

03-0-0422

(Do Not Write Above This Line)

AN ORDINANCE 7-03-05/7-98-40
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND ORDINANCE 2-98-40, ADOPTED BY CITY COUNCIL NOVEMBER 2, 1998 AND APPROVED BY OPERATION OF LAW NOVEMBER 10, 1998, AND SUBSEQUENTLY CORRECTED BY AN ORDINANCE ADOPTED JANUARY 4, 1999 AND APPROVED BY OPERATION OF LAW JANUARY 12, 1999, REZONING FROM THE R-3 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE RG-3-C (RESIDENTIAL GENERAL-SECTOR 3-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT 3525-3529-3533 ROXBORO ROAD, N.E., FOR THE PURPOSE OF APPROVING A CHANGE OF CONDITIONS.
OWNER: GARY BROCK
APPLICANT: HARRISON DESIGN ASSOCIATES
BY: KATIE ANDERSON
NPU-B COUNCIL DISTRICT 7

ADOPTED BY

MAY 0 5 2003

COUNCIL

AS AMENDED

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

Date Referred 3/17/03

Referred To: ZRB & Zoning

First Reading
 Committee: Zoning
 Date: 4/21/30 2003
 Chair: [Signature]
 Action: [Signature]
 Fav, Adv, Held (see rev. side)
 Other: AS AMENDED
 Members: [Signature]
 Refer To: [Signature]

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

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

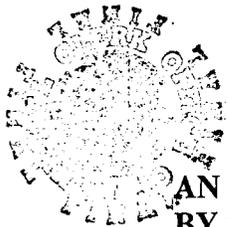
COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 MAY 0 5 2003
 ATLANTA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 MAY 0 5 2003
 [Signature]

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION APPROVED
 [Signature]
 MAYOR



City Council
Atlanta, Georgia

Z-03-05/Z-98-40

**AN AMENDED ORDINANCE
BY ZONING COMMITTEE**

03-0-0422

AN ORDINANCE TO AMEND ORDINANCE Z-98-40, ADOPTED BY CITY COUNCIL NOVEMBER 2, 1998 AND APPROVED BY OPERATION OF LAW NOVEMBER 10, 1998, AND SUBSEQUENTLY CORRECTED BY AN ORDINANCE ADOPTED JANUARY 4, 1999 AND APPROVED BY OPERATION OF LAW JANUARY 12, 1999, REZONING FROM THE R-3 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE RG-3-C (RESIDENTIAL GENERAL-SECTOR 3-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT **3525-3529-3533 ROXBORO ROAD, N.E.**, FOR THE PURPOSE OF APPROVING A CHANGE OF CONDITIONS.

OWNER: GARY BROCK

APPLICANT: HARRISON DESIGN ASSOCIATES

BY: KATIE ANDERSON

NPU-B

COUNCIL DISTRICT 7

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

SECTION 1. That Ordinance Z-98-40, adopted by City Council November 2, 1998 and approved by Operation of Law November 10, 1998 and subsequently corrected by an Ordinance adopted January 4, 1999 and approved by Operation of Law January 12, 1999, rezoning from the R-3 (Single-Family Residential) District to the RG-3-C (Residential General-Sector 3-Conditional) District, property located at **3525-3529-3533 Roxboro Road, N.E.** is hereby amended by deleting condition number 9 which reads: "There shall be no gates at any entrance points" and approving the site plan entitled "Kingsboro Park" prepared by Precision Planning, Inc., dated May 20, 1999, last revised April 17, 2000 and marked received by the Bureau of Planning February 11, 2003, for the purpose of approving the fencing and gates shown thereon.

SECTION 2. That all other previously approved conditions governing the development of this property shall remain in full force and effect.

SECTION 3. That approval of this amended site plan does not authorize the violation of any zoning district regulations. District regulation variances may be approved only by the Board of Zoning Adjustment in response to the application of a petitioner.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

A true copy

Deputy Clerk

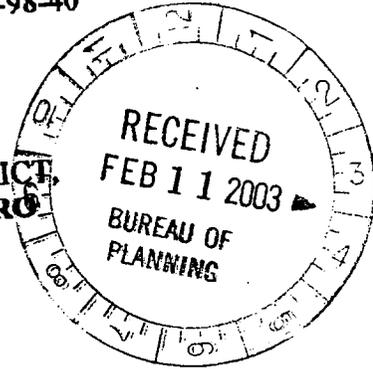
ADOPTED as amended
APPROVED by the Mayor

May 5, 2003
May 13, 2003

Municipal Clerk
Atlanta, Georgia

98-0-1339

Z-98-40



... PROPERTY FROM THE R-3
... (RESIDENTIAL) DISTRICT TO THE RG-4-C
... (SECTOR 4-CONDITIONAL) DISTRICT,
... 3529, 3583 & LOT 8A ON ROXBORO
... OTHER PURPOSES.

... WITH FAULKNER-MOODY
... FAULKNER-MOODY

COUNCIL DISTRICT 7.

THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS

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 3529, 3583 & Lot 8A on Roxboro Road, N.E. be changed from the R-3 (Single-Family Residential) District to the RG-4 (Residential General-Sector 4) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 9 of the 17th District, Fulton County, Georgia, being more particularly shown on the attached map.

SECTION 2 That 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 of the Bureau of Buildings shall issue a building permit for the development of the above-described property only in compliance with the following conditions:

1. The site plan titled, "Roxboro Road & Kingsboro Road Townhouses", by Harrison Design Associates, dated 9/24/98 and stamped received by the Bureau of Planning on 9/25/98
2. Density shall be limited to 8 units.
3. There shall be a 100-foot landscaped buffer along the rear property line for a distance of 100 feet.
4. There shall be no light spillage on adjacent residential properties and the lighting on the subject property shall be directed away from single-family detached residential areas.

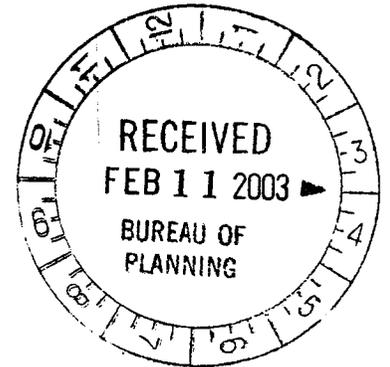
Z-03-05/Z-98-40

ation shall be informed at least one week in
the site plan sought by the Applicant.
ences around the project shall be landscaped so
Kingsboro and Roxboro Roads, nor shall they
Kingsboro Road at any time during construction
e points.

(the conditional site plan) do not authorize the
district regulation variances can be approved only by
ent.

on file in the Office of Municipal Clerk, be changed

ordinances in conflict with this ordinance are hereby



A true copy.

Rhonda Dauphin Johnson
Municipal Clerk, UML

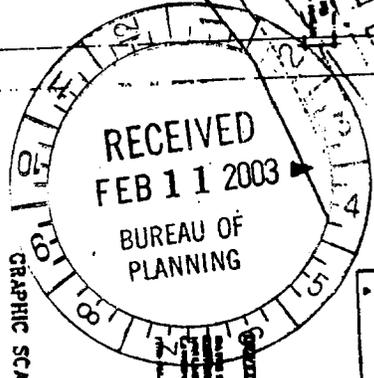
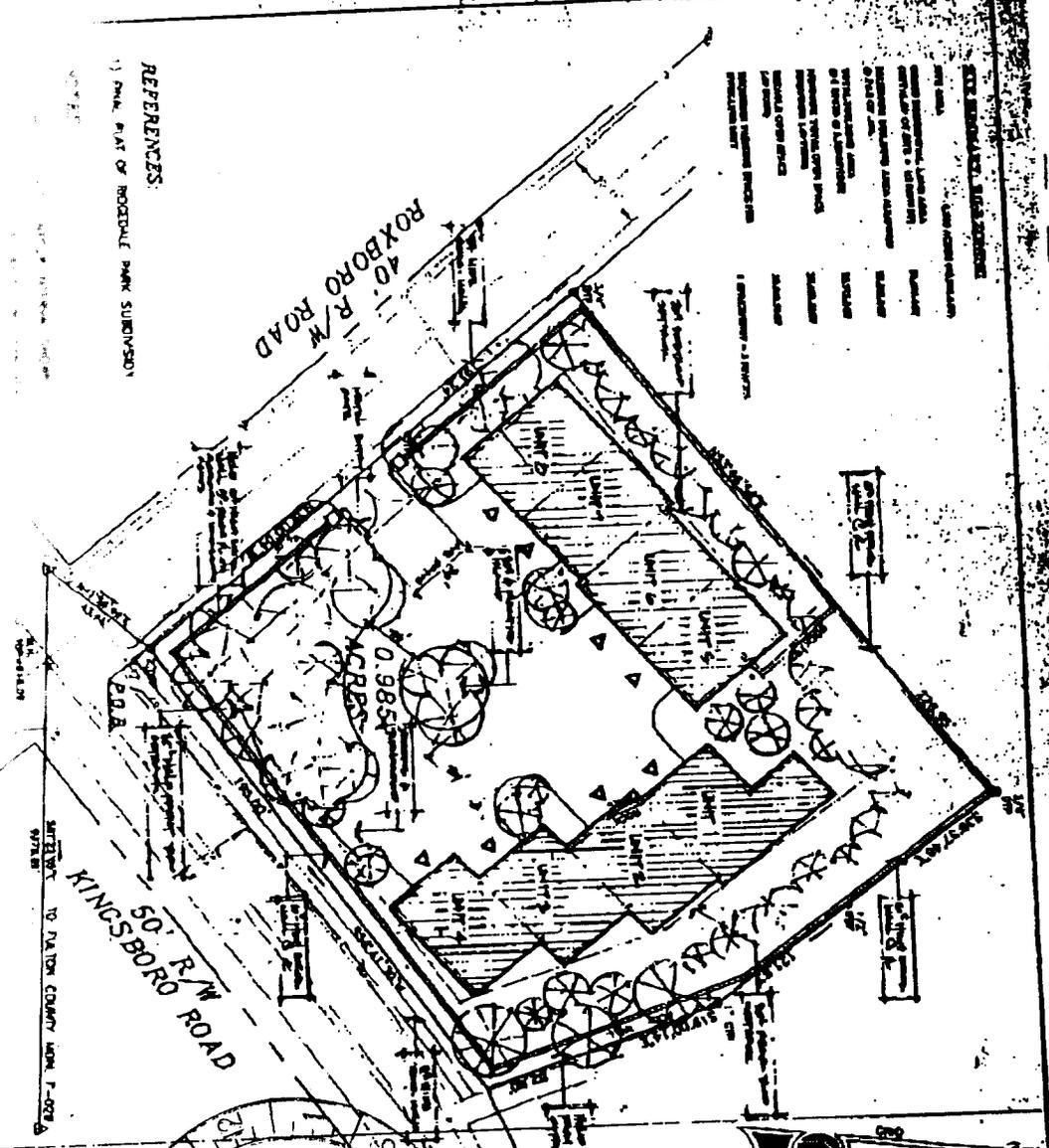
ADOPTED as amended by Council November 02, 1998
RETURNED WITHOUT SIGNATURE BY THE MAYOR
APPROVED as per Section 2-403 of the 1996 Charter

2-03-05/2-98-4

REFERENCES:

1) P&A Plat of Hospital Park Subdivision

NO.	DESCRIPTION	DATE
1
2
3
4
5
6
7
8
9
10



Z-03-05/Z-9840



Job No.	4046587491
Client	...
Project	...
Drawn By	...
Checked By	...
Date	...
Scale	1" = 40'
Sheet No.	1 OF 1

PRECISION PLANNING, INC.
 WAYNE H. MASON
 CARY BROCK



98-2299

Municipal Clerk
Atlanta, Georgia

Z-98-40

FINANCE

TO REZONE PROPERTY FROM THE R-3
(SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE RG-3-C
(RESIDENTIAL GENERAL-SECTOR 3-CONDITIONAL) DISTRICT,
LOCATED AT 3529, 3583 & LOT 8A ON ROXBORO
AND FOR OTHER PURPOSES.

ELIZABETH FAULKNER-MOODY
ELIZABETH FAULKNER-MOODY

COUNCIL DISTRICT 7

COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY

WHEREAS, on the 2nd day of November, 1998, the City Council rezoned the
mentioned property from the R-3 (Single-Family Residential) District to
the RG-3-C (Residential General-Sector 4-Conditional) District; and

WHEREAS, in addition to rezoning said property, there were nine (9) conditions
attached to and made a part of said rezoning; and

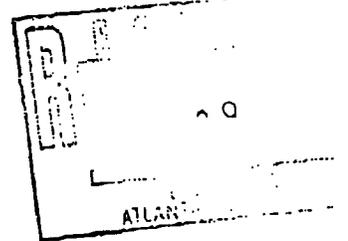
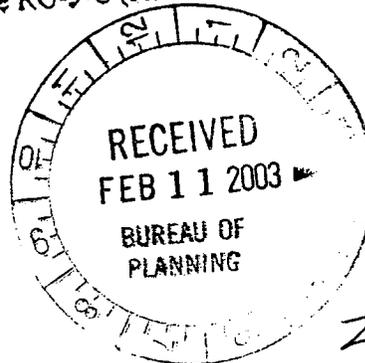
WHEREAS, the same was not vetoed by the Mayor, however, certain conditions
were incorrect in accordance with the recommendation from staff and the Zoning
Committee; and

WHEREAS, the property should not have been rezoned to the R3-4-C
(Residential General-Sector 4-Conditional) District, but should have been rezoned
to the RG-3-C (Residential General-Sector 3-Conditional).

NOW, THEREFORE, for and in consideration of the aforementioned, the City
Council of the City of Atlanta, Georgia, hereby ordains:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and
maps established in connection therewith be changed so that the following property
located at 3529, 3583 & Lot 8A on Roxboro Road, N.E. be changed from the R-3
(Single-Family Residential) District to the RG-3-C (Residential General-Sector 3-
Conditional) District, to wit:

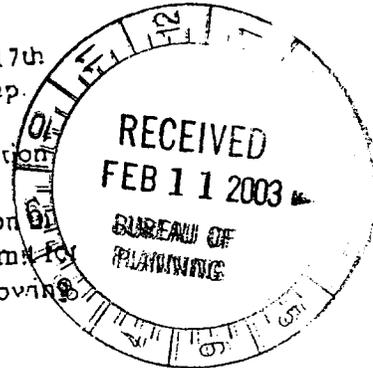
Page 4 of 5



Z-03-05/Z-98-40

of land lying and being in Land Lot 9 or the 17th being more particularly shown on the attached map.

... is approved under the provisions of Section ... of the City of Atlanta entitled, "Conditional use of the suffix 'C' after the district designation ... the Bureau of Buildings shall issue a building permit for ... described property only in compliance with the following:



... Roxboro Road & Kingsboro Road Townhouses," by ... subjects, dated 9/24/98 and stamped received by the Bureau of

... to 8 units.

... landscaped buffer along the rear property line for a

... spillage on adjacent residential properties and the lighting ... shall be directed away from single-family detached

... Neighborhood Association shall be informed at least one ... any administrative changes to the site plan sought by the

... columns, walls and fences around the project shall be

... to soften these exteriors.

... shall be placed along Kingsboro and Roxboro Road, nor shall they ... feet in height.

... construction traffic on Kingsboro Road at any time during

... the proposed development.

... gates at any entrance points.

The conditions hereby approved (including the conditional site plan) do not authorize the ... of any zoning district regulations. District regulation variances can be approved ... application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of Municipal Clerk, be changed to conform to the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Page 5 of 5

A true copy,

Florida Daughin Johnson
Municipal Clerk, CMO

ADOPTED by the Council January 04, 1999
RETURNED WITHOUT SIGNATURE BY THE MAYOR
APPROVED as per Section 2-403 of the 1996 Charter

2-03-05/2-98-4



CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

68 MITCHELL STREET, S.W.
SUITE 4900, CITY HALL SOUTH
ATLANTA, GEORGIA 30303-3531
TEL. 404 330-6501
FAX 404 658-7085

TRAFFIC & TRANSPORTATION
SANDRA D. JENNINGS, P.E.
Manager, Traffic Operations/Planning
GORDON R. BUNDY
Manager, Traffic Signals/Street Lights

April 3, 2003

MEMORANDUM

TO: John A. Bell
Zoning Administrator
Bureau of Planning

FROM: Nursef Kedir *NK*
Principal Traffic Engineer
Department of Public Works/Traffic & Transportation

SUBJECT: Transportation analysis for a rezoning of 3533 Roxboro Road, N.E.

REC'D APR - 3 2003

CASE FACTS

ZRB Hearing Date: April 10, 2003
Case Number: Z-03-05/Z-98-40
Property Address: 3533 Roxboro Road, N.E.
Applicant: Harrison Design Associates c/o Katie Andersen
Existing Use:
Proposed Use: Grant a site plan amendment removing a zoning condition which states "There shall be no gates at any entrance points"
Requested Action: Grant a site plan amendment removing a zoning condition which states "There shall be no gates at any entrance points"

TRANSPORTATION ANALYSIS

Review of the submitted site plan reveals that the proposed gate would be located 19 feet from edge of sidewalk. When residents and visitors try to enter the property, they could block pedestrian way. In addition, when visitors would not be unable to enter the property, they would be forced to back out onto Roxboro Road creating safety hazard for pedestrians and drivers.

RECOMMENDATIONS

We are not opposed to the requested Site Plan Amendment to install a gate provided that the following conditions are met:

1. The location of the gate shall be at least 25 feet from the inside edge of the sidewalk to insure that pedestrian way is not blocked by vehicles while opening the proposed gate.
2. A turnaround area for visitors shall be provided to avoid backing out onto Roxboro Road and pedestrian way.

nk

cc: Sandra D. Jennings, P.E.
Lorn Whittaker
Correspondence File

RCS# 4703
5/05/03
6:07 PM

Atlanta City Council

Regular Session

03-O-0422 Z-03-05/Z-98-40; 3525-3533 Roxboro Rd.,
 B-7; Change of Conditions
 ADOPT AS AMEND

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

COMMITTEE AMENDMENT FORM

DATE: 04/30/03

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #03-O-0422 SECTION (S)

RESOLUTION I. D. #03-R- PARA.

AMENDS THE LEGISLATION BY INCORPORATING THE TWO RECOMMENDATIONS CONTAINED IN THE LETTER FROM THE BUREAU OF TRAFFIC AND TRANSPORTATION DATED APRIL 3, 2003 ADDRESS TO JOHN A. BELL AS CONDITIONS OF THE APPROVAL.

AMENDMENT DONE BY COUNCIL STAFF 4/30/03.

Amendment ^{proved} ~~incorporated~~ by KPP/OMC

(See last attachment)

5/07/03

City Council
Atlanta, Georgia

Z-03-05/Z-98-40

AN ORDINANCE

BY: ZONING COMMITTEE

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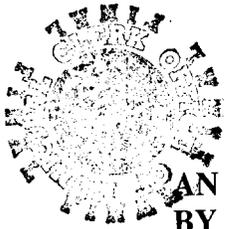
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City Council
Atlanta, Georgia

Z-03-05/Z-98-40

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BY ZONING COMMITTEE**

03-0-0422

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OWNER: GARY BROCK
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BY: KATIE ANDERSON
NPU-B COUNCIL DISTRICT 7

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