

2385

13-0 -1160

(Do Not Write Above This Line)

AN ORDINANCE Z-13-20
BY: ZONING COMMITTEE

An Ordinance to rezone from the I-1 (Light Industrial) District to the PD-H (Planned Development-Housing) District for property located at 2107 MARIETTA ROAD AND MAULDIN STREET, N.W., fronting approximately 179 feet on the southern boundary of Weatherstone Creek Trail and approximately 727 feet on the north side of Marietta Road beginning approximately 591 feet from the northeastern corner of Adams Drive. Depth: approximately 2, 227 feet. Area: approximately 29 acres. Land Lots 229 and 230, 17th District, Fulton County, Georgia.

OWNER: AMERICAN PRESIDENT LINES, LTD.
APPLICANT: BROCK BUILT HOMES, LLC C/O ADAM BROCK NPU D
COUNCIL DISTRICT 9

As Amended

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

Date Referred: 7/15/13
 Referred To: ZRBZ Zoning
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading
 Committee: Zoning
 Date: 10/12/13
 Chair: [Signature]
 Referred To: ZRBZ and Zoning

Committee: Zoning
 Date: 10/12/13
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side) as amended
 Members: Carlo [Signature], [Signature]
 Refer To: [Signature]

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
 OCT 07 2013
 COUNCIL
 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
 OCT 07 2013
 ATLANTA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 OCT 07 2013
 Rhonda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 OCT 16 2013
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



City Council
Atlanta, Georgia

13-O-1160

Z-13-20

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Date Filed: 6-11-13

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 **2107 MARIETTA ROAD AND MAULDIN STREET, N.W.**, be changed from the I-1 (Light Industrial) District to the PD-H (Planned Development-Housing) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lots 229 and 230 of the 17th District, Fulton 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 Clerk

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

OCT 07, 2013
OCT 16, 2013

Zoning Conditions for Z-13-020, 2107 Marietta Rd. – West Side Station



All zoning conditions will be shown on the final approved site development plans and on final plat document. Each page of the site development plan will have a BOLD note reading "Refer to Zoning Conditions for this Application." The final plat will be recorded with the Zoning Conditions. All streets are to be marked as private on the Final Plat.

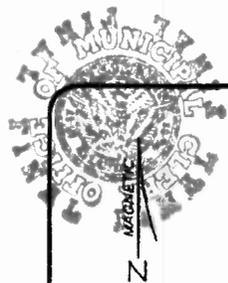
2. The developer agrees to install a "tree screen" of both hardwood and evergreen trees along the main drive of West Side Station along the portion of the property adjacent to the undisturbed buffer and floodplain areas and facing Adams Crossing.
3. There will be no disturbance of any kind within areas labeled as undisturbed buffer on the site plan except controlled removal of kudzu and dead/dangerous trees following written approval of the City Arborist. Orange tree save fencing will be placed along all buffer areas. A tree survey will be conducted prior to commencement of any development.
4. Leave wetland/stream area undisturbed and maintain both State & City mandated stream buffer zone distances from existing creek.
5. Spaces labeled as "parks" on the site plan will remain "parks" and will not be converted into additional housing units or for any other uses.
6. A secondary entrance will be created for the development.
7. Hours of Construction will be limited to the following:
Mon – Fri, 7am – 7pm
Sat 9am – 6pm
Sun – no construction activity
Holidays – no construction activity for the 24 hour period of that Holiday. Holidays to be all Federal holidays.

The above hours of construction are to include deliveries of materials as well as all construction activity.

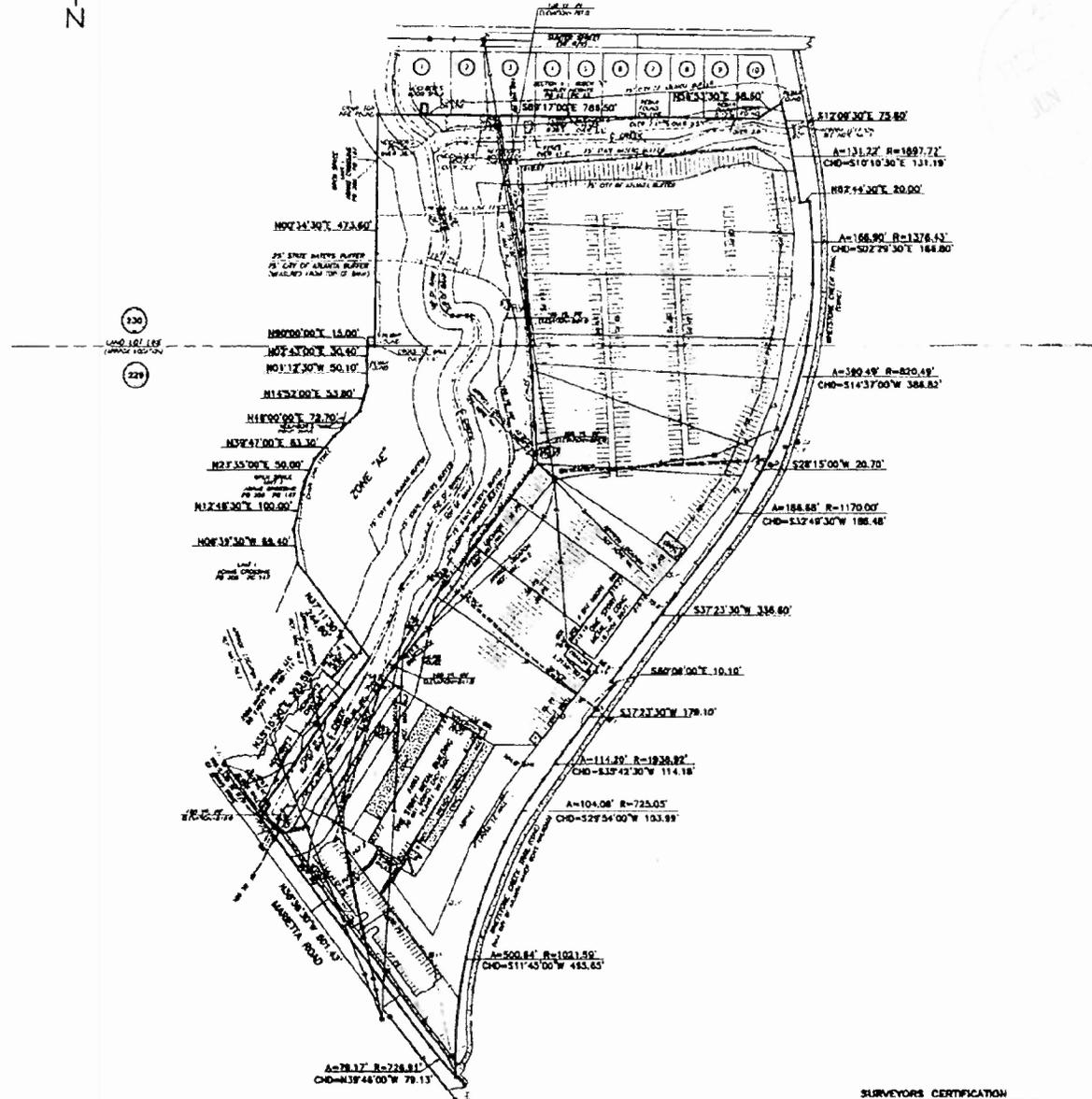
Construction Activity means: no work on the interiors, no work on the exteriors, no deliveries of any sort, no grading, no tree cutting, no construction workers on site at all during the "off hours."

During the construction hours: there will be no loud music, adequate port - o -potties installed on site. Absolutely no deliveries or construction traffic on Adams Drive, Mauldin, LaDawn or any other residential streets. Deliveries, employees, etc will enter & exit site on Marietta Rd., and proceed to either Chattahoochee or Bolton Road to exit the neighborhood. A Brockbuilt contact phone number or appropriate supervisor's number will be given to the neighborhood in the case that one of these rules are broken and it will be addressed within 30 minutes.

8. All construction related waste to be disposed of in dumpsters & removed from the site.
9. Developer agrees to notify in writing the NPU-D Chair of any significant changes to the site plan or any transfer of rights to develop.



Z-13-020



SURVEY NOTES

1. THESE NOTES, TOGETHER WITH THE SURVEY DATA, SHALL BE THE BASIS FOR THE RECORDING OF THIS SURVEY. THE LOCATION OF ALL BOUNDARIES, CORNERS, AND POINTS OF INTEREST SHALL BE SHOWN ON THE SURVEY MAP. THE LOCATION OF ALL BOUNDARIES, CORNERS, AND POINTS OF INTEREST SHALL BE SHOWN ON THE SURVEY MAP.
2. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO AN EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS EASEMENT IS SHOWN ON THE SURVEY MAP.
3. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO AN EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS EASEMENT IS SHOWN ON THE SURVEY MAP.
4. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO AN EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS EASEMENT IS SHOWN ON THE SURVEY MAP.
5. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO AN EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS EASEMENT IS SHOWN ON THE SURVEY MAP.
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7. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO AN EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS EASEMENT IS SHOWN ON THE SURVEY MAP.
8. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO AN EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS EASEMENT IS SHOWN ON THE SURVEY MAP.
9. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO AN EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS EASEMENT IS SHOWN ON THE SURVEY MAP.
10. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO AN EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS EASEMENT IS SHOWN ON THE SURVEY MAP.

REFERENCE MATERIAL

1. SURVEY MAP OF THE CITY OF ATLANTA, GEORGIA, SHOWING THE LOCATION OF THE PROPERTY AND THE LOCATION OF THE EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY.
2. SURVEY MAP OF THE CITY OF ATLANTA, GEORGIA, SHOWING THE LOCATION OF THE PROPERTY AND THE LOCATION OF THE EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY.
3. SURVEY MAP OF THE CITY OF ATLANTA, GEORGIA, SHOWING THE LOCATION OF THE PROPERTY AND THE LOCATION OF THE EASEMENT FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY.

LEGEND

- 1. BOUNDARY
- 2. CORNER
- 3. POINT OF INTEREST
- 4. EASEMENT
- 5. ROADWAY
- 6. HIGHWAY
- 7. ROADWAY
- 8. HIGHWAY
- 9. ROADWAY
- 10. HIGHWAY

SURVEYORS CERTIFICATION

I, the undersigned, hereby certify that I am a duly licensed and qualified Surveyor of the State of Georgia, and that I have personally supervised the execution of the survey shown on this map, and that the same is a true and correct representation of the facts as shown on the ground. I have also personally supervised the execution of the survey shown on this map, and that the same is a true and correct representation of the facts as shown on the ground.

[Signature]
 Surveyor
 State of Georgia

FLOOD INFORMATION

241724 SUFF. LIES WITHIN FLOOD ZONE "A"
 212874 SUFF. LIES WITHIN FLOOD ZONE "A"
 212874 SUFF. LIES WITHIN FLOOD ZONE "A"

TOTAL AREA=18.8122 ACRES
 OR 1,208,254.30 SQ. FT.
 2107 MARSTIA ROAD
 ATLANTA, GEORGIA

RIGHT-OF-WAY NOTE

THE PROPERTY IS SUBJECT TO THE RIGHT-OF-WAY FOR THE CONSTRUCTION OF A HIGHWAY OR ROADWAY. THE LOCATION OF THIS RIGHT-OF-WAY IS SHOWN ON THE SURVEY MAP.

McLUNG
 SURVEYING & ENGINEERING, INC.
 1111 N. W. 13th St., Suite 100
 Atlanta, Georgia 30310

SURVEY FOR
AMERICAN PRESIDENT LINES, LLC

LOCATED IN
 LAND LOTS 229 & 230
 17TH DISTRICT
 CITY OF ATLANTA
 FULTON COUNTY, GEORGIA

PLAT PREPARED: 1-8-13
 FIELD: 1-2-13 SCALE: 1"=100'

No.	Revision	Date
1	FOR THE SURVEY	1-11-13



L E G A L D E S C R I P T I O N

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 229 AND 230 OF THE 17TH LAND DISTRICT OF FULTON COUNTY, GA. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS:

213-020

BEGINNING AT A 1/2" REBAR MONUMENTING THE INTERSECTION OF RIGHT OF WAYS OF MARIETTA ROAD AND ADAMS DRIVE, THENCE SOUTH 35 DEGREES 15 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 591.35' TO A 5/8" REBAR MONUMENTING THE POINT OF BEGINNING.

THENCE North 35 degrees 50 minutes 37 seconds East for a distance of 393.87 feet to a 5/8" REBAR;

THENCE North 36 degrees 29 minutes 19 seconds West for a distance of 244.60 feet to a 5/8" REBAR;

THENCE North 05 degrees 57 minutes 19 seconds West for a distance of 69.40 feet to a 5/8" REBAR;

THENCE North 13 degrees 28 minutes 41 seconds East for a distance of 100.00 feet to a 5/8" REBAR;

THENCE North 24 degrees 17 minutes 11 seconds East for a distance of 50.00 feet to a 5/8" REBAR;

THENCE North 40 degrees 29 minutes 11 seconds East for a distance of 63.30 feet to a 5/8" REBAR;

THENCE North 46 degrees 42 minutes 11 seconds East for a distance of 72.70 feet to a 5/8" REBAR;

THENCE North 15 degrees 34 minutes 11 seconds East for a distance of 53.80 feet to a 5/8" REBAR;

THENCE North 00 degrees 30 minutes 19 seconds West for a distance of 50.10 feet to a 5/8" REBAR;

THENCE North 03 degrees 25 minutes 11 seconds East for a distance of 30.40 feet to a 5/8" REBAR;

THENCE South 89 degrees 17 minutes 49 seconds East for a distance of 15.02 feet to a 1/2" REBAR;

THENCE North 01 degrees 08 minutes 35 seconds East for a distance of 473.56 feet to a 1/2" CRIMPED TOP PIPE;

THENCE South 88 degrees 43 minutes 47 seconds East for a distance of 324.75 feet to a 5/8" REBAR;

THENCE South 86 degrees 58 minutes 52 seconds East for a distance of 69.91 feet to a 1/2" OPEN TOP PIPE;

THENCE North 89 degrees 34 minutes 12 seconds East for a distance of 69.97 feet to a 1/2" REBAR;

THENCE South 88 degrees 40 minutes 45 seconds East for a distance of 279.86 feet to a 1/2" REBAR;

THENCE South 88 degrees 23 minutes 29 seconds East for a distance of 41.98 feet to a 1/2" REBAR;

THENCE North 57 degrees 22 minutes 55 seconds East for a distance of 58.87 feet to a 1/2" REBAR ON THE OLD R/R R/W;

THENCE South 11 degrees 16 minutes 12 seconds East for a distance of 75.60 feet to a POINT;

THENCE along a curve to the right having a radius of 1897.72 feet and an arc length of 131.22 feet, being subtended by a chord of South 09 degrees 43 minutes 43 seconds East for a distance of 131.19 feet to a 1/2" REBAR;

THENCE North 83 degrees 11 minutes 17 seconds East for a



distance of 20.00 feet to a POINT;

THENCE along a curve to the right having a radius of 1376.43 feet and an arc length of 167.15 feet, being subtended by a chord of South 01 degrees 26 minutes 22 seconds East for a distance of 167.05 feet to a POINT;

2-13-020

THENCE along a curve to the right having a radius of 820.49 feet and an arc length of 390.50 feet, being subtended by a chord of South 15 degrees 12 minutes 07 seconds West for a distance of 386.82 feet to a POINT;

THENCE South 28 degrees 50 minutes 07 seconds West for a distance of 20.70 feet to a POINT;

THENCE along a curve to the right having a radius of 1170.00 feet and an arc length of 186.68 feet, being subtended by a chord of South 33 degrees 24 minutes 37 seconds West for a distance of 186.48 feet to a POINT;

THENCE South 37 degrees 58 minutes 37 seconds West for a distance of 336.60 feet to a POINT;

THENCE South 59 degrees 32 minutes 53 seconds East for a distance of 10.10 feet to a POINT;

THENCE South 37 degrees 58 minutes 37 seconds West for a distance of 179.10 feet to a POINT;

THENCE along a curve to the left having a radius of 1936.92 feet and an arc length of 114.20 feet, being subtended by a chord of South 36 degrees 17 minutes 37 seconds West for a distance of 114.18 feet to a POINT;

THENCE along a curve to the left having a radius of 725.05 feet and an arc length of 104.08 feet, being subtended by a chord of South 30 degrees 29 minutes 07 seconds West for a distance of 103.99 feet to a POINT;

THENCE along a curve to the left having a radius of 1021.59 feet and an arc length of 500.64 feet, being subtended by a chord of South 12 degrees 20 minutes 07 seconds West for a distance of 495.65 feet to a CONCRETE NAIL;

THENCE along a curve to the right having a radius of 726.91 feet and an arc length of 79.17 feet, being subtended by a chord of North 39 degrees 10 minutes 53 seconds West for a distance of 79.13 feet to a CONCRETE NAIL;

THENCE North 36 degrees 03 minutes 23 seconds West for a distance of 601.43 feet to THE POINT OF BEGINNING;

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 28.898 acres.

RCS# 3050
10/07/13
4:24 PM

Atlanta City Council

MULTIPLE

13-O-1042, 13-O-1160 AND 13-O-1161

ADOPT AS AMNDED

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

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

MULTIPLE