



City Council
Atlanta, Georgia

00-0-0685

A SUBSTITUTE ORDINANCE

Z-00-35

BY: *Debi Starnes*

9-26-00

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 Southeast Corner of Highland Avenue, N.E. and Sampson Street, N.E.**, be changed from the **I-2 (Heavy Industrial)** District and the **R-5 (Two-Family Residential)** District to the **PD-MU (Planned Development-Mixed Use)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 19 of the 14th District, **Fulton** County, Georgia, more particularly described by the attached legal description.

Section 2. That this amendment is approved under the provisions of Chapter 19 entitled, "PD Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.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 Daughkin Johnson
Municipal Clerk, CMC

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

FEB 05, 2001

FEB 14, 2001



Conditions for Z-00-35

1. The schematic site plan titled, "Proposed Site Plan", by Menfee and Winer Architects, dated 11/13/00, stamped as received by the Bureau of Planning on November 17, 2000.
2. Residential parking shall be at a ratio of one parking space per bedroom, but in any event shall not exceed 560 spaces.
3. Street trees shall be planted at a maximum of 20-feet on center as shown on the site plan, 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, and shall be limbed up to a minimum height of seven (7) feet.
4. There shall be parallel parking spaces on Highland Avenue in front of the subject property as shown on the site plan. The dimensions of the parking spaces shall comply with standards provided by the Bureau of Transportation Services.
5. There shall be a four-foot wide bicycle path on Sampson Street adjacent to the subject property.
6. Revisions to the site plan to add stairs and walkways to the street along Highland Avenue or Sampson Street shall be subject to approval by the Bureau of Planning.
7. The number of stories of the proposed structures shall be as referenced on the site plan and shall mean the number of stories above the grades of Highland Avenue and Sampson Street.
8. This developer agrees to cooperate fully with the PATH Foundation, in their development of the proposed future bike path that will run along the rear portion of this development. This commitment will be demonstrated through a letter attesting to such, from the developer. *(See attachment A Condition 8. Letter from developer James Braden dated 2/5/01, referenced at 2/5/01 Council Meeting as Condition.)*
9. The developer will develop the streetscape along Highland Ave and Sampson St, in accordance with the City of Atlanta standards, as outlined in Attachment A. Lighting along the future proposed bike path, along the rear of the property shall meet these same standards. *(See attachment B Condition 9. Streetscape requirements agreed to by Community, Developer and Planning Department brought forward at 2/5/01 Council Meeting as Condition.)*
10. The letter from the BHC Property Group, dated 1/30/01 and the hand-written supplement to that letter dated February 5, 2001, both signed by James B. Braden, is an additional condition to this re-zoning. *(See attachment C Condition 10. Letter from developer James Braden dated 1/30/01 with hand written supplement from James Braden dated 2/5/01.)*



February 5, 2001

ATTACHMENT (A) CONDITION 8.

Re: Z-00-35; Cooperation with PATH Foundation

Dear Councilmember Starnes:

You have inquired about our plans for coordination with the PATH Foundation in the development of a bike/pedestrian path proposed for the rail corridor located behind the Highland/Sampson project.

I understand that the City is working with PATH to design such a trail. I also understand that the State of Georgia is purchasing this rail line and that implementation of the Georgia Rail Passenger Program may result in the reactivation of this rail line, which in turn may affect the planned development of the path.

As BHC Property Group develops the Highland/Sampson project, we will be pleased to cooperate with PATH in the design and implementation of the rail path project. The path would provide an additional amenity for our residents. The final plan for the path, of course, must be consistent with the site plan for our project approved by the City.

Sincerely,


James B. Braden
President BHC Property Group Inc
1505 Lakes Parkway
Suite 190
Lawrenceville GA 30043



ATTACHMENT (B) CONDITION 9.

Z-00-35

Highland Avenue and Sampson Street Zoning conditions

Sidewalks Conditions

Sidewalks shall be located along all streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: a street furniture and tree planting zone and a clear zone. The following regulations shall apply to all sidewalks:

1. Street furniture and tree planting zone requirements: The street furniture and tree planting zone shall have a minimum width of five (5) feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
2. Clear zone requirements: Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum width as specified below for each street and a minimum height of eight (8) feet, by any permanent or nonpermanent element. The clear zone shall have the following minimum widths:
 - a. Highland Avenue: Ten (10) feet.
 - b. All other streets: Six (6) feet.
3. Street tree planting requirements: Street trees are required and shall be planted in the ground a maximum of twenty feet (20) on center within the street furniture and tree planting zone and spaced equal distance 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, or as approved by the Bureau of Planning. Trees shall have a minimum planting area of twenty-five (25) square feet. All plantings, planting replacement and planting removal shall be approved by the City Arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriopé spicata, and no more than sixty (60%) percent shall be impervious surface.
4. Tree grates: Where tree grates are installed, they shall be a minimum of four (4) feet by eight (8) feet, shall be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree planting zone.
5. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2½) feet and eight (8) feet above grade. See Section 16.28.009, Visibility at Intersections.
6. No awning or canopy shall encroach more than five (5) feet over the required sidewalk.



ATTACHMENT (B) CONDITION 9.

Z-00-35

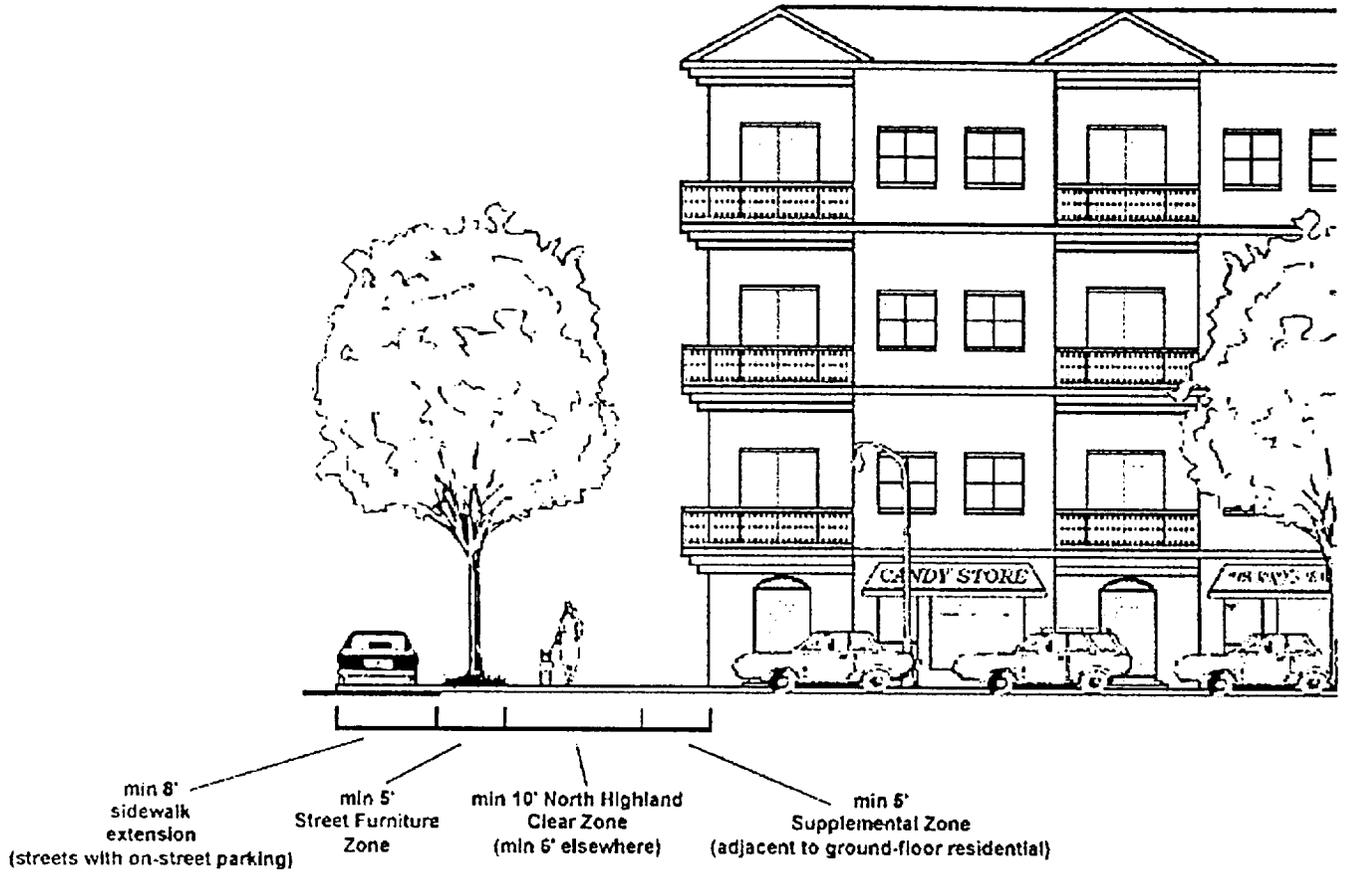
7. Where property within this district abuts an R district without an intervening street, the sidewalk area within twenty (20) feet of such districts shall taper as necessary to provide a smooth transition to the existing R district sidewalk. In the event that the abutting R district has no existing sidewalk, the sidewalk shall taper to a width of six (6) feet.
8. Decorative pedestrian lights, where installed, shall be placed a maximum of (40) feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the Planning Bureau.
9. Trash receptacles, where installed, shall be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.
10. Wherever on-street parking is provided, sidewalk extensions are required at street intersections.
11. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with street frontage:
 - a. Shall face and be visible from the street. When located adjacent to Highland Avenue, said entrance shall face and be visible from such street.
 - b. Shall be directly accessible and visible from the sidewalk.
 - c. Shall remain unlocked during business hours for non-residential uses.
12. Buildings with residential uses at the sidewalk level shall meet the following regulations:
 - a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide.
 - b. There shall be no less than seven (7) entrances to individual residential units that are adjacent to the sidewalk and located within twenty (20) feet from a public sidewalk. Said entrances shall be accessible from the public sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk, unless existing topographical considerations render this requirement unreasonable.
 - c. Such buildings shall have windows at sidewalk level on each corner end-unit façade which are substantially similar in size to the sidewalk level front facade windows.
13. For purposes of these regulations, the area between any building and the nearest edge of the required sidewalk shall be defined as the supplemental zone. Supplemental zones shall for street fronting, sidewalk level residential units shall be a minimum width of five (5) feet and shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the supplemental zone area.



ATTACHMENT (B) CONDITION 9.

Z-00-35

Streetscape
for illustrative purposes only
(See sidewalk conditions)





BHC

PROPERTY GROUP

ATTACHMENT (C) CONDITION 10.

January 30, 2001

The Honorable Debi Starnes
Chair, Zoning Committee
Atlanta City Council
55 Trinity Ave. SW
Atlanta, GA 30335

Re: Z-00-35 – Highland Avenue Project

Dear Councilmember Starnes:

During discussions about the mixed-use redevelopment project BHC Property Group has proposed for Old Fourth Ward, you have emphasized the importance of maintaining a stock of affordable and moderately priced housing in this and other neighborhoods. Many neighborhood and NPU residents have raised the same point. NPU-M representatives have stated to us that the greatest need in the area is for housing priced between \$140,000 and \$180,000.

As a result of these discussions, BHC Property Group commits that we will offer for sale at least ten percent of the units in the development as currently proposed on the site plan dated November 13, 2000 at prices not to exceed the \$180,000. Because the project will be built in phases over several years, this price may be adjusted for inflation. This proposal is consistent with a "density bonus" calculation of 20 percent of density in excess of .696, which I understand is being considered as part of the Rail Corridor recommendations.

BHC further agrees that if for some reason we are unable to satisfy this commitment, for each unit sold for \$200,000 or more, BHC will contribute \$500 to an appropriate nonprofit organization for the development of affordable housing in the City of Atlanta.

Thank you again for all the time and effort you have devoted to helping us develop a good proposal for the neighborhood and the City. We hope that you and your fellow councilmembers will enable us to make this plan a reality.

Sincerely,

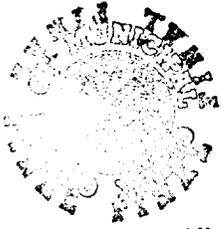
James B. Braden
President BHC, Property Group, Inc.



ATTACHMENT (C) CONDITION 10.
SUPPLEMENT

BHC Property Group further agrees
that 10 of the units within the 1070
affordable ~~that~~ commitment will be
offered first to residents of Old Fourth
Ward and NPU-1M at ^{a base price of} ~~price not to exceed~~
\$155,000.

For: BHC Property Group Inc
James B. Borden
President
2-5-01



LEGAL DESCRIPTION

All that tract or parcel of land lying in land lot 19 of the 14 th district of Fulton County, Georgia being more particularly described as follows:

Beginning at the intersection of the easterly right of way of Sampson Street (40'RW) and the southerly right of way of Highland Avenue (RW varies); thence along the southerly right of way of Highland Avenue North 89 Degree: 55 Minutes 28 Seconds East a distance of 253.15 feet to a point; thence South 89 Degrees 58 Minutes 57 Seconds East a distance of 391.95 feet to a point; thence North 89 Degrees 45 Minutes 57 Seconds East a distance of 191.85 feet to a point; thence South 87 Degrees 36 Minutes 31 Seconds East a distance of 174.14 feet to a point; thence North 89 Degrees 56 Minutes 47 Seconds East a distance of 29.41 feet to a point; thence South 54 Degrees 17 Minutes 41 Seconds West a distance of 186.37 feet to a point; thence following a curve to the left (having a radius of 1780.17 feet) an arc length of 328.12 feet and subtended by a chord bearing of South 49 Degrees 12 Minutes 41 Seconds West and distance of 327.66 feet to a point; thence N 00 Degrees 43 Minutes 29 Seconds East a distance of 4.92 feet to a point; thence South 36 Degrees 53 Minutes 27 Seconds West a distance of 15.66 feet to a point; thence following a curve to the left (having a radius of 1780.17 feet) an arc length of 120.89 feet and subtended by a chord bearing of South 42 Degrees 01 Minutes 12 Seconds West and distance of 120.87 feet to a point; thence following a curve to the left (having a radius of 2030.62 feet) an arc length of 158.74 feet and subtended by a chord bearing of South 37 Degrees 50 Minutes 06 Seconds West and distance of 158.70 feet to a point; thence North 57 Degrees 39 Minutes 01 Seconds West a distance of 0.48 feet to a point; thence following a curve to the left (having a radius of 579.44 feet) an arc length of 88.25 feet and subtended by a chord bearing of North 10 Degrees 46 Minutes 54 Seconds East and distance of 88.16 feet to a point; thence North 46 Degrees 28 Minutes 52 Seconds East a distance of 61.52 feet to a point; thence North 01 Degrees 25 Minutes 05 Seconds East a distance of 57.60 feet to a point; thence following a curve to the left (having a radius of 1994.90 feet) an arc length of 185.01 feet and subtended by a chord bearing of South 38 Degrees 35 Minutes 28 Seconds West and distance of 184.94 feet to a point; thence following a curve to the left (having a radius of 223.70 feet) an arc distance of 229.00 feet and subtended by a chord bearing of North 51 Degree: 39 Minutes 07 Seconds West and distance of 219.13 feet to a point; thence South 01 Degrees 27 Minutes 04 Seconds West a distance of 55.34 feet to a point; thence North 82 Degrees 34 Minutes 29 Seconds West a distance of 240.01 feet to a point located on the easterly right of way of Sampson Street; thence continuing along said right of way North 01 Degrees 36 Minutes 22 Seconds East a distance of 86.74 feet to a point; thence North 01 Degrees 36 Minutes 18 Seconds East a distance of 311.31 feet to a point which is the point of beginning.

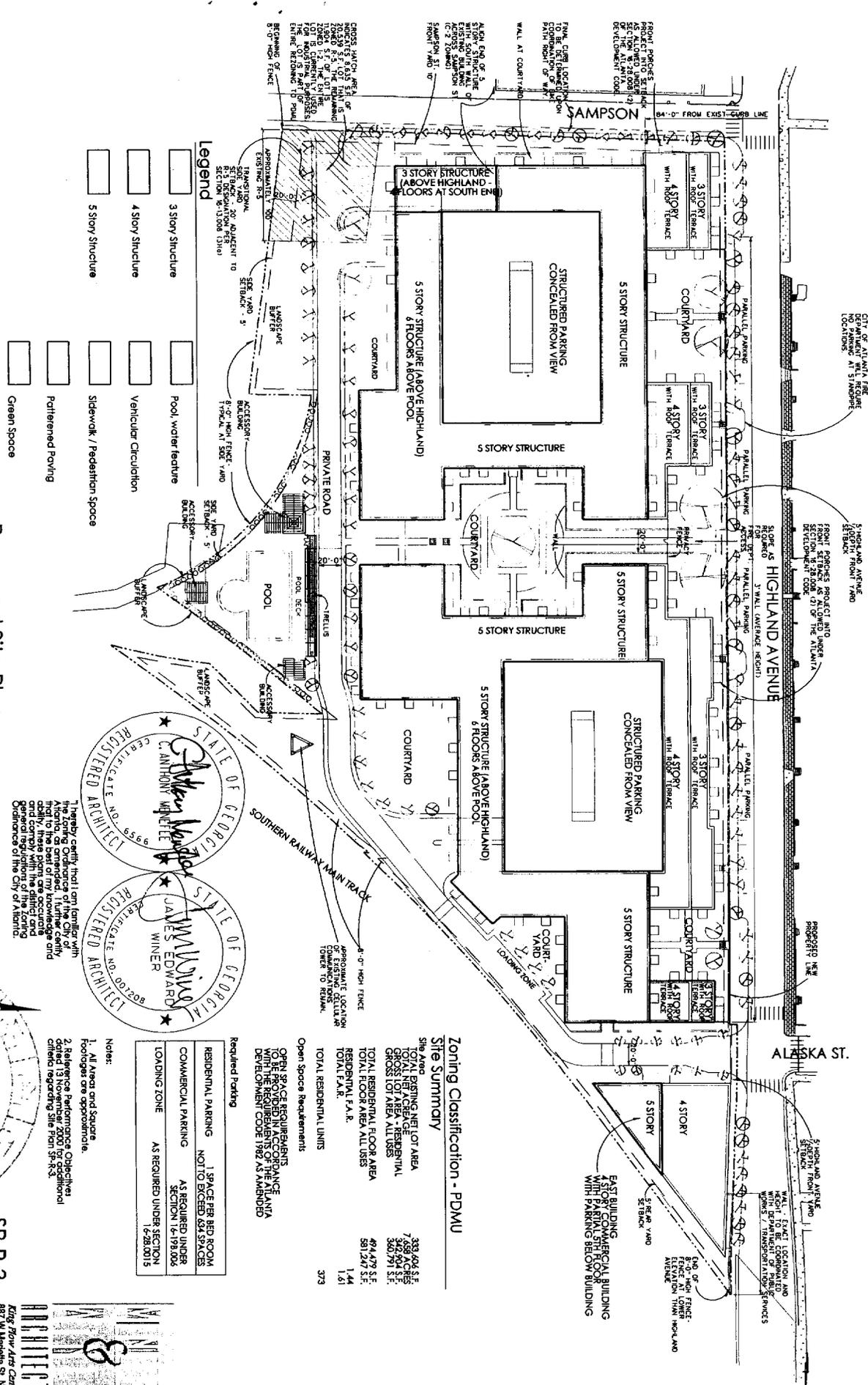
Said tract of land contains 7.65 acres.

002881g

Z-00-35



Highland Avenue Development
 Highland Ave.
 Atlanta, Georgia



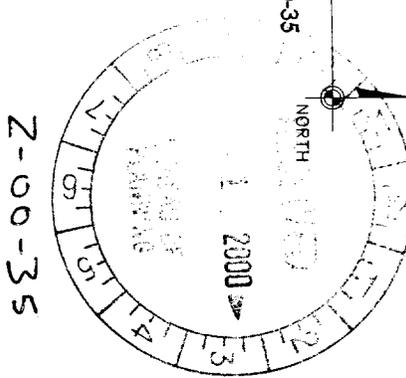
Legend

- 3 Story Structure
- 4 Story Structure
- 5 Story Structure
- Pool/Water feature
- Vehicular Circulation
- Sidewalk / Pedestrian Space
- Patterned Paving
- Green Space

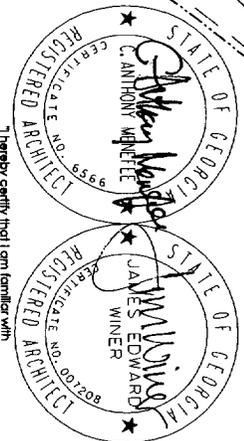
Proposed Site Plan

City of Atlanta
 Rezoning Application Z-00-35

SP-R-3
 11.13.2000



Z-00-35



Required Parking

RESIDENTIAL PARKING	1 SPACE PER BED ROOM
COMMERCIAL PARKING	AS REQUIRED UNDER SECTION 15-2-200.5

Notes:
 1. All Area and Square Footages are approximate.
 2. Reference Performance Objectives dated 13 November 2000 for additional criteria regarding Site Plan S-R-3.

Zoning Classification - PDMU

Site Summary

Site Area (EXISTING NET LOT AREA)	333,404 S.F.
TOTAL RES ACRES	7.659 ACRES
GROSS LOT AREA - RESIDENTIAL	342,904 S.F.
GROSS LOT AREA - ALL USES	360,791 S.F.
TOTAL RESIDENTIAL FLOOR AREA	497,429 S.F.
TOTAL FLOOR AREA - ALL USES	581,237 S.F.
RESIDENTIAL F.A.R.	1.44
TOTAL F.A.R.	1.61
TOTAL RESIDENTIAL UNITS	373

King Flow Arts Center
 857 W. Marietta St. N.W.
 Atlanta, Georgia 30318
 404 878 0793
 404 878 0774



RCS# 2585
2/05/01
4:35 PM

Atlanta City Council

Regular Session

00-O-0685

Rezone SE Corner of Highland Ave. &
Sampson St. from I-2 & R-5 to PD-MU
ADOPT SUB/AMEND

YEAS: 12
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

00-O-0685

00-0-0685

(Do Not Write Above This Line)

AN ORDINANCE Z-00-35
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE I-2 (HEAVY INDUSTRIAL) DISTRICT AND THE R-5 (TWO-FAMILY RESIDENTIAL) DISTRICT TO THE C-3-G (COMMERCIAL RESIDENTIAL-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HIGHLAND AVENUE AND SAMPSON STREET, N.E., FRONTING APPROXIMATELY 510 FEET ON THE EAST SIDE OF SAMPSON STREET BEGINNING AT THE SOUTHEAST CORNER OF HIGHLAND AVENUE. DEPTH: VARIES; AREA: 7.68 ACRES; LAND LOT 19, 14TH DISTRICT, FULTON COUNTY, GEORGIA.
OWNER: VARIOUS
APPLICANT: B.H.C. PROPERTY GROUP, INC.
NPU-M COUNCIL DISTRICT 2

ADOPTED BY
FEB 05 2001

REFERRED BY
CITY COUNCIL
MAY 15 2000

AS AMENDED

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 5/15/00

Referred To: ZRB's zoning
10/2/00 - Substitute introduced by
Cindy Starnes during Personal Paper
Section of Agenda - Referred to ZRB's zoning

First Reading

Committee Zoning
Date 5-9-00
Chair Dennis Starnes

Committee	_____
Date	_____
Chair	_____
Fav, Adv, Held (see rev. side)	_____
Other	_____
Members	_____
Refer To	_____

Committee	_____
Date	_____
Chair	_____
Fav, Adv, Held (see rev. side)	_____
Other	_____
Members	_____
Refer To	_____

COUNCIL ACTION

- 2nd
- 1st & 2nd Readings
- 3rd

Consent V Vote RC Vote

CERTIFIED

CERTIFIED
FEB 5 2001

ATLANTA CITY COUNCIL PRESIDENT

Richard A. Price

CERTIFIED
FEB 05 2001

Richard A. Price
MAYORAL CLERK

MAYOR'S ACTION

APPROVED

FEB 14 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW