

12-0-1748

(Do Not Write Above This Line)

AN ORDINANCE Z-12-39/Z-02-10
BY: ZONING COMMITTEE

An Ordinance to amend Ordinance 02-O-0474 (Z-02-10) that rezoned property from the R-4(Single Family Residential) District to the PD-H (Planned Development-Housing) District, property located at 2259 Cottage Grove Avenue, S.E. (original subject parcel) fronting 203.27 feet on the southerly side of Cottage Grove Avenue beginning at the southeast corner of East Lake Terrace. Depth: approximately 412.21 feet Area: approximately 1.82 acres. Land Lot 205, 15th District, Dekalb County, Georgia.

OWNER: KEVIN W. BURKE
AND CYNTHIA KILLAM-BURKE
APPLICANT: KEVIN W. BURKE
NPU O
COUNCIL DISTRICT 5

As Amended

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

Date Referred 12/3/12
 Referred To: ZRB + Zoning
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

ADOPTED BY
APR 15 2013
COUNCIL

Committee Zoning
Date 11/28/12
Chair [Signature]
Referred To ZRB + Zoning

Zoning Committee
 Date 3/27/13
 Chair [Signature]
 Action [Signature]
 Fav, Adv, Hold (see rev. side)
 Other
 Members [Signature]
[Signature]
[Signature]
[Signature]
 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 _____

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

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

CERTIFIED
APR 15 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
APR 15 2013
Ronda Daughin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
APR 24 2013
WITHOUT SIGNATURE
BY OPERATION OF LAW

City Council
Atlanta, Georgia

12-O-1748

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-12-39/Z-02-10
Date Filed: 11-1-12

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 **2259 COTTAGE GROVE AVENUE, S.E. (original subject parcel)** which was rezoned via Ordinance 02-O-0474 (Z-02-10) that rezoned property from the R-4(Single Family Residential) District to the PD-H (Planned Development-Housing) District, be amended for purposes of a site plan amendment, to wit:

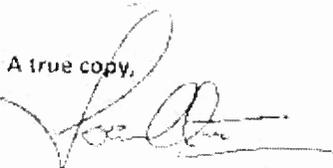
ALL THAT TRACT or parcel of land lying and being in Land Lot 205, 15th District, DeKalb County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of 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, Bureau 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 the attached conditions.

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,


Deputy Municipal Clerk

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

April 15, 2013
April 24, 2013



Conditions for Z-12-39 for 2259 Cottage Avenue, S.E.

1. Site plan titled "Pool Layout Plan" dated September 24, 2012 and marked received by the Office of Planning on November 1, 2012.
2. The applicant shall install a 6 foot privacy fence or landscaping that will provide a buffer around the pool/spa.

LEGEND

- UTILITY POLE
- PROPERTY CORNER
- IRON PIN FOUND/SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT OF WAY
- P/L PROPERTY LINE
- WM WATER METER
- MB MAILBOX

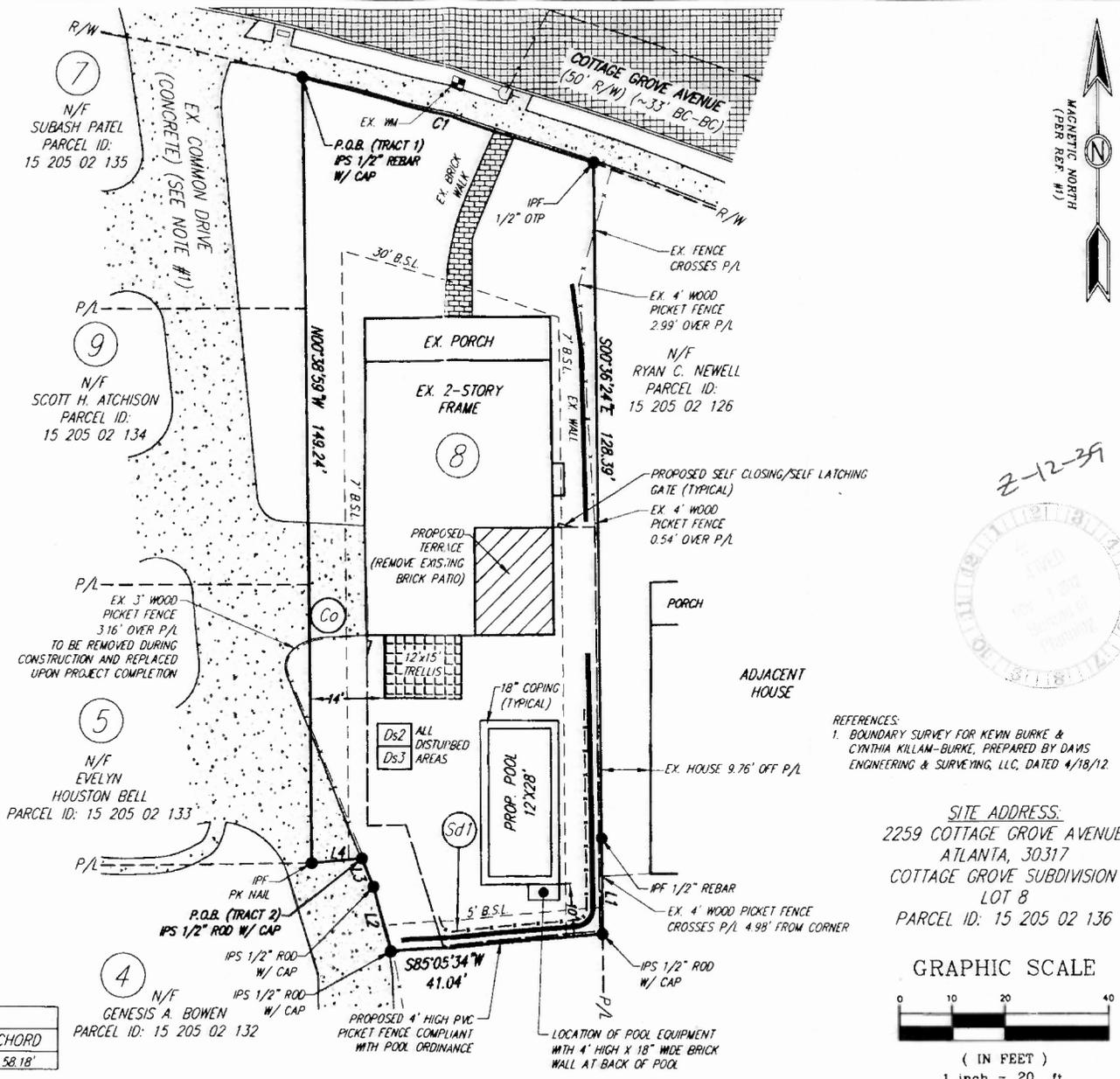
NOTES:

1. UTILITIES SHOWN HEREON ARE FROM AVAILABLE RESOURCES. DAVIS ENGINEERING AND SURVEYING, LLC IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES.
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL PROPERTY AND IMPROVEMENTS AND SHALL REPLACE OR REPAIR ANY DAMAGED ITEMS.
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN A SECURE AND SAFE PROJECT SITE.
4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT PROPERTY CORNER MONUMENTATION. DISTURBED MONUMENTS SHALL BE REPLACED BY A REGISTERED LAND SURVEYOR AT NO COST TO THE OWNER.
5. LIMITS OF DISTURBANCE ALONG SILT FENCE. TOTAL DISTURBED ACREAGE FOR PROJECT IS 0.06 ACRES.
6. THE FINAL CONDITION OF THE SUBJECT DISTURBED/FILL AREA WILL BE TURF SOD AND ORNAMENTAL PLANTS.

PLEASE REFER TO "MANUAL FOR EROSION AND SEDIMENT CONTROL IN GEORGIA" LATEST EDITION FOR ALL EROSION CONTROL DETAILS, SPECIFICATIONS AND MAINTENANCE.

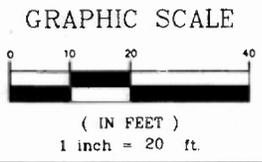
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°39'27"E	18.05'
L2	N14°45'51"W	12.64'
L3	N22°17'12"W	5.61'
L4	S85°05'34"W	9.51'

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD
C1	58.19'	783.22'	573°57'17"E	58.18'



REFERENCES:
 1. BOUNDARY SURVEY FOR KEVIN BURKE & CYNTHIA KILLAM-BURKE, PREPARED BY DAVIS ENGINEERING & SURVEYING, LLC, DATED 4/18/12

SITE ADDRESS:
 2259 COTTAGE GROVE AVENUE
 ATLANTA, 30317
 COTTAGE GROVE SUBDIVISION
 LOT 8
 PARCEL ID: 15 205 02 136



DES DAVIS
 ENGINEERING & SURVEYING
 81 CROWN MTN PLJA400
 DAHLONEGA, GA 30533
 PHONE: (706) 864-0012
 FAX: (706) 864-0052
 DAVISENGINEERS.COM

REGISTERED PROFESSIONAL ENGINEER
 No. 34135
 JASON K. DAVIS
 10/9/12

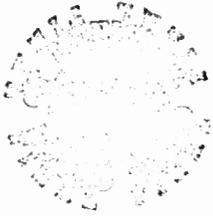
POOL LAYOUT PLAN
 KEVIN BURKE & CYNTHIA KILLAM-BURKE
 DEKALB COUNTY, GEORGIA
 LAND LOT 205
 15TH DISTRICT

DRAWN BY: JKD
 FIELD CREW: RS
 DATE: 9/24/12



SHEET NO.
 1 OF 1

PROJECT NO.
 2011-199



City Council
Atlanta, Georgia

02-0-0474

AN ORDINANCE
BY: ZONING COMMITTEE

Z-02-10
2-8-02

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 **2259 Cottage Grove Avenue, S.E.** be changed from the **R-4 (Single-Family Residential)** District, to the **PD-H (Planned Development-Housing)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **205** of the **15th** District, **DeKalb** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this 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, Bureau 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 the attached conditions.

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,

Shonda Daughin Johnson
Municipal Clerk, OMC

ADOPTED by the Council
APPROVED by the Mayor

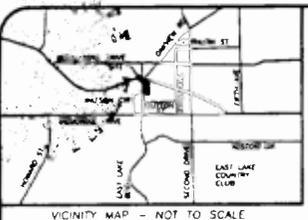
MAY 20, 2002
MAY 28, 2002



Conditions for Z-02-10

1. Site Plan entitled "Cottage Grove Subdivision", prepared by Land Surveyors Incorporated dated December 12, 2001 and stamped as being received by the Bureau of Planning on March 12, 2002.
2. Effective drainage and soil erosion prevention measures shall be utilized, to be determined by the Department of Public Works.
3. A six-foot-high-chain-link fence shall be installed and maintained along the top of the eastern embankment.
4. The new private street and the sidewalk along East Lake Terrace shall be regularly and properly maintained.
5. The two large oak trees in the northern portion of the property shall be maintained.
6. Some form of landscaping besides grass shall be planted and maintained along the side of the eastern embankment.
7. A satisfactory tree planting plan shall be submitted to the City Arborist.

2-02-10



VICINITY MAP - NOT TO SCALE

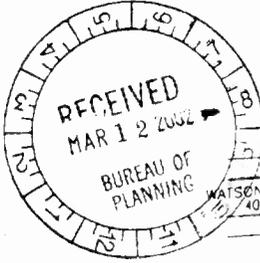
GRAPHIC SCALE



EXISTING ZONING - R4
 PROPOSED ZONING - PDH
 SETBACKS AS SHOWN
 FRONT - 40 FEET
 REAR - 15 FEET
 SIDE - 7 FEET
 MAJOR SIDE - 15 FEET

NOTE:
 COMMON DRIVE TO BE SHARED
 BY LOTS 1-8

- LEGEND**
- POB - POINT OF BEGINNING
 - POC - POINT OF COMMENCEMENT
 - RF - IRON PIN FOUND
 - RS - IRON PIN SET
 - RAFB - 1/2" REBAR
 - OT - OPEN TOP
 - PKS - 3/4" NAIL SET IN PAVING
 - L - ARC
 - R - RADIOS
 - CH - CHAINS
 - R/W - RIGHT-OF-WAY
 - BL - BUILDING LINE
 - HW - HEADWALL
 - ED - CATCH BASIN
 - SWCB - SINGLE WING CATCH BASIN
 - DNCR - DOUBLE WING CATCH BASIN
 - JB - JUNCTION BOX
 - DI - DRAIN INLET
 - TI - TIE INLET
 - DE - DRAINAGE EASEMENT
 - SSE - SANITARY SEWER EASEMENT
 - C/O - SANITARY SEWER CLEAN OUT
 - LL - LAND LOT LINE
 - PCP - REINFORCED CONCRETE PIPE
 - CMP - CORRUGATED METAL PIPE
 - PVC - POLY VINYL CHLORIDE
 - N/T - NOW OR FORMERLY
 - SSWH - SANITARY SEWER MANHOLE
 - EDP - EDGE OF PAVEMENT
 - BOC - BACK OF CURB
 - EX - EXISTING
 - BOU - BOLLARD
 - FM - FIRE HYDRANT
 - PP - POWER POLE
 - LP - LIGHT POLE
 - WM - WATER METER
 - WV - WATER VALVE
 - GV - GAS METER
 - DV - GAS VALVE
 - ICV - IRRIGATION CONTROL VALVE
 - CAWTF - CHAIN LINK FENCE



7.1A OFFICIAL FLOOD HAZARD MAP
 COMMUNITY NUMBER 130426, ZONE X,
 PANEL 219, DATE 07-15-89
 SHOWS THIS PROPERTY NOT TO BE IN A
 BASE FLOOD AREA.

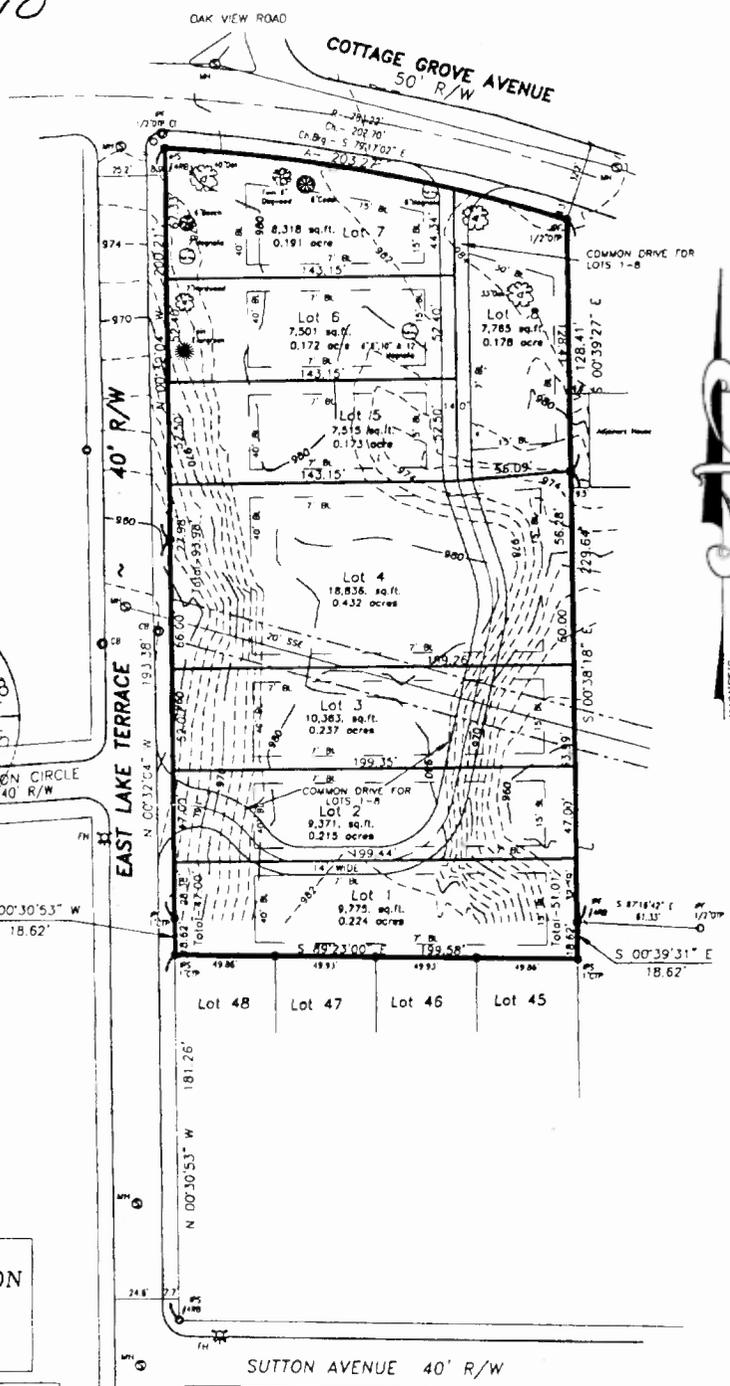
ALL MATTERS OF TITLE ARE EXCEPTED
 NO N.C.S. MONUMENTS FOUND WITHIN
 500' OF THIS PROJECT.
 DIMENSIONS FROM HOUSE TO PROPERTY
 LINE ARE APPROXIMATE.

THE FIELD DATA UPON WHICH THIS PLAT IS
 BASED HAS A CLOSURE PRECISION OF ONE
 FOOT IN 10,787 FEET AND AN ANGULAR ERROR
 OF 0.17 PER ANGULAR POINT. IT WAS ADJUSTED
 BY USING THE LEAST SQUARES METHOD.
 THIS PLAT HAS BEEN CALCULATED FOR
 CLOSURE AND IS FOUND TO BE ACCURATE
 WITHIN ONE FOOT IN 226,528 FEET.
 EQUIPMENT UTILIZED:
 ANGULAR - TOPCON 303
 LINEAR - EDM

Total :
 79,447 sq.ft.
 1.82 acres

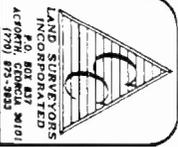
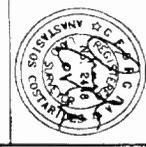
OWNER / DEVELOPER:
BROCK CONSTRUCTION
 1936-A NORTH DRUID HILLS ROAD
 ATLANTA, GEORGIA 30319
 (404) 320-7238
 FAX: (404) 320-3211

THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE; THEREFORE,
 THE UNDERSIGNED AND C&L LAND SURVEYORS, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING
 INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS,
 RESERVATIONS, AND OTHER SIMILAR MATTERS.
 THE UTILITIES SHOWN ARE SHOWN FOR THE CLIENT'S COMMENCEMENT ONLY. THERE MAY BE OTHER UNDERGROUND
 UTILITIES NOT SHOWN. THE SURVEYOR ASSUMES RESPONSIBILITY ONLY FOR THE UTILITIES SHOWN THIS PLAT IS
 FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.



DATE	1-11-02	ADDRESS	1936-A NORTH DRUID HILLS ROAD
BY	1-11-02	CLIENT	BROCK CONSTRUCTION
SCALE	1" = 40'	FIELD DATE	12-12-01
REVISION		DATE	
NO.		BY	

PRELIMINARY & REZONING PLAT FOR:
COTTAGE GROVE SUBDIVISION
 LAND LOT 205 ~ 15th DISTRICT
 DEKALB COUNTY, GEORGIA
 CITY OF ATLANTA



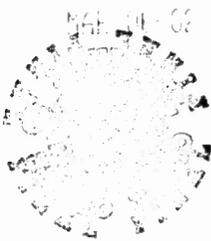


EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 205 of the 15th District of DeKalb County, Georgia, Cottage Grove Subdivision, as per plat recorded in Plat Book ____, Pages ____, DeKalb County, Georgia records, and being more particularly described as follows:

BEGINNING at an iron pin set at a point found upon the intersection of the easterly right-of-way of East Lake Terrace with the southerly right-of-way of Cottage Grove Avenue; running thence along the curvature of the southerly right-of-way of Cottage Grove Avenue a distance of 203.27 feet to an iron pin found; thence South 00 degrees 39 minutes 27 seconds East a distance of 128.41 feet to a point; continuing thence South 00 degrees 38 minutes 18 seconds East a distance of 229.64 feet to an iron pin found; thence South 00 degrees 39 minutes 31 seconds East a distance of 18.62 feet to an iron pin set; thence North 89 degrees 23 minutes 00 seconds West a distance of 199.58 feet to an iron pin set; thence North 00 degrees 30 minutes 53 seconds West a distance of 18.62 feet to a point; thence North 00 degrees 32 minutes 04 seconds West a distance of 193.38 feet to a point; thence North 00 degrees 32 minutes 04 seconds West a distance of 200.21 feet to an iron pin set and the POINT OF BEGINNING; said tract containing 1.82 acres and being depicted on that certain survey prepared by Cathy Bishop Costarides, R.L.S. No. 2588, and Anastasios Costarides, R.L.S. No. 2448, of Land Surveyors Incorporated, Georgia Registered Land Surveyors, dated 12-12-01.

20210

RCS# 3739
5/20/02
2:50 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0474/Z-02-10; 2259 Cottage Grove
02-O-0479/U-02-07; 3199 Fairburn Rd., SW
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

MULTIPLE

RCS# 2655
4/15/13
3:59 PM

Atlanta City Council

MULTIPLE

12-O-1748 AND 12-O-1750

ADOPT AS AMNDED

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 1

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

MULTIPLE