

COMMITTEE AMENDMENT FORM

DATE: 04/01/09

COMMITTEE	<u>ZONING</u>	PAGE NUM. (S)
ORDINANCE I. D.	<u>#08-O-1138</u>	SECTION (S)
RESOLUTION I. D.	<u>#09-R-</u>	PARA.

AMENDS THE LEGISLATION BY ADDING SEVEN (7) CONDITIONS ONE OF WHICH IS A SITE PLAN AMENDMENT RECEIVED BY THE BUREAU OF PLANNING 02/17/09.

AMENDMENT DONE BY COUNCIL STAFF 4/01/09

City Council
Atlanta, Georgia

08-O-1138

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-08-27
Date Filed: 4-16-08

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 **883 McDonough Boulevard, S.E.**, be changed from the PD-H (Planned Development-Housing) District to the C-1-C (Community Business-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 8, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey/map.

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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-08-27 for 883 McDonough Boulevard, S.E.

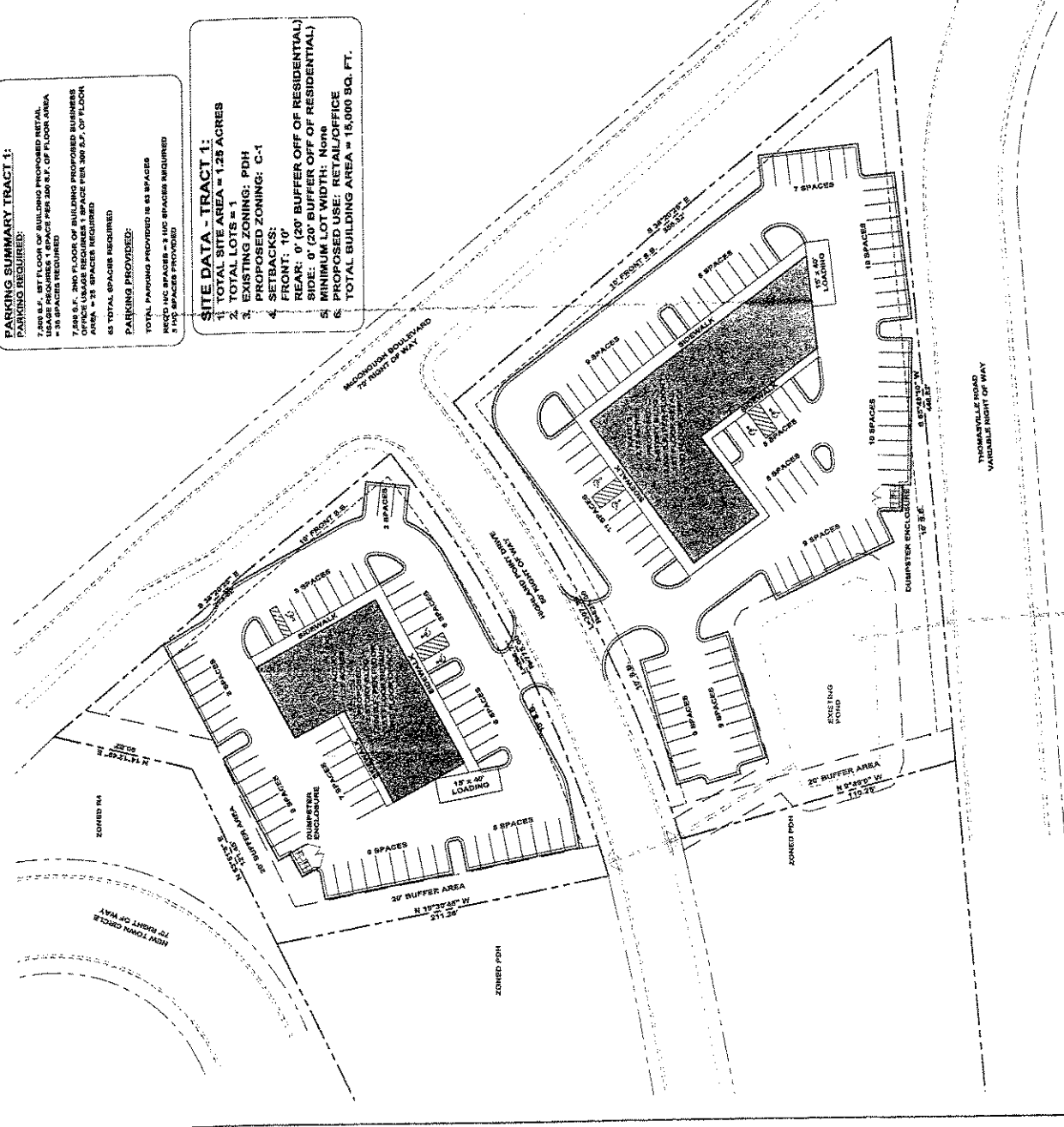
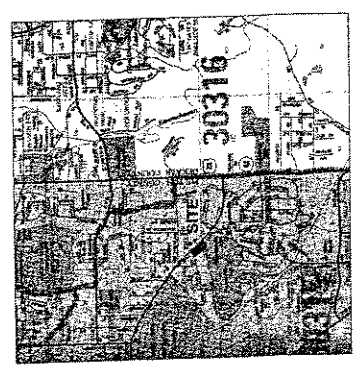
1. A site plan titled McDonough Boulevard Tract One dated 01/07/09, last revised 02/04/06, and marked received by the Bureau of Planning February 17, 2009. This site plan is not intended to restrict the application of the district regulations.
2. Building Façade Materials and Treatments:
 - a. All exterior building facades shall be composed of a minimum of 35% masonry. For the purposes of these conditions, “masonry” is defined as “mineral-based building materials such as terracotta, mortar, stone, and brick”.
 - b. The following materials shall be prohibited on all building facades: exposed pressured-treated wood; vinyl siding; vinyl railing; white, cream, or off-white solid vinyl windows; and exterior insulation finished systems (EIFS). Solid vinyl windows in other colors are permitted. Cementitious siding and panels are permitted.
 - c. No exterior stairs shall be constructed of wood.
3. Dumpsters shall be screened so as not to be visible from any adjacent public or private street that is located at the same elevation as the dumpster.
4. Building Mechanical equipment shall be screened so as not to be visible from any adjacent public or private street that is located at the same elevation as the mechanical equipment.
5. Landscaping shall be installed along the rear and north side of Tract 1 and along the rear of Tract 2 to provide a visual buffer to the residentially zoned property adjacent to the site. The landscape plan shall be approved by the Bureau of Planning.
6. Sidewalks, connecting to those adjacent to McDonough Blvd., shall be constructed along the proposed street “Highland Point Drive” and connect to the proposed single family PD-H development proposed west of Tract 1 and 2.
7. Prohibited Uses:
 - *Clubs and lodges.*
 - *Commercial greenhouses.*
 - *Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings.*
 - *Laundry and dry cleaning, collection stations or plants.*
 - *Parking structures and lots, other than park-for-hire facilities.*
 - *Sales and leasing agencies for new passenger automobiles, bicycles, mopeds, and commercial vehicles.*
 - *Security storage centers*
 - *Service stations and car washes.*

PARKING SUMMARY TRACT 1:
PARKING REQUIRED:
 2,800 S.F. 1ST FLOOR OF BUILDING PROPOSED RETAIL USAGE REQUIRES 1 SPACE PER 200 S.F. OF FLOOR AREA = 14 SPACES REQUIRED
 7,800 S.F. 2ND FLOOR OF BUILDING PROPOSED BUSINESS OFFICE USAGE REQUIRES 1 SPACE PER 300 S.F. OF FLOOR AREA = 26 SPACES REQUIRED
PARKING PROVIDED:
 65 TOTAL SPACES PROVIDED
 TOTAL PARKING PROVIDED IS 65 SPACES
 51 SPACES EXCESS (16 SPACES REQUIRED / 15 SPACES PROVIDED)

SITE DATA - TRACT 1:
 1. TOTAL SITE AREA = 1.25 ACRES
 2. TOTAL LOTS = 1
 3. EXISTING ZONING: PDH
 4. PROPOSED ZONING: C-1
 5. SETBACKS:
 FRONT: 10'
 REAR: 0' (20' BUFFER OFF OF RESIDENTIAL)
 SIDE: 0' (20' BUFFER OFF OF RESIDENTIAL)
 6. PROPOSED USE: RETAIL/OFFICE
 TOTAL BUILDING AREA = 15,000 SQ. FT.

PARKING SUMMARY - TRACT 2:
PARKING REQUIRED:
 16,800 S.F. 1ST FLOOR OF BUILDING PROPOSED RETAIL USAGE REQUIRES 1 SPACE PER 200 S.F. OF FLOOR AREA = 84 SPACES REQUIRED
 16,800 S.F. 2ND FLOOR OF BUILDING PROPOSED BUSINESS OFFICE USAGE REQUIRES 1 SPACE PER 300 S.F. OF FLOOR AREA = 56 SPACES REQUIRED
PARKING PROVIDED:
 93 TOTAL SPACES PROVIDED
 TOTAL PARKING PROVIDED IS 93 SPACES
 7 SPACES EXCESS (16 SPACES REQUIRED / 9 SPACES PROVIDED)

SITE DATA - TRACT 2:
 1. TOTAL SITE AREA = 2.18 ACRES
 2. TOTAL LOTS = 1
 3. EXISTING ZONING: PDH
 4. PROPOSED ZONING: C-1
 5. SETBACKS:
 FRONT: 10'
 REAR: 0' (20' BUFFER OFF OF RESIDENTIAL)
 SIDE: 0' (20' BUFFER OFF OF RESIDENTIAL)
 6. PROPOSED USE: RETAIL/OFFICE
 TOTAL BUILDING AREA = 21,600 SQ. FT.



RECEIVED
FEB 17 2009
Bureau of Planning

Z-08-09-2



PROJECT NAME MIDNIGHT BOUTIQUE TRACT ONE LAND LOT 8, 14TH DISTRICT CITY OF ATLANTA, FULTON COUNTY, GEORGIA CLIENT NAME NOWELL HOLDINGS, LLC 200 SAINT BROSNA PLACE, SUITE 200 ATLANTA, GEORGIA 30328	SHEET TITLE OVERALL SITE PLAN SHEET 1.0
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REVISIONS 01/27/09 01/27/09 02/24/09	PERSPECTIVE ENGINEERING WWW.PERSPECTIVEENGINEERING.COM 817/271-7000 817/271-7000 817/271-7000
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City Council
Atlanta, Georgia

08-0-1138

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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.

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Z-08-27

RECEIVED
APR 16 2008
Bureau of
Planning
Z-08-27

EXHIBIT "A"

TRACT ONE

ALL THAT TRACT or parcel of land lying and being in Land Lot 8 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a ½" iron pin set at the intersection of the northwesterly right of way line of Highland Point Drive (a 50' right of way) and the southwesterly right of way line of McDonough Boulevard (a 70' right of way), if said right of ways were extended to form a point; thence southwesterly, along the northwesterly right of way line of Highland Point Drive, an arc distance of 296.71 feet to a ½" iron pin set (said arc being subtended by a chord bearing South 62 degrees 51 minutes 21 seconds west and a distance of 294.90 feet); thence North 10 degrees 30 minutes 45 seconds west, 211.26 feet to a ½" iron pin set; thence North 63 degrees 51 minutes 13 seconds east, 121.45 feet to a ½" iron pin set; thence North 14 degrees 12 minutes 49 seconds east, 90.62 feet to a ½" iron pin set on the southwesterly right of way line of McDonough Boulevard; thence South 38 degrees 20 minutes 25 seconds east, along the southwesterly right of way line of McDonough Boulevard, 273.62 feet to a ½" iron pin set and the point of beginning; being designated as Tract 1 on Survey Plat for Roswell Holdings, LLC by Walter F. Prince, Registered Land Surveyor, dated April 8, 2008; being 1.252 acres.

TRACT TWO

ALL THAT TRACT or parcel of land lying and being in Land Lot 8 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a ½" iron pin set at the intersection of the southeasterly right of way line of Highland Point Drive (a 50' right of way) and the southwesterly right of way line of McDonough Boulevard (a 70' right of way), if said right of ways were extended to form a point; thence southwesterly, along the southeasterly right of way line of Highland Point Drive, an arc distance of 290.97 feet to a ½" iron pin set (said arc being subtended by a chord bearing South 61 degrees 59 minutes 17 seconds west and a distance of 290.97 feet); thence South 09 degrees 49 minutes 00 seconds east, 178.08 feet to a ½" iron pin set; thence North 85 degrees 48 minutes 10 seconds east, 446.82 feet to a ½" iron pin set on the southwesterly right of way line of McDonough Boulevard; thence North 38 degrees 20 minutes 25 seconds west, along the southwesterly right of way line of McDonough Boulevard, 355.32 feet to a ½" iron pin set and the point of beginning; being designated as Tract 2 on Survey Plat for Roswell Holdings, LLC by Walter F. Prince, Registered Land Surveyor, dated April 8, 2008; being 2.014 acres.

RCS# 2009
6/02/08
3:26 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE
08-O-1134, 1135, 1136, 1137, 1138, 1139, 1140
1141, 1142, 1143, 1144, 1145, 1146,
REFER ERB/ZONE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Archibong	Y Moore	NV Mitchell
Y Fauver	Y Martin	NV Norwood
Y Shook	Y Madson	Y Willis
Y Muller	Y Shepard	NV Borders

MULTIPLE