

10-0-0024
(Do Not Write Above This Line)

An Ordinance Z-09-27
By Councilmember

An Ordinance to rezone from the RG-3 (Residential General-Sector 3) District to the MR-5A (Multi-Family Residential) District and RG-3C (Residential General-Sector 3-Conditional) District, property located at 240 Colonial Homes Drive, NW, fronting approximately 875 feet on the north and south side of Colonial Homes Drive beginning approximately 680 feet from the west corner of Peachtree Road.

Depth: Varies Area: Approximately 20.76 Acres

Land Lots: 110 and 111, 17th District, Fulton County, Georgia

Owner: Pope and Land Enterprises, Inc.

Applicant: Pope and Land Enterprises, Inc.
NPU-C Council District 8

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

Date Referred

1/4/10

Referred To:

ZRB+Zoning

Date Referred

Referred To:

ADVERSED

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee
ZONING
Date
July 14, 2010
Chair
[Signature]

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

Members

Refer To

Committee

Date

Chair

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

Members

Refer To

Committee
ZONING
Date
Sept. 1, 2010
Chair
[Signature]

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

Members

Refer To

Committee

Date

Chair

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

Members

Refer To

FINAL COUNCIL ACTION

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

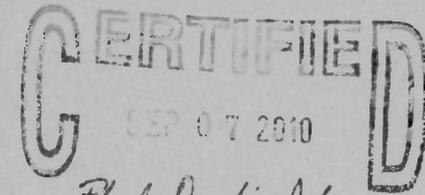
CERTIFIED



SEP 07 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]



SEP 07 2010

Rhonda Daughin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

RCS# 546
9/07/10
4:44 PM

Atlanta City Council

REGULAR SESSION

10-O-0024 REZONE 240 COLONIAL HOMES DR.FR.RG-3
TO MR-4-C
ADVERSE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

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

10-O-0024

RCS# 545
9/07/10
4:42 PM

Atlanta City Council

REGULAR SESSION

10-O-0024 REZONE 240 COLONIAL HOMES DR.FR.RG-3
TO MR-4-C
RECONSIDER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

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

10-O-0024

RCS# 543
9/07/10
4:38 PM

Atlanta City Council

REGULAR SESSION

10-O-0024 REZONE 240 COLONIAL HOMES DR.FR.RG-3
TO MR-4-C
ADVERSE

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

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

10-O-0024

City Council
Atlanta, Georgia

10-O-0024

AN ORDINANCE

Z-09-27

BY: COUNCILMEMBER AARON WATSON
AS SUBSTITUTED BY ZONING COMMITTEE

Date Filed: 6-09-09

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 **240 COLONIAL HOMES DRIVE, N.W.** be changed from the RG-3 (Residential-General-Sector 3) to MR-4-C (Multifamily Residential-Conditional), to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 110 and 111, 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 suffix "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.

Conditions for Z-09-27 for 240 Colonial Homes Drive, N.W.

1. The site plan titled Colonial Homes dated April 21, 2010 and marked stamped received by the Bureau of Planning on April 26, 2010 shall be referenced for development of the site and is not intended to prohibit the application of the regulations of the MR-4 zoning district.
2. Prior to the submission of a building permit, the applicant must provide a Contour plan detailing the exact location of the flood plan to the Department of Watershed Management.
3. Height of the building shall not exceed 80 feet.
4. The Department of Watershed Management's Commissioner shall not authorize the approval of any permit authorizing the placement of fill or stored materials, or the construction of any building or other structure within the floodplain. Earth-disturbing activities in the floodplain shall be permitted only when the resulting configuration shall allow stormwater to enter the floodway by sheet flow (not channelized flow) and results in no loss of existing flood volume. Any earth-disturbing activities within a floodplain shall be subject to requirements of stream bank buffer limits and should be constructed using best management practices for soil erosion and sedimentation control. The use of compensating excavation or contouring procedures to modify flood hazard limits may only apply to install necessary public roadway and utilities within the flood limits to support existing and new property(s) which are not within the flood limits. (74-204 (2)).
5. No such permit shall authorize any proposed use or construction which would have a finished elevation less than three (3) feet higher than the nearest base flood elevation and that would be closer than fifteen (15) feet from the nearest base flood elevation, and no such permit shall be issued until the plans and specifications submitted are in compliance with this ordinance and have been authorized by the Department of Watershed Management's Commissioner.
6. All structure's residential unit's lowest floor shall be elevated to the greater of either: three (3) feet above the base flood elevation or two (2) feet above the highest observed flood.
7. Any level of the building below the base flood elevation shall only be used for parking vehicles, building access, or storage.
8. Elevated structures shall be constructed with materials and utility equipment resistant to flood damage in accordance with FEMA Technical Bulletin "Flood Damage-Resistant Materials Requirements" August 2008 or as amended.
9. The area below the lowest floor of an elevated structure shall be flood-resistant, unfinished, and designed with piers or wall openings to facilitate the natural flow of floodwaters under the structure.

10. The interior portion of the area below the lowest floor shall not be partitioned or finished into separate rooms; provided however, the minimum area necessary for access to upper floors may be finished with flood damage-resistant materials in accordance with FEMA Technical Bulletin "*Flood Damage-Resistant Materials Requirements*" August 2008, or as amended.
11. The interior portion of the area below the lowest floor shall not be partitioned or finished into separate rooms; provided however, the minimum area necessary for access to upper floors may be finished with flood damage-resistant materials in accordance with FEMA Technical Bulletin "*Flood Damage-Resistant Materials Requirements*" August 2008, or as amended.
12. Elevated structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
13. Design and construction of elevated structures shall utilize methods and practices that minimize flood damage and current and future encroachment into the floodway and floodplain.
14. Heating and air conditioning equipment and components (including ductwork), electrical, ventilation, plumbing equipment (including water heater), and other service facilities shall be located at least three (3) feet above the base flood elevation or two (2) feet above the highest observed flood (whichever is greater) to prevent water from entering or accumulating within the components during conditions of flooding.
15. If an elevator services an area below the base flood elevation, that elevator shall meet "*Elevator Installation for Buildings Located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program*", published by FEMA in Technical Bulletin 4, or as amended.
16. The Developer shall comply with the FEMA flood guidelines outline in 44 C.F.R. § 60.3 and FEMA Technical Bulletin 1 (August 2008) .
17. The design shall provide for the drainage of floodwaters in not less than seventy-two (72) hours pursuant to FEMA Technical Bulletin 1 (August 2008) or as amended.
18. A file-stamped copy of an elevation certificate filed in the land records of the county in which the property is located shall be submitted to the Commissioner prior to the issuance of a certificate of occupancy. This elevation certificate shall be prepared by a licensed surveyor and shall document the elevation of the lowest floor relative to mean sea level and compliance with the ordinance.

- 19.** Foundations shall be designed to resist anticipated hydrodynamic loads, potential for debris impact, and scour pursuant to FEMA Technical Bulletin 1 (August 2008) or as amended. Foundations shall be designed with the following criteria:
- a. The total area of the walls below the base flood elevation exposed to flood waters shall be at least fifty (50) percent open. Wall openings shall be distributed along all walls exposed to flood waters;
 - b. The bottoms of all wall openings shall be at grade;
 - c. Garage doors not allowing the natural flow of floodwaters when closed shall not be considered wall openings; and
 - d. Openings may be equipped with grilles, louvers, or bars provided they allow the natural flow of floodwater in both directions.
- 20.** The Developer shall follow FEMA guidelines and City Ordinance of Section 74-205 (b)(1)(i through xiii) and 74-205 (b)(3)(ii) 74-205(b)(1)(i thru xiii).

Colonial Homes Master Plan - Zoning Table		TRACT 5
ZONING CLASSIFICATION		RG-3
EXISTING		M3-2A
PROPOSED		
NET LAND AREA (SF)		147,622
PROPOSED		
GROSS LAND AREA (SF)		164,119
PROPOSED		
HEIGHT OF BUILDINGS (FT)		
EXISTING (MAX)		35
PROPOSED (MAX = 608)		80
FLOOR AREA RATIO		
F.A.R. BY ZONE		11.4%
MAX FLOOR AREA (SF)		244,531
BUILDING AREA		
PROPOSED (Approx.)		294,831
TOTAL NUMBER OF DWELLING UNITS		
PROPOSED		235-290
PARKING SPACES		
REQUIRED (Approx.)		387-423
PROPOSED (Approx.)		As Required
LOADING SPACES		
PROPOSED		2

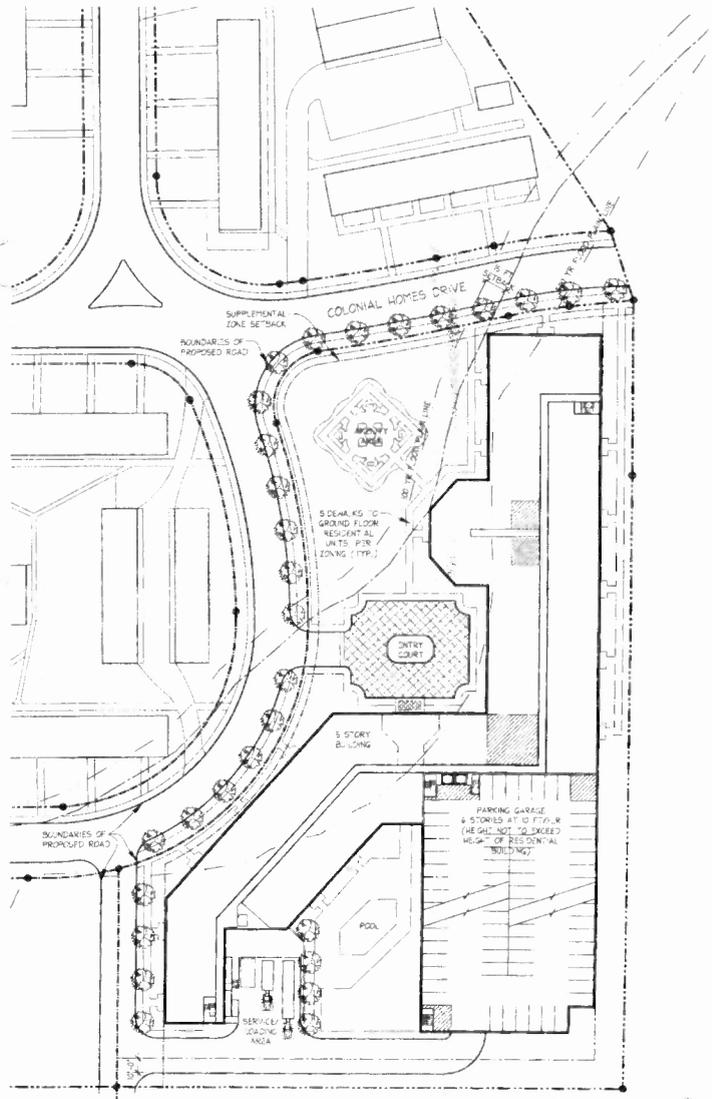
Notes:

- Zoning requirements obtained from the City of Atlanta Zoning Ordinance, Subpart No. 49, Update 1, enacted March 26, 2005.
- Areas in bold are approximates.
- Enclosed setbacks from streets: min. 15 feet horizontal and 2 feet vertical.
- Net Land Area = total area within boundary of tract.
- Circles land area = net land area plus half of adjoining common open space such as athletic parks, lakes, ponds etc. and the like, up to a maximum of 50 feet.
- Net and Gross Land Areas indicated are approximate and subject to change.

LINE	DESCRIPTION
---	EXISTING RW
---	PROPOSED RW
---	PROPERTY SETBACK
---	GRAVELINE OF ROAD
---	FLOOD HAZARD LINE

RECEIVED
 APR 26 2010
 Bureau of
 Planning

209-27



1 TRACT FIVE
 Scale: 1" = 30' 0"



RULE JOY TRAMMELL RUBIN
 ARCHITECTURE / INTERIOR DESIGN
 800 Calvert Parkway SE, Suite 100 Atlanta, Georgia 30339
 (770) 451-1100 (fax: 770) 451-1101
 www.jtrub.com

DATE	ISSUE/REVISION
06-04-06	PROPOSED SS
06-08-06	ZONING
08-29-06	ZONING
11-13-06	ZONING
10-30-06	ZONING
10-30-06	ZONING
04-27-07	ZONING
04-12-07	REVISION
04-21-10	ZONING



COLONIAL HOMES
 RESIDENTIAL MASTER PLAN
 ATLANTA, GEORGIA

MASTER PLAN
 A0 - 01

Revised
7-09-27 

**DESCRIPTION OF PROPERTY
(TRACT 5)**

RECEIVED

APR 26 2010

Bureau of
 Planning

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 110 AND 111 OF THE 17TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE **POINT OF BEGINNING**, COMMENCE AT THE LAND LOT CORNER COMMON TO LAND LOTS 110, 111, 145 AND 146 AND PROCEED IN A EASTERLY DIRECTION ALONG THE LAND LOT LINE COMMON TO LAND LOTS 110 AND 111, SOUTH 89°41'02" EAST, A DISTANCE OF 103.00 FEET TO AN IRON PIN FOUND (1/2" RE-BAR) ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE (50'R/W); THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE, SOUTH 89°41'49" EAST, A DISTANCE OF 360.54 FEET TO A POINT ON THE PROPOSED SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE RELOCATED SOUTH COLONIAL HOMES CIRCLE (PROPOSED 50'R/W); THENCE IN A NORTHEASTERLY DIRECTION ALONG THE PROPOSED SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE RELOCATED SOUTH COLONIAL HOMES CIRCLE 47.63 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 179.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 82°40'47" EAST, 47.49 FEET TO THE **POINT OF BEGINNING**.

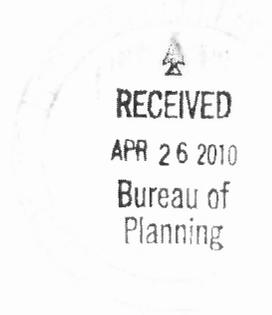
FROM THE **POINT OF BEGINNING** THUS ESTABLISHED, CONTINUE IN A NORTHEASTERLY AND NORTHERLY DIRECTION ALONG THE PROPOSED SOUTHEASTERLY AND EASTERLY RIGHT-OF-WAY LINE OF THE RELOCATED SOUTH COLONIAL HOMES CIRCLE (PROPOSED 50'R/W) THE FOLLOWING COURSES AND DISTANCES: 1) 234.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 179.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 37°31'41" EAST, 218.08 FEET TO A POINT; 2) THENCE NORTH 00°00'00" EAST FOR A DISTANCE OF 7.55 FEET TO A POINT; 3) THENCE 133.71 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 425.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 09°00'48" WEST, 133.16 FEET TO A POINT; 4) THENCE 68.95 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 39.18 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 32°23'31" EAST, 60.39 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE (50'R/W); THENCE IN A EASTERLY DIRECTION ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE THE FOLLOWING COURSES AND DISTANCES: 1) 90.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1198.78 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 80°38'39" EAST, 90.63 FEET TO A POINT; 2) THENCE NORTH 78°28'40" EAST FOR A DISTANCE OF 44.10 FEET TO A POINT; 3) THENCE 39.32 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 358.99 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 81°36'56" EAST, 39.30 FEET TO A POINT; 4) THENCE NORTH 84°45'13" EAST FOR A DISTANCE OF 43.46 FEET TO A POINT; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE AND PROCEED SOUTH 00°40'00" WEST FOR A DISTANCE OF 122.25 FEET TO A POINT; THENCE SOUTH 00°44'43" WEST FOR A DISTANCE OF 431.30 FEET TO AN IRON PIN FOUND (1/2" RE-BAR); THENCE NORTH 89°20'47" WEST FOR A DISTANCE OF 353.86 FEET TO A POINT; THENCE NORTH 00°39'13" EAST FOR A DISTANCE OF 153.21 FEET TO A POINT ON THE PROPOSED SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE RELOCATED SOUTH COLONIAL HOMES CIRCLE (PROPOSED 50'R/W) AND THE POINT

192

080616

Revised 7-09-27

OF BEGINNING. SAID TRACT OR PARCEL CONTAINING 3.39019 ACRES, OR 147,677 SQUARE FEET.



292