



**AN ORDINANCE
BY: COUNCIL MEMBER ALEX WAN**

AN ORDINANCE 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:

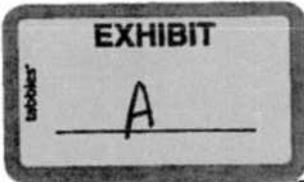
ALL THOSE TRACTS or parcels of land lying in Land Lots 4 & 5 of the 17th District, Fulton County, Georgia being more particularly depicted in Exhibits "A" and "B", attached hereto and incorporated herein by reference.

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.



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 3rd 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 439.38 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 347.68 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 278.62 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 250+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 638.31 feet to a point; thence northwesterly 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 & Bridge Tax
Paid \$ 34.24
Date Nov 19 1971
By [Signature] Deputy Collector

*Subject
4.868 Ac*

Parcel No. 478

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Exhibit B

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, from the corner formed by the southeasterly side of Cheshire Bridge Road-Buford Highway and 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 ninety five and sixty two hundredths (275.62) feet to a point; thence southwesterly two (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.