07-O-1529

Z-07-83

AN ORDINANCE
BY: KWANZA HALL

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, TO REZONE PROPERTY LOCATED AT 670 DEKALB AVENUE FROM THE I-2/HD 20L ZONING CATEGORY (HEAVY INDUSTRIAL WITH INMAN PARK HISTORIC DISTRICT OVERLAY) TO THE C-3-C ZONING CATEGORY (COMMERCIAL RESIDENTIAL - CONDITIONAL); AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

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 property located at 670 DeKalb Avenue be changed from The I-2/HD 20L zoning category (Heavy Industrial with Inman Park Historic District Overlay) to the C-3-C zoning category (Commercial Residential - Conditional) where such property is more precisely described as:

> ALL THAT TRACT or parcel of land lying in or being in Land Lot 20 of the 14th District of Fulton County being more particularly described in that legal description attached to this ordinance as Exhibit "A."

SECTION 2: If this amendment is approved, pursuant to the provision of Sec. 16-02.003 of the Zoning Ordinance of the City of Atlanta ("Conditional Development"), the property shall be identified by the use of the suffix "C" after the district designation set forth in Section 1, the Director of the Bureau of Buildings shall issue a building permit for the development of the property only in compliance with the conditions attached hereto in the document entitled "Zoning Conditions for 670 DeKalb Avenue." This ordinance may be amended to include other conditions as may be later imposed. Any conditions hereby approved (including, without limitation, any conditional site plan) do not authorize the violation of any district regulations. District regulations variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3: That the Official Zoning Map of the City of Atlanta be and is hereby amended to conform to the terms of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in specific conflict with this ordinance are repealed to the extent of such conflict.

ZONING CONDITIONS FOR 670 DEKALB AVENUE

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1. This property is zoned conditioned on a "Zoning Site Plan" prepared by Smith Dalia Architects dated June 29, 2007 and attached hereto as Exhibit 1. Any amendment to this conditional site plan shall be specifically detailed by a site plan which is identified by the date stamped as "received" by the Bureau of Planning and restated in an amendment to this condition.

2. Floor area shall not exceed an amount equal to 1.87 times gross land area.

3. Buildings and structures directly fronting on Edgewood Avenue shall have a maximum height of 52 feet. All other buildings and structures shall have a maximum height of 70 feet. Height shall be measured as specified in the Zoning Code of the City of Atlanta.

4. For purposes of calculating gross land area pursuant to Section 16-28.007(2)(b) of the Zoning Ordinance of the City of Atlanta, the following areas shall be counted as permanent open space:

   a. Any acreage on the site which may later be conveyed to the City of Atlanta pursuant to the Agreement for Conveyance of Land between the City of Atlanta and Brisbane II, LLC (the "Conveyance Agreement") for the purpose of preserving alignment options for future BeltLine transportation uses, provided that this area does not exceed 12,000 square feet. The conveyance of the this property to the City of Atlanta is specifically contemplated and shall not cause the project approved on the Zoning Site Plan to become non-conforming.

   b. The property adjacent to the acreage described in subparagraph a. above that is designated as BeltLine Corridor pursuant to Section 16-36.007(1) of the Code of Ordinances; and

   c. All property owned by the City of Atlanta adjacent to the southern boundary of the subject property, including the property conveyed to the City of Atlanta by the Metropolitan Atlanta Rapid Transit Authority by Deed and Grant of Easement dated September 24, 2004 and recorded in Deed Book 38467, Page 446 of the property records of Fulton County, Georgia.

5. The City of Atlanta's design standards for Mixed Residential Commercial ("MRC") apply as described below:

   a. **16-34.011(2)** <u>Site limitations: maximum block face length</u>;

   b. **16-34.012** <u>Sidewalks</u>;

   c. **16-34.013** <u>Supplemental zone general requirements and widths</u>;

   d. **16-34.014** <u>Relationship of building to street</u>;

   e. **16-34.016** <u>Loading areas, loading dock entrances and building mechanical and accessory features</u>;

f. **16-34.018** Curb cuts and parking structures, except that paragraphs (5), (8), (11) are not applicable; and

g. **16-34.019** Lighting, security and maintenance requirements.

The Bureau of Planning shall review the plans for the project for compliance with the above referenced Code Sections and notify the Staff of the Urban Design Commission when the site plan review is completed and the site plan approved prior to the review specified in connection with condition number 8 as set forth hereinbelow. Any changes to the MRC requirements set forth in this condition shall be through the variation process associated with the Special Administrative Permit required for projects in the Beltline Overlay District.

6. On the southern boundary of the subject property, the Sidewalk required by Section 16-34.012 (as referenced and incorporated in Paragraph 5. above) shall begin at the back of the curb of the northern edge of DeKalb Avenue as it existed on the date of approval of this ordinance.

7. The portion of the northern boundary of the subject property that does not directly adjoin Edgewood Avenue shall be deemed a "special yard" pursuant to Code Section 16-28.007(f), and the minimum requirements in the C-3 classification for a side yard shall apply.

8. A Type III Certificate of Appropriateness shall be required for all new principal structures and for all major alterations and additions to structures where visible from a public street or park. The review shall be conducted based on the site plan submitted to the Urban Design Committee by the Bureau of Planning after review by the Bureau of Planning for compliance with Condition 5. The design standards set forth in Section 16-20L.008 shall apply for the review by the Urban Design Commission. To the extent of any conflicts based on the height or floor area ratio in Section 16-20L.008, the specific provisions of the conditions attached to this ordinance shall control. To the extent of any conflict with the specific provisions of the Zoning Code listed in Condition 5, those Code Sections shall control except where the provisions of Section 16-20L.008 are more restrictive. To the extent of any conflicts governing setbacks or required yards, the more restrictive of these conditions or the requirements of the C-3 zoning classification shall control.

9. No building permit, except for land disturbance and site preparation, (including in the foregoing permission, any such actions as may be necessary for testing and remediation of any environmental conditions) shall be issued for any part of the property which is the subject of the Gunby Street abandonment application until such time as the City has transferred its interest in said property.