COMMITTEE AMENDMENT FORM

DATE: 01/10/ 07

COMMITTEE ZONING **PAGE NUM. (S)1**

ORDINANCE I. D. #06-O-1802 **SECTION (S)**

RESOLUTION I. D. #07-R- **PARA.**

AMENDS THE LEGISLATION BY ADDING SEVEN (7) CONDITIONS.

AMENDMENT DONE BY COUNCIL STAFF 01/10 /07

City Council
Atlanta, Georgia

06-O-1802

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-83
Date Filed: 7-11-06

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 **2489 Perry Boulevard, N.W.,** be changed from the C-1 (Community Business) and RG-3 (Residential General-Sector 3) Districts to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 252, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

EXHIBIT A

CONDITIONS for Z-06-83

1. Exterior finishes:

a) On the first two floors of each building, brick, stone, and hard-coat stucco are allowed as exterior finishes.

b) On all floors above the second floor, the materials listed in paragraph a) as well as cementitious siding are allowed as exterior finishes.

c) EIFS is not allowed as an exterior finish.

2. Applicant will provide the final landscaping plan, including the tree save plan, to the Chair of NPU-G for information ten days prior to submitting an application to the Bureau of Buildings for a building permit.

3. Exterior lighting shall be designed and constructed so as to minimize light spill into residential structures adjacent to the development.

4. Any storm water detention facilities constructed as part of the development shall not be visible from public streets.

5. Any dry cleaning facility located on the property shall be a collections facility only and shall not include any dry cleaning equipment or processing.

6. Dumpsters or any other waste holding facilities shall be emptied between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 9:00 a.m. and 9:00 p.m. on Saturdays, Sundays and holidays. Signage shall be posted at each loading dock indicating these hours and prohibiting loitering outside the loading dock and queuing for space into the loading dock.

7. Fencing:

a) Any fencing or gates separating courtyards or buildings from the supplemental zone shall be constructed of wrought iron.

b) Applicant may erect a fence or wall adjacent to the railroad tracks at the northern edge of the property that is the subject of Z-06-83. This fence may be constructed of black chain link in areas not visible from public streets and shall be constructed of wrought iron, stone or hard coat stucco in areas visible from public streets. This fence or wall may exceed six feet in height.

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Atlanta, Georgia

06- O-1802

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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 **2489 Perry Boulevard, N.W.,** be changed from the C-1 (Community Business) and RG-3 (Residential General-Sector 3) Districts to the MRC-3 (Mixed Residential Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 252, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

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 suffice "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 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.

All that tract or parcel of land lying and being in land lot 252 of the 17th district of Fulton County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the northerly right of way of Perry Street (a forty (40) foot right of way) at its intersection with the northeasterly right of way of Hollywood Road, and run thence northwesterly along the northeasterly right of way of Hollywood Road 349.2 feet to a point; running thence north 86 degrees 11 minutes 38 seconds east 350.15 feet to a point; running thence north 86 degrees 29 minutes 34 seconds east 202.44 feet to a point; running thence north 84 degrees 32 minutes 33 seconds east 20.46 feet to a point; running thence north 89 degrees 50 minutes 40 seconds east 415.73 feet to a point; running thence south 00 degrees 47 minutes 27 seconds east 151.28 feet to a point; running thence south 89 degrees 45 minutes 9 seconds west 30 feet to a point; running thence south 1 degree 12 minutes 23 seconds east 223.75 feet to the northerly right of way of Perry Street; running thence north 90 degrees west along the northerly right of way of Perry Street 350 feet to a point; running thence north 1 degree 10 minutes west 91 feet to a point; running thence north 90 degrees west 48.31 feet to a point on the easterly side of Church Street (not open); running thence north 0 degrees 6 minutes west along the easterly side of Church Street (not open) 108.5 feet to a point; running thence south 89 degrees 45 minutes 9 seconds west 13.39 feet to a point on the westerly side of Church Street (not open); running thence south 0 degrees 20 minutes 6 seconds west along the westerly side of Church Street (not open) 199.44 feet to the northerly right of way of Perry Street; running thence north 90 degrees west along the northerly right of way of Perry Street 456.07 feet to the northeasterly right of way of Hollywood Road and the POINT OF BEGINNING.

The following property will be conveyed by quit-claim deed, not subject to any warranties of title.

All that tract or parcel of land lying and being in land lot 252 of the 17th district of Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point on the northerly right of way of Perry Street 470.98 feet easterly from the intersection of the northerly right of way of Perry Street with the northeasterly right of way of Hollywood Road, said point also being where the northerly right of way of Perry Street intersects the easterly side of Church Street (not open) and run thence northerly along the easterly side of Church Street (not open) 91 feet to a point; running thence easterly 50 feet to a point; running thence southerly 91 feet to a point on the northerly right of way of Perry Street; running thence westerly along the northerly right of way of Perry Street 50 feet to the point of beginning.

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Z-06-83

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8/21/06
4:05 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 06-O-1790 THRU 06-O-1811 (1-22)

REFER

YEAS:	15
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE