

**00-0-0684**  
(Do Not Write Above This Line)

AN ORDINANCE Z-00-34  
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE C-4 (CENTRAL AREA COMMERCIAL RESIDENTIAL) DISTRICT TO THE SPI-4 (ARTS CENTER SPECIAL PUBLIC INTEREST) DISTRICT, PROPERTY LOCATED AT **THE BLOCK BOUNDED BY SPRING STREET/14TH STREET/WEST PEACHTREE STREET/13TH STREET, N.W.** FRONTING 285.56 FEET ON THE EAST SIDE OF SPRING STREET BEGINNING AT THE SOUTHEAST CORNER OF 14TH STREET. DEPTH: 377.07 FEET; AREA: 2.47855 ACRES; LAND LOT 107, 17TH DISTRICT, FULTON COUNTY, GEORGIA.

OWNER: ACP III, LLC  
APPLICANT: THE GENESIS REAL ESTATE GROUP, INC.

BY: CARL E. WESTMORELAND, JR.  
NPU-E COUNCIL DISTRICT 2

7/5/00 - Amended by roll call vote

REFERRED BY MAY 15 2000  
CITY COUNCIL

Substitute  
As Amended

CONSENT REFER  
 REGULAR REPORT REFER JUL 05 2000  
 ADVERTISE & REFER  
 1st ADOPT 2nd READ & REFER COUNCIL

Date Referred 5/15/00

Referred To: ZLB & zoning

**First Reading**

Committee Zoning  
Date 5-9-00  
Chair Debra's Staff and Zoning

Committee

Date

Chair

Actions:  
Fav, Adv, Held (see rev. side)  
Other:

Members

Refer To

Committee

Date

Chair

Actions:  
Fav, Adv, Held (see rev. side)  
Other:

Members

Refer To

Committee Zoning  
Date 6-27-00  
Chair Debra's Staff

Committee

Date

Chair

Actions:  
Fav, Adv, Held (see rev. side)  
Other: one substitute  
AS Members Amended  
Debra's Staff  
Debra's Staff

Members

Refer To

Committee

Date

Chair

Actions:  
Fav, Adv, Held (see rev. side)  
Other:

Members

Refer To

**COUNCIL ACTION**

2nd Reading  
 1st & 2nd Reading  
 3rd Reading

Consent Vote  
 RC Vote

**CERTIFIED**

**CERTIFIED**  
JUL - 5 2000  
ATLANTA CITY COUNCIL PRESIDENT  
*Robert A. Parker*

**CERTIFIED**  
JUL 05 2000

*Ruth Douglas Johnson*  
MUNICIPAL CLERK

**MAYOR'S ACTION**

**APPROVED**

JUL 14 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

City Council  
Atlanta, Georgia

A SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Z-00-34  
6-8-00

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 **the block bounded by Spring Street/14<sup>th</sup> Street/West Peachtree Street/13<sup>th</sup> Street, N.W.** be changed from the **C-4 (Central Area Commercial Residential)** District, to the **SPI-4-C (Arts Center Special Public Interest-Conditional)** District to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **107** of the **17<sup>th</sup>** District, Fulton County, Georgia being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-20.003 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, 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 zoning 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.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

JULY 05, 2000

JULY 14, 2000



**Conditions for Z-00-34**

**This rezoning is conditioned in the manner described in the letter dated June 23, 2000, from Carl E. Westmoreland, Jr. to Councilmember Debi Starnes marked received by the Zoning Committee June 27, 2000, and consisting of six (6) pages.**

**Amendment Incorporated by tcp 7/11/00**

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP

ATTORNEYS AT LAW

www.pgfm.com

PLEASE RESPOND: Atlanta Address

Direct Dial: 404-572-4503  
E-mail: cwestmor@pgfm.com

Sixth Floor

1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202 347-0066  
Facsimile 202 624-7222

Sixteenth Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
404 572-8800  
Facsimile 404 572-8999

June 23, 2000

**VIA FACSIMILE #404-658-6454**

Councilmember Debi Starnes  
Atlanta City Council  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

Re: Z-00-34  
1139 Spring Street, etc.

*Received by  
Zoning Committee  
6/27/00*

Dear Debi:

*Z-00-34*

After our meeting on Wednesday regarding the above case, I discussed it further with Mike Dobbins and John Bell. You may recall that we talked about addressing Pope & Land's issue of encumbering the property with conditions which would be inapplicable to a non-residential development by having all of the conditions applied through the Special Administrative Permit process.

Mike expressed the concern that the Planning Department needed clear authority to impose such conditions through the SAP process. Therefore, I would like to propose, with Mike and John's concurrence, that a condition be applied to this rezoning as follows:

It is the intent of the Council in inacting this Ordinance that the Bureau of Planning is authorized to impose conditions similar to those on Exhibits A and B hereof to the subject property through the Special Administrative Permit process as required under the SPI-4 district.

I believe that this will accomplish the goals of the owner, applicant and staff and would appreciate a call if you have any problem in acting on the case next Tuesday in this manner.

Very truly yours,



Carl E. Westmoreland, Jr.

CEWJr/mr

Enclosure

::ODMA\PCDOCS\ATL\3440801

- cc: Mr. Mike Dobbins
- Mr. John Bell
- Mr. Tom Wilder
- Mr. John Woodham
- Mr. Harry Morgan

## EXHIBIT A

**CONDITIONS SIMILAR TO THE FOLLOWING MAY BE  
IMPOSED THROUGH THE SPECIAL ADMINISTRATIVE PERMIT  
PROCESS IF THE PROPERTY IS DEVELOPED BY  
THE GENESIS REAL ESTATE GROUP INC.**

Z-00-34

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**Access**

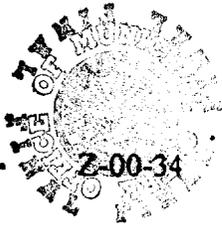
1. There shall be no circular drives on the site.
2. Vehicular access to the site from 14<sup>th</sup> Street shall be a one-way entrance only, subject to Georgia Department of Transportation approval, and shall have sidewalk paving that continues the sidewalk across the width of the driveway.
3. There shall be no drop-off lanes along public streets.
4. Curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances.
5. Parking areas or driveways, except for a driveway to reach the side or rear yard, or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
6. The area within the recessed portion of the building, adjacent to 14<sup>th</sup> Street, between the street curb and the building façade shall be treated as a landscaped plaza and paved with decorative pavers.
7. The one-way entrance driveway accessible from 14<sup>th</sup> Street shall be of the same material and grade as the plaza, shall be defined by bollards, and shall be a maximum width of twelve (12) feet.

**Parking**

1. Parking to serve the residential component of the development shall be a maximum of one and one tenth (1.1) space per residential unit, for a total equal to and no more than seven hundred and fifty-three (753) spaces.
2. Parking to serve the commercial component of the development shall be limited to a maximum of one parking space per each two hundred (200) square feet of floor space, not to exceed seventy (70) spaces.
3. Parking may be shared between the non-residential and residential uses.

**Ground-level Uses**

1. The ground floor of the building along 14<sup>th</sup> Street shall be used for commercial space.
2. The ground floor of that portion of the parking deck that is adjacent to, and faces West Peachtree, shall be used for commercial.
3. The portion of the parking deck that is adjacent to, and faces Spring Street, shall be used for ground level commercial, or shall be landscaped to a depth of fifty-five (55) feet and generally screened from view, except at ingress and egress points into the structure.
4. The portion of the parking deck that is adjacent to, and faces 13<sup>th</sup> shall be designed to accommodate future retail (as market conditions warrant) and in the interim shall provide a minimum five (5) feet wide landscaped area between the sidewalk and the deck and be



Z-00-34

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- screened from view, except at ingress and egress points into the structure. Such landscaped area shall be planted with trees spaced a maximum distance of forty (40) feet on center. All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of seven (7) feet. The landscape strip shall also be planted with evergreen ground cover such as mondo grass, *liriope spicata* or ivy. All plantings, planting replacement and planting removal shall be approved by the City Arborist.
5. All street-fronting commercial space shall have entrances directly from the adjacent sidewalk, which are accessible from the sidewalk, and which shall be unlocked during normal business hours.
  6. The commercial space that faces 14<sup>th</sup> Street, West Peachtree, and Spring Street shall provide fenestration for a minimum of sixty-five (65) percent of the length of the frontage, beginning at a point not more than three (3) feet above the sidewalk, for a height no less than ten (10) feet above the sidewalk. Fenestration shall allow views into the interior or display windows and shall not have painted glass, reflective glass or other similarly treated fenestration. Entrances shall be counted towards fenestration requirements.
  7. The development shall have a maximum length of twenty (20) feet of ground-level façade without fenestration along 14<sup>th</sup> Street, West Peachtree, and Spring Street.

### Sidewalks

1. There shall be sidewalks along 14<sup>th</sup> Street, 13<sup>th</sup> Street, West Peachtree Street, and Spring Street, and they shall be at least fifteen (15) feet wide, including a 5-foot wide tree planting zone adjacent to the curb. The sidewalk along 13<sup>th</sup> Street may be modified to accommodate on-street parking.
2. There shall be street trees planted in the ground a maximum distance of forty (40) feet on center within the tree planting zone and spaced at equal distances between street lights. All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of seven (7) feet. Trees shall be placed in such a manner as to have a minimum permeable area of twenty-five (25) square feet.
3. Evergreen ground cover or tree grates shall be installed at the base of the trees. Evergreen ground cover shall be plants such as mondo grass, *liriope spicata* or ivy. All plantings, planting replacement and planting removal shall be approved by the City Arborist.
4. Every effort shall be made to place utilities (including high voltage transmission electrical wires) underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
5. The sidewalk adjacent to the building and any supplemental zone, parallel to 14<sup>th</sup> Street, shall be constructed so that it does not conflict with the proposed 14<sup>th</sup> street right-of-way expansion and shall have a minimum width of fifteen (15) feet. This sidewalk shall be

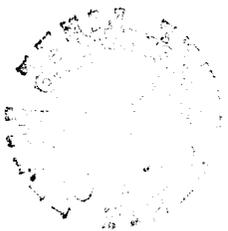


constructed after the maximum width for widening 14<sup>th</sup> Street is adopted by the Georgia Department of Transportation.

**Building Setback**

1. The building shall be setback a distance of not less than fifty-four (54) feet from the 14<sup>th</sup> Street property line to accommodate the planned widening of 14<sup>th</sup> Street.
2. The building shall either be constructed so that the building façades are flush with the sidewalks or steps to the terrace, or set back behind a supplemental zone as described herein.
3. The supplemental zone shall be treated as a landscaped plaza and shall be no greater than three (3) feet above or below the adjacent public sidewalk, unless prohibited by topography. Accessory outdoor dining or other retail uses are permitted in the supplemental zone.
4. The supplemental zone shall be a maximum depth of fifteen (15) feet and shall be located between the required sidewalk and the building façade.
5. Accessory outdoor dining is permitted and may be separated from the sidewalk only with movable planters or fencing which shall have a maximum height of thirty-six (36) inches. Outdoor dining shall not be enclosed with any permanent and nonpermanent element.

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# EXHIBIT B

## CONDITIONS SIMILAR TO THE FOLLOWING MAY BE IMPOSED THROUGH THE SPECIAL ADMINISTRATIVE PERMIT PROCESS IF THE PROPERTY IS NOT DEVELOPED BY THE GENESIS REAL ESTATE GROUP INC.

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### Access

1. There shall be no drop-off lanes along public streets.
2. Curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances.
3. Parking areas or driveways, except for a driveway to reach the side or rear yard, or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.

### Parking

1. Parking may be shared between the no-residential and residential uses.

### Ground-level Uses

1. The ground floor of the building along 14<sup>th</sup> Street shall be used for commercial space.
2. The ground floor of that portion of the parking deck that is adjacent to, and faces West Peachtree, shall be used for commercial.
3. All street-fronting commercial space shall have entrances directly from the adjacent sidewalk, which are accessible from the sidewalk, and which shall be unlocked during normal business hours.

### Sidewalks

1. There shall be sidewalks along 14<sup>th</sup> Street, 13<sup>th</sup> Street, West Peachtree Street, and Spring Street, and they shall be at least fifteen(15) feet wide, including a 5-foot wide tree planting zone adjacent to the curb. The sidewalk along 13<sup>th</sup> Street may be modified to accommodate on-street parking.
2. There shall be street trees planted in the ground a maximum distance of forty (40) feet on center within the tree planting zone and spaced at equal distances between street lights. All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of seven (7) feet. Trees shall be placed in such a manner as to have a minimum permeable area of twenty-five (25) square feet.
3. Evergreen ground cover or tree grates shall be installed at the base of the trees. Evergreen ground cover shall be plants such as mondo grass, liriop spicata or ivy.



All plantings, planting replacement and planting removal shall be approved by the City Arborist.

4. Every effort shall be made to place utilities (including high voltage transmission electrical wires) underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
5. The sidewalk adjacent to the building and any supplemental zone, parallel to 14<sup>th</sup> Street, shall be constructed so that it does not conflict with the proposed 14<sup>th</sup> street right-of-way expansion and shall have a minimum width of fifteen (15) feet. This sidewalk shall be constructed after the maximum width for widening 14th Street is adopted by the Georgia Department of Transportation.

#### **Building Setback**

1. Accessory outdoor dining is permitted and may be separated from the sidewalk only with the movable planters or fencing which shall have a maximum height of thirty-six (36) inches. Outdoor dining shall not be enclosed with any permanent and nonpermanent element.

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2-00-34  
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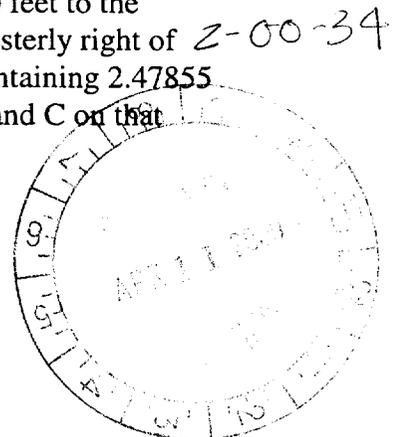
**LEGAL DESCRIPTION**

ALL THAT TRACT, lot or parcel of land lying and being in Land Lot 107 of the 17th District of Fulton County, Georgia, being more particularly described as follows:

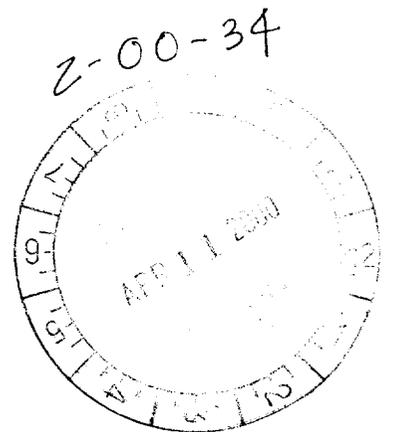
BEGINNING at a point formed by the intersection of the southerly right of way line of Fourteenth Street (60 foot right of way) and the westerly right of way of West Peachtree Street (having a variable right of way) and run thence southerly along the westerly right of way of West Peachtree Street South 00 degrees 34 minutes 33 seconds West 100 feet to a point on the westerly right of way of West Peachtree Street; continuing thence along the said westerly right of way of West Peachtree Street South 89 degrees 47 minutes 32 seconds East 10.00 feet to an iron pin found on the westerly right of way of West Peachtree Street; continuing thence along said westerly right of way of West Peachtree Street, run South 00 degrees 41 minutes 23 seconds West 65.00 feet to a point; continuing thence along said westerly right of way of West Peachtree Street run South 00 degrees 34 minutes 27 seconds West 122.00 feet to the point formed by the intersection of the variable westerly right of way of West Peachtree Street with the northerly right of way of Thirteenth Street (30 foot right of way); thence leaving the westerly right of way of West Peachtree Street, run westerly along the northerly right of way of Thirteenth Street North 89 degrees 30 minutes 50 seconds West 213.00 feet to a point on said northerly right of way of Thirteenth Street; continuing thence along said northerly right of way of Thirteenth Street, run North 89 degrees 38 minutes 37 seconds West 164.07 feet to a point marked by an open top pipe found, being the point of intersection of the northerly right of way of Thirteenth Street (30 foot right of way) with the easterly right of way of Spring Street, (50 foot right of way); thence leaving the northerly right of way of Thirteenth Street run northerly along the easterly right of way of Spring Street, North 00 degrees 53 minutes 57 seconds West 229.72 feet to a point on the easterly right of way of Spring Street; continuing thence along the easterly right of way of Spring Street run North 00 degrees 53 minutes 57 seconds West 55.84 feet to a point formed by the intersection of the westerly right of way of Spring Street with the southerly right of way of Fourteenth Street; run thence along the southerly right of way of Fourteenth Street South 89 degrees 47 minutes 48 seconds East 284.55 feet to a point; continuing along the southerly right of way of Fourteenth Street run South 89 degrees 47 minutes 32 seconds East 90.00 feet to the intersection of the southerly right of way of Fourteenth Street with the westerly right of way of West Peachtree Street at the Point of Beginning, said property containing 2.47855 acres of land, more or less, and being shown as combined Parcels A, B, and C on that

ATL/LEGAL FOR 14TH STREET

Page 1 of 2



certain Plat of Survey prepared by Watts & Browning Engineers, Inc., certified by V. T. Hammond, Georgia RLS No. 2554, dated June 2, 1999, last revised March 14, 2000, for ACP III Retail, LLC and Commonwealth Land Title Insurance Company, Job # 990518.



ATL/LEGAL FOR 14TH STREET

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RCS# 2092  
7/05/00  
5:05 PM

Atlanta City Council

Regular Session

00-O-0684

Z-00-34; C-4 to SPI-4-C; Block bounded  
by Spring St./14th St./ W. Peach./13th  
ADOPT AS AMEND

YEAS: 9  
NAYS: 2  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	N Woolard	N Martin	NV Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

00-O-0684

RCS# 2091  
7/05/00  
5:04 PM

Atlanta City Council

Regular Session

00-0-0684

Z-00-34; C-4 to SPI-4-C; Block bounded  
by Spring St./14th St./ W. Peach./13th  
Amend Starnes

YEAS: 8  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 6  
EXCUSED: 0  
ABSENT 1

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	N Martin	NV Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
NV Winslow	NV Muller	Y Boazman	NV Pitts

00-0-0684