

12-0-1738
 (Do Not Write Above This Line)

AN ORDINANCE
 BY COUNCILMEMBER *Yolanda Adrean*
 YOLANDA ADREAN

AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-12-010 (735 PEACHTREE BATTLE AVENUE, NW) TO PROVIDE THAT IN LIEU OF INSTALLING SIDEWALK AT SAID SUBDIVISION, 200 FEET OF SIDEWALK WILL BE INSTALLED IN THE EXISTING SIDEWALK GAPS BETWEEN 1088 AND 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 11/9/12
 Referred To: City Utilities
 Date Referred
 Referred To:
 Date Referred
 Referred To:

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

City Utilities
 Date 11/27/2012
 Chair Yolanda Adrean
 Action Fav, Adv, Hold (see rev. side)
 Other _____

Members
Yolanda Adrean

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

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 _____

ADOPTED BY

DEC 03 2012

COUNCIL

Refer To

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

CERTIFIED

CERTIFIED
 DEC 03 2012

ATLANTA CITY COUNCIL, PRESIDENT

Yolanda Adrean

CERTIFIED
 DEC 03 2012

Renee Davenport Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 12

WITHOUT SIGNATURE
 BY OPERATION OF LAW

AN ORDINANCE

BY COUNCILMEMBER YOLANDA ADREAN

Adrean

AN ORDINANCE WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-12-010 (735 PEACHTREE BATTLE AVENUE, NW) TO PROVIDE THAT IN LIEU OF INSTALLING SIDEWALK AT SAID SUBDIVISION, 200 FEET OF SIDEWALK WILL BE INSTALLED IN THE EXISTING SIDEWALK GAPS BETWEEN 1088 AND 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, Peter von Wismar, has formally petitioned for the waiver of a portion of the sidewalk requirement for subdivision application SD-12-010 (735 Peachtree Battle Avenue, 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 the street frontage of SD-12-010 (735 Peachtree Battle Avenue, NW) would not benefit said area being that there are no existing sidewalks west of the property to serve as a connection; and

WHEREAS, the City and area residents would be better served by the construction of the sidewalks from SD-12-010, 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, instead of being constructed in front of 735 Peachtree Battle Avenue, NW, 200 feet of sidewalks will be constructed by the developer of Subdivision SD-12-010 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 the sidewalks for Subdivision SD-12-010 (735 Peachtree Battle Avenue, NW).

SECTION 2: The waiver of said requirement for the aforementioned application is conditioned upon the agreement of developer Peter von Wismar to construct 200 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-12-010, as provided by Section 15-07.005(t)(1), the sidewalks as described in this ordinance shall be constructed by the developer, Peter von Wismar, inspected and accepted by the Department of Public Works.

SECTION 4: In the event the developer Peter von Wismar, 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-12-010 above shall remain in full force and effect.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

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

DEC 03, 2012
DEC 12, 2012



CITY OF ATLANTA

KASIM REED
MAYOR

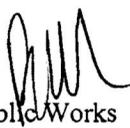
55 TRINITY AVENUE, S.W.
SUITE 4800, CITY HALL SOUTH
ATLANTA, GEORGIA 30303-3531
TEL. (404) 330-6236
FAX. (404) 658-7704
Email:publicworks@atlantaga.gov

DEPARTMENT OF PUBLIC WORKS
RICHARD MENDOZA
Commissioner

DEXTER C. WHITE
Deputy Commissioner

MEMORANDUM

TO: Council Member Yolanda Adrean
Council District 8

FROM: Richard Mendoza 
Commissioner, Public Works

DATE: November 16, 2012

SUBJECT: Sidewalk waiver request for 735 Peachtree Battle Avenue (SD-12-010)

A sidewalk waiver has been requested by the developer of 735 Peachtree Battle Avenue, 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 200 feet, and in lieu of installing the 200 feet of sidewalk waived at this subdivision, the applicant proposes to install an equivalent sidewalk in existing gaps from 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 legislation, 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.
Thank you.



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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Councilmember Yolanda Adrean
Council District 8

FROM: Charletta Wilson Jacks, Director-Office of Planning 

DATE: November 15, 2012

SUBJECT: Sidewalk waiver request for 735 Peachtree Battle Avenue (SD-12-010)

The Office of Planning has received a request to construct the required sidewalks for 735 Peachtree Battle Avenue (SD-12-010) 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 200 feet. The applicant will install 200 feet of sidewalks 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 sidewalk is reasonable for the following:

- There is no existing sidewalk east or west of the subject property to serve as a connection.
- Construction of the sidewalks at the proposed alternate location would fill in the gaps of the existing sidewalk along a segment of Moores Mill Road heavily traveled by pedestrians and runners, going back and forth to the YMCA facility



B

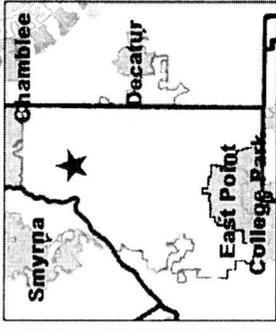
Memorandum to Councilmember Yolanda Adrean
Sidewalk waiver request for 735 Peachtree Battle Avenue (SD-12-010)
November 15, 2012
Page 2 of 2

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 the 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-12-010 to install sidewalks along south side of Moores Mill Road as noted above.



City of Atlanta GIS



Legend

- Streets and Highways
- Other Limited Access
- State Route
- Arterial Roads
- Streets
- Ramps
- Unknown
- Interstates
- County Boundaries
- Parcels
- Airport Labels
- Airport Runways
- Runway/Apron/Taxiway
- Streams
- Ponds
- Parks
- Greenway Acquisitions
- Atlanta City Limits
- Metro Cities



Scale: 1:12,000



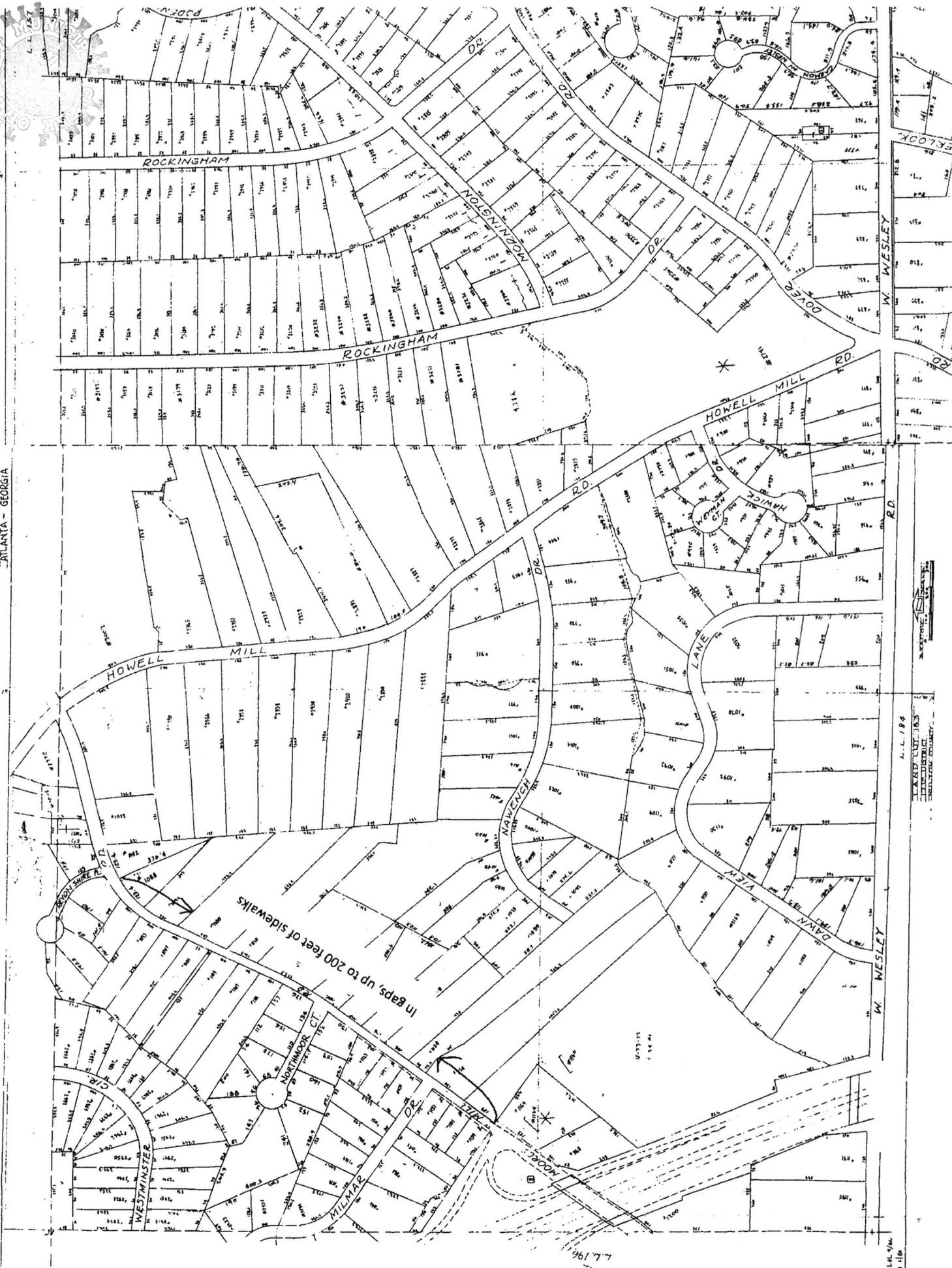
Map center: 2220547, 1393126

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Exhibit D

COMPILED CADASTRAL MAP
ATLANTA - GEORGIA

D



L. L. 1964
 L. L. 1965
 L. L. 1966
 L. L. 1967
 L. L. 1968
 L. L. 1969
 L. L. 1970
 L. L. 1971
 L. L. 1972
 L. L. 1973
 L. L. 1974
 L. L. 1975
 L. L. 1976
 L. L. 1977
 L. L. 1978
 L. L. 1979
 L. L. 1980
 L. L. 1981
 L. L. 1982
 L. L. 1983
 L. L. 1984
 L. L. 1985
 L. L. 1986
 L. L. 1987
 L. L. 1988
 L. L. 1989
 L. L. 1990
 L. L. 1991
 L. L. 1992
 L. L. 1993
 L. L. 1994
 L. L. 1995
 L. L. 1996
 L. L. 1997
 L. L. 1998
 L. L. 1999
 L. L. 2000

RCS# 2447
12/03/12
2:58 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 12-R-1647
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

CONSENT I

		12-03-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 12-O-1252	35. 12-R-1669	69. 12-R-1692
2. 12-O-1550	36. 12-R-1737	70. 12-R-1693
3. 12-O-1551	37. 12-R-1742	71. 12-R-1694
4. 12-O-1552	38. 12-R-1753	72. 12-R-1695
5. 12-O-1553	39. 12-R-1754	73. 12-R-1696
6. 12-O-1728	40. 12-R-1641	74. 12-R-1697
7. 12-O-1738	41. 12-R-1642	75. 12-R-1698
8. 12-O-1545	42. 12-R-1643	76. 12-R-1699
9. 12-O-1546	43. 12-R-1644	77. 12-R-1700
10. 12-O-1425	44. 12-R-1645	ITEMS ADVERSED ON CONSENT
11. 12-O-1426	45. 12-R-1648	78. 12-R-1701
12. 12-O-1427	46. 12-R-1649	79. 12-R-1702
13. 12-O-1429	47. 12-R-1650	80. 12-R-1703
14. 12-O-1430	48. 12-R-1651	81. 12-R-1704
15. 12-O-1569	49. 12-R-1727	82. 12-R-1705
16. 12-O-1725	50. 12-R-1729	83. 12-R-1706
17. 12-R-1675	51. 12-R-1731	84. 12-R-1707
18. 12-R-1677	52. 12-R-1732	85. 12-R-1708
19. 12-R-1678	53. 12-R-1745	86. 12-R-1709
20. 12-R-1679	54. 12-R-1652	87. 12-R-1710
21. 12-R-1565	55. 12-R-1663	88. 12-R-1711
22. 12-R-1654	56. 12-R-1722	89. 12-R-1712
23. 12-R-1655	57. 12-R-1752	90. 12-R-1713
24. 12-R-1656	58. 12-R-1681	91. 12-R-1714
25. 12-R-1657	59. 12-R-1682	92. 12-R-1715
26. 12-R-1658	60. 12-R-1683	93. 12-R-1716
27. 12-R-1659	61. 12-R-1684	94. 12-R-1717
28. 12-R-1660	62. 12-R-1685	95. 12-R-1718
29. 12-R-1661	63. 12-R-1686	96. 12-R-1719
30. 12-R-1662	64. 12-R-1687	
31. 12-R-1664	65. 12-R-1688	
32. 12-R-1665	66. 12-R-1689	
33. 12-R-1666	67. 12-R-1690	
34. 12-R-1667	68. 12-R-1691	