

12-0-1608  
(Do Not Write Above This Line)

*Yadram*  
AN ORDINANCE  
BY COUNCILMEMBER  
YOLANDA ADREAN

AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-12-009 (2576 HOWELL MILL ROAD, NW) TO PROVIDE THAT IN LIEU OF A PORTION OF SIDEWALK BEING CONSTRUCTED AT THE SUBDIVISION SITE, 273 FEET WILL BE CONSTRUCTED IN EXISTING GAPS ALONG THE SOUTH SIDE OF MOORES MILL ROAD, NW FROM 1088 TO 1160 MOORES MILL ROAD; AND FOR OTHER PURPOSES.

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

Date Referred: 11/5/12  
Referred To: City Utilities  
Date Referred: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Date Referred: \_\_\_\_\_  
Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

*Yadram*  
Date 11/5/12

*Yadram*  
Date Nov. 3, 2012

*Yadram*  
Chair Yolanda Adrean

*Yadram*  
Action Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_

*Yadram*  
Members \_\_\_\_\_

*Yadram*  
Refer To \_\_\_\_\_

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 \_\_\_\_\_

ADOPTED BY

NOV 19 2012

COUNCIL

Refer To

FINAL COUNCIL ACTION

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

CERTIFIED  
NOV 19 2012

ATLANTA CITY COUNCIL PRESIDENT

*Yadram*

CERTIFIED  
NOV 19 2012

*Yolanda Adrean*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 28 2012

WITHOUT SIGNATURE  
BY OPERATION OF LAW



*Yadreen*

**AN ORDINANCE  
BY COUNCILMEMBER YOLANDA ADREAN**

**AN ORDINANCE WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-12-009 (2576 HOWELL MILL ROAD, NW) TO PROVIDE THAT IN LIEU OF A PORTION OF SIDEWALK BEING CONSTRUCTED AT THE SUBDIVISION SITE, 273 FEET WILL BE CONSTRUCTED IN EXISTING GAPS ALONG THE SOUTH SIDE OF MOORES MILL ROAD, NW FROM 1088 TO 1160 MOORES MILL ROAD; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 15-09.003 of the City of Atlanta Code of Ordinances (“subdivision ordinance”) requires the subdivision applicant (“developer”) to provide sidewalks on both sides of existing and proposed streets (“sidewalk requirement”); and

**WHEREAS**, the subdivision ordinance further provides that the City Council may waive the sidewalk requirement “in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets”; and

**WHEREAS**, the subdivision ordinance further provides that such waiver can be granted by the City Council “only if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the city for said waiver, and only if the City Council has received formal comments on said petition from the Commissioner of Public Works and the Commissioner of Planning”; and

**WHEREAS**, the developer, John Chapman, has formally petitioned for the waiver of a portion of the sidewalk requirement for subdivision application SD-12-009 (2576 Howell Mill Road, NW); and

**WHEREAS**, the City Council has received the formal comments on such petition from the Commissioner of Public Works, attached hereto as Exhibit “A”; and

**WHEREAS**, the City Council has received the formal comments on such petition from the Commissioner of Planning, attached hereto as Exhibit “B”; and

**WHEREAS**, based on these formal comments, the City Council finds that construction of sidewalks along a portion of the street frontage of SD-12-009 (2576 Howell Mill Road, NW) would not benefit said area being that there are no existing sidewalks west of the property to serve as a connection and said area is a steep bank and currently acts as a buffer to a nearby stream; and



**WHEREAS**, the City and area residents would be better served by the construction of a portion of the sidewalks from SD-12-009, in the gaps in existing sidewalks along Moores Mill Road, NW between 1088 and 1160 Moores Mill Road, which is heavily traveled by pedestrians going to and from the YMCA facility located on said street, as more fully depicted on the drawing, attached hereto as Exhibit "C"; and

**WHEREAS**, 75% of the street frontage sidewalks will still be constructed by the developer at 2576 Howell Mill (SD-12-009) and 25% of the street frontage sidewalks for SD-12-009 will be constructed at the alternate location between 1088 and 1160 Moores Mill Road, NW.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:**

**SECTION 1:** The requirement of Section 15-09.003 of the City of Atlanta Code of Ordinances that sidewalks be provided on both sides of existing and proposed streets is hereby waived for a portion of the sidewalks for Subdivision SD-12-009 (2576 Howell Mill Road, NW).

**SECTION 2:** The waiver of said requirement for the aforementioned application is conditioned upon the agreement of developer John Chapman to construct 273 feet of sidewalk in existing gaps along the south side of Moores Mill Road, NW between 1088 and 1160 Moores Mill Road, NW, as more fully depicted in Exhibit D, attached hereto.

**SECTION 3:** Prior to approval of the final subdivision plat by the Director of the Bureau of Planning for SD-12-009, as provided by Section 15-07.005(t)(1), the sidewalks as described in this ordinance shall be constructed by the developer, John Chapman, inspected and accepted by the Department of Public Works.

**SECTION 4:** In the event the developer John Chapman, or his successor(s) in interest, withdraws the subdivision request, this ordinance is void and of no further effect.

**SECTION 5:** All other requirements of the Code of Ordinances for SD-12-009 above shall remain in full force and effect.

A true copy,

Deputy Municipal Clerk

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

**November 19, 2012  
November 28, 2012**

Exhibit A



# CITY OF ATLANTA

KASIM REED  
MAYOR

55 TRINITY AVENUE, S.W.  
SUITE 4800, CITY HALL SOUTH  
ATLANTA, GEORGIA 30303-3531  
TEL. (404) 330-6236  
FAX. (404) 658-7704  
Email:publicworks@atlantaga.gov

DEPARTMENT OF PUBLIC WORKS  
RICHARD MENDOZA  
Commissioner  
  
DEXTER C. WHITE  
Deputy Commissioner

## MEMORANDUM

TO: Councilmember Yolanda Adrean  
Council District 8

FROM: Richard Mendoza  
Commissioner, Public Works

DATE: October 10, 2012

SUBJECT: Sidewalk waiver request for 2576 Howell Mill Road (SD-12-009)

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A sidewalk waiver has been requested by the developer of 2576 Howell Mill Road, per code section 15-09.003, which reads as follows:

*Sec. 15-09.003. - Sidewalk and curb improvements.*

*Except as provided herein, sidewalks shall be provided in each subdivision on both sides of existing and proposed streets. The city council may, through an appropriate resolution for each subdivision, waive the foregoing requirement in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets; provided, however, that the city council may grant such a waiver only if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the city for said waiver, and only if the city council has received formal comments on said petition from the commissioner of public works and the commissioner of planning, development and neighborhood conservation.*

The total frontage of this subdivision subject to the above code section is 989 feet, 15 of which is a sidewalk/curb combination in no need of repair. Sidewalk installation is required from the handicap ramps at the intersection of Howell Mill Road and Peachtree Battle Avenue to the eastern boundary of the City of Atlanta stream boundary, a



distance of 701 feet . The Department of Public Works agrees to waive the sidewalk installation requirements along Howell Mill Road from the northernmost property line to the two handicap ramps at Peachtree Battle Avenue, a distance of approximately 177 feet, and from easternmost City of Atlanta stream buffer to westernmost property boundary, a distance of 96 feet.

In lieu of installing the 273 feet of sidewalk waived at this subdivision, the applicant proposes to install an equivalent sidewalk in existing gaps between 1088 to 1160 Moores Mill Road. The department approves of the proposed alternative location which will provide for greater connectivity and pedestrian safety than the subject property. Upon approved council resolution, the applicant is required to submit construction plans for approval and to obtain a permit from Public Works Department to install the sidewalks.

If you have any questions, please contact Michele Wynn at 404-330-6764 or by email at [mwynn@atlantga.gov](mailto:mwynn@atlantga.gov). Thank you.

Exhibit B



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**  
55 TRINITY AVENUE, S.W. SUITE 3350 - ATLANTA, GEORGIA 30303-0308  
404-330-6145 - FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## MEMORANDUM

TO: Councilmember Yolanda Adrean

FROM: Charletta Wilson Jacks, Director-Office of Planning 

DATE: October 26, 2012

SUBJECT: **Sidewalk waiver request for 2576 Howell Mill Road (SD-12-009)**

The Office of Planning has received a request to construct a portion of the required sidewalks for 2576 Howell Mill Road (SD-12-009) application along adjoining streets. As you are aware, the Land Subdivision Ordinance requires an applicant for land subdivision to provide sidewalks on both sides of existing as well as proposed streets.

The total street frontage of the subject subdivision is 989 feet. The applicant will install 716 feet of sidewalks at the location of subject subdivision and the remaining 273 feet in existing gaps along the south side of Moores Mill Road, from 1088 to 1160 Moores Mill Road. The applicant has advised our office that they have discussed this approach with the surrounding residents.

The Land Subdivision Ordinance allows the City Council through appropriate resolution to waive the requirement for the provision of sidewalks on a subject property in order to permit the applicant to construct sidewalks of equal or greater length along adjoining streets. This is further accomplished if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the City for said waiver. Formal comments on said petition from the Commissioner of Public Works and the Commission of Planning and Community Development are also required by the ordinance.

Our office has reviewed the subdivision application as well as the applicant's proposal for waiver of the sidewalks. Our staff is of the opinion that the proposed alternate construction location for the balance of the sidewalks is reasonable for the following:

- There is no existing sidewalk west of the property to serve as a connection.
- Due to the proximity of the stream and its steep banks, construction of the sidewalk at the west side of the property would cause significant disturbance to the stream.
- There is no existing sidewalk north of the intersection of Peachtree Battle Avenue with Howell Mill Road and the construction of a sidewalk at this location would create a potential pedestrian hazard by encouraging unsafe street crossing at midblock.
- Construction of the sidewalks at the proposed alternate location would fill in the gaps of the existing sidewalk along a segment of Moores Mills Road heavily traveled by pedestrians and runners, going back and forth to the YMCA facility.



Memorandum to Councilmember Yolanda Adrean  
Sidewalk waiver request for 2576 Howell Mill Road (SD-12-009)  
October 26, 2012  
Page 2 of 2

- The majority (75%) of the required sidewalks would be constructed at the required location (subject property) and only the remaining portion (25%) would be constructed at the alternate location.

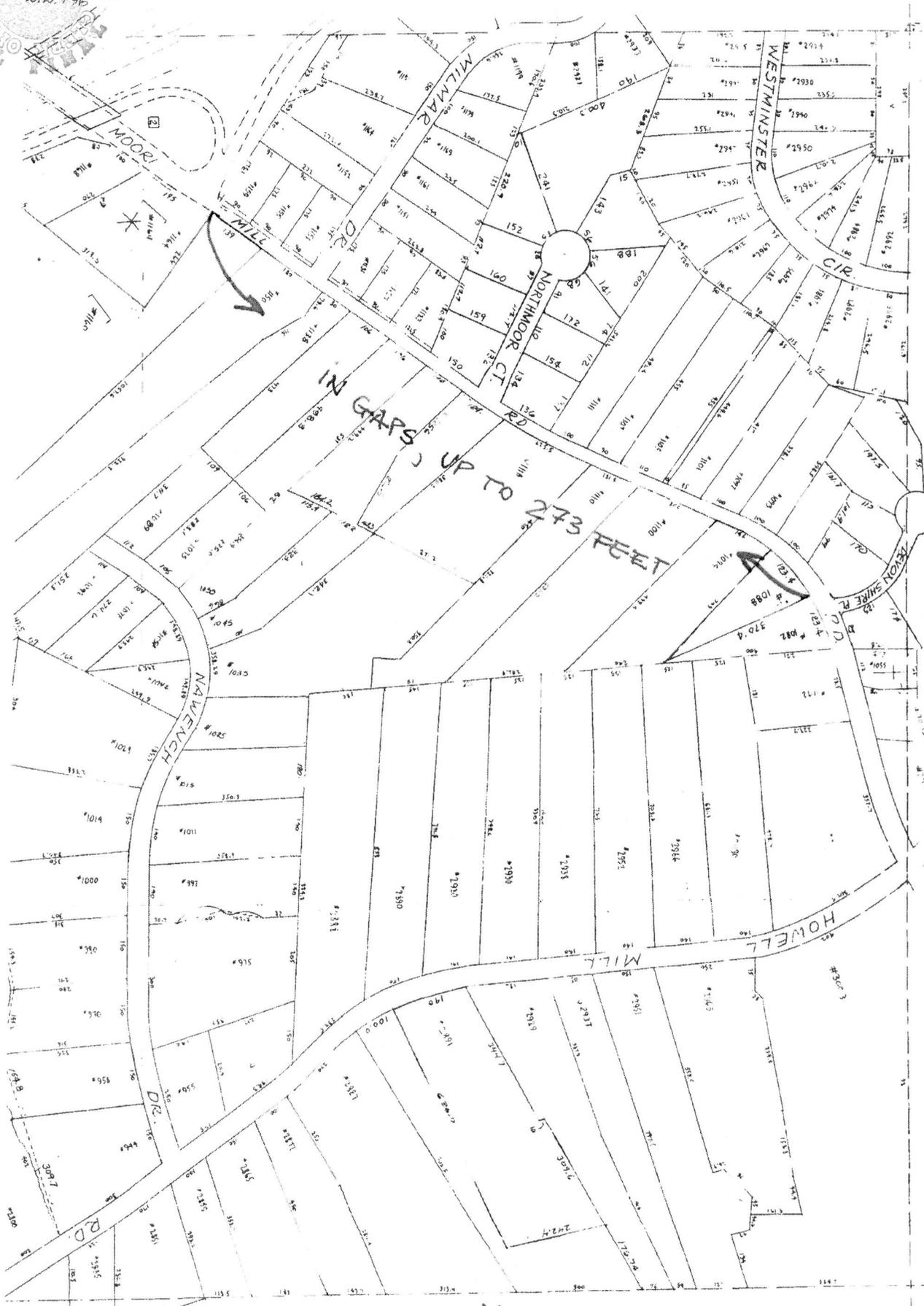
Finally, the Office of Planning is of the opinion that the public will be better served with improved pedestrian infrastructure, as well as pedestrian safety at a location of critical need for the neighborhood. The Office of Planning has also sought input from the Office of Transportation and their comments are attached.

This memo as well as the attached correspondence should provide the background should you decide to introduce a resolution to allow the applicant for SD-12-009 to install sidewalks along south side of Moores Mill Road as noted above. Please advise if further assistance is required from the Office of Planning.

c: Christian Olteanu, Office of Planning



# Exhibit D



D

RCS# 2400  
11/19/12  
2:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I  
EXCEPT 12-O-1416  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>11-19-12 ITEMS ADOPTED ON CONSENT</b>
1. 12-O-1404 2. 12-O-1504 3. 12-O-1505 4. 12-O-1506 5. 12-O-1507 6. 12-O-1598 7. 12-O-1515 8. 12-O-1516 9. 12-O-1525 10. 12-O-1526 11. 12-O-1609 12. 12-O-1611 13. 12-O-1495 14. 12-O-1497 15. 12-O-1498 16. 12-O-1608 17. 12-O-1508 18. 12-O-1509 19. 12-O-1523 20. 12-R-1566 21. 12-R-1567 22. 12-R-1568 23. 12-R-1547 24. 12-R-1548 25. 12-R-1549 26. 12-R-1619 27. 12-R-1096 28. 12-R-1347 29. 12-R-1355 30. 12-R-1531 31. 12-R-1554 32. 12-R-1555 33. 12-R-1556 34. 12-R-1557	35. 12-R-1558 36. 12-R-1559 37. 12-R-1560 38. 12-R-1561 39. 12-R-1562 40. 12-R-1563 41. 12-R-1564 42. 12-R-1596 43. 12-R-1617 44. 12-R-1625 45. 12-R-1626 46. 12-R-1538 47. 12-R-1540 48. 12-R-1541 49. 12-R-1601 50. 12-R-1602 51. 12-R-1616 52. 12-R-1511 53. 12-R-1542 54. 12-R-1543 55. 12-R-1544 56. 12-R-1612 57. 12-R-1624 58. 12-R-1570 59. 12-R-1571 60. 12-R-1572 61. 12-R-1573 62. 12-R-1574 63. 12-R-1575 64. 12-R-1576 65. 12-R-1577 66. 12-R-1578 67. 12-R-1579 68. 12-R-1580	69. 12-R-1581 70. 12-R-1582 71. 12-R-1583 72. 12-R-1584 73. 12-R-1585 <b>ITEMS ADVERSED ON CONSENT</b> 74. 12-R-1586 75. 12-R-1587 76. 12-R-1588 77. 12-R-1589 78. 12-R-1590 79. 12-R-1592 80. 12-R-1593