

10-0-0025

(Do Not Write Above This Line)

An Ordinance 2-09-28
By Councilmember

An Ordinance to rezone property from RLC-C (Residential Limited Commercial-Conditional) District to RLC-C (Residential Limited Commercial-Conditional) District, property located at 2867 Piedmont Road, NE, for the purpose of a change in conditional. Property fronts approximately 116.35 feet on the east side of Piedmont Road at the southeast corner of Elliott Circle and Piedmont Road.
Depth: Approximately 362 Feet
Area: Approximately 0.502 Acre
Land Lot: 47, 17th District, Fulton County, Georgia
Owner: Soon R. Hoh
Applicant: Soon R. Hoh
NPU-B Council District

ADOPTED BY
MAY 03 2010

AS AMENDED COUNCIL

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

Date Referred: 11/10
Referred To: TRBT Zoning
Date Referred
Referred To:
Date Referred
Referred To:

Committee _____
Date _____
Chair _____
Referred To _____

First Reading

Zoning
Date 2/28/2010
Chair [Signature]
Action Fav, Adv, Hold (see rev. side)
Other AS REFERRED

Members [Signature]
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____

Members [Signature]
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____

Members [Signature]
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____

Members [Signature]
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____

Members [Signature]
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____

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

CERTIFIED

CERTIFIED
MAY 03 2010
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
MAY 03 2010
Ruth Campbell Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 11 2010
[Signature]
MAYOR



City Council
Atlanta, Georgia

10-0-0025

AN ORDINANCE
BY:

Z-09-28
Date Filed: 7-15-09

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 **2867 Piedmont Road, N.E.** be changed from RLC-C (Residential Limited Commercial-Conditional) to RLC-C (Residential Limited Commercial-Conditional), for the purpose of a change in conditions to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 47, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

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 suffice "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 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,

Rhonda Daughlin Johnson
Municipal Clerk

ADOPTED as amended by the Council
APPROVED by Mayor Kasim Reed

MAY 03, 2010
MAY 11, 2010

EXHIBIT "A"

LEGAL DESCRIPTION

REL.

JUL 15 2009

BUREAU OF
PLANNING**Tract One:**

All that tract or parcel of land lying and being in Land Lot 47 of the 17th District of Fulton County, Georgia, being Lot 8 of Block A of the Jesse M. Elliott Subdivision a/k/a Piedmont Terrace, per Plat Book 10, Page 122, Fulton County, Georgia records, less and except that property sold in Fulton County at Deed Book 3452, Page 550, Fulton County, Georgia records, and being more particularly described as follows:

Z-09-28

BEGINNING at a point on the easterly side of Piedmont Road, 1,363.6 feet south of the north land lot line of Land Lot 47, which iron pin is at the northwest corner of Lot 7 in Block A of said subdivision, running thence North 1 degree 48 minutes 31 seconds East a distance of 58.63 feet to a point; thence curving northerly and easterly along Piedmont Road Elliott Circle with a bearing of North 31 degrees 16 minutes 31 seconds East and a radius of 23.08 feet a length of 23.74 feet and a chord distance of 22.71 feet to an iron pin found; thence South 56 degrees 50 minutes 6 seconds East a distance of 285.34 feet to an iron pin found; thence South 38 degrees 48 minutes 27 seconds West a distance of 9.81 feet to an iron pin found; thence North 70 degrees 48 minutes 37 seconds West a distance of 260.84 feet to an iron pin found and POINT OF BEGINNING, all as more particularly shown on a survey for Jeff Notrica by Solar Land Surveying Company dated July 18th, 1997, and being that same property described at Deed Book 7292, Page 338, Fulton County, Georgia records.

Tract Two:

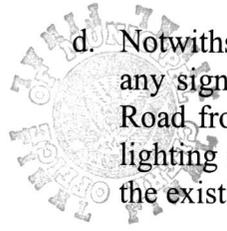
All that tract or parcel of land lying and being in Land Lot 47 of the 17th District of Fulton County, Georgia, being Lot 7 of Block A of the Jesse M. Elliott Subdivision a/k/a Piedmont Terrace, per Plat Book 10, Page 122, Fulton County, Georgia records, less and except that property, if any, conveyed to Fulton County, and being more particularly described as follows:

BEGINNING at a point on the east side of Piedmont Road 1,363.6 feet south of the north Land Lot line of Land Lot 47, which iron pin is located in the southwest corner of Lot 8, as presently constituted, of said subdivision; thence South 70 degrees 48 minutes 37 seconds East a distance of 260.84 feet to an iron pin found; thence South 50 degrees 15 minutes 8 seconds East a distance of 41 feet to an iron pin found; thence North 78 degrees 55 minutes 51 seconds West a distance of 283.5 feet to an iron pin found on the east side of Piedmont Road; thence North 00 degrees 21 minutes 18 seconds East a distance of 57.52 feet to an iron pin found and POINT OF BEGINNING, all as more particularly shown on a survey for Jeff Notrica by Solar Land Surveying Company dated July 18th, 1997 and being the same property described at Deed Book 8040, Page 188, Fulton County, Georgia records.

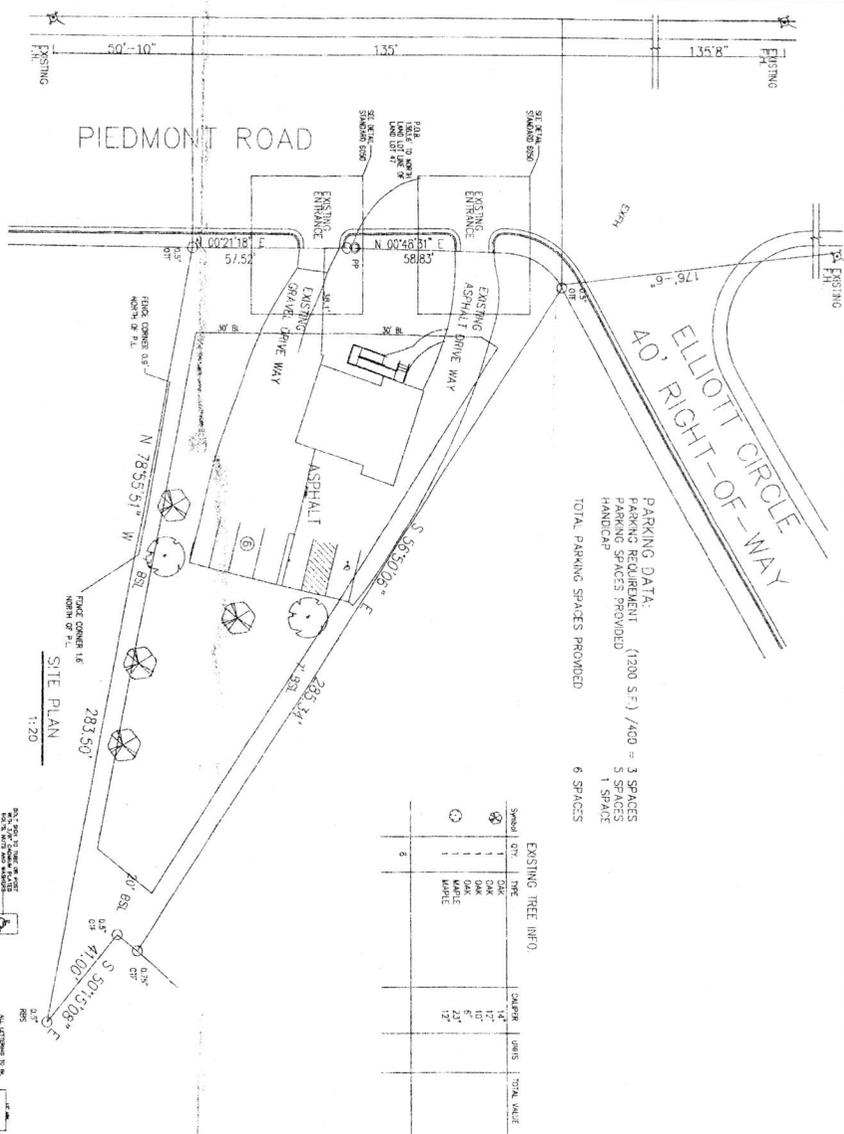
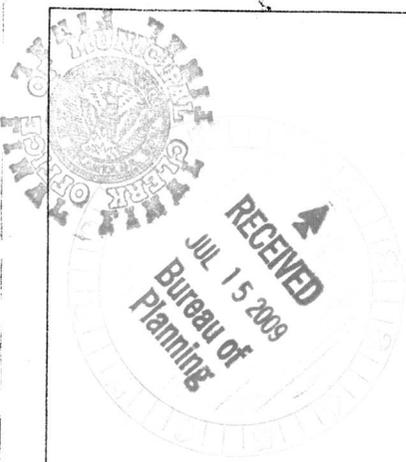


Conditions for Z-09-28 for 2867 Piedmont Road, N.E.

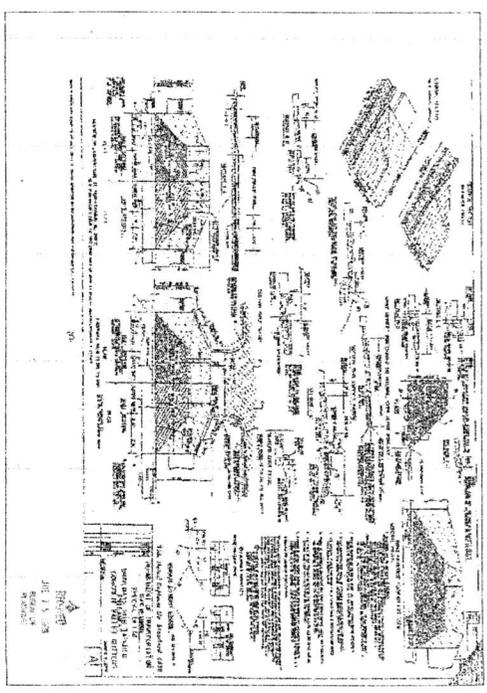
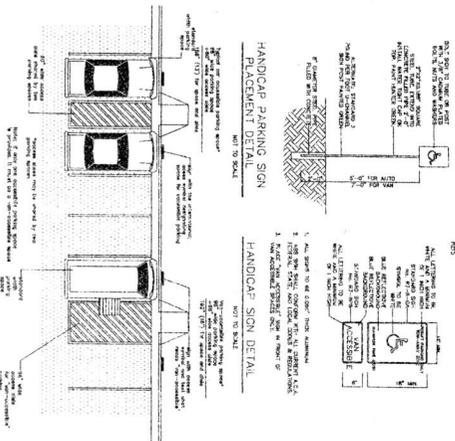
1. A site plan by Custom Design & Development Corporation dated 2/27/2007 and marked received by the Bureau of Planning July 15, 2009.
2. The structure located on the subject property (as identified on the site plan), shall not be demolished or enlarged. This condition shall not prohibit the conduct of necessary and and/or desired repairs and/or renovations.
3. The following residential use shall be permitted on the Subject Property: single-family dwellings.
4. The following non-residential uses shall be permitted on the Subject Property: offices; studios; clinics (other than veterinary); clinical laboratories; and specialty shops, such as antique stores, gift shops, boutiques, art and craft stores, hair salons, beauty salons, barber shops, day spas and apothecary shops, provided no such establishment shall occupy more than 2,000 square feet of floor area. Tattoo shops, massage studios and adult businesses (as defined in the City of Atlanta Zoning Ordinance) are expressly prohibited.
5. The non-residential uses permitted pursuant to Condition No. 4 above, shall be subject to the following operational restrictions:
 - a. The hours of operation shall be restricted to 7:00 AM to 7:00 PM.
 - b. The subject property shall not be rented or leased for events and/or activities unrelated to the use approved by the City of Atlanta Bureau of Buildings.
6. Prior to the issuance of a certificate of occupancy for the business located on the Subject Property, the following site conditions shall be in place:
 - a. A fence shall be constructed near the north property line for the length of the property line in compliance with the City of Atlanta Zoning Ordinance in such a manner that a landscaped buffer between the fence and the adjacent property may be installed that shields the fencing from the adjacent property.
 - b. All new paved areas used for parking shall be located on the south side of the structure currently located on the Subject Property. To the extent that any new parking does not conflict with the requirements of the City of Atlanta Code of Ordinances, said parking shall be paved only with gravel.
 - c. Any proposed dumpster located on the subject property shall be on the south side of the structure currently located on the Subject Property and shall be screened and covered.

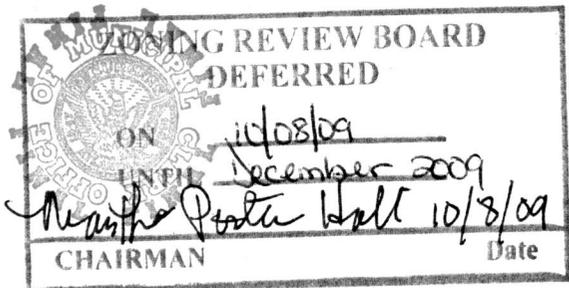


d. Notwithstanding the standards contained within the City of Atlanta Sign Ordinance, any signage associated with the subject property shall be restricted to the Piedmont Road frontage. The permissible signage shall be monument type only and no neon lighting shall be permitted and no neon signage shall be permitted in any windows of the existing structure.



PARKING DATA:
 PARKING REQUIREMENT (1200 S.F.) / 450 = 3 SPACES
 PARKING SPACES PROVIDED 5 SPACES
 HANDICAP 1 SPACE
 TOTAL PARKING SPACES PROVIDED 6 SPACES





LICENSING REVIEW BOARD
DEFERRED

ON 10/08/09
UNTIL December 2009

Martha Patten Holt 10/8/09

CHAIRMAN

Date

DEPARTMENTAL AUTHORIZATION


ZONING REVIEW BOARD
DEFERRED
10/08/09
December 2009
Maura P. Holt 10/8/09
CHAIRMAN Date

DEPARTMENTAL AUTHORIZATION

RCS# 217
5/03/10
2:46 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 10-O-0323, 10-O-0405, 10-O-0025, 10-O-0045

ADOPT AS AMEND

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	B Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE