

11-0-1283
(Do Not Write Above This Line)

U-11-28

AN ORDINANCE
BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit pursuant to Section 16-16.005 (1) (n) and Section 16-17.005 (1) (c) for a Processing Facility and Scrap Metal Processing Facility, property located at **940 MARIETTA BOULEVARD, N.W.**, fronting approximately 287 feet on the west side of Marietta Boulevard beginning approximately 1980 feet from the northwestern corner of Marietta Street and Marietta Boulevard. Depth: varies. Area: approximately 2.0 acres. Land Lot 190, 17th District, Fulton County, Georgia.
OWNER: METRO
ATLANTA LAND GROUP, LLC
APPLICANT: STONE METAL, LLC c/o Battle, P.C.
NPU-K and J
COUNCIL DISTRICT 3

Adverse
NOV 07 2011

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

Date Referred: 9/6/11
Referred To: ZRB + Zoning
Date Referred:
Referred To:
Date Referred:
Referred To:

First Reading
Committee: Zoning
Date: 10/27/11
Chair: [Signature]
Referred To: ZRB + Zoning

Committee: <u>Zoning</u>	Committee: _____
Date: <u>Nov. 2 2011</u>	Date: _____
Chair: <u>[Signature]</u>	Chair: _____
Action: <u>[Signature]</u> Fav, Adv, Hold (see rev. side) Other: _____	Action: _____ Fav, Adv, Hold (see rev. side) Other: _____
Members: <u>[Signature]</u> <u>[Signature]</u> <u>[Signature]</u>	Members: _____ _____ _____
Refer To: _____	Refer To: _____

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

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

CERTIFIED
CERTIFIED
NOV 07 2011
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
NOV 07 2011
Ronda Davenport Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Municipal Clerk
Atlanta, Georgia

11-0-1283

U-11-28

AN ORDINANCE
BY: ZONING COMMITTEE

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

SECTION 1. Under the provisions of to Section 16-16.005 (1) (n) and Section 16-17.005 (1) (c) of the Zoning Ordinance of the City of Atlanta, a special use permit for a Processing Facility and Scrap Metal Processing Facility is hereby approved. Said use is granted to **STONE METAL, LLC** to be located at **940 MARIETTA BOULEVARD, N.W** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 190, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

0-11-028



Legal Description

2.0 Acres

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 190 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

COMMENCING at an iron pin set at the Southeast corner of the intersection of Marietta Street (60 foot right of way) and Champa Street (right of way width unknown); thence leaving the South right of Marietta Street, run South 00 degrees 14 minutes 19 seconds East for a distance of 389.32 feet to an iron pin set; running thence North 89 degrees 14 minutes 59 seconds East for a distance of 133.95 feet to an iron pin set; running thence South 00 degrees 07 minutes 22 seconds East for a distance of 381.33 feet to an iron pin found; running thence North 89 degrees 55 minutes 13 seconds West for a distance of 135.28 feet to an iron pin set; running thence South 00 degrees 04 minutes 47 seconds West for a distance of 160.00 feet to an iron pin set; running thence South 89 degrees 55 minutes 13 seconds East for a distance of 136.00 feet to an iron pin found; thence running South 00 degrees 16 minutes 39 seconds East for a distance of 263.67 feet to an iron pin set; thence running South 88 degrees 44 minutes 59 seconds East for a distance of 184.95 feet to an iron pin found on the West right of way line of Marietta Boulevard (80 foot right of way); thence continuing along the West right of way line of Marietta Boulevard, run along the arc of a curve to the left (which arc is subtended by a chord having a bearing and distance of South 10 degrees 29 minutes 39 seconds West for 275.10 feet and a radius of 883.36 feet) for a distance of 276.23 feet to an iron pin set and the **POINT OF BEGINNING**.

Thence, continuing along the West right of way line of Marietta Boulevard, run the following courses and distances:

- i. Along the arc of a curve to the left (which arc is subtended by a chord having a bearing and distance of South 01 degrees 46 minutes 07 seconds East for 77.52 feet and a radius of 4,336.25 feet) for a distance of 77.52 feet to an iron pin set;
- ii. Along the arc of a curve to the left (which arc is subtended by a chord having a bearing and distance of South 03 degrees 40 minutes 00 seconds East for 209.79 feet and a radius of 4,336.25 feet) for a distance of 209.81 feet to an iron pin set.

Thence leaving the West right of way line of Marietta Boulevard, run South 83 degrees 00 minutes 26 seconds West for a distance of 66.43 to a point; thence run South 52 degrees 22 minutes 37 seconds West for a distance of 118.67 feet to a point located on the East right of way line of CSX Transportation (right of way varies). Thence continuing along the East right of way line of CSX Transportation, run along the arc of a curve (which arc is subtended by a chord having a bearing and distance of North 37 degrees 27 minutes 53 seconds West for 147.39 feet and a radius of 2,826.55 feet) for a distance of 147.41 feet to a point; thence run along the arc of a curve (which arc is subtended by a chord having a bearing and distance of North 33 degrees 26 minutes 48 seconds West for 248.97 feet and a radius of 2,826.55 feet) for a distance of 248.97 feet to a point; thence leaving the East right of way of CSX Transportation, run North 83 degrees 26 minutes 32 seconds East for a distance of 373.43 feet to an iron pin set and the **POINT OF BEGINNING**.

Consisting of approximately 2.0 acres, more or less, as shown on revised Site Plan prepared by Pyramid Engineering & Development Co., LLC.

RCS# 1526
11/07/11
3:44 PM

Atlanta City Council

REGULAR SESSION

11-O-1283 U-11-28 SUP FOR A PROCESSING/SCRAP METAL
FACILTY AT 940 MARIETTA BLVD NPU-KJ/CD-3
ADVERSE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

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

11-O-1283

RCS# 1384
9/06/11
4:22 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

11-O-1279/1280/1281/1282/1283/1284/1285
1286/1287 AND 1288
REFER

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

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

MULTIPLE