

#13

13-0-1208

2730

First Reading

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

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
Readings  
 Consent  V Vote  RC Vote

AN ORDINANCE  
BY: COUNCIL MEMBER ALEX WAN

*Life*

AN ORDINANCE TO  
REZONE PROPERTY  
HAVING A STREET  
ADDRESS OF 1965 AND  
1989 CHESHIRE BRIDGE  
ROAD FROM THE NC-5  
ROAD SOUTH  
ROAD SOUTH  
NEIGHBORHOOD  
COMMERICAL) AND THE  
R-3 ( SINGLE-FAMILY  
RESIDENTIAL) ZONING  
DISTRICTS TO THE NC-5-  
C (CHESHIRE BRIDGE  
ROAD SOUTH  
NEIGHBORHOOD  
COMMERICAL) ZONING  
DISTRICT.

*substitute*

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: *8/11/13*  
Referred To: *ZRB + Zoning*  
Date Referred:  
Referred To:  
Date Referred:  
Referred To:

Committee *Zoning*  
Date *11/26/13*  
Chair *[Signature]*  
Action *[Signature]*  
Fav, Adv, Hold (see rev. side)  
Other *Sub on Cond*  
Members *[Signatures]*

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 02 2013*  
**COUNCIL**

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

CERTIFIED  
DEC 09 2013  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
DEC 03 2013  
*Rhonda Dueshain Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION  
**APPROVED**  
DEC 11 2013  
WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

**AN ORDINANCE BY COUNCIL MEMBER ALEX WAN AS SUBSTITUTED (2) BY ZONING COMMITTEE TO REZONE PROPERTY HAVING A STREET ADDRESS OF 1965 AND 1989 CHESHIRE BRIDGE ROAD FROM THE NC-5 (CHESHIRE BRIDGE ROAD SOUTH NEIGHBORHOOD COMMERCIAL) AND THE R-3 ( SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICTS TO THE NC-5-C (CHESHIRE BRIDGE ROAD SOUTH NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT.**

WHEREAS, the NC-5 Cheshire Bridge Road South Neighborhood Commercial District was created by Ordinance 04-O-1822, adopted January 3, 2005 to implement recommendations from the Cheshire Bridge Road Study adopted by City Council on September 21, 1999, and approved by the Mayor on September 30, 1999; and

WHEREAS, the purposes and intent of Neighborhood Commercial (NC) zoning districts are set forth in Chapter 32 of the Atlanta Zoning Ordinance and which include the need to:

(i) Protect existing neighborhood-oriented commercial areas from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods;

(ii) Preserve and restore existing, traditional and pedestrian scale buildings in established, historic neighborhood commercial districts; and

(iii) Place reasonable controls on the development of larger scale highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city than a single neighborhood or a small group of neighborhoods; and

WHEREAS, the NC-5 Cheshire Bridge Road South Neighborhood Commercial District purpose includes the creation of a diverse business community of a size, scale and character that supports the public health, safety and welfare of the adjacent neighborhoods; and

WHEREAS, Properties with a current street address of 1965 and 1989 Cheshire Bridge Road, as more particularly set forth herein ("Subject Properties"), have a split zoning of NC-5 and R-3; and

WHEREAS, the property owners support rezoning and it is in the public health, safety and general welfare to rezone the entire boundaries of the Subject Properties to the NC-5 zoning district, with condition, as consistent with the concurrent proposed change of future land use designation of these Subject Properties to Low Density Commercial.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

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 properties having a street address of 1965 Cheshire Bridge Road and 1989 Cheshire Bridge Road be rezoned from the NC-5 (Cheshire Bridge Road South Neighborhood Commercial) and R-3 (Single Family Residential) zoning districts to the NC-5-C (Cheshire Bridge Road South Neighborhood Commercial) zoning district, said property being more particularly depicted and described as, to wit:

ALL THOSE TRACTS or parcels of land lying in Land Lots 4 & 5 of the 17<sup>th</sup> District, Fulton County, Georgia being more particularly described in Exhibits "A" and "B", attached hereto and incorporated herein by reference. EXCEPT FOR those tracts or parcels of land lying in Land Lots 4 & 5 of the 17<sup>th</sup> District, Fulton County, Georgia being more particularly described in Exhibits "C" and "D" attached hereto and incorporated herein by reference and which shall remain zoned R-3.

SECTION 2: As a condition of the zoning, the first seventy five (75) feet of the rear property line shall be an undisturbed vegetative buffer.

SECTION 3: 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 suffix "C" after the district designation in Section 1 above. The Director, Office of Buildings, shall issue a building permit for the development of the above-described properties only in compliance with the attached condition(s). Any condition(s) hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can only be approved only by application to the Board of Zoning Adjustment.

SECTION 4: That the maps referred to, now on file in the Office of Planning, be changed to conform to the terms of this ordinance.

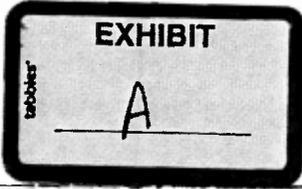
SECTION 5: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed, to the extent of the conflict.

A true copy,

  
Deputy Clerk

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

DEC 02, 2013  
DEC 11, 2013



STATE HIGHWAY DEPARTMENT OF GEORGIA  
RIGHT OF WAY DEED  
(Limited Access)

2267201

GEORGIA Fulton COUNTY PROJECT NO: I 485-1 (46)

THIS CONVEYANCE made and executed the 8rd day of November 19 71

WITNESSETH that Hayes Corporation the

undersigned, is the owner of a tract of land in Fulton COUNTY through

which the Downtown Atlanta Freeway known as Project No. I 485-1 (46)

has been laid out by the STATE HIGHWAY DEPARTMENT OF GEORGIA as a LIMITED ACCESS HIGHWAY

being more particularly described in a map and drawing of said road in the office of the

State Highway Department of Georgia, Atlanta, Georgia, to which reference is hereby made,

NOW, THEREFORE, in consideration of the benefit to said property by the construction and maintenance of said road, and in consideration of ONE DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, I do hereby grant, sell and convey to said STATE HIGHWAY DEPARTMENT OF GEORGIA, and their successors in office so much land as to make a right of way for said road as surveyed being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 4 and 50 of the 17th Land District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin on the southeasterly side of Cheshire Bridge Road 439.28 feet northeasterly, as measured along the southeasterly side of Cheshire Bridge Road from the corner formed by the intersection of the southeasterly side of Cheshire Bridge Road and the easterly side of Wellbourne Drive; said point of beginning also being 129 feet northeasterly from Gaither Circle; thence running north 71 degrees 30 minutes east along the southeasterly side of Cheshire Bridge Road 176 feet to a point; thence southeasterly 100 feet to a point; thence northeasterly 2.85 feet to the intersection of a straight line which is established by a point 247.58 feet northeast of and opposite Station 261+15.17 on the survey center line of Georgia Highway Project I 485-1 (46) and a point 246.94 feet northeast of and opposite Station 255+78.54 on said survey center line; thence southeasterly along said established straight line 278.82 feet to said point opposite said Station 255+78.54; thence southeasterly along a straight line five hundred and thirty (530) feet to the intersection of the south property line of the lands of the Grantor at a point 205.41 feet northeast of and opposite Station 290+79.35 on said survey center line; thence westerly along said south property line 347.91 feet to the southwest property corner of the lands of the Grantor at a point 129.78 feet southwest of and opposite Station 251+73.43 on said survey center line; thence north along the west property line of said property 638.21 feet to a point; thence northeasterly 180 feet to the southeasterly side of Cheshire Bridge Road and the point of beginning.

ALSO the right to a slope easement within the area shown colored red on the attached plat.

ALSO the right to construct a driveway connection within the easement area shown colored green on the attached plat.

*Transfer to*

*Fulton County, Georgia*  
Road & Public Utilities Tax  
Paid \$ 242.14  
Date Nov 19 1971  
*Deputy Assessor*

*Subject*  
*4.868 Ac*

Parcel No. 478

Page 1 of 2 Pages

BOOK 5484 PAGE 101



STATE HIGHWAY DEPARTMENT OF GEORGIA  
RIGHT OF WAY DEED  
(Limited Access)

2186545

GEORGIA Fulton COUNTY PROJECT NO. I 485-1 (46)

THIS CONVEYANCE made and executed the 22nd day of April 19 70

WITNESSETH that Raymond L. Lincer and Hilda G. Lincer the undersigned, is the owner of a tract of land in Fulton COUNTY through which the Downtown Atlanta Freeway known as Project No. I 485-1 (46) has been laid out by the STATE HIGHWAY DEPARTMENT OF GEORGIA as a LIMITED ACCESS HIGHWAY being more particularly described in a map and drawing of said road in the office of the State Highway Department of Georgia, Atlanta, Georgia, to which reference is hereby made.

NOW, THEREFORE, in consideration of the benefit to said property by the construction and maintenance of said road, and in consideration of ONE DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, I do hereby grant, sell and convey to said STATE HIGHWAY DEPARTMENT OF GEORGIA, and their successors in office so much land as to make a right of way for said road as surveyed being more particularly described as follows:

TRACT 1

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 50 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the southeastern side of the right of way of Cheshire Bridge Road (Buford Highway) as established by deed from Janie Gather to the State Highway Department and recorded in Deed Book 1568, Page 468, Fulton County Records, which point is the point of intersection of the southeastern side of said right of way with the northeastern side of Gather Street, and running thence in a northeasterly direction along the southeastern side of the right of way of Cheshire Bridge Road, 129 feet; thence in a southeasterly direction 130 feet; thence in a southwesterly direction, 129 feet to the northeastern side of Gather Street; thence in a northwesterly direction along the northeastern side of Gather Street, 137 feet to the point of beginning; being the same property conveyed to Cutter's Inc., by deeds recorded in Deed Book 2754, Pages 136, 138, and 139, Fulton County Records.

TRACT 2

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 50 of the 17th District of Fulton County, Georgia, being part of Lots 5, 6, 7, and 8 in Block B, as per plat of a part of property of Janie Gather by J. W. Burpitt, C. E., dated April 12, 1939, and recorded in Plat Book 21, page 23, Fulton County Records, and being more particularly described as follows:

BEGINNING at an iron pin on the northeastern side of Gather Street, 137 feet southeasterly from the corner formed by the intersection of the northeastern side of Gather Street with the southeastern side of Cheshire Bridge Road (also known as Buford Highway), as now located, which iron pin is at the southwest corner of Tract 1 hereinabove described, and running thence in a southeasterly direction along the northeastern side of Gather Street, 163 feet to a point; thence in an easterly direction, 112 feet, more or less, to a point which is 38 feet west of the east line of said Land Lot 50; thence north along a line which is 35 feet west of and parallel with the east line of said Land Lot 50, a distance of 165 feet to an iron pin; thence in a northwesterly direction, 31.2 feet to the southeast corner of Tract 1 hereinabove described; thence in a southwesterly direction along the southerly line of said Tract 1, 129 feet to the iron pin on the northeastern side of Gather Street and the point of beginning; being the same property conveyed to Cutter's, Inc. by deed recorded in Deed Book 3069, Page 605, Fulton County Records.

*Deed for 1.965 Cheshire Bridge 0.949 acres*

*West Side*

*Transfer to 185.67*

Fulton County, Georgia  
Real Estate Transfer Tax  
Paid \$ 165.60  
Date April 23 1970  
*John DeLoore*  
Clerk of Superior Court  
*Ray Bruce Carley*  
Deputy Clerk

Parcel No. 477

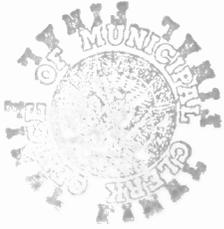


to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 4 and 50 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the southeasterly side of Cheshire Bridge Road-Buford Highway, six hundred fifteen and twenty eight hundredths (615.28) feet northeasterly, as measured along the southeasterly side of Cheshire Bridge Road-Buford Highway from the corner formed by the intersection of the southeasterly side of Cheshire Bridge Road-Buford Highway and the easterly side of Wellbourne (Wellborn) Drive; thence running northeasterly along the southeasterly side of Cheshire Bridge Road-Buford Highway, three hundred twelve (312) feet; thence south nine hundred ninety seven and one tenth (997.1) feet to a point; thence northwesterly five hundred thirty (530) feet to a point; thence continuing northwesterly two hundred seventy five and sixty two hundredths (275.62) feet to a point; thence southwesterly two and eighty five hundredths (2.85) feet to a point; thence northwesterly one hundred (100) feet to the iron pin on the southeasterly side of Cheshire Bridge Road and the point of beginning, being improved property known as 1989-1999 Cheshire Bridge Road, N. E., according to the present system of numbering property in the City of Atlanta, Georgia.

EXHIBIT B



LEGAL DESCRIPTION  
LOTS 6, 7 & 8  
BLOCK B  
JANIE GAITHER PROPERTY SUBDIVISION

All that tract or parcel of land lying and being in Land Lot 50 of the 17<sup>th</sup> District of Fulton County, Georgia, lying within the limits of the City of Atlanta and being more particularly described as follows:

Beginning at the intersection of the southerly right-of-way of Cheshire Bridge Road (having a variable right-of-way) and the easterly right-of-way of Wellbourne Drive (having a 60' right-of-way); thence along said southerly right-of-way of Cheshire Bridge Road proceed North 66°29'09" East for 150.81' to a point; thence proceed South 23°30'51" East for 12.45' to a point 40' from the centerline of said Cheshire Bridge Road; thence along said line 40' from the centerline of said Cheshire Bridge Road proceed North 66°19'29" East for 145.92' to a point; thence leaving the right-of-way of said Cheshire Bridge Road proceed South 26°01'47" East for 76.19' to a point on the original easterly right-of-way of Gaither Circle; thence along said original easterly right-of-way of Gaither Circle proceed around a curve to the right having a radius of 375.00' for an arc distance of 68.44' and being subtended by a chord of South 20°48'03" East, 68.35' to a point being the TRUE POINT OF BEGINNING; thence leaving said original easterly right-of-way of Gaither Circle proceed North 74°30'08" East for 170.20' to a point being the common rear corner of Lots 5 and 6, Block B of the original Janie Gaither subdivision; thence along the rear line of Lots 6, 7 and 8 of said original subdivision proceed South 00°05'47" West for 220.00' to a point being the common rear corner of Lots 8 and 9, Block B of the original Janie Gaither subdivision; thence along the line common to said Lots 8 and 9 proceed North 89°54'13" West for 150.00' to a point on the original easterly right-of-way of Gaither Circle; thence along said original easterly right-of-way of Gaither Circle proceed North 00°05'47" East for 72.97' to a point; thence continuing along said original easterly right-of-way of Gaither Circle proceed around a curve to the left having a radius of 375.00' for an arc distance of 102.55' and being subtended by a chord of North 07°44'17" West, 102.33' returning to the point of beginning. Said parcel contains 30,354 square feet or 0.6968 acres, more or less.

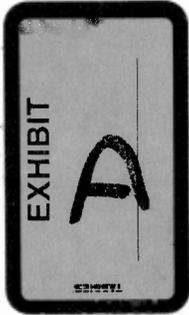




PLAT OF A PART  
OF PROPERTY  
OF

JANIE GATHER

LAND LOT 50 17TH DISTRICT



RCS# 3206  
12/02/13  
5:48 PM

Atlanta City Council

MULTIPLE

13-O-1261 AND 13-O-1208

ADOPT ON SUB

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

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

MULTIPLE