

COMMITTEE AMENDMENT FORM

DATE: 02/11/09

COMMITTEE	<u>ZONING</u>	PAGE NUM. (S)
ORDINANCE I. D.	<u>#08-O-2124</u>	SECTION (S)
RESOLUTION I. D.	<u>#09-R-</u>	PARA.

AMENDS THE LEGISLATION BY ADDING THIRTEEN (13) CONDITIONS ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU OF PLANNING ON DECEMBER 16, 2008.

AMENDMENT DONE BY COUNCIL STAFF 2/11/09

City Council
Atlanta, Georgia

08-O-2124

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-08-70
Date Filed: 9-9-08

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 **428 Boulevard Street, S.E. (aka 360 Boulevard, 614, 620, and 624 Glenwood Street, S.E.)** be changed from the C-1 (Community Business/R-5 (Two-Family Residential)/HD20K Subarea #1 (Grant Park Historic District - Residential Subarea #1) District to the NC-7/HD20K Subarea #2 (Neighborhood Commercial/Grant Park Historic District Commercial Subarea #2), 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/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 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.

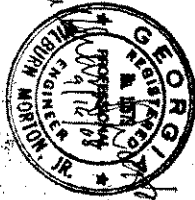
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR
Z-08-70 for 428 Boulevard Street, S.E. (aka 360 Boulevard, 614, 620,
and 624 Glenwood Street, S.E.)

1. The site plan similar to the one stamped received September 16, 2008 by the Bureau of Planning. This site plan is not intended to prohibit the application of the district regulations.
2. EIFS shall not be used as a building material. At least 30% of the exterior walls shall be brick or stone.
3. Operating hours shall be: 7 days a week 6:00am – 2am, only. Sidewalk dining would be permitted within the district; any outdoor facilities would have to close by 11:00pm.
4. Utilities should be buried underground or attach from the rear of the property.
5. Dumpster enclosure should be made of brick or stone and be latticed. The dumpster area is also to be landscaped.
6. The Boulevard and Glenwood Avenue Street facing facades would be subject to review by the staff of the Atlanta Urban Design Commission and shall conform to the Grant Park Historic District guidelines.
7. All signage must conform to the Grant Park Historic District regulations.
8. The following uses are prohibited:
 - Automobile service stations, automobile repair shops or car washes.*
 - Banks, savings and loan associations, and similar financial institutions*
 - Barber shops, beauty shops, manicure shops and similar personal service establishments.*
 - Childcare centers, kindergartens and special schools*
 - Clubs and lodges.*
 - Commercial recreation establishments*
 - Grocery or convenience stores.*
 - Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.*
 - Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar uses but not blood donor stations.*
 - Professional or service establishments, but not hiring halls.*
 - Retail establishments*
 - Sales and repair establishments*
 - Telecommunication switchboards, power generators and other telecommunications relay equipment*
 - Broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications greater than 70 feet in height, except alternative design mounting structures as contemplated by subsection 16-25.002(3)h(iv),(i).*
 - Group homes, rooming houses, single room occupancy residences, family care homes and congregate care homes.*
 - Park-for-hire facilities.*
 - Rooming houses*

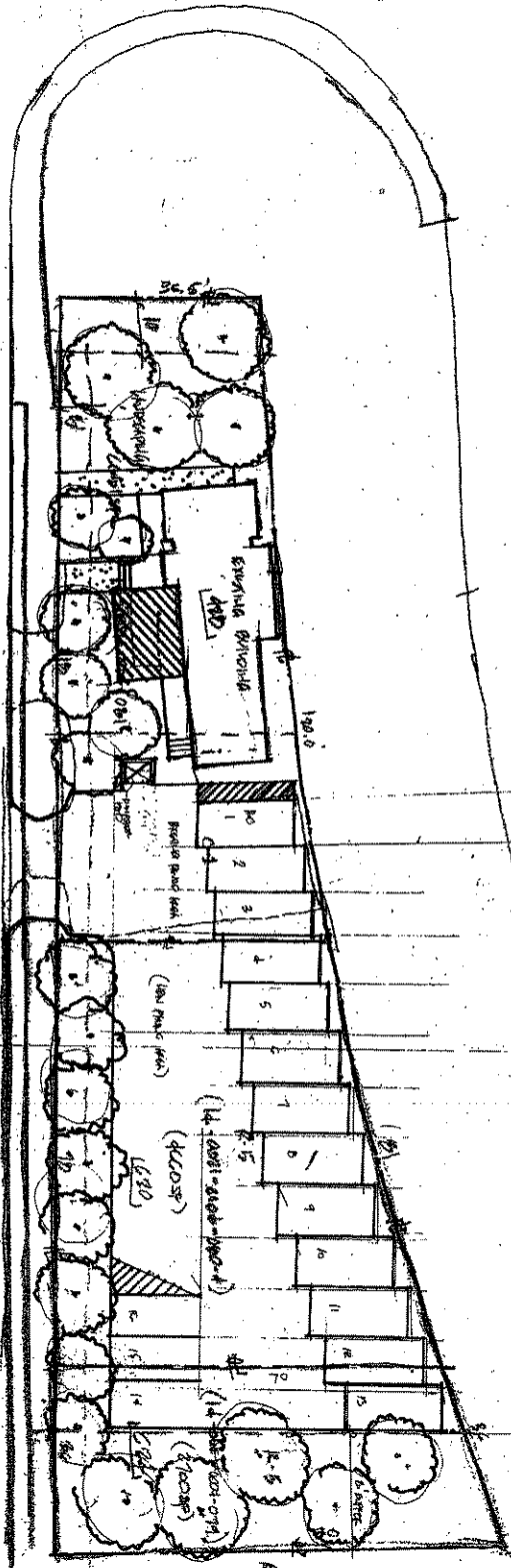
9. There shall be no sandwich board signs or other signs that would obstruct the public right of way.
10. No drive-through window shall be allowed.
11. There will be no drive-through windows for any businesses in the district
12. Sidewalks on the Glenwood Avenue and Boulevard edges of the district must be the brick herringbone pattern.
13. Any street furniture or ornamentation (such as lamp posts, planters, or bike racks) will conform to the Grant Park Neighborhood Design standards set forth at that time.

BOULEVARD
AVE.



Handwritten signature

CONCRETE AND REINFORCED (ASST. PAST. INTEREST. DIVISION)
AND REINFORCED - C-1
AND REINFORCED - R-5
AND REINFORCED - R-5 } PERMITS IN PROGRESS (C-1)



44 1/2'

INDUSTRIAL ZONE

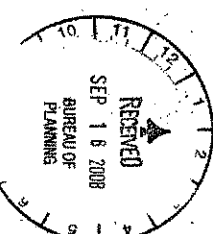
REINFORCED SITE PLAN

SCALE

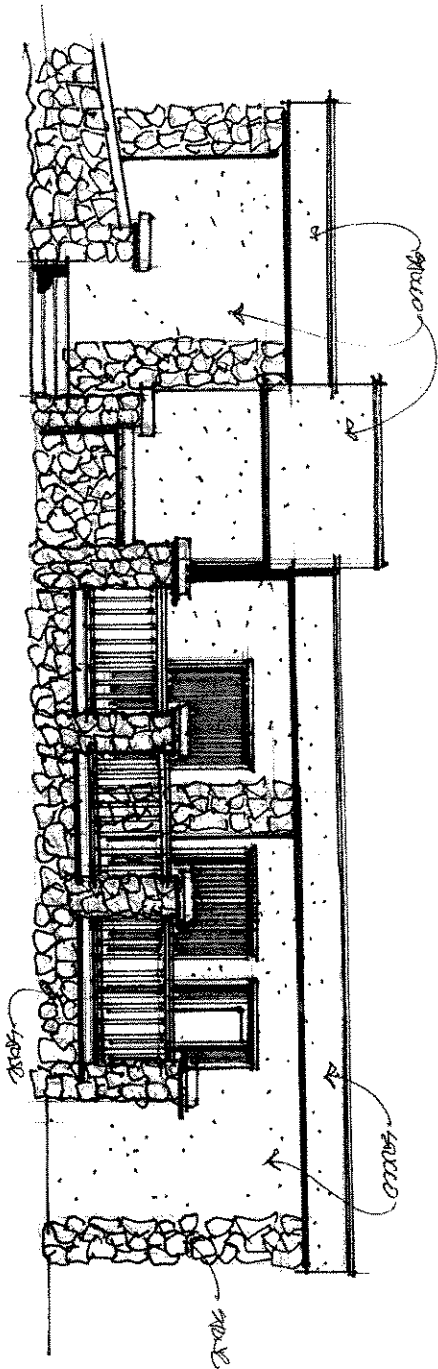


SITE INFORMATION
OWNER: ...
DATE: ...
PROJECT: ...
SCALE: 1/4" = 1'-0"

208-90



PROPOSED DULIN KEB (EXHIBIT) & PAVILION USE
AND BOUNDARY (PC-1) PROJECT



208-70

RCS# 2544
11/03/08
5:08 PM

Atlanta City Council

SPECIAL SESSION

MULTIPLE

08-O-2071, 08-O-2123, 08-O-2124, 08-O-2125
08-O-2126, 08-O-2127, 08-O-2129
REFER ZRB/ZONE

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 2

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

10

MULTIPLE

City Council
Atlanta, Georgia

08-0-2124

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SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

EXHIBIT "A"

TRACT 1
BEGINNING AT AN IRON PIN ON THE NORTHEAST CORNER OF GLENWOOD AVENUE AND BOULEVARD, AND RUNNING THENCE EAST AT AN INTERIOR ANGLE OF 89 DEGREES 19 MINUTES WITH THE EAST SIDE OF BOULEVARD AND ALONG THE NORTH SIDE OF GLENWOOD AVE, 136.5 FEET TO AN IRON PIN AT THE CENTERLINE OF A FORMER 10 FOOT ALLEY; THENCE IN A NORTHERLY DIRECTION AT AN INTERIOR ANGLE OF 93 DEGREES 30 MINUTES WITH THE PRECEDING COURSE AND ALONG THE CENTER LINE OF SAID ALLEY, 37.5 FEET TO AN IRON PIN AT THE SOUTH LINE OF PROPERTY DESCRIBED IN DEED DATED DEC 18, 1957 FOUND IN DEED BOOK 3286, PAGE 637, FULTON CO. RECORDS; THENCE WEST ALONG THE SOUTH LINE OF SAID PROPERTY 116.87 FEET TO A CONCRETE RIGHT OF WAY MARKER; THENCE IN A SOUTHWESTERLY DIRECTION 23.3 FEET TO A CONCRETE RIGHT OF WAY MARKER ON THE EAST SIDE OF BOULEVARD; THENCE SOUTH ALONG THE EAST SIDE OF BOULEVARD, 28 FEET TO THE IRON PIN AT THE POINT OF BEGINNING. LESS AND EXCEPT THAT PORTION OF TRACT 1 CONVEYED TO STATE HWY DEPT OF GA IN DEED BOOK 3365, PAGE 194, FULTON CO. RECORDS. AND LESS AND EXCEPT THAT PORTION OF TRACT 1 CONVEYED TO FULTON COUNTY BY H.H. HIGGINBOTHAM IN DEED BOOK 3286, PAGE 637, FULTON CO. RECORDS (HAVING MAP REF. 14-0021-004-089-5)

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 21 OF THE 14TH DISTRICT, FULTON CO., GEORGIA, CITY OF ATLANTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH SIDE OF GLENWOOD AVE AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF GLENWOOD AVE AND A FORMER 10 FOOT ALLEY (SAID POINT BEING APPROXIMATELY 81 FEET EASTERLY OF THE NORTHEAST CORNER OF GLENWOOD AVE AND BOULEVARD); THENCE EAST ALONG THE NORTH SIDE OF GLENWOOD AVE 39 FEET; THENCE NORTH 50.4 FEET TO THE SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 20; THENCE WESTERLY ALONG SAID HIGHWAY RAMP BOUNDARY 39 FEET, MORE OR LESS, TO THE EASTELY BOUNDARY OF SAID FORMER ALLEY, 43 FEET, MORE OR LESS TO THE POINT OF BEGINNING ON THE NORTH SIDE OF GLENWOOD AVE (HAVING MAP REF. 14-0021-0004-081-2)

TRACT 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA, IN LAND LOT 21, 14TH DISTRICT, FULTON CO., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE NORTH SIDE OF GLENWOOD AVE WHICH IS 105 FEET WEST OF THE RIGHT OF WAY OF BEREAN AVE; THENCE NORTH 70.6 FEET TO AN IRON PIN ON THE RIGHT OF WAY OF INTERSTATE HIGHWAY 20; THENCE SOUTHWESTERLY ALONG THE RIGHT OF WAY OF SAID INTERSTATE, 80.6 FEET TO AN IRON PIN; THENCE SOUTH 50.1 FEET TO AN IRON PIN ON THE NORTH SIDE OF GLENWOOD AVE; THENCE EASTERLY ALONG THE NORTH SIDE OF GLENWOOD AVE, 78 FEET TO THE POINT OF BEGINNING (HAVING MAP REF. 14-0021-0004-080-4)

TRACT 4

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 21 OF THE 14TH DISTRICT, FULTON CO., GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE NORTH SIDE OF GLENWOOD AVE, 69.7 FEET WEST OF THE NORTHWEST CORNER OF BEREAN AVE AND GLENWOOD AVE; THENCE NORTHERLY 80.97 FEET TO AN IRON PIN OF THE SOUTHERLY BOUNDARY OF THE RIGHT OF WAY OF SAID INTERSTATE HIGHWAY 20; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTELY BOUNDARY OF SAID INTERSTATE, 36.87 FEET TO AN IRON PIN; THENCE SOUTH 69.83 FEET TO AN IRON PIN ON THE NORTH SIDE OF GLENWOOD AVE; THENCE EAST ALONG THE NORTH SIDE OF GLENWOOD AVE, 35 FEET TO THE IRON PIN POINT OF BEGINNING (HAVING MAP REF. 14-0021-0004-079-6)