5

3602

14-O-1074

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-13-016 (1430 WESLEY PARKWAY, NW) TO PROVIDE THAT IN LIEU OF INSTALLING SIDEWALK AT SAID SUBDIVSION, 175 LINEAR FEET OF SIDEWALK WILL BE INSTALLED AT 1078 MOORES MILL ROAD (75 LINEAR FEET) AND 1110 MOORES MILL ROAD (100 LINEAR FEET); AND FOR OTHER PURPOSES.

Filed
FEB 03 2014
By Council

☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1ST ADOPT 2ND READ &REFER
☑ PERSONAL PAPER REFER

Date Referred: 1/21/14
Referred To: City Utilities
Date Referred:
Referred To:
Date Referred:
Referred To:

First Reading

Committee
Date
Chair
Referred To

Committee	Committee
City Utilities	
Date: January 28, 2014	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: File	Other
Members	Members
Refer To	Refer To

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

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED
CERTIFIED
FEB 03 2014
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
FEB 03 2014
MUNICIPAL CLERK

MAYOR'S ACTION

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1074

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-13-016 (1430 WESLEY PARKWAY, NW) TO PROVIDE THAT IN LIEU OF INSTALLING SIDEWALK AT SAID SUBDIVSION, 175 LINEAR FEET OF SIDEWALK WILL BE INSTALLED AT 1078 MOORES MILL ROAD (75 LINEAR FEET) AND 1110 MOORES MILL ROAD (100 LINEAR FEET); 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, Shawnee Feinour, has formally petitioned for the waiver of the sidewalk requirement for subdivision application SD-13-016 (1430 Wesley Parkway, NW); and

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-13-016 (1430 Wesley Parkway, NW) would not benefit said area being that there are no existing sidewalks to serve as a connection; and

WHEREAS, the City and area residents would be better served by the construction of the sidewalks from, in the gaps in existing sidewalks at 1078 Moores Mill Road and 1110 Moores Mill Road, NW which is 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 1430 Wesley Parkway, NW, 175 linear feet of sidewalk will be constructed by the developer of said subdivision at the alternate locations of 1078 and 1110 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 in front of the property is hereby waived for the sidewalks for Subdivision SD-13-016 (1430 Wesley Parkway, NW).

SECTION 2: The waiver of said requirement for the aforementioned application is conditioned upon the agreement of applicant Shawnee Feinour to construct 175 linear feet of sidewalk in front of 1078 Moores Mill Road and 1110 Moores Mill Road, NW, as more fully depicted in Exhibit D, attached hereto.

SECTION 3: Prior to approval of the final subdivision plat by the Director of the Bureau of Planning for SD-13-016, as provided by Section 15-07.005(t)(1), the sidewalks as described in this ordinance shall be constructed by the applicant, Shawnee Feinour, inspected and accepted by the Department of Public Works.

SECTION 4: In the event the applicant, Shawnee Feinour, or her 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-13-016 above shall remain in full force and effect.

RCS# 77
2/03/14
5:52 PM

Atlanta City Council

14-O-1074 SIDEWALK WAIVER SD-13-016 (WESLEY PKWY)
1078 MOORES MILL RD.
FILE

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

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