



AN ORDINANCE

03-0 -1347

BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO TRANSFER THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CODE OF ORDINANCES, FOR A RESIDENTIAL SUBDIVISION TO BE LOCATED AT 1426, 1436, AND 1446 PEACHTREE BATTLE AVENUE, NW, AND TO THEN CONSTRUCT 2,145 SQUARE FEET OF SIDEWALKS ALONG THE SOUTHERN SIDE OF HILLSIDE DRIVE, BETWEEN POWERS FERRY ROAD AND BROADLAND ROAD; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application of Atlanta Real Estate Acquisitions, L.L.C., for a subdivision located at 1426, 1436, and 1446 Peachtree Battle Avenue, NW, the developer is required to comply with the provisions of Section 15-09.003 of the Code of Ordinances to provide sidewalks; and

WHEREAS, the construction of sidewalks along the frontage of 1426, 1436, and 1446 Peachtree Battle Avenue, NW, would adversely affect the appearance and character of the neighborhood due to the lack of existing sidewalks along Peachtree Battle to which the new sidewalks could connect; and

WHEREAS, in addition, if the sidewalk is constructed along this section of Peachtree Battle, quite a few mature trees would have to be eliminated and a variance from the state stream buffer would be needed because there is a culvert under the road in front of this site and a drainage ditch on the property; and

WHEREAS, residents living along Hillside Drive have had a ongoing campaign for sidewalks for their street, as it is used as a cut-through from Northside Drive to Powers Ferry; and

WHEREAS, Hillside Drive is also quite narrow and pedestrians cannot walk in the street because of this, and the many mothers with small children living along Hillside are concerned for their safety as they walk or push strollers; and

WHEREAS, because of eminent safety concerns on Hillside Drive, sidewalks along Hillside are an immediate priority; therefore, in lieu of sidewalks on Peachtree Battle, sidewalks should be constructed on Hillside Drive.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:



SECTION 1: That the requirements of Section 15-09.003 of the Code of Ordinances are hereby transferred for the construction of 2,145 square feet of sidewalk that would have been constructed along the 429 linear feet fronting the subdivision located at 1426, 1436, and 1446 Peachtree Battle Avenue, NW.

SECTION 2: That all other requirements of the Code of Ordinances for the subdivision located at 1426, 1436, and 1446 Peachtree Battle Avenue, NW shall remain in full force and effect.

SECTION 3: That the issuance of said building permit shall be conditioned on the written agreement of the applicant to construct 2,145 square feet of 4 foot sidewalk, complying with the City of Atlanta's specifications for sidewalks construction, on the southern side of Hillside Drive, between Powers Ferry Road and Broadland Road.

SECTION 4: That all ordinances and parts of ordinances in conflict herewith be and the are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 15, 2003
SEP 23, 2003

RCS# 5027
9/15/03
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-13, EXCEPT:03-R-1449
03-R-1460, 03-R-1463
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 2

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
<ol style="list-style-type: none"> 1. 03-O-1347 2. 03-O-1451 3. 03-O-1311 4. 03-O-1443 5. 03-O-1319 6. 03-O-1317 7. 03-O-1441 8. 03-O-1447 9. 03-O-1109 10. 03-O-1329 11. 03-O-1330 12. 03-R-1371 13. 03-R-1372 14. 03-R-1373 15. 03-R-1374 16. 03-R-1437 17. 03-R-1458 18. 03-R-1459 19. 03-R-1383 20. 03-R-1446 21. 03-R-1456 22. 03-R-1316 23. 03-R-1337 24. 03-R-1381 25. 03-R-1382 26. 03-R-1449 27. 03-R-1390 28. 03-R-1392 29. 03-R-1393 30. 03-R-1394 31. 03-R-1395 32. 03-R-1396 33. 03-R-1397 34. 03-R-1398 	<ol style="list-style-type: none"> 35. 03-R-1399 36. 03-R-1400 37. 03-R-1401 38. 03-R-1402 39. 03-R-1403 40. 03-R-1404 41. 03-R-1405 42. 03-R-1406 43. 03-R-1407 44. 03-R-1408 45. 03-R-1409 46. 03-R-1410 47. 03-R-1411 48. 03-R-1412 49. 03-R-1413 50. 03-R-1414 51. 03-R-1415 52. 03-R-1416 53. 03-R-1417 54. 03-R-1418 55. 03-R-1419 56. 03-R-1420 57. 03-R-1421 58. 03-R-1422 59. 03-R-1423 60. 03-R-1424 61. 03-R-1425 62. 03-R-1426 63. 03-R-1427 64. 03-R-1428 65. 03-R-1429 66. 03-R-1430 67. 03-R-1431 68. 03-R-1432

Consent I Vote: 10 Yeas; 0Nays: (See RCS #5027) ; 9Yeas; 0Nays: (See RCS #5008)

Items Removed from the Consent Agenda: 03-R-1460; 03-R-1463; Mitchell abstained on 03-R-1449;

03-0-1347
(Do Not Write Above This Line)

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ADOPTED BY
SEP 1 5 2003
COUNCIL

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

Date Referred: 8/18/03
 Referred To: City Utilities
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee
 Date 8/26/03
 Chair
 Referred To

Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members

Committee
 Date 9/2/03
 Chair
 Referred To

Refer To

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

CERTIFIED

CERTIFIED
 SEP 1 5 2003

ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Kirkland

CERTIFIED
 SEP 5 2003

Rick Douglas
 MUNICIPAL CLERK

MAYOR'S ACTION

Andy...