



City Council
Atlanta, Georgia

01-0-0467

AN ORDINANCE
BY: ZONING COMMITTEE

Z-01-10
2-13-01

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 **1016 Howell Mill Road, N.W.**, be changed from the **C-2 (Commercial Service)** 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 **150** of the **17th** District, Fulton County, Georgia, being 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.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,

Shonda Daughin Johnson
Municipal Clerk, CMC

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

JUL 02, 2001

JUL 11, 2001

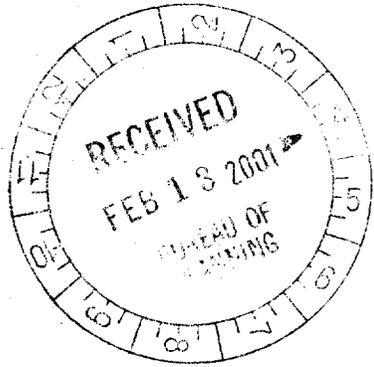


CONDITIONS FOR Z-01-10

1. The development of the subject property shall occur in accordance with the submitted site plan that is titled "1016 Howell Mill Road", which was prepared by Surber, Barber, Choate & Hertlein Architects, Inc. on February 13, 2001, last revised April 5, 2001 and marked received by the Bureau of Planning April 12, 2001.
2. The common courtyard and swimming pool shall be properly maintained in a functional and attractive manner.
3. The submitted Tree Removal and Replacement Plan, along with appropriate tree planting and preservation measures, shall be approved by the City Arborist.



2-01-10



LEGAL DESCRIPTION

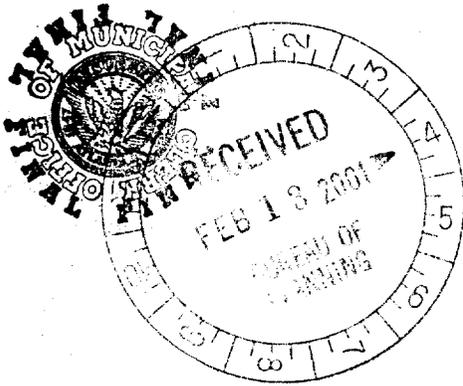
TRACT 1

ALL THAT CERTAIN PIECE, PARCEL OF LAND, LYING AND BEING IN LAND LOT 150, OF THE 17th DISTRICT, BEING IN CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED ON AN ALTA/ACSM LAND TITLE SURVEY FOR WP SOUTH ACQUISITIONS, L.L.C., & CHICAGO TITLE INSURANCE COMPANY DATED 02/07/01, PREPARED BY HIGHLAND ENGINEERING, INC., AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF 11th STREET, (40' R/W) AND THE WESTERLY RIGHT-OF-WAY OF HOWELL MILL ROAD (50' R/W) AT A #4 REBAR SET THE POINT-OF-BEGINNING (P.O.B.), THENCE, TURNING AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF HOWELL MILL ROAD ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 248.23', AND A CHORD DISTANCE OF 248.15', WITH A RADIUS OF 2930.16' AT SOUTH 15 DEGREES 25 MINUTES 44 SECONDS EAST (S15°25'44"E) TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 85.50', A CHORD DISTANCE OF 85.46', WITH A RADIUS OF 802.21' AT SOUTH 20 DEGREES 55 MINUTES 12 SECONDS EAST (S20°55'12"E) TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F BILTMORE FOOD CO., INC., NORTH 87 DEGREES 26 MINUTES 31 SECONDS WEST (N87°26'31"W) A DISTANCE OF 149.93' TO A #4 REBAR FOUND; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F BILTMORE FOOD CO., INC., SOUTH 09 DEGREES 01 MINUTES 37 SECONDS EAST (S09°01'37"E) A DISTANCE OF 99.94' TO A #4 REBAR SET ON THE NORTHERN RIGHT-OF-WAY OF 10th STREET (60' R/W); THENCE, TURNING AND CONTINUING ALONG THE NORTHERN RIGHT-OF-WAY OF 10th STREET SOUTH 89 DEGREES 12 MINUTES 15 SECONDS WEST (S89°12'15"W) A DISTANCE OF 258.04' TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F RIDICK TIRE CO., NORTH 10 DEGREES 01 MINUTES 08 SECONDS WEST (N10°01'08"W) A DISTANCE OF 128.27' TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF TRACT 1 & TRACT 2, NORTH 79 DEGREES 50 MINUTES 34 SECONDS EAST (N79°50'34"E) A DISTANCE OF 78.15 FEET TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF TRACT 1 & TRACT 2, NORTH 10 DEGREES 05 MINUTES 18 SECONDS WEST (N10°05'18"W) A DISTANCE OF 183.53 FEET TO A P.K. NAIL FOUND ON THE SOUTHERN RIGHT-OF-WAY LINE OF 11th STREET; THENCE TURNING AND CONTINUING ALONG THE SAID RIGHT-OF-WAY, NORTH 71 DEGREES 02 MINUTES 20 SECONDS (N71°02'20"E) A DISTANCE OF 288.80 FEET TO THE POINT-OF-BEGINNING (P.O.B.) AND CONTAINING 2.54 ACRES (110,556 S.F.).

TOGETHER WITH (See Following Tract)

2-01-10



LEGAL DESCRIPTION

TRACT 2

ALL THAT CERTAIN PIECE, PARCEL OF LAND, LYING AND BEING IN LAND LOT 150, OF THE 17th DISTRICT, BEING IN CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED ON AN ALTA/ACSM LAND TITLE SURVEY FOR WP SOUTH ACQUISITIONS, L.L.C., & CHICAGO TITLE INSURANCE COMPANY DATED 02/07/01, PREPARED BY HIGHLAND ENGINEERING, INC., AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT A P.K. NAIL FOUND ON THE SOUTHWEST RIGHT-OF-WAY OF 11th STREET (40' R/W) & HOWELL MILL ROAD (50' R/W) THENCE TURNING AND CONTINUING ALONG THE SOUTH R/W OF 11th ST. SOUTH 71 DEGREES 02 MINUTES 20 SECONDS WEST (S71°02'20"W) A DISTANCE OF 288.80' TO A PK NAIL FD. THE POINT-OF-BEGINNING (P.O.B.) THENCE TURNING AND CONTINUING ALONG THE LINE OF TRACT 1 SOUTH 10 DEGREES 05 MINUTES 18 SECONDS EAST (S10°05'18"E) A DISTANCE OF 183.53' TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF TRACT 1 & TRACT 2, SOUTH 79 DEGREES 50 MINUTES 34 SECONDS WEST (S79°50'34"W) A DISTANCE OF 78.15' TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F RIDICK TIRE CO., NORTH 10 DEGREES 01 MINUTES 08 SECONDS WEST (N10°01'08"W) A DISTANCE OF 171.62' TO A #4 REBAR FD. ON THE SOUTHERN RIGHT-OF-WAY OF 11th STREET; THENCE, TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 71 DEGREES 09 MINUTES 25 SECONDS EAST (N71°09'25"E) A DISTANCE OF 78.86' TO THE POINT-OF-BEGINNING (P.O.B.) AND CONTAINING 0.32 ACRES (13,948 S.F.).

Page 2 of 2

1016 HOWELL MILL ROAD

SITE PLAN SPECIFICATIONS

GROSS LAND AREA
CURB
PROPERTY LINE

RETAIL PARKING ENTRY
LIVESTOCK SPACES
@ STREET LEVEL
5' SIDEWALK
PLANTING STRIP

PROPERTY LINE
CURB
GROSS LAND AREA
BOUNDARY
CAR ENTRY/EXIT

12' SIDEWALK
PLANTING STRIP
8' SIDEWALK

HOWELL MILL ROAD (50' R.O.W.)

11th STREET (40' R.O.W.)

10th STREET (60' R.O.W.)

NORTH
SCALE: 1" = 20' 0"

C-2 (ABANDONED DAIRY WAREHOUSE)
PDMU (RESIDENTIAL/RETAIL)

CURRENT ZONING:
PROPOSED ZONING:

SQUARE FOOTAGE
RESIDENTIAL:
RETAIL:

260,775 SF
(2,000) SF
122,585 (+15,480 UNDER BLDG. B)
265

NUMBER OF UNITS:

HEIGHTS
BUILDINGS:
PARKING GARAGE:

NET LAND AREA:
GROSS LAND AREA:
FAR PROPOSED:
TOS PROPOSED:
UOS PROPOSED:

RESIDENTIAL PARKING

REQUIRED:
PROPOSED:
RETAIL PARKING

REQUIRED:

PROPOSED:

LOADING SPACES PROPOSED:

2 (12' x 35' EACH)

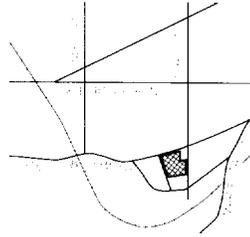
N/A

325 (1 SPACE/BEDROOM)

N/A

40 (20 BELOW B / 20 AT GARAGE)

2 (12' x 35' EACH)



EXISTING BUSINESS

RETAINING WALL
PEDESTRIAN ENTRY GATE
LOADING ZONE
PROPERTY LINE
CURB

GROSS LAND AREA
BOUNDARY

LIVESTOCK SPACES
@ STREET LEVEL

CAR ENTRY/EXIT
PLANTING STRIP
6' SIDEWALK
5' PLANTING STRIP

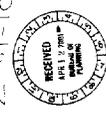


**SURBER BARBER
CHOATE & HERTLEIN**
ARCHITECTS, INC.

1776 PEACHTREE ST. NW, SOUTH TOWER SUITE 200
ATLANTA, GEORGIA 30309
TELEPHONE: 404.872.4401 FAX: 404.892.1940

13 FEBRUARY 2011

REVISED 05 APRIL 2011
(PER NPLC COMMENTS)



01-0-0467

(Do Not Write Above This Line)

AN ORDINANCE Z-01-10
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE G-2
(COMMERCIAL SERVICE) DISTRICT TO THE
PD-MU (PLANNED DEVELOPMENT-MIXED USE)
DISTRICT, PROPERTY LOCATED AT
1016 HOWELL MILL ROAD, N.W., FRONTING
333.73 FEET ON THE WESTERN SIDE OF
HOWELL MILL ROAD BEGINNING AT THE
SOUTHWEST CORNER OF 11TH STREET.
DEPTH: VARIES; AREA: 2.86 ACRES;
LAND LOT 150, 17TH DISTRICT, FULTON
COUNTY, GEORGIA.

OWNER: MURPHY'S DAIRY PARTNERS LLC
APPLICANT: WOOD PARTNERS
BY: CARL E. WESTMORELAND, JR.,
ATTORNEY

NPU-E COUNCIL DISTRICT 8

ADOPTED BY
JUL 02 2001
COUNCIL

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

Date Referred 3/19/01

Referred To: ZRB + Zoning

First Reading

Committee
Date
Chair

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

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 3rd
Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED
JUL 2 2001
ATLANTA CITY COUNCIL PRESIDENT
Robert R. Parker

CERTIFIED
JUL 02 2001

for the
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 11 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW