

COMMITTEE AMENDMENT FORM

DATE: 1/30/08

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #07-O-1125 SECTION (S)

RESOLUTION I. D. #08-R- PARA.

AMENDS THE LEGISLATION BY ADDING EIGHT (8) CONDITIONS INCLUDING A SITE PLAN DATED RECEIVED BY THE BUREAU OF PLANNING DECEMBER 11, 2007.

AMENDMENT DONE BY COUNCIL STAFF 1/30/08

CONDITIONS FOR Z-07-59 for 131 Ponce de Leon Avenue, N.E.

1. Prior to submission of an application for the required Special Administrative Permit (SAP) for this development, the developer shall register the project with the United States Green Building Council (LEED registration) and evidence of such registration shall be submitted in writing to the City of Atlanta Bureau of Planning as an attachment to the SAP application.
2. The development shall be conceptually based on the site plan entitled "Architectural Site Plan, 131 Ponce de Leon Ave, Rezoning Application" prepared by Lord, Aeck & Sargent, Architecture, dated 06/01/07, last revised December 4, 2007 and marked received by the Bureau of Planning on December 11, 2007.
3. The total Floor Area Ratio (FAR) for all development on this site shall not exceed 7.2 based on net lot area.
4. No structure or structural element located on this site within 120 feet of the southern right-of-way of Ponce de Leon Avenue shall exceed 100 feet in height. Building height on the balance of the property shall be limited to 600 feet.
5. There shall be no curb cut for the development along Ponce de Leon Avenue.
6. The service entrance for the development shall be located on North Avenue unless otherwise prohibited by the Georgia Department of Transportation.
7. The developer agrees to make five (5) percent of the residential units available as "affordable workforce housing" designated for police officers, fire fighters, teachers (employed within Atlanta City limits), and employees of St. Paul's Presbyterian Church. Evidence of this provision of these units shall be submitted to the Bureau of Planning.
8. With regard to the incorporation of the former Gulf Oil building (also referred to as the "Pei building") into the project, the developer agrees that some elements of the Pei building shall be retained so as to provide a sense of history and character of the original building. In terms of the incorporation of the Abbey into the project, the developer agrees that the historic sanctuary component of the Abbey shall not be demolished.

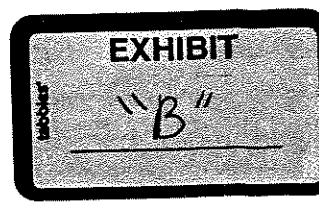
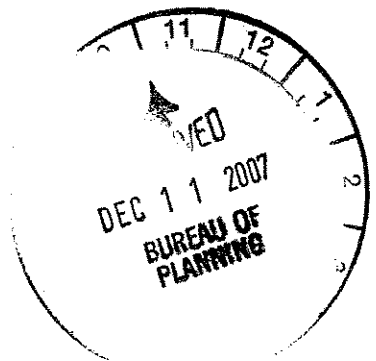
Revised Legal

LEGAL DESCRIPTION:

ALL THAT TRACT OF PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA IN LAND LOT 49 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR MARKING THE NORTHWEST INTERSECTION OF PIEDMONT AVENUE (60' R/W) AND NORTH AVENUE (80' R/W); THENCE S 85°30'53" W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NORTH AVENUE A DISTANCE OF 398.60 FEET TO A 1/2" REBAR MARKING THE NORTHEAST INTERSECTION OF NORTH AVENUE (80' R/W) AND JUNIPER STREET (60' R/W); THENCE DEPART SAID NORTHERLY RIGHT-OF-WAY LINE AND RUN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID JUNIPER STREET N 00°26'27" W, A DISTANCE OF 331.39 FEET TO A NAIL MARKING THE SOUTHEAST INTERSECTION OF JUNIPER STREET (60' R/W) AND PONCE DE LEON AVENUE (90' R/W); THENCE DEPART SAID EASTERLY RIGHT-OF-WAY LINE AND RUN ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID PONCE DE LEON AVENUE N 81°45'45" E, A DISTANCE OF 197.51 FEET TO A 1/2" REBAR; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N 82°07'25" E, A DISTANCE OF 106.47 FEET TO A 1/2" REBAR; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N 82°11'39" E, A DISTANCE OF 100.08 FEET TO A NAIL MARKING THE SOUTHWEST INTERSECTION OF PONCE DE LEON AVENUE (90' R/W) AND PIEDMONT AVENUE (60' R/W); THENCE DEPART SAID SOUTHERLY RIGHT-OF-WAY LINE AND RUN ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID PIEDMONT AVENUE S 00°00'26" W, A DISTANCE OF 276.02 FEET TO A NAIL; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE S 00°04'54" W, A DISTANCE OF 80.67 FEET TO THE POINT OF BEGINNING, SAID TRACT OR PARCEL OF LAND CONTAINING 3.156 ACRES MORE OR LESS.

2-07-59



City Council
Atlanta, Georgia

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AN ORDINANCE
BY: ZONING COMMITTEE

Z-07-59
Date Filed: 5-8-07

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 **131-151 Ponce de Leon Avenue, N.E.** be changed from the SPI-16-Subarea 3 (Midtown Special Public Interest) District to the SPI-16-Subarea 1 (Midtown Special Public Interest) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 49, 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.

EXHIBIT "A"

TRACT I

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 49, 14th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a 1/2-inch rebar set at the intersection of the northerly right of way line of North Avenue (80-foot right of way) and the easterly right of way line of Juniper Street (60-foot right of way); run thence along the easterly right of way line of Juniper Street North 00 degrees 26 minutes 27 seconds West a distance of 331.39 feet to a nail set at the intersection of said easterly right of way line of Juniper Street and the southerly right of way line of Ponce de Leon Avenue (90-foot right of way); run thence along the southerly right of way line of Ponce de Leon Avenue North 81 degrees 45 minutes 45 seconds East a distance of 197.51 feet to a 1/2-inch rebar found; leaving said southerly right of way line of Ponce de Leon Avenue, run thence South 00 degrees 13 minutes 28 seconds West a distance of 228.50 feet to a 1/2-inch rebar found; run thence South 00 degrees 13 minutes 28 seconds West a distance of 116.16 feet to a 1/2-inch rebar found on the northerly right of way line of North Avenue; run thence along said northerly right of way line of North Avenue South 85 degrees 35 minutes 53 seconds West a distance of 192.16 feet to a 1/2-inch rebar found at the intersection of said northerly right of way line of North Avenue and the easterly right of way line of Juniper Street and THE POINT OF BEGINNING; shown as containing 1.502 acres on that certain plat of survey entitled "Boundary Survey Prepared for Sam Ircal", prepared by Boundary Zone, Inc., bearing the seal of Christopher W. Hodge, Georgia Registered Land Surveyor No. 2941, dated March 22, 2006, last revised September 12, 2006.

TRACT II

Parcel A

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 49 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin found on the South right-of-way of Ponce de Leon Avenue (90' R/W), South 82 degrees 27 minutes 53 seconds West a distance of 100.21 feet as measured along the South right-of-way of Ponce de Leon Avenue from its intersection with the West right-of-way of Piedmont Avenue (60' R/W);

THENCE South 00 degrees 10 minutes 25 seconds West for a distance of 234.03 feet to a point;

THENCE South 85 degrees 15 minutes 17 seconds West for a distance of 105.92 feet to an iron pin found;

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THENCE North 00 degrees 14 minutes 07 seconds East for a distance of 228.46 feet to an iron pin found on the South right-of-way of Ponce de Leon Avenue;

THENCE North 82 degrees 15 minutes 03 seconds East for a distance of 106.30 feet along said south right-of-way to an iron pin found and THE POINT OF BEGINNING.

Said property contains 0.560 acres or 24374 square feet.

Together with all right, title and interest in and to that certain non-exclusive perpetual easement for ingress and egress over a twenty foot (20') strip running from the above-described property to Piedmont Avenue, as reserved in Warranty Deed from William A. Home [sic], Jr., to S.D.H. Company, dated April 14, 1977, recorded in Deed Book 6685, Page 11, Fulton County, Georgia Records.

Parcel B

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 49 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin placed at the Northwest intersection of North Avenue (80' R/W) and Piedmont Avenue (60' R/W);

THENCE South 85 degrees 30 minutes 53 seconds West for a distance of 206.56 feet along the North right-of-way of North Avenue to an iron pin placed;

THENCE North 00 degrees 14 minutes 07 seconds East for a distance of 116.21 feet to an iron pin found, said iron pin found is the Southwest corner of Parcel I;

THENCE North 85 degrees 15 minutes 17 seconds East for a distance of 105.92 feet to a point, which point is the Southeast corner of Parcel I;

THENCE South 00 degrees 10 minutes 25 seconds West for a distance of 35.50 feet to a nail and cap found in the top of a rock wall;

THENCE North 85 degrees 47 minutes 45 seconds East for a distance of 100.26 feet to an iron pin found on the West right-of-way of Piedmont Avenue;

THENCE South 00 degrees 00 minutes 29 seconds East for a distance of 80.67 feet to an iron pin found and THE POINT OF BEGINNING.

Said property contains 0.468 acres of 20397 square feet.

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