

City Council  
Atlanta, Georgia

03-0-1992

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-03-73  
10-14-03

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, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **2309 and 2329 Adams Drive, N.W.** be changed from the **R-4 (Single-Family Residential)** District to the **PD-H (Planned Development-Housing)** District, to wit:

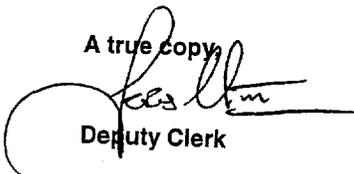
ALL THAT TRACT or parcel of land lying and being in Land Lot **230** of the **17<sup>th</sup>** District of **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

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 That all ordinance or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

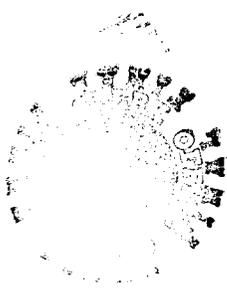
A true copy



Deputy Clerk

ADOPTED as amended by the Council  
APPROVED by the Mayor

JAN 20, 2004  
JAN 28, 2004



## CONDITIONS FOR Z-03-73

1. Site plan entitled "Site Plan" prepared by Betterton Surveying and Design, Inc., dated November 21, 2003 and marked received by the Bureau of Planning November 24, 2003.
2. The attached letter from John Andrew Nix to John A. Bell, Zoning Administrator, City of Atlanta, consisting of two (2) pages, and identified as Exhibit A is hereby considered a condition of this rezoning and its provisions shall be enforced as such except Condition #1 which is hereby deleted.

# MADDOX, NIX, BOWMAN & ZOECKLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

945 BANK STREET

POST OFFICE DRAWER 1017  
CONYERS, GEORGIA 30012-1017

TELEPHONE: 770-922-7700

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ATLANTA OFFICE:  
170 MITCHELL STREET, S.W.  
ATLANTA, GA 30303  
404-524-0700

PLEASE REPLY TO  
CONYERS OFFICE

ROBERT W. MADDOX  
JOHN ANDREW NIX  
THOMAS A. BOWMAN  
ROBERT L. ZOECKLER  
MARVIN J. HARKINS

3 December 2003

## VIA HAND DELIVERY

Mr. John A. Bell  
Zoning Administrator  
City of Atlanta  
68 Mitchell Street, S.W., Suite 3350  
Atlanta, Georgia 30335

2-02-03  
REC'D DEC - 4 2003

Re: Rezoning Application Regarding 2309 Adams Drive, N.W.

Dear John:

As discussed, neighborhood representatives have requested that the applicant impose 5 conditions. These conditions are as follows:

- ~~1. Replacement Trees: Builder will comply with the City of Atlanta tree ordinance. In addition, all required replacement trees will be no less than 3" caliber inch as a minimum, but will not exceed a 6" caliber maximum. Builder with the City of Atlanta arborist and neighborhood representative will determine the appropriate size and type of replacement trees for each lot after final grades have been established.~~
- Construction Hours: Construction and material delivery will be limited as follows: Monday - Friday between the hours of 7am & 7pm; Saturday between 9am & 6pm; No work will occur on holidays and Sunday. Signs concerning this condition will be posted in both English and Spanish along with penalties for violating said condition. Builder agrees to enforce said penalties in an effort to ensure compliance with this condition.
- Construction parking and deliveries: All construction related parking, with the exception of deliveries, will be contained to the physical site and not on the street. Street parking for deliveries will be limited in time to the duration of the delivery. Deliveries will be in accordance with construction hours described above. All delivery vehicles will restrict ingress and egress to the construction site via Marietta Boulevard.
- Site plans: All site plans, including but not limited to overall plan, grading, utility, etc. will contain all of these conditions.

Exhibit A  
Page 1 of 2

Mr. John A. Bell  
Zoning Administrator  
City of Atlanta  
3 December 2003  
Page 2

5. Greenspace: The area of approximately 2.3 acres designated as "Green Space/ Conservation Easement" on the site plan will be donated to a conservation organization or the City of Atlanta to be maintained as a permanent natural greenspace in perpetuity.

These conditions are acceptable to the applicant and we ask that our application be amended to include them. Since condition 4 requires that the conditions be placed on the site plan, we will tender a final revised site plan at the ZRB hearing Thursday evening that includes these conditions. (The revised plan also corrects several minor errors that were on the site plan submitted last week.)

Thank you, and please call if you have any questions.

Sincerely,



John Andrew Nix

JAN/mbc

Exhibit A  
page 2 of 2

LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 230 of the 17th District, Fulton County, Georgia, City of Atlanta, and being more particularly described as follows:

Beginning at a point on the east right-of-way of Adams Drive (40' R/W), said point being 860.00 feet along said right-of-way from the intersection of East right-of-way of Adams Drive with the north right-of-way of LaDawn Lane; then traveling along the east right-of-way of Adams Drive

THENCE North 01 degrees 28 minutes 03 seconds West for a distance of 184.57 feet to a point; then continuing along said right-of-way

THENCE North 01 degrees 19 minutes 09 seconds West for a distance of 56.54 feet to a point; then leaving said right-of-way

THENCE North 88 degrees 18 minutes 56 seconds East for a distance of 204.83 feet to a point;

THENCE North 01 degrees 29 minutes 50 seconds West for a distance of 73.69 feet to a point;

THENCE South 88 degrees 08 minutes 36 seconds West for a distance of 204.60 feet to a point on the east right-of-way of Adams Drive; then traveling along said right-of-way

THENCE North 01 degrees 19 minutes 09 seconds West for a distance of 113.90 feet to a point; then leaving said right-of-way

THENCE North 84 degrees 41 minutes 12 seconds East for a distance of 241.80 feet to a point;

THENCE South 01 degrees 08 minutes 18 seconds East for a distance of 260.06 feet to a point;

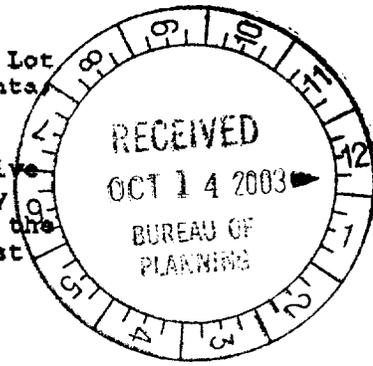
THENCE South 87 degrees 30 minutes 55 seconds East for a distance of 343.18 feet to a point;

THENCE South 01 degrees 26 minutes 09 seconds East for a distance of 169.23 feet to a point;

THENCE South 89 degrees 22 minutes 50 seconds West for a distance of 582.73 feet to the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 3.477 acres more or less.



2-03-73

**LARGE ATTACHMENT:**

**DOCUMENT(S),**

**MANUAL(S)**

**OR**

**MAP(S)**

**NOT COPIED,**

**PULL ORIGINAL**

**FOR COPY OR TO VIEW**

RCS# 5354  
1/20/04  
2:52 PM

Atlanta City Council

Regular Session

MULTIPLE 03-O-1989;Z-03-70 AND 03-O-1992;Z-03-73

ADOPT AS AMEND

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 3

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

MULTIPLE

03-1992

(Do Not Write Above This Line)

AN ORDINANCE Z-03-73  
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE PD-H (PLANNED DEVELOPMENT-HOUSING) DISTRICT, PROPERTY LOCATED AT 2309 AND 2329 ADAMS DRIVE, N.W., FRONTING 241.11 FEET ON THE EAST SIDE OF ADAMS DRIVE BEGINNING 860 FEET NORTH FROM THE NORTHEAST CORNER OF LA DAWN LANE. PROPERTY ALSO FRONTS 113.90 FEET ON THE EAST SIDE OF ADAMS DRIVE APPROXIMATELY 70 FEET NORTH OF THE PREVIOUSLY REFERENCED FRONTAGE. DEPTH: VARIES; AREA: 3.477 ACRES; LAND LOT 230, 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA.

OWNER: MARIETTA ROAD III, LLC  
APPLICANT: BROCK BUILT, LLC  
BY: ROBERT L. ZOECKLER, ATTYNY  
NPU-D COUNCIL DISTRICT 9

ADOPTED BY

JAN 20 2004

COUNCIL

*As Amended*

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

Date Referred 11/17/03

Referred To: ZRB & Zoning

First Reading

Committee  
Date  
Chair

Committee  
Date  
Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

COUNCIL ACTION

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

CERTIFIED

JAN 20 2004

CERTIFIED

JAN 20 2004

*Randy...*  
MUNICIPAL CLERK

MAYOR'S ACTION

*Andy...*

JAN 28 2004

MAYOR