13-O-0461
Z-13-09

AN ORDINANCE
BY ZONING COMMITTEE

AN ORDINANCE TO ZONE THE FORMER CASCADE ROAD LANDFILL PROPERTY LOCATED OFF CASCADE ROAD TO THE R-3 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta owns real property off Cascade Road in unincorporated Fulton County that is the site of the former City-operated Cascade Road landfill, as more fully described and delineated in Exhibit "A" and depicted in Exhibit "B", each attached hereto (the "Property"); and

WHEREAS, the Office of Planning recommends that upon annexation the property be zoned to the R-3 (single-family residential) zoning classification.

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

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the official zoning map established in connection therewith be changed so that property off Cascade Road that is the site of the former Cascade Road landfill be zoned to the R-3 (Single-Family Residential) District, to wit:

> ALL THAT TRACT or parcel of land lying and being in District 14F, Land Lot 27 and 28, Fulton County, Georgia, being more particularly described by the attached legal description and map incorporated herein by reference.

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 Zoning", as identified by the use of the suffice "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 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 be changed to conform to the terms of this ordinance.

EXHIBIT A

CASCADE ROAD FACILITY BOUNDARY LEGAL DESCRIPTION

TRACT 1

ALL THAT PIECE, PORTION, PARCEL OR TRACT OF LAND LOCATED IN LAND LOT 27 OF DISTRICT 14F OF FULTON COUNTY, GEORGIA. SAID TRACT OF LAND CONTAINING 1,225,903.1 SQUARE FEET OR 28.1 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ¾" CRIMP TOP PIPE FOUND AT THE INTESECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CASCADE ROAD (50' RIGHT-OF-WAY) WITH THE WESTERLY LAND LOT OF SAID LAND LOT 27; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND TRAVELING ALONG SAID WESTERLY LAND LOT LINE, NORTH 0619'45" EAST, A DISTANCE OF 599.88 FEET TO A ½" REBAR FOUND AND THE POINT OF BEGINNING;

THENCE FROM SAID POINT OF BEGINNING. CONTINUING ALONG SAID EASTERLY LAND LOT LINE, NORTH 0656'07" EAST, A DISTANCE OF 20.79 FEET TO A 3/4." OPEN TOP PIPE FOUND; MENCE CONTINUING ALONG SAID EASTERLY LAND LOT LINE, NORTH 0615'19" EAST, A DISTANCE OF 1513.93 FEET TO A 6"X6" CONCRETE MONUMENT FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CSX RAILROAD (120' RIGHT-OF-WAY AT MIS-POINT); THENCE LEAVING SAID EASTERLY LAND LOT LINE AND TRAVELING ALONG SAID RAILROAD RIGHT-OF-WAY, SOUTH 6839'22" EAST, A DISTANCE OF 387.48 FEET TO A POINT; THENCE CONTINUING ALONG SAID RAILROAD RIGHT-OF-WAY, ALONG THE ARC OF A CURVE TO THE RIGHT AND ARC DISTANCE OF 349.09 FEET, SAID CURVE HAVING A RADIUS OF 11,592.35 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 6747'36" EAST, A DISTANCE OF 349.07 FEET TO A POINT; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY. SOUTH 0551'16" WEST, A DISTANCE OF 1891.75 FEET TO A 1/2" REBAR SET; THENCE NORTH 4618'11" WEST, A DISTANCE OF 910.90 FEET TO THE POINT OF BEGINNING.

TRACT 2

ALL THAT PIECE, PORTION, PARCEL OR TRACT OF LAND LOCATED IN LAND LOT 27 OF DISTRICT 14F OF FULTON COUNTY, GEORGIA. SAID TRACT OF LAND CONTAINING 112,691.0 SQUARE FEET OR 2.6 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3/4" CRIMP TOP PIPE FOUND AT M E INTESECTION OF THE NORTHERLY RIGHT-OF-WAY UNE OF CASCADE ROAD (50' RIGHT-OF-WAY) WITH THE EASTERLY LAND LAND LOT OF SAID LAND LOT 27: THENCE ALONG SAID RIGHT-OF-WAY LINE. SOUTH 4633'31" EAST, A DISTANCE OF 315.06 FEET TO A 1" CRIMP TOP PIPE FOUND: THENCE CONTINUING ALONG SAID RIGHT-OF-WAY UNE, SOUM 4611'04" EAST, A DISTANCE OF 283.91 FEET TO A *X"* REBAR FOUND AND M E POINT OF BEGINNING;

THENCE FROM SAID POINT OF BEGINNING, LEAVING SAID RIGHT-OF-WAY LINE, NORTH (0611'29" EAST, A DISTANCE OF 599.95 FEET TO A 3/4" CRIMP TOP PIPE FOUND: THENCE SOUTH 4618'11" EAST. A DISTANCE OF 312.12 FEET TO A 1/2" REBAR SET; THENCE SOUTH 0551'16" WEST, A DISTANCE OF 249.03 FEET TO A 1" CRIMP TOP PIPE FOUND; MENCE NORTH 5335'25" WEST, A DISTANCE OF 113.00 FEET TO A POINT: THENCE SOUTH 0930'04"

WEST, A DISTANCE OF 320.70 FEET TO 1/2" REBAR FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CASCADE ROAD; THENCE ALONG SAID RIGHT-OF-WAY-LINE, NORTH 4611'03" WEST, A DISTANCE OF 167.78 FEET TO THE POINT OF BEGINNING.

TRACT 3

ALL THAT TRACT OF PARCEL OF LAND LYING AND BEING IN LAND LOT 27 AND 28 OF THE 14TH-FF LAND DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF CASCADE ROAD (HAVING A 50' RIGHT-OF-WAY), SAID POINT BEING 914.2 FEET EASTERLY AS MEASURED ALONG TO THE NORTHEASTERLY RIGHT-OF-WAY OF CASCADE ROAD FROM THE WEST LINE OF LAND LOT 27 BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 05 DEGREES – 50 MINUTES – 39 SECONDS EAST FOR A DISTANCE OF 2,488.15 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SEABOARD COAST LINE RAILROAD; THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 66 DEGREES – 23 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 136.55 FEET TO A POINT; THENCE SOUTH 65 DEGREES – 12 MINUTES – 52 SECONDS EAST FOR A DISTANCE OF 221.62 FEET TO A POINT; THENCE SOUTH 65 DEGREES – 12 MINUTES – 52 SECONDS EAST FOR A DISTANCE OF 299.99 FEET TO A POINT; THENCE SOUTH 65 DEGREES – 12 MINUTES – 52 SECONDS EAST FOR A DISTANCE OF 146.57 FEET TO A POINT; THENCE NORTH 7 DEGREES – 23 MINUTES – 12 SECONDS EAST FOR A DISTANCE OF 9.93 FEET TO A POINT; THENCE SOUTH 65 DEGREES – 14 MINUTES – 57 SECONDS EAST FOR A DISTANCE OF 593.22 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC OF 58.22 FEET AND A RADIUS OF 773.54 FEET (CHORD SOUTH 64 DEGREES – 19 MINUTES – 03 SECONDS EAST – 58.20 FEET) TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC OF 1,242.00 FEET AND A RADIUS OF 772.04 FEET (CHORD SOUTH 18 DEGREES – 59 MINUTES - 34 SECONDS EAST – 1,112.34 FEET) TO A POINT; THENCE SOUTH 24 DEGREES – 31 MINUTES – 31 SECONDS WEST FOR A DISTANCE OF 72.89 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC OF 56.98 FEET AND A RADIUS OF 1,306.48 FEET (CHORD SOUTH 23 DEGREES – 17 MINUTES – 45 SECONDS WEST – 56.98 FEET) TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC OF 120.50 FEET AND A RADIUS OF 1,049.27 FEET (CHORD SOUTH 19 DEGREES – 52 MINUTES – 41 SECONDS WEST – 120.43 FEET) TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC OF 122.43 FEET AND A RADIUS OF 987.48 FEET (CHORD SOUTH 12 DEGREES – 48 MINUTES – 44 SECONDS WEST – 122.36 FEET) TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 69.69 FEET AND A RADIUS OF 978.68 FEET (CHORD SOUTH 07 DEGREES – 15 MINUTES – 56 SECONDS WEST – 69.68 FEET) TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 88 DEGREES – 02 MINUTES – 54 SECONDS WEST FOR A DISTANCE OF 995.30 FEET TO A POINT; THENCE SOUTH 07 DEGREES – 29 MINUTES – 30 SECONDS WEST A DISTANCE OF 490.58 FEET TO A POINT; THENCE SOUTH 01 DEGREES – 44 MINUTES – 01 SECONDS WEST FOR A DISTANCE OF 340.56 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CASCADE ROAD (HAVING A 50' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY NORTH 68 DEGREES – 24 MINUTES – 08 SECONDS WEST FOR A DISTANCE OF 53.55 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 01 DEGREES – 47 MINUTES – 54 SECONDS EAST FOR A DISTANCE OF 324.97 FEET TO A POINT; THENCE NORTH 88 DEGREES – 18 MINUTES – 56 SECONDS WEST FOR A DISTANCE OF 141.72 FEET TO A POINT; THENCE NORTH 85 DEGREES – 56 MINUTES – 11 SECONDS WEST FOR A DISTANCE OF 561.04 FEET TO A POINT AND ALSO BEING THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD, THIS PROPERTY CONTAINS 77.73 ACRES MORE OR LESS.

Cascade Road Facility - Proposed Annexation

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE **ATTN: CANDACE L. BYRD**

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: Ext. 6579

Originating Department: Public Works

Committee(s) of Purview: Zoning

Chief of Staff Deadline: February 22, 2013

Anticipated Committee Meeting Date(s): March 13, 2013

Anticipated Full Council Date: May 20, 2013

Legislative Counsel's Signature:

Commissioner's Signature:

Chief Information Officer Signature (*for IT Procurements*)

Chief Procurement Officer Signature:

CAPTION

AN ORDINANCE
BY ZONING COMMITTEE

AN ORDINANCE TO ZONE THE FORMER CASCADE ROAD LANDFILL PROPERTY LOCATED OFF CASCADE ROAD TO THE R-3 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____ **(date)** **Received by LC from CPO:** _____ **(date)**

Received by Mayor's Office: 2.22.13 **(date)** **Reviewed by:** _____ **(date)**

Submitted to Council: _____ **(date)**

RCS# 2614
3/18/13
4:21 PM

Atlanta City Council

MULTIPLE 13-O-0461; 13-O-0517; 13-O-0518 AND 13-O-0519
REFER/ZRB/ZC

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	0

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

MULTIPLE