

Z-13-03/Z-8-43- A SUBSTITUTE ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE RG-3-C (RESIDENTIAL GENERAL SECTOR 3-CONDITIONAL) DISTRICT TO THE RG-3-C (RESIDENTIAL GENERAL SECTOR 3-CONDITIONAL) DISTRICT FOR THE PURPOSES OF A SITE PLAN AMENDMENT, PROPERTY LOCATED AT 3150, 3156 AND 3160 HOWELL MILL ROAD, N.W., FRONTING APPROXIMATELY 600 FEET ON THE WEST SIDE OF HOWELL MILL ROAD, BEGINNING APPROXIMATELY 220 FEET FROM THE SOUTHEAST CORNER OF MARGARET MITCHELL DRIVE. DEPTH: APPROXIMATELY 530 FEET. AREA: APPROXIMATELY 10.28 ACRES. LAND LOT 197, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: THE WILLIAM BREMAN JEWISH HOME APPLICANT: SHARON GAY, ESQ. NPU C COUNCIL DISTRICT 8

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| Application File Date | February 6, 2013 |
| Zoning Number | Z-13-03-Z-8-43 |
| NPU / CD | C/8 |
| Staff Recommendation | Approval Conditional of Substitute Ordinance |
| NPU Recommendation | Approval Conditional |
| ZRB Recommendation | Approval Conditional of Substitute Ordinance (7-11-13) |

Review List:

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|--|-----------|--------------------|
| Zoning Review Board Staff | Completed | 07/18/2013 2:47 PM |
| Office of Research and Policy Analysis | Completed | 07/22/2013 9:13 AM |
| Zoning Committee | Pending | |
| Atlanta City Council | Pending | |
| Office of Research and Policy Analysis | Pending | |

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| Certified by Presiding Officer | Certified by Clerk |
| | |
| Mayor's Action <i>See Authentication Page Attachment</i> | |

LEGISLATION HISTORY – BLUE BACK

**AN ORDINANCE
BY**

Z-13-03/Z-8-43- A SUBSTITUTE ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE RG-3-C (RESIDENTIAL GENERAL SECTOR 3-CONDITIONAL) DISTRICT TO THE RG-3-C (RESIDENTIAL GENERAL SECTOR 3-CONDITIONAL) DISTRICT FOR THE PURPOSES OF A SITE PLAN AMENDMENT, PROPERTY LOCATED AT 3150, 3156 AND 3160 HOWELL MILL ROAD, N.W., FRONTING APPROXIMATELY 600 FEET ON THE WEST SIDE OF HOWELL MILL ROAD, BEGINNING APPROXIMATELY 220 FEET FROM THE SOUTHEAST CORNER OF MARGARET MITCHELL DRIVE. DEPTH: APPROXIMATELY 530 FEET. AREA: APPROXIMATELY 10.28 ACRES. LAND LOT 197, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: THE WILLIAM BREMAN JEWISH HOME APPLICANT: SHARON GAY, ESQ. NPU C COUNCIL DISTRICT 8

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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 3150, 3156 AND 3160 HOWELL MILL ROAD, N.W., be changed from the RG-3-C (Residential General-Sector 3-Conditional) District to the RG-3-C (Residential General-Sector 3-Conditional) District for purposes of a Site Plan, to wit:

ALL THAT TRACT or parcel of land lying in Land Lots 197, 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.

Conditions for Z-13-03 for 3150, 3156 and 3160 Howell Mill Road, N.W.

1. The property shall be developed in accordance with the site plan entitled “The William Breman Jewish Home” dated May 13, 2013 and stamped received by the Office of Planning on June 3, 2013.
2. The depth of the side yard adjacent to Margaret Mitchell Drive and 3120 Howell Mill Road shall remain as shown on the site plan.
3. No later than sixty (60) days after the effective date of this Zoning Amendment, the property owner shall remove the gate in the portion of the fence that faces Margaret Mitchell Drive and replace it with fencing material to match existing fence.
4. The property owner shall plant a minimum of twenty (20) evergreen shrubs at least five (5) feet in height along the Margaret Mitchell Drive frontage. The exact number, type and locations of the plantings and the time of planting shall be determined by the City Arborist.



OVERALL LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot(s) 197 of the 17TH District, Fulton County, Georgia and being more particularly described as follows:

Beginning at an iron pin found at the intersection of the northerly right-of-way line of Margaret Mitchell Drive (50' R/W), and the Land Lot Line common to Land Lots 197 & 182, said point being the POINT OF BEGINNING; thence along said right-of-way line South 68 degrees 57 minutes 38 seconds West a distance of 612.10 feet to an iron pin found; thence leaving said right-of-way line, North 00 degrees 59 minutes 26 seconds East a distance of 184.06 feet to a point; thence South 69 degrees 07 minutes 57 seconds West a distance of 99.33 feet to a point; thence North 00 degrees 17 minutes 52 seconds East a distance of 240.77 feet to a point; thence continue northerly along said line, a distance of 356.87 feet to a point; thence continue northerly along said line, a distance of 185.00 feet to an iron pin found; thence South 89 degrees 06 minutes 18 seconds East a distance of 401.91 feet to an iron pin found on the westerly right-of-way line of Howell Mill Road (50' R/W); thence along said right-of-way line the following courses and distances: South 16 degrees 00 minutes 36 seconds East a distance of 154.35 feet to a point; thence 95.59 feet along an arc of a curve to the left, said curve having a radius of 1,219.48 feet and a chord bearing and distance of South 19 degrees 08 minutes 53 seconds East 95.56 feet to a point; thence 30.13 feet along an arc of a curve to the left, said curve having a radius of 1,219.48 feet and a chord bearing and distance of South 22 degrees 06 minutes 05 seconds East 30.13 feet to a point; thence 107.56 feet along an arc of a curve to the left, said curve having a radius of 1,219.48 feet and a chord bearing and distance of South 25 degrees 20 minutes 09 seconds East 107.53 feet to a point; thence 15.03 feet along an arc of a curve to the left, said curve having a radius of 1,219.48 feet and a chord bearing and distance of South 28 degrees 12 minutes 57 seconds East 15.03 feet to a point; thence 181.83 feet along an arc of a curve to the left, said curve having a radius of 913.50 feet and a chord bearing and distance of South 41 degrees 27 minutes 11 seconds East 181.53 feet to a point at the intersection of said right-of-way line and said Land Lot Line; thence South 01 degrees 03 minutes 28 seconds West a distance of 192.25 feet to an iron pin found and the TRUE POINT OF BEGINNING.

Said tract containing 10.375 acres.