COMMITTEE AMENDMENT FORM

DATE: 04/29/09

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #07-O-2527 SECTION (S)

RESOLUTION I. D. #09-R- PARA.

AMENDS THE LEGISLATION BY INSERTING A NEW LEGAL DESCRIPTION.

AMENDMENT DONE BY COUNCIL STAFF 4/29/09

BUREAU OF PLANNING
Z-07-113

LEGAL DESCRIPTION
TRACT 3

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 42 of the 14th District, Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from an iron pin found at the intersection of the easterly right-of-way line of Mailing Avenue (60' R/W) with the northerly right-of-way line of Englewood Avenue (60' R/W); thence along said right-of-way line of Englewood Avenue South 89 degrees 03 minutes 56 seconds East a distance of 131.96 feet to an iron pin found; thence South 88 degrees 55 minutes 26 seconds East a distance of 178.05 feet to a point; thence South 89 degrees 02 minutes 28 seconds East a distance of 200.50 feet to an iron pin found (3/4" Re-Rod) and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established. thence leaving said right-of-way line North 02 degrees 39 minutes 40 seconds East a distance of 81.50 feet to a point; thence North 02 degrees 39 minutes 40 seconds East a distance of 71.10 feet; thence North 02 degrees 39 minutes 40 seconds East a distance of 277.40 feet to an iron pin set; thence North 02 degrees 39 minutes 40 seconds East a distance of 30.00 feet to a point; thence North 00 degrees 51 minutes 10 seconds East a distance of 332.00 feet to an Iron Pin Set; thence North 00 degrees 51 minutes 10 seconds East a distance of 100.00 feet to a point on the southerly right-of-way line of Atlanta West Point Railroad (Variable R/W); thence along said right-of-way North 70 degrees 03 minutes 40 seconds East a distance of 78.30 feet to a point; thence North 69 degrees 25 minutes 10 seconds East a distance of 243.50 feet to a point; thence leavings said right-of-way line South 00 degrees 51 minutes 10 seconds West a distance of 550.00 feet to an Iron Pin Set; thence South 02 degrees 39 minutes 40 seconds West a distance of 460.00 feet to an Iron Pin Set on the northerly right-of-way line of Englewood Avenue; thence along said right-of-way line North 88 degrees 54 minutes 46 seconds West a distance of 299.86 feet to an Iron Pin Found (3/4" Re-Rod) and the TRUE POINT OF BEGINNING.

Said tract containing 6.540 acres.

City Council
Atlanta, Georgia

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-07-113
Date Filed: 11-9-07

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 **460 Englewood Avenue, S. E.**, changed from the I-1-C (Light Industrial-Conditional) District to the MR4A-C (Multi-Family Residential-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 42, 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.

CONDITIONS FOR Z-07-113 for 460 Englewood Avenue, S.E.

1. Building Façade Materials and Treatments:
    a. All exterior building facades excluding interior courtyards shall be composed of a minimum of 35% masonry. For the purpose 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 pressure-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. Foundations shall be faced in masonry. Foundations may be faced in two-coat or three-coat hard stucco if carried from the façade directly above. For the purpose of this Condition, "foundation" is defined as the surface area of the building facade below the lowest finished floor level.
    d. Exterior columns shall have a minimum width of 5 ½ inches.
    e. No exterior stairs shall be constructed of wood.
    f. Stoops shall be a minimum of four feet wide.
    g. Steps that serve porches and stoops shall have closed risers and ends.

2. Balconies:
    a. 60% of all balconies facing Englewood Avenue, Boulevard Crossing Park (east side of the building) and the west and north property lines shall have a minimum depth of five feet.
    b. Railings shall consist of painted wood, ornamental metal or glass.

3. Residential Windows:
    a. 50% of the residential window units shall be operable.
    b. All windows shall include windowpanes that are recessed a minimum of two inches from the façade in which they are installed.
    c. Paired windows that are grouped together shall have center mullions that are two inches wider than the side trim.
    d. Flat, "snap-in" muntins, and muntins that are sandwiched between layers of glass are prohibited.

4. Roofs:
    a. Shall overhang by a minimum of 2 feet over the building façade; or
    b. Shall have parapet walls screening the roof from view from the adjacent streets and west and north property lines.

5. Awnings and Canopies:
   a. All awnings and canopies shall be made of cloth, canvas or metal. The shape of the upper surface of any awnings shall match the shape of the opening in front of which they would be attached.
   b. Internally lit awnings and canopies are prohibited. Any illumination that is provided in conjunction with the awning or canopy shall be directed downwards, not upwards towards the underside of the awning or canopy.

6. Floor to Ceiling Height: The first floor of all designated street-level live/work units shall have a minimum stud height of 12 feet measured floor to ceiling, and any commercial space shall have a minimum 15 feet measured floor to ceiling.

7. Maximum Building Height: In order to provide adequate air and light to the future green space located immediately to the east of this site, the building height shall not exceed 60 feet within 45 feet of the eastern property line.

8. Trail Easement: The property owner has voluntarily agreed to convey an easement to the City of Atlanta encompassing the northwest corner of the property. The area of the easement will be consistent with the area illustrated on the attached map entitled "Exhibit Map 1 (4/6/2009)." Within this area, the City will have the right to design, build, and maintain for public use a multi-use trail that measures up to 16' in width, with landscaped areas on both sides. The easement shall be conveyed to the City of Atlanta prior to the issuance of a BeltLine SAP. The area may be counted toward UOSR or public space requirements.

9. Connection to Park: Development shall provide pedestrian connection, as proposed by the owner, to the "Future Park Road" to the east of the property in the location indicated on the site plan dated 10/27/07 and stamped received by the Bureau of Planning on 4/21/08. .

   Development shall provide a fully publicly accessible pedestrian way between the "new street" described below and the park to the east. Any buildings to the north or south of the pedestrian way will have a minimum building separation of 30 feet as measured north-south. Pedestrian way and area of building separation will be located in the approximate area indicated on "Exhibit Map 1 (4/6/2009)."

10. New Street: Development access shall be provided from a publicly accessible street built consistent with the street standards outlined in the Section 16-35 and the adopted BeltLine Street Framework Plan where the "private drive" is indicated on the site plan dated 10/27/07 and stamped received by the Bureau of Planning on 4/21/08. Any development will conform to the standards for public street frontage and improvements along the new publicly accessible street. Upon the occurrence of the first of the following:

    (1) An issuance of a Special Administrative Permit (SAP) for one of the adjacent parcels located at 430 Englewood Avenue or 1160 Mailing Avenue or;
    (2) The rezoning for one of the adjacent parcels located at 430 Englewood Avenue or 1160 Mailing Avenue,

the applicant shall provide a fully publicly accessible 24-foot wide street connection to the "Future Connection" as indicated on the site plan dated 10/27/07 and stamped received by the Bureau of Planning on 4/21/08. The actual location of the Future Connection to Mailing Avenue may vary slightly in response to future submitted site plans.

11. Relationship of Building to the Street: Development frontage along Englewood and the "New Street" described above shall conform to the standards for frontage along a Collector as described in section 16-35.014.

12. Any application for a Special Administrative Permit and any other request for an administrative variance to the zoning regulations submitted to the City of Altnat shall be submitted to NPU Y at the same time it is submitted to the City of Atlanta.

City Council
Atlanta, Georgia

07-O-2527

AN ORDINANCE
BY: ZONING COMMITTEE

Z-07-113
Date Filed: 11-9-07

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 **430 and 460 Englewood Avenue, S. E.**, changed from the I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 42, 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.

Deed Book 34995 Pg 330
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

NOV - 9 RECD
BUREAU OF PLANNING

Z-07-113

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 42 of the 14th District of Fulton County, Georgia and being more particularly described as follows: Beginning at a 5/8" rebar found on the north right-of-way line of Englewood Avenue (same having a 60' right-of-way) a distance of 132 feet east of the point of intersection of said north right-of-way line of Englewood Avenue and the east right-of-way line of Mailing Avenue (having a right-of-way of 35 feet east from the center line of the paving of said Avenue); thence running north 1 degree 56 minutes 00 seconds east a distance of 199.94 feet to a 1/2" rebar found; thence running north 01 degree 20 minutes 24 seconds west a distance of 200.03 feet to a 5/8" rebar found; thence running south 89 degrees 25 minutes 22 seconds east a distance to 11.39 feet to a point marked by a nail; thence running north 2 degrees 56 minutes 00 seconds east a distance of 31.61 feet to a 1/2" rebar found; thence running south 89 degrees 21minutes 40 seconds east, a distance of 179.94 feet to a 1/2" rebar found; thence running south 2 degrees 16 minutes 01 seconds west a distance of 2 feet to a 3/4" pin found; thence running south 89 degrees 26 minutes 30 seconds east a distance of 200.60 feet to a point now documented by an "x" marked in concrete which is located on the western line of property now or formerly owned by The Apex Corporation; thence running south 2 degrees 16 minutes 49 seconds west along the western line of property now or formerly owned by The Apex Corporation a distance of 430 feet to an iron pin with brass cap located on the north right-of-way line to Englewood Avenue; thence running north 89 degrees 25 minutes 19 seconds west along the north right-of-way line of Englewood Avenue a distance of 200.5 feet to a 3/8" rebar found; thence running north 89 degrees 14 minutes 45 seconds west along the north right-of-way line of Englewood Avenue a distance of 177.94 feet to the point of beginning; being improved property with two buildings located thereon known as 430 and 440 Englewood Avenue, respectively, and being more particularly shown and delineated on plat of surveyor Wilen Manufacturing Co., Inc. prepared by Travis N. Pruitt, Sr., Registered Georgia Surveyor No. 1729, dated August 21, 1980.

take map strip 12'

CORP/797407.3

RCS# 1616
12/03/07
3:50 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 07-O-2526,02527,2528,2529,2530,2531,2532
07-O-2533,2534,2535,2536
REFER ZRB/ZONE

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	1
ABSENT	1

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

MULTIPLE