

CITY COUNCIL
ATLANTA, GEORGIA

City Council
Atlanta, Georgia

01-0-0235

SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-01-05
4-12-01

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 **1335 Marietta Boulevard, NW and 1410 Ellsworth Industrial Drive, NW** be changed from the **I-2 (Heavy Industrial)** District, to the **C-3-C (Commercial-Residential Conditional)** District, to wit.

ALL THAT TRACT or parcel of land lying and being in Land Lots **191** of the **17th** 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 16-02.003 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, 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 regulations variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

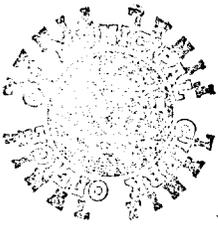
A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

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

JUN 04, 2001

JUN 13, 2001



CONDITIONS FOR Z-01-05

1. Site plan entitled "Marietta Blvd. (Brodnax) Multi Use Development" prepared by Preston Phillips, Architects & Engineers, dated March 21, 2001 and marked received by the Bureau of Planning March 21, 2001.
2. The development of the subject property shall occur in accordance with the following list of Performance Standards, by topic.

Land Use

- a. Development of the subject property shall include the following land uses:
 - *Residential uses, which shall not exceed 456,840 square feet.
 - *Office/retail uses, which shall not exceed 165,000 square feet.
 - *Total heated space, which shall not exceed 621,840 square feet.
- b. Development of the subject property shall have the following specifications:
 - *The Floor Area Ratio (FAR) shall not exceed 0.857.
 - *The Total Open Space Ratio (TOSR) shall not exceed 0.680.
 - *The Useable Open Space Ratio (UOSR) shall not exceed 0.400.A maximum of 1,114 parking spaces shall be provided on the property, including the required number of handicapped parking spaces at appropriate locations. Changes in the total number of parking spaces or any parking ratios that were submitted with the application shall be subject to approval by the Bureau of Planning.

Transportation: The developer shall provide bus shelters for the two bus stops that serve the development: at 1) Marietta Boulevard, and 2) at the intersection of Elaine Avenue and Ellsworth Industrial Boulevard.

Buffering and Landscaping

- a. A tree planting plan shall be submitted to and be approved by the City Arborist.
- b. Appropriate locations for buffering and landscaping around the periphery of the property shall be approved by the Bureau of Planning and the City Arborist.

Construction

- a. No grading or construction permits shall be issued by the City, and the final site plan shall not be released for development, until a stormwater management plan has been approved by the Department of Public Works and a fully-executed maintenance/monitoring agreement is in place.



- b. The developer shall reserve a means of access to the adjacent property to the north, which shall be approved by the Bureau of Planning.
4. The principal driveways in this development shall be public rights-of-way.



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 191 OF THE 17th LAND DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a nail set at the intersection of the northeastern right of way line of Marietta Boulevard (variable right of way width) and the northwestern right of way line of Elaine Avenue (60 feet right of way width); thence North 28 degrees 37 minutes 35 seconds West along the northeastern right of way line of Marietta Boulevard a distance of 534.31 feet to an iron pin found; thence North 61 degrees 24 minutes 30 seconds East a distance of 355.00 feet to an iron pin found; thence North 28 degrees 36 minutes 57 seconds West a distance of 338.49 feet to an iron pin found; thence North 89 degrees 07 minutes 30 seconds East a distance of 603.44 feet to an iron pin found on the southwestern right of way line of the L&N Railroad Company; thence following the arc of a clockwise curve along the southwestern right of way line of the L&N Railroad an arc distance of 56.71 feet (said arc having a radius of 838.98 feet and being subtended by a chord bearing South 20 degrees 10 minutes 04 seconds East a chord distance of 56.69 feet); thence continuing along the southwestern right of way line of the L&N Railroad South 18 degrees 13 minutes 54 seconds East a distance of 43.04 feet to an iron pin set; thence South 08 degrees 07 minutes 31 seconds West a distance of 122.10 feet to a point; thence North 89 degrees 27 minutes 37 seconds East a distance of 56.40 feet to an iron pin set on the southwestern right of way line of the L&N Railroad; thence following the arc of a counterclockwise curve along the southwestern right of way line of the L&N Railroad an arc distance of 62.16 feet to an iron pin set on the northwestern right of way line of Elaine Avenue (said arc having a radius of 466.17 feet and being subtended by a chord bearing South 24 degrees 39 minutes 29 seconds East a chord distance of 62.11 feet); thence following the arc of a clockwise curve along the northwestern right of way line of Elaine Avenue an arc distance of 153.73 feet to a nail set (said arc having a radius of 680.53 feet and being subtended by a chord bearing South 18 degrees 58 minutes 36 seconds West a chord distance of 153.40 feet); thence South 88 degrees 33 minutes 19 seconds West a distance of 34.49 feet to a nail set; thence South 01 degrees 29 minutes 42 seconds East a distance of 64.25 feet to an iron pin set on the northwestern right of way line of Elaine Avenue; thence following the arc of a clockwise curve along the northwestern right of way line of Elaine Avenue an arc distance of 464.10 feet to a point (said arc having a radius of 918.97 feet and being subtended by a chord bearing South 43 degrees 25 minutes 09 seconds West a chord distance of 459.18 feet); thence continuing along the northwestern right of way line of Elaine Avenue South 56 degrees 24 minutes 35 seconds West a distance of 236.17 feet to the POINT OF BEGINNING.

Said parcel containing 483,205 square feet or 11.093 acres.

2-01-05

REC'D FEB - 6 2001

Page 2 of 5

Legal Description

Beaumont Area (3.1311 Ac.)

from Survey dated 7/7/00

All that tract or parcel of land lying and being in Land Lot 191 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

To arrive at the TRUE POINT OF BEGINNING, commence at a point of the intersection of the southerly right-of-way of Ellsworth Industrial Drive (60' R/W); thence southerly along said westerly right-of-way of Ellsworth Industrial Drive a distance of 2631.25 feet to a point; thence departing said right-of-way South 89 degrees 07 minutes 30 seconds West a distance of 171.37 feet to a 1/2 inch rebar set and the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 07 minutes 30 seconds West a distance of 354.30 feet to a 1/2 inch rebar set; thence North 11 degrees 00 minutes 22 seconds West a distance of 298.12 feet to a 1/2 inch rebar set; thence North 04 degrees 08 seconds 23 minutes West a distance of 392.93 feet to a 1/2 inch rebar set on the southwesterly right-of-way of L&N Railroad Company right-of-way (R/W varies .35' to centerline at this point); thence along said railroad right-of-way South 35 degrees 05 minutes 02 seconds East a distance of 535.00 feet to a 1/2 inch rebar set; thence continuing along said L&N Railroad Company right-of-way South 54 degrees 54 minutes 58 seconds West a distance of 15.00 feet to a 1/2 inch rebar set (said 1/2 inch rebar set being 50' from centerline at this point; thence continuing along said railroad right-of-way South 35 degrees 05 minutes 02 seconds East a distance of 216.71 feet to a point; thence continuing along said railroad right-of-way along a curve to the right an arc distance of 58.89 feet (being subtended by a chord distance of 58.80 feet, a bearing of South 19 degrees 37 minutes 41 seconds East and a 309.51 foot radius) to said 1/2 inch rebar set and the TRUE POINT OF BEGINNING. Said tract containing 3.1311 acres as shown on survey prepared by Pearson & Associates, Inc. dated July 7, 2000. last revised July 27, 2000.

Z-01-05

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May 18, 2001

Council Member Debi Starnes
City of Atlanta
55 Trinity Avenue, SW
Atlanta, Georgia 30335

REC'D MAY 21 2001

RE: Z-01-05 1335 Marietta Blvd, NW
1410 Ellsworth Industrial Dr., NW

Dear Council Member Starnes,

I am writing this letter in connection with your committee's action on the captioned zoning application scheduled for May 29, 2001, based on its having been held last Tuesday. We are amending the application as described below.

By way of background, our original application requested the rezoning of three parcels from I-2 to C-3. Because of a required change in the CDP related to our request on Tract #3, we removed that parcel from the application so as to move forward in a timely manner. Because of the significant slowing in the office market of late, we have notified the current owner of Tract #2 that we no longer intend to purchase that property. (Recall that the approximate 65,000 SF steel fabrication facility on that site was to have been converted into loft-office.) Based on our notice, the seller has withdrawn its authority for Winer to rezone the property, preferring that it remain I-2 for now. As such, our application requires an amendment to delete Tract #2. The legal description for the remaining piece, Tract #1 (the so called Anderson-McGriff site) is attached for your reference. Fortunately, our development plans for the three original tracts were interrelated but not combined, such that the deletion of Tracts #2 and #3 have no effect on our application for Tract #1. The only required change in the application is the deletion of 65,000 SF of office to reflect the deletion of the Broadnax building.

If you recall, we have expressed concern over two of the conditions imposed on our application by the ZRB (copy attached). Condition #1 seems to conflict with a note on the very site plan it references in that the condition does not make it clear that the site plan is intended to be schematic only, and is not meant to specify numbers, size or placement of specific uses, but only the relative placement of each. Condition #4, which asks that "principal driveways in this development shall be public rights-of-way", is troubling in two ways. First, it is not a defined term and second, we find that such conditions are not viewed favorably by the lending community and, therefore, inhibit our ability to finance the development.

Telephone 404.223.5015
Facsimile 404.223.5753



Based on the above concerns, we are requesting that our current application be amended as follows:

- Tract #2 be deleted from the application, leaving only Tract #1, and
- That Condition #1 be amended by adding the following to the end of the existing language, *“shall be considered a schematic plan only and is not intended to specify either the size, shape or placement of the residential, retail and/or office uses, but rather to illustrate the relative mix of uses and general location of each, as further defined in the Performance Standards (#2) below”*, and
- That Condition #4 be deleted in its entirety.

We ask that you move our amended application forward to City Council with a recommendation for approval.

I think all of your committee know Winter and appreciate its reputation for honesty, integrity and community involvement. We have met with the community on more than one occasion and received a favorable vote from them (NPU-D) of 46 to 0 based only on performance standards – not a specific site plan.

Sincerely,



Grant A. Grimes
Vice President - Development

Enclosures (2)

cc: Doug Alexander
John Bell
Beverly Dockeray-Ojo
Sherry Dorsey
Linda Logan
Vern McCarty, V. Chair
Felicia Moore
Clair Muller
Robert L. Silverman



RCS# 2940
6/04/01
5:39 PM

Atlanta City Council

Regular Session

01-O-0235

Z-01-05; 1335 Marietta Blvd.; 1410 &
1460-1530 Ellsworth Industrial Dr.
ADOPT AS AMEND

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

Unanimous

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

01-O-0235

01-0-0235

(Do Not Write Above This Line)

AN ORDINANCE Z-01-05

BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE I-2 (HEAVY INDUSTRIAL) DISTRICT TO THE C-3 (COMMERCIAL RESIDENTIAL) DISTRICT, PROPERTY LOCATED AT 1335 MARIETTA BLVD. N.W./1410 ELLSWORTH INDUSTRIAL DRIVE N.W./AND AN UNNUMBERED PARCEL AT THE REAR OF 1460-1530 ELLSWORTH INDUSTRIAL DRIVE, N.W., FRONTING 534.31 FEET ON THE NORTHEASTERLY SIDE OF MARIETTA BLVD. BEGINNING AT THE NORTHEASTERLY CORNER OF ELAINE AVENUE. DEPTH: VARIES; AREA: 27.2628 ACRES; LAND LOTS 191 AND 192, 17TH DISTRICT, FULTON COUNTY, GEORGIA.

OWNER: GEORGE MCCHESENEY ET AL
APPLICANT: GRANT A. GRIMES
N11-D COUNCIL DISTRICT 9

ADOPTED BY
JUN 04 2001

COUNCIL

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

Date Referred 2/19/01

Referred To: ZRB & Zoning

First Reading

Committee ZONING
Date 5-13-01
Chair J.E. McCarty

Committee ZONING

Date 5-15-01
Chair
Actions
Fav, Adv, Held (see rev. side) and substitute
Others
Members

Refer To

Committee ZONING

Date 6-4-01
Chair Debi Starns
Actions
Fav, Adv, Held (see rev. side) on substitute
Others
Members
J.E. McCarty
Debi Starns

Refer To

Committee

Date
Chair
Actions
Fav, Adv, Held (see rev. side)
Others
Members

Refer To

Committee

Date
Chair
Actions
Fav, Adv, Held (see rev. side)
Others
Members

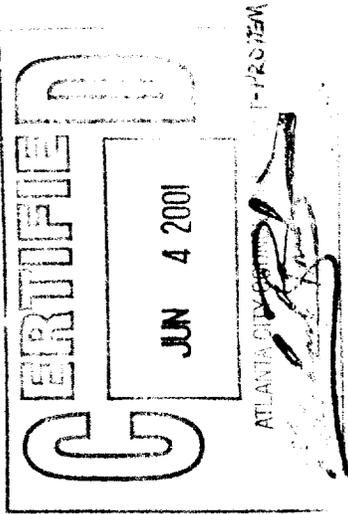
Refer To

COUNCIL ACTION

2nd 1st & 2nd 3rd
Readings

Consent V Vote RC Vote

CERTIFIED



CERTIFIED
JUN 04 2001

Shirley D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 13 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW