

140-10783

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

FINAL COUNCIL ACTION  
 2nd  1st & 2nd  3rd  
 Readings  
 Consent  V Vote  RC Vote

First Reading

3600

AN ORDINANCE BY COUNCILMEMBER YOLANDA ADREAN WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-13-014 (1130 DAWN VIEW LANE, NW) TO PROVIDE THAT IN LIEU OF INSTALLING SIDEWALK AT SAID SUBDIVISION, 349.77 LINEAR FEET OF SIDEWALK WILL BE INSTALLED IN THE EXISTING SIDEWALK GAPS ON MOORES MILL ROAD, NW BETWEEN I-75 AND HOWELL MILL ROAD; AND FOR OTHER PURPOSES.

Subject to be ADOPTED BY

FEB 0 8 2014

COUNCIL

CONSENT REFER  
 REGULAR REPORT REFER  
 ADVERTISE & REFER  
 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER  
 PERSONAL PAPER REFER  
 Date Referred: 1/21/14 City Utilities  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_

Committee City Utilities  
 Date February 28, 2014  
 Chair Yolanda Adrean  
 Action Fav, Adv, Hold (see rev. side)  
 Other  
 Members

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

CERTIFIED  
 FEB 0 8 2014  
 ATLANTA CITY COUNCIL PRESIDENT

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

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

CERTIFIED  
 FEB 0 8 2014  
 MAYOR'S ACTION  
 WITHOUT SIGNATURE BY OPERATION OF LAW

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

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

CERTIFIED  
 FEB 0 8 2014  
 MAYOR'S ACTION  
 WITHOUT SIGNATURE BY OPERATION OF LAW

MC Sub Eams Fee

**AN ORDINANCE**

**14-O-1073**

**BY COUNCILMEMBER YOLANDA ADREAN**

**AS SUBSTITUTED BY FULL COUNCIL**

**AN ORDINANCE WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-13-014 (1130 DAWN VIEW LANE, NW) TO PROVIDE THAT IN LIEU OF INSTALLING SIDEWALK AT SAID SUBDIVISION, 349.77 LINEAR FEET OF SIDEWALK WILL BE INSTALLED IN THE EXISTING SIDEWALK GAPS ON MOORES MILL ROAD, NW AT 1160 MOORES MILL AND 1168 MOORES MILL ROAD, NW; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 15-09.003 of the City of Atlanta Code of Ordinances (“subdivision ordinance”) requires the subdivision applicant (“developer”) to provide sidewalks on both sides of existing and proposed streets (“sidewalk requirement”); and

**WHEREAS**, the subdivision ordinance further provides that the City Council may waive the sidewalk requirement “in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets”; and

**WHEREAS**, the subdivision ordinance further provides that such waiver can be granted by the City Council “only if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the city for said waiver, and only if the City Council has received formal comments on said petition from the Commissioner of Public Works and the Commissioner of Planning”; and

**WHEREAS**, the developer, Will Thompson, has formally petitioned for the waiver of a portion of the sidewalk requirement for subdivision application SD-13-014 (1130 Dawn View Lane, NW)

**WHEREAS**, the City Council has received the formal comments on such petition from the Commissioner of Public Works, attached hereto as Exhibit “A”; and

**WHEREAS**, the City Council has received the formal comments on such petition from the Commissioner of Planning, attached hereto as Exhibit “B”; and

**WHEREAS**, based on these formal comments, the City Council finds that construction of sidewalks along the street frontage of SD-13-014 (1130 Dawn View Lane, NW) would not benefit said area being that there are no existing sidewalks west of the property to serve as a connection; and

**WHEREAS**, the City and area residents would be better served by the construction of the sidewalks from SD-13-014, in the gaps in existing sidewalks along Moores Mill Road, NW specifically in front of 1160 Moores Mill Road and 1168 Moores Mill Road, which is an area heavily traveled by pedestrians going to and from the YMCA facility located on said street, as more fully depicted on the drawing, attached hereto as Exhibit "C"; and

**WHEREAS**, instead of being constructed in front of 1130 Dawn View Lane, NW, 349.77 linear feet in total of sidewalks will be constructed by the developer of Subdivision SD-13-014, in front of 1160 Moores Mill Road and 1168 Moores Mill Road, NW.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:**

**SECTION 1:** The requirement of Section 15-09.003 of the City of Atlanta Code of Ordinances that sidewalks be provided on both sides of existing and proposed streets is hereby waived for the sidewalks for Subdivision SD-13-014 (1130 Dawn View Lane, NW).

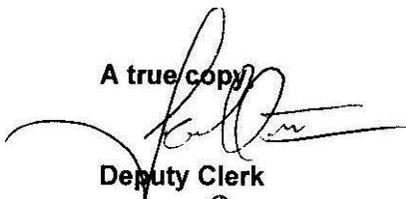
**SECTION 2:** The waiver of said requirement for the aforementioned application is conditioned upon the agreement of developer Will Thompson to construct 349.77 linear feet in total of sidewalk in front of 1160 Moores Mill Road and 1168 Moores Mill Road, as more fully depicted in Exhibit C, attached hereto.

**SECTION 3:** Prior to approval of the final subdivision plat by the Director of the Bureau of Planning for SD-13-014, as provided by Section 15-07.005(t)(1), the sidewalks as described in this ordinance shall be constructed by the developer, Will Thompson, inspected and accepted by the Department of Public Works.

**SECTION 4:** In the event the developer Will Thompson, or his successor(s) in interest, withdraws the subdivision request, this ordinance is void and of no further effect.

**SECTION 5:** All other requirements of the Code of Ordinances for SD-13-014 above shall remain in full force and effect.

A true copy



Deputy Clerk

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

FEB 03, 2014  
FEB 12, 2014

EXHIBIT A



## CITY OF ATLANTA

**KASIM REED**  
MAYOR

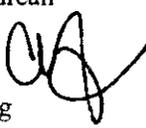
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 - ATLANTA, GEORGIA 30303-0308  
404-330-6145 - FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

### MEMORANDUM

TO: Councilmember Yolanda Adrean  
Council District 8

FROM: Charletta Wilson Jacks   
Director - Office of Planning

DATE: January 30, 2014

SUBJECT: Sidewalk waiver request for 1130 Dawn View Lane (SD-13-014)

Section 15-09.003 of the Land Subdivision Ordinance requires the applicant for land subdivision to provide sidewalks on both sides of existing as well as proposed streets. However, the City Council through appropriate resolution may waive this requirement in order to permit the applicant for land subdivision to construct sidewalks of equal or greater length along adjoining streets if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the City for said waiver. Formal comments on said petition from the Commissioner of Public Works and the Commissioner of Planning and Community Development are also required by the ordinance.

The Office of Planning has received a request from the developer to construct required sidewalks for the above referenced subdivision application along adjoining streets.

The total length of the required sidewalk at the location of the subject property is 350 feet. The applicant has proposed to build equal length of sidewalk at several alternative locations, along the south side of Moores Mill Road NW, between Howell Mill Road and I-75 NB and work west.

Our office has reviewed the developer's proposal for the sidewalk waiver. Our staff is of the opinion that the proposed alternate locations for the sidewalk are reasonable for the following:

- The neighbors along Dawn View Lane do not desire sidewalks along the site location.
- The alternate proposed locations remain within the same Council District 8, the same neighborhood planning unit C and the same Brandon neighborhood.
- Constructing the sidewalks at the proposed alternate locations would fill in existing gaps and ultimately will connect with existing sidewalks.
- South side of Moores Mill Road NW is a segment busy with joggers and walkers from and to the nearby YMCA facility.

Memorandum to Councilmember Yolanda Adrean  
Sidewalk waiver request for 1130 dawn View Lane (SD-13-014)  
January 30, 2014  
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Consequently, the Office of Planning is of the opinion that the public will be better served with improved pedestrian infrastructure at a location of real need for the neighborhood. The Office of Planning has also sought input from the Office of Transportation and their comments are attached.

This memo as well as the attached correspondence, provides the background should you decide to introduce a resolution to allow the developer to install sidewalks along south side of Moores Mill Road NW as noted above. Please advise if further assistance is required from the Office of Planning.

c: Christian Olteanu, Office of Planning



CITY OF ATLANTA

KASIM REED  
MAYOR

55 TRINITY AVENUE, S.W.  
SUITE 4700, CITY HALL SOUTH  
ATLANTA, GEORGIA 30303-3531  
TEL. (404) 330-6246  
FAX. (404) 658-7552

DEPARTMENT OF PUBLIC WORKS  
Richard Mendoza  
Commissioner

Memorandum

TO: Council Member Yolanda Adrian  
Council District 8

FROM: Richard Mendoza  
Commissioner, Public Works

DATE: January 31, 2014

RE: Sidewalk Waiver Request for 1130 Dawn View Lane, NW (SD 13-014)

A sidewalk waive request has been requested by the developer of 1130 Dawn View Lane per code section 15-09.003, which reads as follows:

**Sidewalk and Curb Improvements**

*Except as provided herein, sidewalks shall be provided in each subdivision on both sides of existing and proposed streets. The city council may, through an appropriate resolution for each subdivision, waive the foregoing requirement in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets; provided, however, that the city council may grant such a waiver only if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the city for said waiver, and only if the city council has received formal comments on said petition from the commissioner of public works and the commissioner of planning, development and neighborhood conservation.*

The length of sidewalk required along the front of this subdivision is 349.77 feet. The Department of Public Works agrees to waive the sidewalk installation requirements along said frontage provided that the developer constructs sidewalks of equal or greater length along adjoining streets.

In lieu of installing the 349.77 feet of sidewalk required at this subdivision, the applicant has proposed to install an equivalent sidewalk in the gaps in existing sidewalks along the south side of Moores Mill Road, NW between I-75 and Howell Mill, NW specifically in front of the YMCA facility and 1068 Moores Mill Road. The department approves of the proposed alternative location which will provide for greater connectivity and pedestrian safety than the subject property. Upon approved Council Legislation, the applicant is required to submit construction plans for approval and to obtain a permit from the Department of Public Works prior to installation of the sidewalks. Such plans shall include all improvements to meet the Americans with Disability Act (ADA) requirements.

If you have any questions or concerns, please contact Shelley Peart, Senior Public Works Manager at 404-330-6781.

EXHIBIT C

SITE

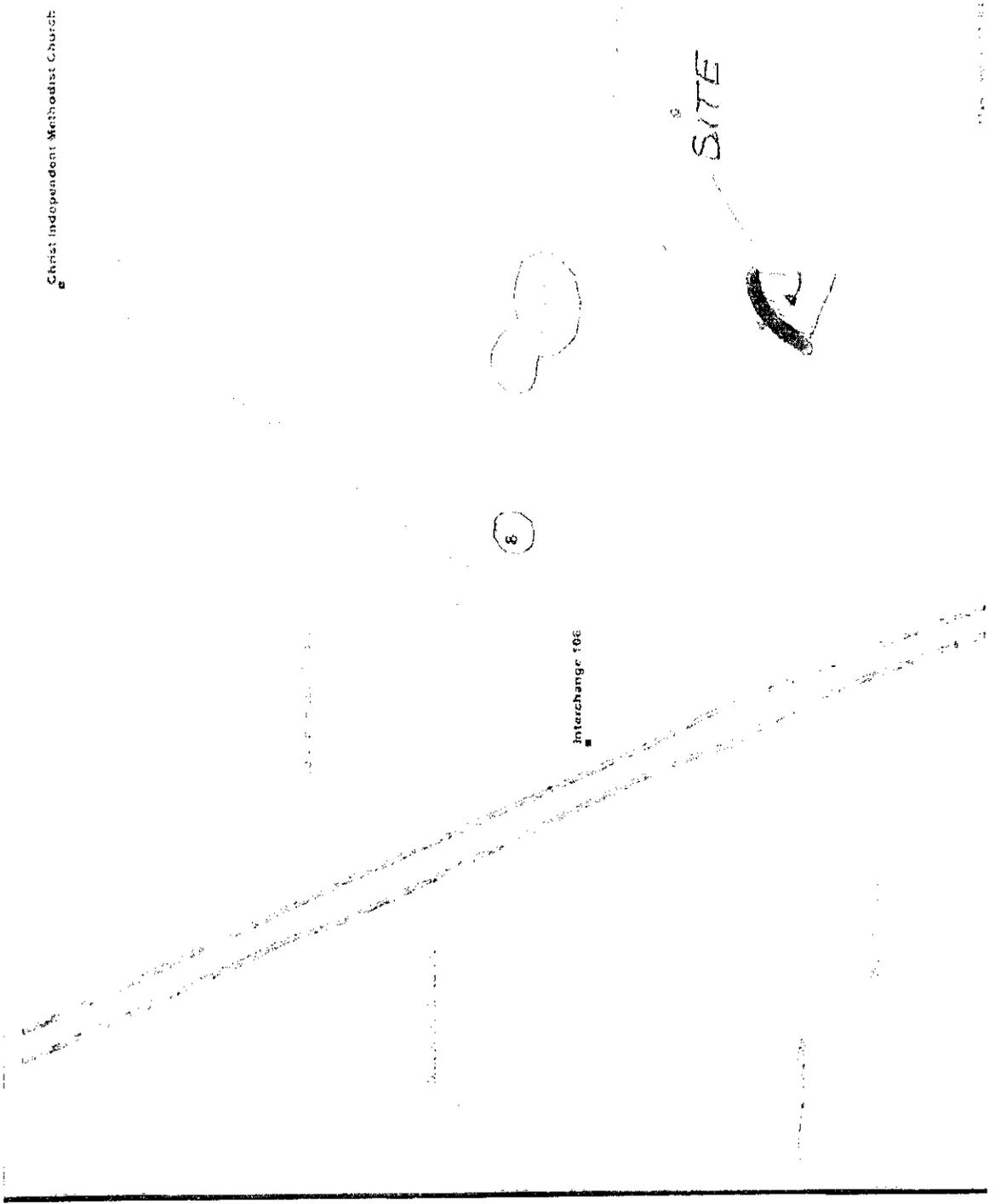


EXHIBIT D

6.



Christ Independent Methodist Church



PLAN NO. 106-1000-1000-1000

