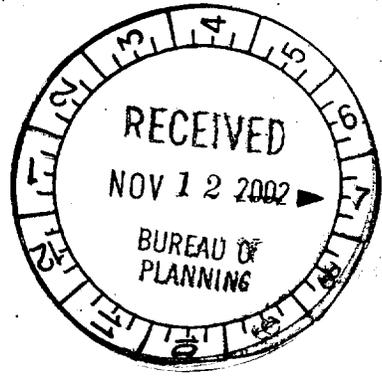


LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 10, 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEAST RIGHT OF WAY (R/W) OF VERMONT ROAD, HAVING A 50' R/W, AND THE NORTHWEST R/W OF PEACHTREE ROAD, HAVING A 80' R/W; THENCE ALONG AFOREMENTIONED NORTHWEST R/W 465.00' TO AN IRON PIN, BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING AFOREMENTIONED R/W N28-46-57W 396.96' TO AN IRON PIN; THENCE N58-06-28E 150.00' TO AN IRON PIN; THENCE N28-50-47W 172.63' TO AN IRON PIN; THENCE N88-50-43E 82.94' TO AN IRON PIN; THENCE N37-32-45E 129.90' TO AN IRON PIN; THENCE S51-23-40E 89.92' TO AN IRON PIN; THENCE S38-42-05E 54.95' TO AN IRON PIN; THENCE S61-39-05E 13.30' TO AN IRON PIN; THENCE N44-17-59W 8.98' TO AN IRON PIN; THENCE N88-48-22E 137.50' TO AN IRON PIN; THENCE S44-01-47E 274.88' TO AN IRON PIN ON THE NORTHWEST R/W OF PEACHTREE ROAD; THENCE ALONG AFOREMENTIONED R/W S46-09-20W 425.60' TO A POINT; THENCE CONTINUING ALONG AFOREMENTIONED R/W A SLIGHT CURVE TO THE RIGHT AN ARC DISTANCE OF 167.84' SUBTENDED BY A CHORD OF S56-42-59W 166.89' WITH A RADIUS OF 455.30' TO A POINT; THENCE CONTINUING ALONG AFOREMENTIONED R/W S67-16-37W 7.73' TO AN IRON PIN, BEING THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.413 ACRES.



U-02-37/U-89-1

Exhibit A

posted  
6-6-89

Clerk of Council  
City of Atlanta

SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Case Number: U-89-1  
Date Filed: 3/9/89

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA  
as follows:

SECTION 1. Under the provisions of Section 16-08.005 Item (1) (i) of the zoning ordinance of the city of Atlanta, a Special Use Permit is hereby granted for a Nursing Home to be located at 3734-3760 Peachtree Road, N.E. for that tract or parcel of land lying and being in Land lot 10 of the 17th district, Fulton County, Georgia being more particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTION

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the zoning ordinance of the city of Atlanta titled, "Special Use Permits, Procedural Requirements," and the building official shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of this ordinance, the applicable conditional site plan, and any other conditions hereby imposed as enumerated below.

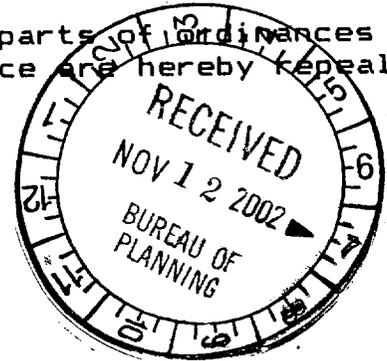
1. Site plan titled, "Margaret White Hancock Expansion at Canterbury Court," prepared by Stevens and Wilkinson, Inc., dated January 17, 1989, and marked received by the Bureau of Planning Zoning Division on January 17, 1989.
2. The "Future Townhomes" shown on the subject site plan shall be deleted and are not permitted hereby.

NOTE: the conditional site plan here approved does not authorize the violation of any zoning district regulation. District regulation variances may be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

(8/26/88)

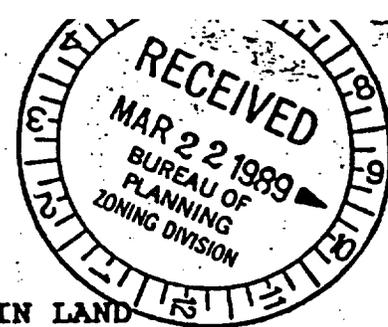
page 1 of 4



A true copy,  
*Jerry C. Powell*  
Deputy Clerk, C.M.C.

ADOPTED by City Council April 3, 1989  
APPROVED by the Mayor April 11, 1989

Z-89-W  
U-89-1



LEGAL DESCRIPTION

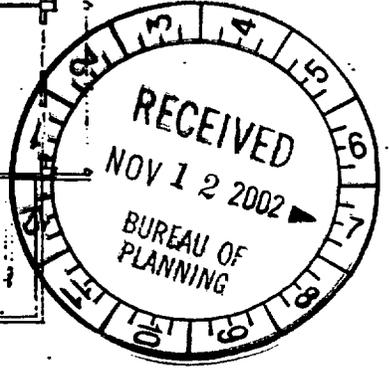
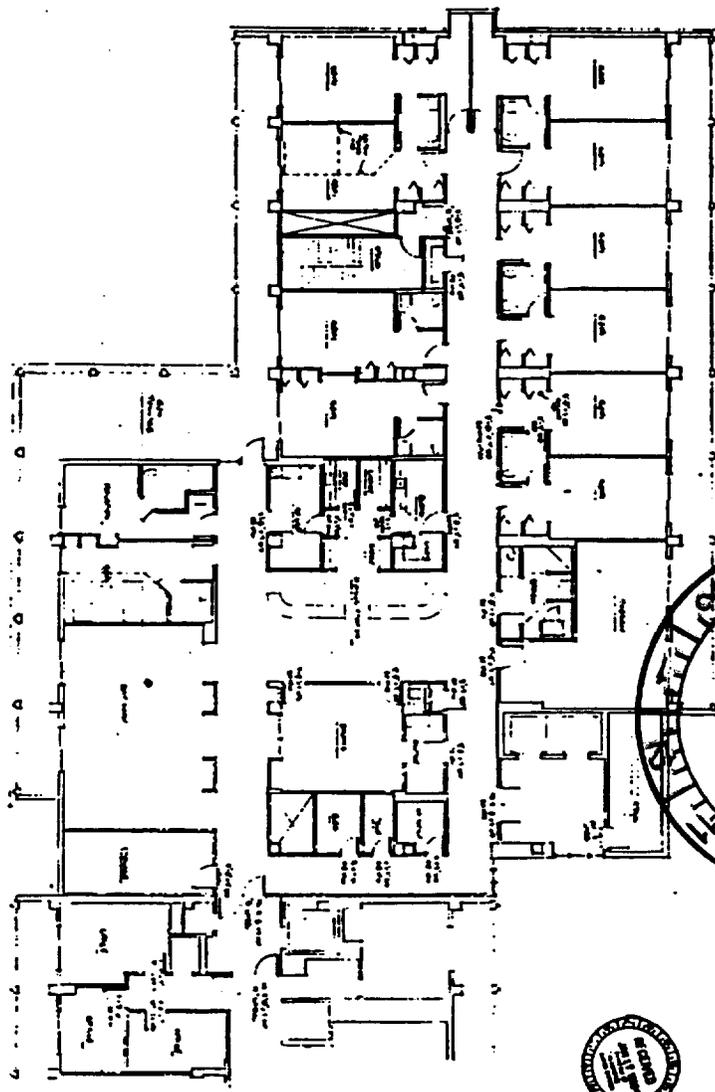
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SAID TRACT CONTAINS 5.413 ACRES.







U-M-1-2

page 4 of 4

SCALE 1/8" = 1'-0" A 4	Prepared Under Contract for the Department of Public Works City of Chicago					
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3/03/03  
2:45 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-2182: Z-02-90/Z-89-10  
02-O-2185: U-02-37/U-89-1  
ADOPT/SUB/AMEND

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

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

MULTIPLE

02-0-2185

(Do Not Write Above This Line)

AN ORDINANCE U-02-37/U-89-1  
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND ORDINANCE  
U-89-1, ADOPTED BY CITY COUNCIL  
APRIL 3, 1989 AND APPROVED BY THE  
MAYOR APRIL 11, 1989, GRANTING A  
SPECIAL USE PERMIT FOR A NURSING  
HOME. PROPERTY LOCATED AT  
3734-3760 (aka 3750) PEACHTREE  
ROAD, N.E. FOR THE PURPOSE OF  
APPROVING A REVISED SITE PLAN.  
OWNER: CANTERBURY COURT  
APPLICANT: SAME  
BY: T. MICHAEL TENNANT AND  
HAROLD BUCKLEY, JR.,  
ATTORNEYS  
NPU-B COUNCIL DISTRICT 7

ADOPTED BY

MAR 0 3 2003

COUNCIL

Substitute As Amended

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

Date Referred 1/6/02

Referred To: ZRB + Zoning

2/3/03 Zoning

First Reading

Committee Zoning  
Date Dec. 16, 2002  
Chair Debra M. Spaw

Committee Zoning  
Date FEB. 26 2003  
Chair Hayley Norwood

Committee Zoning  
Date FEB. 26 2003  
Chair Hayley Norwood

Committee Zoning  
Date FEB. 26 2003  
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Committee Zoning  
Date FEB. 26 2003  
Chair Hayley Norwood

COUNCIL ACTION

2nd  1st & 2nd  3rd  
Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
MAR 0 3 2003  
ATLANTA CITY COUNCIL PRESIDENT  
Catherine M. Wardlaw

CERTIFIED  
MAR 0 3 2003

Rhonda Doughton Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
MAYOR  
Mickie Taylor