

City Council
Atlanta, Georgia

07-0-2529

Z-07-115

Date Filed: 11-13-07

AN ORDINANCE
BY: ZONING COMMITTEE

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 **345 and 355 Moreland Avenue, S.E. and 1144 Faith Avenue, S.E.**, be changed from the R-4 (Single family Residential), RG-3 (Residential General-Sector 3) and C-2 (Commercial Services) Districts to the MR-5A (Multifamily Residential) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 12, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

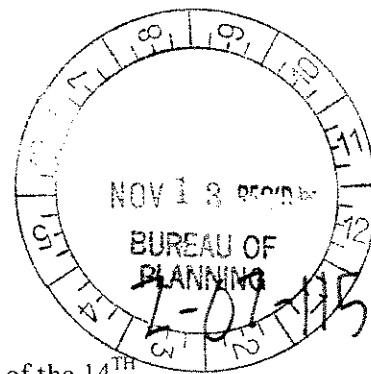
SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

C-2

LEGAL DESCRIPTION
TRACT I



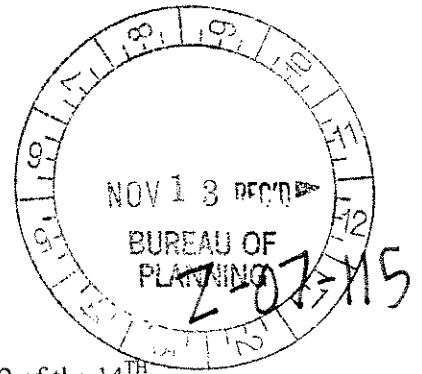
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence leaving said right-of-way line North 87 degrees 48 minutes 13 seconds West a distance of 135.05 feet to a point; thence North 87 degrees 48 minutes 13 seconds West a distance of 5.82 feet to a point; thence North 00 degrees 11 minutes 36 seconds East a distance of 124.83 feet to an Iron Pin Found; thence North 31 degrees 37 minutes 16 seconds West a distance of 4.84 feet to a point; thence North 31 degrees 37 minutes 16 seconds West a distance of 130.09 feet to an Iron Pin Found; thence South 88 degrees 59 minutes 22 seconds West a distance of 95.09 feet to a point; thence South 82 degrees 11 minutes 31 seconds West a distance of 97.07 feet to a point; thence 222.21 feet along an arc of a curve to the right, said curve having a radius of 618.41 feet and a chord bearing and distance of North 83 degrees 13 minutes 27 seconds East 221.02 feet to a point; thence South 86 degrees 52 minutes 26 seconds East a distance of 13.94 feet to a point; thence North 61 degrees 13 minutes 41 seconds East a distance of 20.00 feet to a point; thence North 28 degrees 46 minutes 15 seconds West a distance of 2.16 feet to a point on the southerly right-of-way line of Interstate 20; thence along said right-of-way line South 87 degrees 27 minutes 54 seconds East a distance of 64.54 feet to a Concrete Monument Found; thence South 51 degrees 09 minutes 33 seconds East a distance of 75.96 feet to a Concrete Monument Found and the TRUE POINT OF BEGINNING.

Said tract containing 0.845 acres (36,829 square feet).

[Note: Tract I is known as 355 Moreland Avenue in the City of Atlanta Street numbering system and is currently zoned C-2 and RG-3.]

LEGAL DESCRIPTION
PORTION OF TRACT II
ZONED RG-3



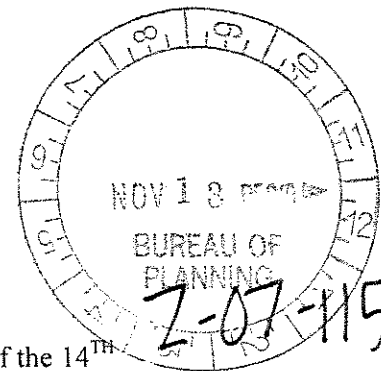
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence leaving said right-of-way line North 87 degrees 48 minutes 13 seconds West a distance of 135.05 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence South 26 degrees 15 minutes 54 seconds East a distance of 53.94 feet to a PK Nail Found; thence North 51 degrees 47 minutes 42 seconds West a distance of 130.64 feet to a point; thence North 51 degrees 47 minutes 41 seconds West a distance of 5.29 feet to a point; thence North 89 degrees 25 minutes 06 seconds East a distance of 4.00 feet to a point; thence North 03 degrees 15 minutes 36 seconds East a distance of 30.00 feet to a point; thence 43.86 feet along an arc of a curve to the right, said curve having a radius of 42.60 feet and a chord bearing and distance of North 31 degrees 31 minutes 51 seconds East 41.95 feet to a point; thence North 59 degrees 39 minutes 27 seconds East a distance of 54.88 feet to a point; thence South 31 degrees 37 minutes 16 seconds East a distance of 4.84 feet to an Iron Pin Found; thence South 00 degrees 11 minutes 36 seconds West a distance of 124.83 feet to a point; thence South 87 degrees 48 minutes 13 seconds East a distance of 5.82 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.185 acres (8,077 square feet).

[Note: This portion of Tract II is known as 345 Moreland Avenue (and was formerly known as 345 Howell Drive) in the City of Atlanta Street numbering system and is currently zoned RG-3.]

LEGAL DESCRIPTION
PORTION OF TRACT II
ZONED R-4



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

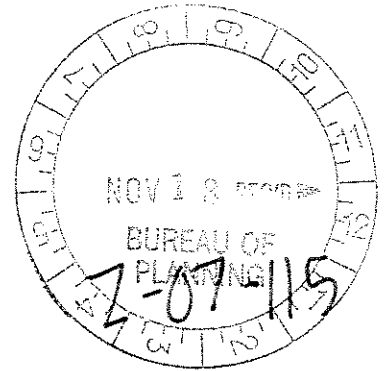
To find the TRUE POINT OF BEGINNING, commence from a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence continuing along said right-of-way line South 00 degrees 14 minutes 33 seconds West a distance of 197.89 feet to an iron pin set at the intersection of said right-of-way line of Moreland Avenue with the northerly right-of-way line of Faith Avenue (40' R/W); thence along said right-of-way line of Faith Avenue North 88 degrees 07 minutes 18 seconds West a distance of 199.34 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established, North 88 degrees 07 minutes 18 seconds West a distance of 50.03 feet to an iron pin found; thence leaving said right-of-way line North 00 degrees 14 minutes 17 seconds West a distance of 150.13 feet to an Iron Pin Found; thence South 88 degrees 31 minutes 26 seconds East a distance of 34.93 feet to a point; thence South 88 degrees 31 minutes 26 seconds East a distance of 15.10 feet to a point; thence South 00 degrees 14 minutes 17 seconds East a distance of 150.48 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.173 acres (7,515 square feet).

[Note: This portion of Tract II is known as 1144 Faith Avenue in the City of Atlanta Street numbering system and is currently zoned R-4.]

LEGAL DESCRIPTION
PORTION OF TRACT II
ZONED NC-2

(For information only - not subject to rezoning)



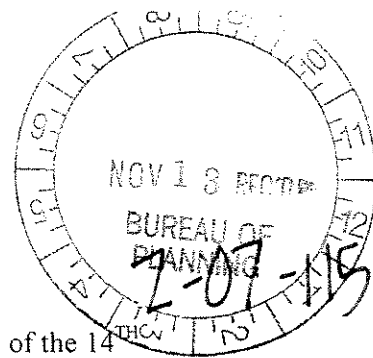
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence continuing along said right-of-way line South 00 degrees 14 minutes 33 seconds West a distance of 197.89 feet to an iron pin set at the intersection of said right-of-way line of Moreland Avenue with the northerly right-of-way line of Faith Avenue (40' R/W); thence along said right-of-way line of Faith Avenue North 88 degrees 07 minutes 18 seconds West a distance of 249.37 feet to an Iron Pin Found; thence leaving said right-of-way line North 00 degrees 14 minutes 17 seconds West a distance of 150.13 feet to an Iron Pin Found; thence South 88 degrees 31 minutes 26 seconds East a distance of 34.93 feet to a point; thence South 88 degrees 31 minutes 26 seconds East a distance of 104.74 feet to a P/K Nail Found; thence North 26 degrees 15 minutes 54 seconds West a distance of 53.94 feet to a point; thence South 87 degrees 48 minutes 13 seconds East a distance of 135.05 feet to an Iron Pin Found and the TRUE POINT OF BEGINNING.

Said tract containing 0.826 acres (35,967 square feet).

[Note: This portion of Tract II is known as 365 and 381 Moreland and 1150 Faith Avenue in the City of Atlanta Street numbering system and is currently zoned NC-2. This parcel is not a part of this zoning application, but is a part of the overall development.]

LEGAL DESCRIPTION
TRACT III



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence South 00 degrees 14 minutes 33 seconds West a distance of 197.89 feet to an iron pin set at the intersection of said right-of-way line of Moreland Avenue with the northerly right-of-way line of Faith Avenue (40' R/W); thence along said right-of-way line of Faith Avenue North 88 degrees 07 minutes 18 seconds West a distance of 249.37 feet to an Iron Pin Found; thence leaving said right-of-way line North 00 degrees 14 minutes 17 seconds West a distance of 150.13 feet to an Iron Pin Found; thence South 88 degrees 31 minutes 26 seconds East a distance of 34.93 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence North 01 degrees 30 minutes 21 seconds East a distance of 78.12 feet to a point; thence South 51 degrees 47 minutes 42 seconds East a distance of 130.64 feet to a P/K Nail Found; thence North 88 degrees 31 minutes 26 seconds West a distance of 104.74 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.094 acres (4,091 square feet).