

#4

12-0-1006
(Do Not Write Above This Line)

Z-12-27

AN ORDINANCE
BY COUNCIL MEMBER HOWARD
SHOOK

AN ORDINANCE TO REZONE 3820
IVY ROAD, N.E. FROM THE PD-H-C
(PLANNED DEVELOPMENT-
HOUSING CONDITIONAL) ZONING
DISTRICT TO THE PD-H-C
(PLANNED DEVELOPMENT-
HOUSING CONDITIONAL) ZONING
DISTRICT FOR THE PURPOSE OF
CHANGING CONDITION # 2
REGARDING THE CONSTRUCTION
OF SIDEWALKS; AND FOR OTHER
PURPOSES.

ADOPTED BY

Substitute

SEP 04 2012

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

7/19/12

ZRB+ Zoning

Date Referred: _____

Referred To: _____

Date Referred: _____

Referred To: _____

Date Referred: _____

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Zoning

August 21, 2012

Chair

Action

Fav, Adv, Hold (See rev.side)

Other

Members

Refer To

Howard Shook

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

Refer To

2ND FINAL COUNCIL ACTION

1ST & 2ND Readings

3RD

Consent

V Vote

RC Vote

CERTIFIED

CERTIFIED

SEP 04 2012

ATLANTA CITY COUNCIL PRESIDENT

Howard Shook

CERTIFIED

SEP 04 2012

Ronald D. Johnson

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 13 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

12-O-1006

Z-12-27

**AN ORDINANCE
BY COUNCIL MEMBER HOWARD SHOOK
AS SUBSTITUTED BY ZONING COMMITTEE**

AN ORDINANCE TO REZONE 3820 IVY ROAD, N.E. FROM THE PD-H- (PLANNED DEVELOPMENT-HOUSING) ZONING DISTRICT TO THE PD-H (PLANNED DEVELOPMENT-HOUSING) ZONING DISTRICT FOR THE PURPOSE OF CHANGING CONDITION # 2 REGARDING THE CONSTRUCTION OF SIDEWALKS; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinance 12-O-0385 (Zoning # Z-12-05), the Atlanta City Council rezoned property, as more particularly described therein, at 3820 Ivy Road, N.E. from the R-3 (Single-Family Residential) zoning district to the PD-H (Planned Development-Housing) zoning district; and

WHEREAS, Condition # 2 provides: “The property frontage along Ivy Road shall be improved with sidewalks according to City standards, before final plat approval”; and

WHEREAS, the Atlanta City Council finds that sidewalks constructed along City of Atlanta’s Little Nancy Creek Park at 3984, 3994 and 4012 Peachtree-Dunwoody Road (“park property”) will better serve the public health, safety and general welfare.

WHEREAS, to facilitate this construction it is necessary to amend zoning condition # 2 in a manner that will permit the developer of the subject property to contribute to the City in lieu funds the developer otherwise would have expended to construct sidewalks along the subject property’s street frontage in order to facilitate construction of sidewalks along the park property; and

WHEREAS, this proposed change in zoning condition has complied with the procedural notice and hearing requirements of the Zoning Procedures Law (O.C.G.A. § 36-66-1 *et seq*) and the Atlanta Zoning Ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

Section 1: The Zoning Ordinance of the City of Atlanta is amended, and the official zoning map established in connection therewith is changed, so that the following property known as 3820 Ivy



Road, N.E., is rezoned from the PD-H (Planned Development-Housing) zoning district to the PD-H (Planned Development-Housing) zoning district for a change of condition, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 63, 17th District, Fulton County, Georgia being more particularly described by the attached legal description.

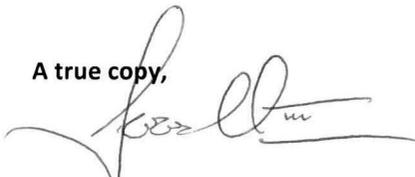
Section 2: Ordinance 12-O-0385 (Z-12-05) is hereby amended to delete Zoning Condition # 2 as it currently reads and replacing it with the following language:

“In lieu of constructing sidewalks meeting city standards along the subject property’s street frontage, developer has agreed and therefore shall contribute, funds to the City in an amount of \$3682.00 the developer otherwise would have expended to construct sidewalks along the subject property’s street frontage in order to allow the city to construct sidewalks meeting city standards along city of Atlanta park land fronting at 3984, 3994 and 4012 Peachtree-Dunwoody Road. The contribution shall be made prior to issuance of the certificate of occupancy for the last lot to be developed in this PD-H.”

Section 3: This zoning amendment is approved under the provisions of Chapter 19 entitled, “Planned Development District”, and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director of the Office 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 conditions in Section 1 of this ordinance.

Section 4: The maps referred to, now on file in the Office of Planning, shall be revised to conform with the terms of this ordinance.

Section 5: All ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict.

A true copy,

Deputy Municipal Clerk

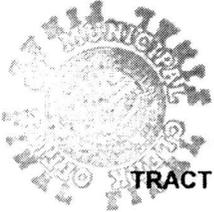
ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

September 04, 2012
September 13, 2012



Conditions for Z-12-27 for 3820 Ivy Road, N.E.

1. The 3820 Ivy, LLC to provide for specific areas on the property to be used in common for the benefit of all future landowners. The developer shall provide the Office of Planning with recorded covenants at the time of the final plat. The document shall contain details on the ownership and maintenance program for those areas and features.
2. In lieu of constructing sidewalks along the property frontage, the developer shall contribute funds to the city in an amount equal to what the developer would have expended to actually build the sidewalks at the subject property's street frontage. The city shall use the funds to construct sidewalks along city of Atlanta parkland fronting at 3984, 3994 and 4012 Peachtree-Dunwoody Road (Little Nancy Creek Park). Developer shall make the financial contribution prior to issuance of the building permit for the last lot to be developed in this development.
3. The developer shall obtain Final Plat approval from Office of Planning before issuance of building permits.
4. The development of the property shall be subject to all development regulations including but not limited to, the Site Development Department, Fire Engineer as well as City Tree Ordinance.
5. Subject to revised site plan by Watts & Browning Engineers, Inc. dated April 4, 2012 and stamped received by the Bureau of Planning on April 4, 2012.



TRACT I (LOT 1)

All that tract or parcel of land lying and being in Land Lot 63 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at the right-of-way intersection of Whittington Road and Ivy Road travel Southwesterly along the right-of-way of Ivy Road a distance of 713.35 feet to an 1/2 inch rebar pin found on the right-of-way of Ivy Road, the point of beginning; thence South 17 degrees 35 minutes 49 seconds West along the right-of-way of Ivy Road, a distance of 105.00 feet to an iron pin set on said right-of-way; thence leaving said right-of-way, North 87 degrees 58 minutes 16 seconds West along that tract now or formerly known as Lot 2, a distance of 178.63 feet to an iron pin set; thence South 17 degrees 35 minutes 49 seconds West a distance of 105.89 feet to an iron pin set; thence North 88 degrees 22 minutes 21 seconds West a distance of 676.96 feet to an iron pin set; thence North 02 degrees 15 minutes 05 seconds East along that tract now or formerly belonging to the City of Atlanta, a distance of 205.23 feet to an iron pin set; thence South 88 degrees 22 minutes 15 seconds East along that tract now or formerly known as Lot 7 of Ivy Knoll Subdivision, a distance of 476.52 feet to a 1/2 inch open top pipe found; thence North 57 degrees 25 minutes 55 seconds East along that tract now or formerly known as Lot 8 of the Ivy Knoll Subdivision, a distance of 55.86 feet to an iron pin set; thence South 74 degrees 21 minutes 21 seconds East a distance of 152.57 feet to a 1/2 inch iron rebar found; thence South 87 degrees 58 minutes 16 seconds East a distance of 255.21 feet to a 1/2 inch iron rebar found on the right-of-way of Ivy Road; being the point of beginning.

The above described property contains 3.794 acres, more or less, as shown on and described according to that plat for SD-08-07, 3820 Ivy Road Tract last revised May 16th, 2008, by Conroy & Associates, PC, bearing the seal of Daniel F. Conroy, Georgia Registered Land Surveyor No. 2350 which survey is incorporated herein by reference.

ALSO:

TRACT II (LOT 2)

All that tract or parcel of land lying and being in Land Lot 63 of the 17th District of Fulton County, Georgia, and more particularly described as follows:

Beginning at the right-of-way intersection of Whittington Road and Ivy Road travel southwesterly along the right-of-way of Ivy Road a distance of 713.35 feet to a 1/2 inch rebar pin found on the right-of-way of Ivy Road; then South 17 degrees 35 minutes 49 seconds West along the right-of-way of Ivy Road a distance of 105.00 feet to an iron pin set on said right-of-way, the point of beginning; thence continuing along said right-of-way South 17 degrees 35 minutes 49 seconds West a distance of 104.59 feet to a 1/2 inch open top pipe found on said right-of-way; thence leaving said right-of-way, North 88 degrees 22 minutes 21 seconds West, along that tract now or formerly belonging to Allan Waller, a distance of 178.98 feet to an iron pin found; thence North 17 degrees 35 minutes 49 seconds East along that tract now or formerly known as Lot 1 a distance of 105.89 feet to an iron pin found; thence South 87 degrees 58 minutes 16 seconds East a distance of 178.63 feet to an iron pin found on the right-of-way of Ivy Road; being the point of beginning.

The above described Lot 2 property contains 0.416 acres, more or less, as shown on and described according to that plat for SD-08-07, 3820 Ivy Road Tract last revised May 16th 2008, by Conroy & Associates, PC, bearing the seal of Daniel F. Conroy, Georgia Registered Land Surveyor No. 2350 which survey is incorporated herein by this reference.

LESS & EXCEPT:

~~All that tract or parcel of land lying and being in Land Lot 63 of the 17th District of Fulton County, Georgia, and more particularly described as follows:~~

2-12-05

page 1 of 2



Beginning at the right-of-way intersection of Whittington Road and Ivy Road travel southwesterly along the right-of-way of Ivy Road a distance of 713.35 feet to a 1/2 inch rebar pin found on the right-of-way of Ivy Road; then South 17 degrees 35 minutes 49 seconds West along the right-of-way of Ivy Road a distance of 105.00 feet to an iron pin set on said right-of-way; thence continuing along said right-of-way South 17 degrees 35 minutes 49 seconds West a distance of 104.59 feet to a 1/2 inch open top pipe found on said right-of-way, the point of beginning; thence leaving said right-of-way, North 88 degrees 22 minutes 21 seconds West, along that tract now or formerly belonging to Allan Waller, a distance of 645.62 feet to an iron pin found; thence North 17 degrees 24 minutes 30 seconds East a distance of 26.03 feet to a point; thence North 54 degrees 27 minutes 5 seconds East a distance of 18.12 feet to a point; thence South 86 degrees 07 minutes 00 seconds East a distance of 376.57 feet to a point; thence South 83 degrees 29 minutes 18 seconds East a distance of 248.73 feet to a point on the right-of-way of Ivy Road, being the point of beginning.

The above described tract contains 0.319 acres, more or less, and is shown as Tract B and Tract C on that survey done for Branch Banking and Trust Company dated May 28, 2010, by Lincoln Surveying, Inc. signed by Mark B. Lincoln, Georgia Registered Land Surveyor No. 2625.

Z-12-05
Pg 2 of 2

RCS# 2257
9/04/12
4:15 PM

Atlanta City Council

12-O-1006

Z-12-27; 3820 IVY RD; PDH-PDH CHANGE OF
CONDITION, B-7
ADOPT ON SUB

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

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