

12-0-1155

(Do Not Write Above This Line)

AN ORDINANCE Z-12-29
BY: ZONING COMMITTEE

An Ordinance to rezone from the RG-2 (Residential General-Sector 2) and RG-3 (Residential General-Sector 3) District to the SPL-9-Subarea 2 (Special Public Interest) District, property located at 77 EAST ANDREWS DRIVE, N.E. (aka 3300) (West Paces frontage) fronting approximately 602 feet on the north side of East Andrews Drive at the northwest intersection of East Andrews Drive and West Paces Ferry Road. Depth: varies Area: approximately 5.0 acres. Land Lot 99, 17th District, Fulton County, Georgia.
OWNER: CAMDEN USA, INC.
APPLICANT: CAMDEN USA, INC
NPU B
COUNCIL DISTRICT 8

As Amended
ADOPTED BY

DEC 03 2012

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

Date Referred 9/4/12
Referred To: ZRBZ Zoning
Date Referred _____
Referred To: _____
Date Referred _____
Referred To: _____

First Reading

Committee Zoning
Date August 29, 2012
Chair AO QU
Referred To ZRBZ Zoning

Committee	Date	Chair	Action	Members	Refer To
<u>Zoning</u>	<u>11/18/12</u>	<u>[Signature]</u>	<u>Fav, Adv, Hold (see rev. side)</u>	<u>[Signatures]</u>	

Committee	Date	Chair	Action	Members	Refer To

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

CERTIFIED

CERTIFIED
DEC 03 2012
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
DEC 03 2012
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 12 2012
WITHOUT SIGNATURE
BY OPERATION OF LAW



City Council
Atlanta, Georgia

12-O-1155

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-12-29
Date Filed: 7-23-12

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 **77 EAST ANDREWS DRIVE, N.E. (aka 3300) (West Paces frontage)** be changed from the RG-2 (Residential General-Sector 2) and RG-3 (Residential General-Sector 3) District to the SPI-9-Subarea 2 (Special Public Interest) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 99, 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.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

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

DEC 03, 2012
DEC 12, 2012



**Conditions for
Z-12-28 and Z-12-29**

“Property” shall mean the land that is the subject of these rezoning requests.

To the extent that the conditions of this Agreement are more restrictive than or are not reflected in conditions applied to the Property by the Atlanta City Council, the conditions in this Agreement will supersede and control. The proposed development shall be restricted as follows:

1. An area not less than 30 feet on the western property line adjacent to single family homes fronting on Valley Road shall be restricted to use as a natural buffer, although it may be planted and vegetated to provide additional visual screening. No lights, machinery or activity, other than the planting and maintenance of landscaping shall be permitted in this natural buffer. Buffer areas and protected trees shall be marked using temporary chain link construction fencing no less than four feet in height prior to and maintained during the period of construction. All erosion control measures shall be installed outside any undisturbed buffer. Applicant shall provide adequate irrigation for landscaping installed on the Applicant’s Property.
2. The developer will work with the individual property owners on Valley Road which abut the proposed development to provide evergreen screening of a type and at a location to maximize visual screening of the proposed improvements. Such landscaping shall be located on the developer’s property or may be located on land of the adjacent homeowners with their written permission. Such landscaping shall consist of evergreen trees of between 12 and 16 feet and shall be planted at the City Arborist recommended spacing for all lots adjacent to the property (3255, 3265, and 3275 Valley Road, NW).
3. The developer agrees, at its sole cost and expense, to keep the evergreen screening in the buffers and on developer’s land along the western property line dense, healthy and fully providing a visual screen from homes along the western property line, and this screening shall be monitored and maintained to a standard set by the City of Atlanta Arborist. Developer agrees to follow and comply with the provisions of condition number 2 and this condition as reviewed and enforced by the City of Atlanta Arborist for compliance with these Conditions.
4. Nonresidential development on Tract One (the five acre tract fronting West Paces Ferry Road to the south of the RG-4 property) will not exceed four (4) stories in height and a total of 111,000 square feet. Residential development on Tract One will not exceed five (5) stories in height and a total of 147,000 square feet. Any parking deck constructed on Tract One to the rear of nonresidential uses will not exceed twenty-five feet in height on the side closest to the single family homes, and openings will be screened as required by code. If stacked flat residential units are constructed on Tract One, exterior balconies facing the rear of the homes



fronting on Valley Road will not exceed 75 square feet on average in area and will not contain grills or fireplaces. If a parking deck is constructed on Tract One, car headlights will be screened from the homes on Valley Road.

5. Prior to application to the City for a Special Administrative Permit for any development on Tract One (other than a bank on the two acre portion of Tract One closest to West Paces Ferry Road), the Applicant will, for information, deliver the specific plans for such development to a representative of the abutting Valley Road neighbors and will meet with the neighbors if requested.
6. The Property will be subject to covenants which address maintenance, use and security of the Property for the benefit of the master developer. In particular, the covenants will contain a requirement that owners of all parcels within the Property will provide measures to promote a safe environment.
7. The project shall release stormwater runoff at a rate no greater than 70% of the current stormwater runoff from the Property. During construction, stormwater runoff shall be limited to a rate not greater than the current rate.
8. Construction staging shall not take place within the South Tuxedo Park neighborhood or off or from Valley Road. Instead, construction staging for the project (including all equipment, vehicles, materials storage and construction parking) shall occur entirely on the Property. Applicant shall prepare a Transportation Management Plan (TMP) to be approved by the City of Atlanta prior to any land disturbing activities and shall cause its contractors and subcontractors to follow such TMP. Applicant shall provide a copy of the TMP to the South Tuxedo Park neighborhood association and NPU-B and shall confirm its compliance with this requirement in writing to the City. The development shall comply with existing City of Atlanta ordinances with regard to hours of construction and noise limitations (between the hours of 7:00 a.m. - 7:00 p.m. week days and 9:00 a.m. - 7:00 p.m. weekends and holidays). Also, during the period of construction, the developer will notify the president of South Tuxedo Park neighborhood and the Chair of the Zoning Committee of NPU-B of a contact name and telephone number which will be answered 24 hours a day, 7 days a week regarding problems with the construction. Such person shall be a human and not a recorded voice on an answering machine.
9. All dumpsters and trash containers as well as service areas will be located within buildings or otherwise screened from homes along the western boundary of property. All garbage and refuse containers will have rubber wheels. Dumpsters and trash containers will only be emptied between the hours of 8:00 a.m. and 5:00 p.m. on non-holiday weekdays, between 9:00 a.m. and 5:00 p.m. on Saturdays and holidays, and will not be emptied on Sundays.
10. Exterior lighting on buildings and parking decks (where permitted) shall be designed, shielded and constructed to shine only inward and downward so as to



mitigate light spill into single-family areas, especially along the western property line.

11. Air conditioning units will be located on the roofs of multifamily buildings over three stories in height or, if at grade, will not be located between the buildings and the single family homes on Valley Road. Backup generators will be muffled with baffling and will be located between buildings or within buildings or parking decks. All noise levels from such equipment shall be limited to 55dBA as measured at the western property line of Property and 45dBA as measured from the residential homes offsite.
12. Applicant agrees that during and after construction, no devices used for landscape maintenance or the cleaning of drives or parking structures shall be allowed to operate past 8:00 p.m., or before 8:00 a.m. on weekdays and past 5:00 p.m. or before 10:00 a.m. on Saturdays, Sundays and holidays.
13. The Applicant shall request that the City re-time and coordinate the traffic signals in the vicinity of the property to optimize traffic progression and that transportation impact fees from this development be used for such work. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning prior to issuance of a Special Administrative permit.
14. Any flooding to the adjacent neighborhoods caused by failure of detention facilities installed by Applicant during or after construction will be corrected immediately to the neighborhood's satisfaction at the expense of the Applicant. Silt run-off shall be limited during construction using 150% of the required silt fencing, along the western property line.
15. No "Bars" as defined in Section 10-1 of the City of Atlanta's Alcoholic Beverage Code will be permitted on the property.
16. No exterior loudspeakers or amplified music or sound systems of any kind, other than as required for operation of the drive-through facility for a bank located at the intersection of East Andrews Drive and West Paces Ferry Road, shall be used in the development with the exception that restaurants or the common areas may have external speakers or low noise level live music, if and when such restaurants and common areas have outdoor tables and seating to provide background music of a type typically found in similar restaurants and developments. Speakers for such music will be oriented away from the single family homes fronting Valley Road, and the volume of any such music shall be controlled to a level reasonably necessary to prevent any adverse impact on the single family homes fronting Valley Road.
17. No parking on the site will be leased to provide parking for any use off-site in the Buckhead Village.
18. No curb cut(s), access, entrance or exit shall be allowed along or from the western property line or to Valley Road and there shall be no connection or access to any



parking lot or access point that would allow any traffic or access from the Property to Valley Road.

19. The Applicant will request and support legislation to permit the use of traffic impact fees paid as a result of this development within the immediate area.
20. These conditions of zoning shall be binding upon all successors and assigns of the Applicant. The subdivision; sale, of partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning. These zoning conditions shall run with and bind the land that is the subject of this rezoning.
21. The Applicant will not request any administrative amendment of these conditions without providing evidence that notice of such request has been given to the Chair of the Zoning Committee of NPU-B and to the president of the South Tuxedo Park neighborhood and that both parties have had at least 30 days to consider and respond to each such request if such administrative amendment(s) deals with, touches, impacts, affects or relates to any part or portion of Property within 250 feet of the western property line of Property adjacent to single family homes or seeks to:
 - (a) increase the square footage or height of any building specified in these conditions;
 - (b) decrease any exterior setback or the amount of landscaped area;
 - (c) materially reduce public access or public spaces; or
 - (d) otherwise, materially alter these conditions.

The Applicant will have the right to request administrative changes without such notification so long as such requested changes do not come within the requirements set forth hereinabove.

22. All of these narrative conditions shall be printed on the final site plan filed with the City of Atlanta.



Tract One

PROPERTY DESCRIPTION

All that tract or parcel of land lying in the City of Atlanta, Georgia, in Land Lot 99 of the 17th District of Fulton County and being more particularly described as follows:

Beginning at the intersection of the northwesterly right of way of East Andrews Drive Having a 70 foot right of way and the northeasterly right of way of West Paces Ferry Road having a 50 foot right of way and thence run along said northeasterly right of way North 49 degrees 18 minutes 12 seconds West a distance of 147.11 feet to a point; Thence continue along said right of way along the arc of a curve to the left having a radius of 9678.74 feet a distance of 168.47 feet to a 1/2" rebar found with said curve being subtended by a chord bearing of North 49 degrees 48 minutes 07 seconds West and a chord distance of 168.47 feet; Thence leaving said right of way and run North 40 degrees 38 minutes 44 seconds East a distance of 249.21 feet to a 1" crimp top found; Thence North 49 degrees 25 minutes 21 seconds West a distance of 36.19 feet to a 1-1/2" crimp top found; Thence North 12 degrees 10 minutes 15 seconds East a distance of 371.23 feet to a 5/8" rebar set; Thence South 52 degrees 21 minutes 29 seconds East a distance of 503.46 feet to a 5/8" rebar set on the northwestern right of way East Andrews Drive; Thence run along said right of way along the arc of a curve to the left having a radius of 798.71 feet a distance of 152.62 feet to a point with said curve being subtended by a chord bearing of South 42 degrees 15 minutes 28 seconds West and a chord distance of 152.39 feet; Thence continue along said right of way South 36 degrees 47 minutes 01 seconds West a distance of 449.38 feet to a 1/2" rebar found and the point of beginning.

Said tract or parcel to contain 5.001 Acres.

Z-12-29

