

1850

13-0-1005

(Do Not Write Above This Line)

Z-13-10

**AN ORDINANCE  
BY: ZONING COMMITTEE**

An Ordinance to rezone from the RG-2 (Residential General-Sector 2) District to the RG-3 (Residential General-Sector 3) District, property located at **3700 Peachtree Road, N.E.**, fronting approximately 99 feet on the north side of Peachtree Road beginning approximately 151 feet from the northwest corner of Vermont Road. Depth: varies. Area: approximately 1.147 acres. Land Lot 10, 17<sup>th</sup> District, Fulton County, Georgia.

OWNER: Peachtree at Capitol City, LLC.  
APPLICANT: Peachtree at Capitol City, LLC  
NPU B  
COUNCIL DISTRICT 7

*As Amended*

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

Date Referred: *5/6/13*  
 Referred To: *ZRB + Zoning*  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

*1* Committee *Zoning*  
 Date *10/30/13*  
 Chair *[Signature]*  
 Action *Fav, Adv, Hold (see rev. side) as amended*  
 Other \_\_\_\_\_  
 Members *[Signatures]*  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 ADOPTED BY  
 NOV 04 2013  
 COUNCIL  
 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  
 NOV 04 2013  
 ATLANTA CITY COUNCIL, PRESIDENT  
*[Signature]*

CERTIFIED  
 NOV 04 2013  
*Rhonda Doreen Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
 NOV 13 2013  
 WITHOUT SIGNATURE  
 BY OPERATION OF LAW



City Council  
Atlanta, Georgia

**13-O-1005**

**Z-13-10**

Date Filed: 3-12-13

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

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 **3700 PEACHTREE ROAD, N.E.**, be changed from the RG-2 (Residential General-Sector 2) District to the RG-3-C (Residential General-Sector 3-Conditional) District, to wit:

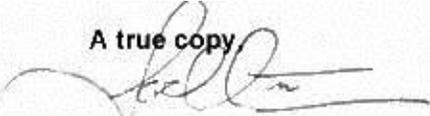
ALL THAT TRACT or parcel of land lying and being in Land Lot 10, 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

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

NOV 04, 2013  
NOV 13, 2013



**Conditions for Z-13-10 for 3700 Peachtree Road, N.E.**

1. A site plan entitled "3700 Peachtree" by Eberly & Associates dated 08/21/13 and stamped received by the Office of Planning, September 18, 2013. However, this condition shall not preclude application of the RG regulations.
2. Existing sidewalks and ramps along all property frontages shall be upgraded and/or repaired in order to meet current city and Americans with Disabilities Act standards.
3. The development shall not be gated to ensure stacking of vehicles does not occur across Peachtree Road sidewalk and on Peachtree Road.
4. Exterior lighting will be directed so as to prevent off-site spillage.
5. Utility equipment will be visually screened from the townhome units located immediately to the east of the subject property.
6. The portions of the retaining wall along the east side of the property visible from adjacent residences to the east will be finished with a veneer and landscaping will be added along the wall as feasible.
7. The sanitary sewer easement benefitting the subject property and running through 3724 Vermont Road will be abandoned prior to issuance of permits for development of the property.



LEGAL DESCRIPTION  
PARCEL TO BE ZONED RG-3-C

All that tract or parcel of land lying and being in Land Lot 10 of the 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia, said tract being more particularly described as follows:

COMMENCING at a point marked by a 1 inch open top found located at the intersection of the northwesterly right-of-way line of Peachtree Road (80 foot right-of-way) and the southwesterly right-of-way line of Vermont Road (50 foot right-of-way); run thence South 64 degrees 18 minutes 31.28 seconds West a distance of 150.101 feet along said Peachtree Road right-of-way line to a point marked by a ¾ inch open top pipe found, said point being the POINT OF BEGINNING;

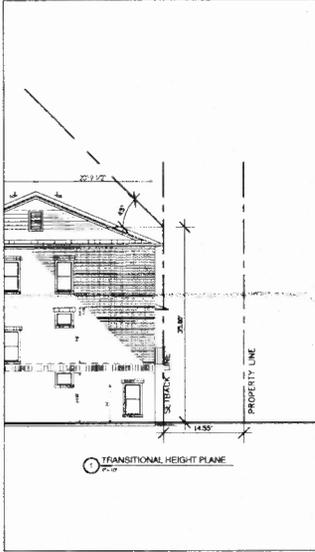
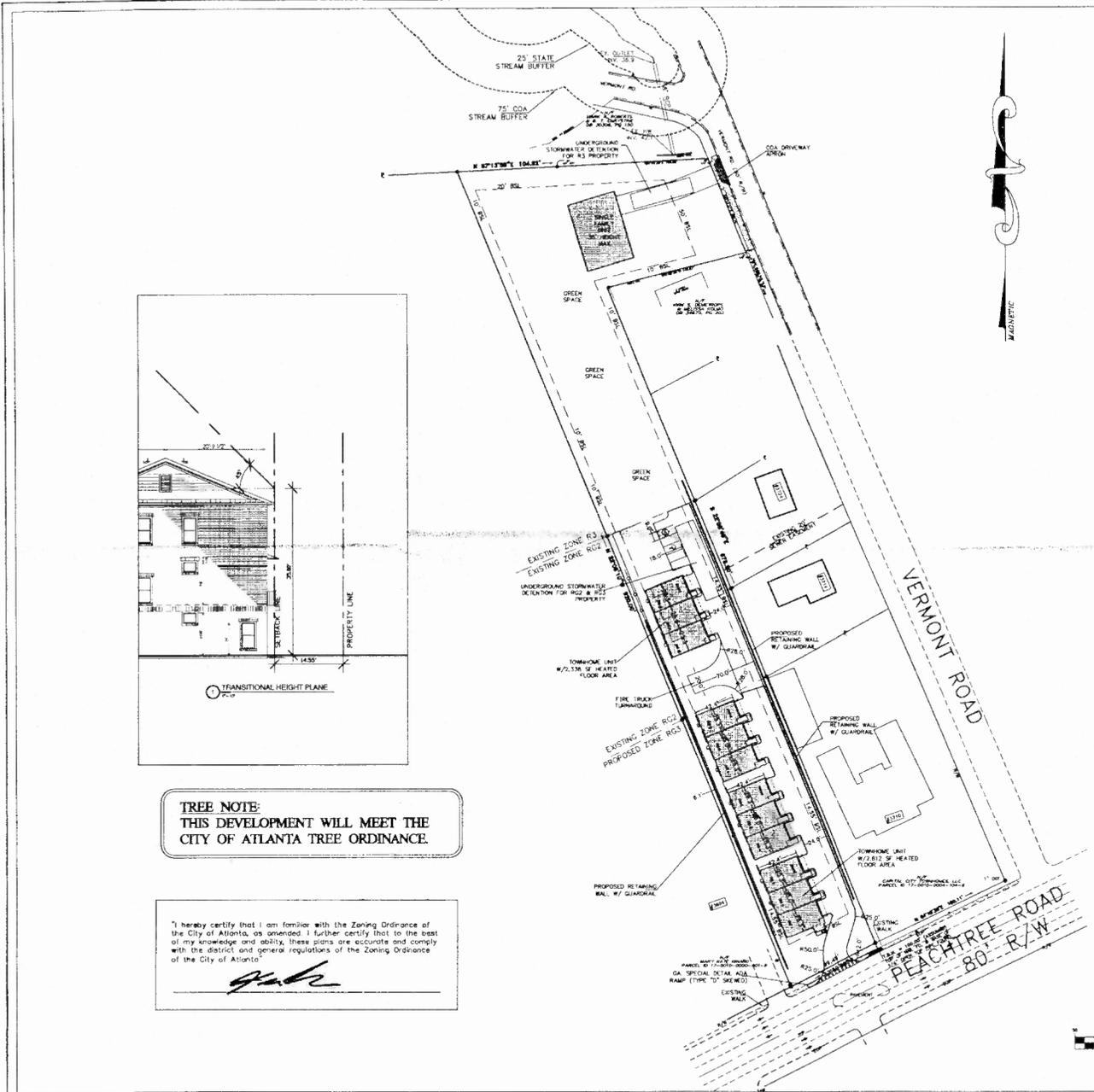
FROM SAID POINT OF BEGINNING, thence leaving said right-of-way line of Peachtree Road, run North 22 degrees 8 minutes 42 seconds West a distance of 300.763 feet to a point; run thence South 62 degrees 50 minutes 33.28 seconds East a distance of 99.444 feet to a point; run thence South 22 degrees 8 minutes 12.23 seconds East a distance of 300.766 feet to a point located on the northwesterly right-of-way line of Peachtree Road, run thence along said right-of-way line of Peachtree Road North 62 degrees 50 minutes 33.28 seconds East a distance of 99.487 to a point marked by a ¾ inch open top pipe found located on the northwesterly right-of-way line of Peachtree Road, said point being the POINT OF BEGINNING.

Said tract or parcel being 0.68 acres of land.

Said tract or parcel also being the same as the portion of 3700 Peachtree Road which is has a medium density residential comprehensive plan designation.

Z-13-10  
amended

2-13-10



**TREE NOTE:**  
THIS DEVELOPMENT WILL MEET THE CITY OF ATLANTA TREE ORDINANCE.

I hereby certify that I am familiar with the Zoning Ordinance of the City of Atlanta, as amended. I further certify that to the best of my knowledge and ability, these plans are accurate and comply with the district and general regulations of the Zoning Ordinance of the City of Atlanta.

*[Signature]*

**SITE DATA**  
EXISTING ZONING USE: RG-2, R3  
SITE ACREAGE: 2.45 ACRES  
RG-2: 1.147 ACRES  
R3: 1.31 ACRES

PROPOSED ZONING USE:  
REZONE 0.684 AC FROM RG-2 TO RG-3

TOTAL PROPOSED UNITS: 13 UNITS  
12 TOWNHOMES, 1 SINGLE FAMILY

DISTURBED ACREAGE: 2.38 ACRES

LAND LOT 10, 17th DISTRICT  
CITY OF ATLANTA, FULTON COUNTY, GA



**SITE DATA - R3 PORTION**

**BUILDING DATA**  
TOTAL # OF UNITS = 1 UNIT  
TOTAL BLDG & GARAGE FOOTPRINT AREA = 3,416 S.F.  
MAXIMUM HEIGHT: 35 FEET

**SETBACKS**  
FRONT: 30 FEET  
SIDE: 10 FEET  
REAR: 30 FEET

**FLOOR AREA RATIO**  
GROSS LAND AREA (GLA) = 56,933 S.F.  
GROSS FLOOR AREA (GFA) = 3,290 S.F. (TOTAL HEATED SQUARE FOOTAGE)  
FLOOR AREA RATIO (FAR) = 5,250 / 56,933 = 0.092

MAXIMUM FLOOR AREA RATIO (FAR) = 0.40  
PROVIDED FLOOR AREA RATIO (FAR) = 0.092

MAXIMUM LOT COVERAGE = 40%  
PROVIDED LOT COVERAGE = 6,500 S.F. / 57,063.6 S.F. = 11.4%

**PARKING DATA**  
PARKING PROVIDED:  
2 SPACES PER DWELLING UNIT x 1 UNIT = 2 SPACES  
PARKING PROVIDED:  
2 CAR GARAGE = 2 SPACES

**PROPOSED SITE DATA FOR RG-2 PORTION**

**BUILDING DATA**  
TOTAL # OF UNITS = 3 UNITS  
TOTAL BLDG & GARAGE FOOTPRINT AREA = 1071 S.F.

**LIU CALCULATIONS**  
LOT AREA = 26,801 S.F. = 0.684 ACRES  
GROSS LAND AREA (GLA) = 20,194 S.F.  
GROSS FLOOR AREA (GFA) = 2,014 S.F. (TOTAL HEATED SQUARE FOOTAGE)  
FLOOR AREA RATIO (FAR) = 7,014 / 20,194 = 0.348  
(SEE FAR FOR RG, SECTION 3 - USE 0.348)

**TOTAL OPEN SPACE**  
TOTAL OPEN SPACE REQUIRED (TOSR) = 0.732 14,718 S.F.  
TOTAL PROVIDED = GLA - TOTAL BUILDING FOOTPRINT AREA  
TOSR = 20,194 - 3,202 = 16,992 S.F.

**USABLE OPEN SPACE**  
USABLE OPEN SPACE REQUIRED (UOSR) = 0.490 9,071 S.F.  
TOTAL PROVIDED = GLA - TOTAL FOOTPRINT AREA - PARKING AND DRIVE AREA  
UOSR = 20,194 - 3,202 - 6,500 = 10,492 S.F.

**SETBACKS**  
FRONT: 40 FEET  
SIDE: 0+4+3+7/10, 5+3, 1+7+5'  
0+4+3+7+5/10 = 14+55'

**PARKING DATA**  
PARKING PROVIDED:  
1.5 SPACES PER DWELLING UNIT x 3 UNITS  
= 4.5 SPACES  
PARKING PROVIDED:  
2 CAR GARAGE FOR EACH UNIT = 5 UNITS SPACES = 11 SPACES

**PROPOSED SITE DATA FOR RG-3 PORTION**

**BUILDING DATA**  
TOTAL # OF UNITS = 9 UNITS  
TOTAL BLDG & GARAGE FOOTPRINT AREA = 1,050 S.F.

**LIU CALCULATIONS**  
LOT AREA = 26,801 S.F. = 0.684 ACRES  
GROSS LAND AREA (GLA) = 33,780 S.F.  
GROSS FLOOR AREA (GFA) = 13,308 S.F. (TOTAL HEATED SQUARE FOOTAGE)  
FLOOR AREA RATIO (FAR) = 13,308 / 33,780 = 0.696  
(SEE FAR FOR RG, SECTION 3 - USE 0.696)

**TOTAL OPEN SPACE**  
TOTAL OPEN SPACE REQUIRED (TOSR) = 0.690 23,308.7 S.F.  
TOTAL PROVIDED = GLA - TOTAL BUILDING FOOTPRINT AREA  
TOSR = 33,780 - 1,050 = 24,730 S.F.

**USABLE OPEN SPACE**  
USABLE OPEN SPACE REQUIRED (UOSR) = 0.400 13,513 S.F.  
TOTAL PROVIDED = GLA - TOTAL FOOTPRINT AREA - PARKING AND DRIVE AREA  
UOSR = 33,780 - 8,000 - 8,570 = 14,804.7 S.F.

**SETBACKS**  
FRONT: 40 FEET  
SIDE: 0+4+3+7/10, 5+3, 1+7+5'  
0+4+3+7+5/10 = 14+55'

**PARKING DATA**  
PARKING PROVIDED:  
1.5 SPACES PER DWELLING UNIT x 9 UNITS  
= 13.5 SPACES  
PARKING PROVIDED:  
2 CAR GARAGE FOR EACH UNIT = 18 SPACES

**HERLEY & ASSOCIATES**  
TEL: 770.452.7849 FAX: 770.452.8066  
1852 CENTURY PLACE, SUITE 202  
ATLANTA, GEORGIA 30345  
WWW.HERLEY.NET

LAND PLANNING  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE

PROJECT: 3700 PEACHTREE

LAND LOT 10  
17th DISTRICT  
FULTON COUNTY, GEORGIA  
3700 PEACHTREE ROAD

REVISIONS:

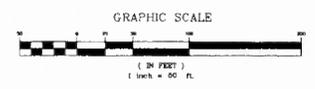
NO.	DATE	DESCRIPTION

RE-ZONING SITE PLAN

SCALE:	1" = 50'
DATE:	09/21/13
DRAWN BY:	JP
PROJECT MANAGER:	KE
QA/QC CHECK:	KE

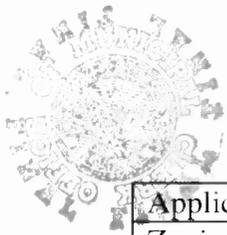
PROJECT NO: 13-012

Z1.0



**UTILITIES PROTECTION CENTER**  
CALL FREE THROUGHOUT GEORGIA  
1-800-282-7411

THREE WORKING DAYS BEFORE YOU DIG



Application File Date	3-12-13
Zoning Number	Z-13-10
NPU / CD	B-7
Staff Recommendation	Approval Conditional
NPU Recommendation	Approval
ZRB Recommendation	Approval Conditional (ZRB Public Hearing: 10-10-13)



1850  
Z-13-010

EXHIBIT "A"  
LEGAL DESCRIPTION  
(SURVEY LEGAL)

All that tract or parcel of land lying and being in Land Lot 10 of the 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia, containing 2.465 acres according to a Survey for Peachtree at Capital City, LLC, RREF BB-GA PPL, LLC & North American Title Company, dated November 28, 2012, prepared by Johnston Surveying, LLC, Nathan H. Johnston, G.R.L.S. No. 3147, said tract being more particularly described according to said survey as follows:

BEGINNING at a point marked by a 3/4 inch open top pipe found located on the northwesterly right of way line of Peachtree Road (80 foot right of way), said point being located South 64 degrees 38 minutes 21 seconds West a distance of 150.77 feet along said right of way line from an iron pin found located at the intersection of the aforesaid northwesterly right of way line of Peachtree Road with the southwesterly right of way line of Vermont Road (50 foot right of way); run thence along said right of way line of Peachtree Road South 63 degrees 51 minutes 53 seconds West a distance of 99.11 feet to a point marked by a 3/4 inch open top pipe found; leaving said right of way line, run thence North 22 degrees 08 minutes 12 seconds West a distance of 918.25 feet to a point marked by a 3/4 inch open top pipe found; run thence North 87 degrees 10 minutes 18 seconds East a distance of 261.82 feet to a point marked by an iron pin found located on the southwesterly right of way line of Vermont Road; run thence along said right of way line South 22 degrees 15 minutes 37 seconds East a distance of 105.73 feet to a point marked by an iron pin found; leaving said right of way line, run thence South 75 degrees 57 minutes 10 seconds West a distance of 148.06 feet to a point marked by a 1/2 inch open top pipe found; run thence South 21 degrees 59 minutes 31 seconds East a distance of 739.87 feet to a point marked by a 3/4 inch open top pipe found located on the northwesterly right of way line of Peachtree Road, said point being the TRUE PLACE OR POINT OF BEGINNING.



RCS# 3129  
11/04/13  
3:26 PM

Atlanta City Council

MULTIPLE 13-O-1221, 13-O-1225 AND 13-O-1005

ADOPT AS AMNDED

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
Y Young	Y Shook	Y Bottoms	B Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE