

13-0-0332

(Do Not Write Above This Line)

AN ORDINANCE Z-13-05
BY: ZONING COMMITTEE

An Ordinance to rezone from the C-1 and R-4 (Community Business and Single Family Residential) District to the C-1 (Community Business) District, property located at 2114 AND 2116 DEFOORS FERRY ROAD, N.W. AND 2106 DEFOORS MILL DRIVE, N.W., fronting approximately 234 feet on the west side of Defoors Ferry Road and approximately 92 feet southwest of the intersection of Defoors Ferry Road and Cross Creek Parkway Depth: varies. Area: approximately 1.75 acres. Land Lots 185 and 186, 17th District, Fulton County, Georgia.

OWNER: WYATT AMD KNOX INVESTMENTS, LLC.
APPLICANT: VALENTIN CIUPERCA
NPU C
COUNCIL DISTRICT 9

ADOPTED BY

Substitute
JUL 0 1 2013

COUNCIL

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

Date Referred

3/4/13

Referred To:

ZRB + Zoning

Date Referred

Referred To:

Date Referred

Referred To:

Committee Zoning First Reading
 Date 5/15/13
 Chair [Signature]
 Referred To _____

Zoning Committee
 Date 5/15/13
 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 _____

Zoning Committee
 Date 6/26/13
 Chair [Signature]
 Action
 Fav, Adv, Hold (see rev. side) on substitute
 Other _____
 Members [Signature]
[Signature]
[Signature]
 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
 JUL 0 1 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 JUL 0 1 2013
 Ronda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 10 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW



City Council
Atlanta, Georgia

13-O-0332

AN ORDINANCE
AS SUBSTITUTED
BY: ZONING COMMITTEE

Z-13-05

Date Filed: 2-12-13

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 **2114 and 2116 DEFOORS FERRY ROAD, N.W. and 2106 DEFOORS MILL DRIVE, N.W.** be changed from the C-1 and R-4 (Community Business and Single Family Residential) Districts to the MR4 B -C (Multifamily Residential-Conditional) Zoning District, to wit:

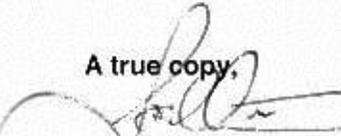
ALL THAT TRACT or parcel of land lying in Land Lots 185 and 186, 17th District Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

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 suffice "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,


Deputy Clerk

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

JUL 01, 2013
JUL 10, 2013



**Conditions for Z-13-05 for 2108, 2110 Defoor Avenue
and 2114, 2116 Defoors Ferry Road, N.W.**

1. Conceptual Site Plan: The proposed site plan dated April 1, 2013 and stamped received by the Office of Planning on April 1, 2013 is to be used only for conceptual purposes and is not to prohibit the application of the district regulations..
2. Floor Area Ratio: the Floor Area Ratio shall not exceed 0.70 times gross land area.
3. Commercial uses: Commercial uses are prohibited with the exception of home occupation uses as defined in Section 16-29.001(17).
4. Garage doors shall not face Defoors Ferry Road/Defoors Avenue.
5. Fenestration: The Defoors Ferry Road/Defoors Avenue facades shall provide windows and/or doors for a minimum of 20 percent of the façade area, with each floor being calculated independently.



Legal Description
2108, 2110, 2114, 2116A Defoors Ferry Road Atlanta, GA 30318

All that tract or parcel of land lying in Land Lots 185 and 186 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an ½"RBF located at the corner common to Land Lots 185, 186, 193, and 194 of said District THENCE run along west Land Lot Line of Land Lot 185 North 44 degrees 02 minutes 06 seconds East a distance of 188.25 feet to an ½"RBF;
 THENCE run South 62 degrees 19 minutes 25 seconds East a distance of 40.04 feet to an ½"RBF;
 THENCE run North 50 degrees 23 minutes 25 seconds East a distance of 190.23 feet to an ½"RBF located on the southwestern side of Right-of-Way of Defoors Ferry Road;
 THENCE run southwesterly along said Right-of-Way following the curvature thereof an arc distance of 32.06 feet, said arc having a radius of 298.45 feet and being subtended by a chord bearing and distance of South 44 degrees 12 minutes 41 seconds East 32.04 feet to an X-MARK;
 THENCE run leaving said Right-of-Way South 41 degrees 07 minutes 00 seconds West a distance of 132.13 feet to a point;
 THENCE run South 30 degrees 25 minutes 30 seconds East a distance of 49.06 feet to a point;
 THENCE run North 75 degrees 44 minutes 30 seconds East a distance of 138.22 feet to an 1"OTP DIST located on the southwestern side of Right-of-Way of Defoors Ferry Road;
 THENCE run southerly along said Right-of-Way following the curvature thereof an arc distance of 77.08 feet, said arc having a radius of 281.84 feet and being subtended by a chord bearing and distance of South 12 degrees 59 minutes 55 seconds East 76.84 feet to an X-MARK;
 THENCE run southerly along said Right-of-Way South 06 degrees 02 minutes 39 seconds East a distance of 60.74 feet to an ½"RBF;
 THENCE run southerly along said Right-of-Way South 07 degrees 06 minutes 48 seconds East a distance of 63.95 feet to a ROD;
 THENCE run leaving said Right-of-Way South 89 degrees 42 minutes 37 seconds West a distance of 226.25 feet to an ½"RBF DIST;
 THENCE run North 88 degrees 43 minutes 22 seconds West a distance of 197.41 feet to an ½"RBF located at the western Land Lot Line of Land Lot 185;
 THENCE run along west Land Lot Line of Land Lot 185 North 00 degrees 40 minutes 20 seconds East a distance of 71.64 feet to an ½"RBF POINT OF BEGINNING;

Said Tract Contains 1.759 Acres more or less.

The End.



RCS# 2870
7/01/13
3:32 PM

Atlanta City Council

13-O-0332

REZONE FROM THE C-1 AND R-4 FOR PROPERTY
LOCATED AT 2114&2116 DEFOORS FERRY RD.
ADOPT/SUBST.

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

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

13-O-0332