

COMMITTEE AMENDMENT FORM

DATE: 02/11/09

COMMITTEE	<u>ZONING</u>	PAGE NUM. (S)
ORDINANCE I. D. # <u>08-O-2437</u>		SECTION (S)
RESOLUTION I. D. # <u>09-R-</u>		PARA.

AMENDS THE LEGISLATION BY ADDING FIVE (5) CONDITIONS.

AMENDMENT DONE BY COUNCIL STAFF 2/11/09

City Council
Atlanta, Georgia

08-O-2437

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-08-81
Date Filed: 11-12-08

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 **493 and 497 Wilmer Street, N.E.** be changed from the I-I (Light Industrial) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 18, 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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.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-08-81 for 493 and 497 Wilmer Street, N.E.

1. As used herein, Sidewalk-Level shall have the meaning utilized in the Mixed Residential Commercial (MRC) District regulations.
2. Building heights:
 - a. Within 120 feet of the edge of a park larger than two acres, building height shall be a maximum of 80 feet and six stories.
 - b. Within 60 feet of the eastern curb of Glen Iris Drive building height shall be a maximum of 80 feet and six stories.
 - c. In all other areas buildings shall have a maximum height of 120 feet.
3. Building façade treatments:
 - a. As used herein, Storefront Treatment shall have the meaning utilized in the Mixed Residential Commercial (MRC) District regulations for Non-residential fenestration, and shall include a minimum sidewalk-level floor-to-floor height of 15 feet.
 - b. As used herein, Residential Treatment shall:
 - i. provide doors and vertical windows arranged horizontally at the sidewalk-level,
 - ii. provide windows for a minimum of 30 percent of the total sidewalk-level street facade area, with each façade being calculated independently,
 - iii. provide porches or a stoop at each Sidewalk-level entrance, and
 - iv. not allow garage doors opening onto the street.
 - c. Along Glen Iris Drive, buildings shall provide a sidewalk-level Storefront Treatment; at street intersections said treatment shall extend onto side streets for a minimum linear distance of 30 feet.
 - d. Along all other public and private streets, buildings shall provide a sidewalk-level Storefront Treatment or Residential Treatment, except that, on portions of streets not adjacent to a park larger than two acres, parking decks may front the sidewalk for a maximum length of 125 feet, but not exceeding 50 percent of the building façade length.
 - e. Buildings with a sidewalk-level Residential Treatment shall be permitted to have steps, balconies and landscaping encroaching over or into the sidewalk clear zone a maximum depth of four feet when such clear zone area is not located within the public right-of-way and when such buildings are not located along Glen Iris Drive or portions of streets adjacent to a park larger than two acres.
 - f. The following materials are prohibited on the first two stories of street-facing façades: vinyl siding, solid vinyl windows, Exterior Insulation Finish Systems (EIFS), or similar wall finish treatments.
 - g. Window frames shall be recessed a minimum of two inches from the exterior façade.
 - h. No exterior stairs seen from the street shall be made of wood, and risers shall be enclosed.
 - i. Exterior chimneys shall extend to the ground.
 - j. Porches shall be a minimum of six feet in depth and eight feet in width.
 - k. Exterior columns shall have a minimum width of five and one-half inches.
 - l. Foundations shall be faced in brick, terracotta, stone, masonry with the appearance of brick, terracotta or stone, poured-in-place rubbed concrete, or hard coat stucco.

4. Restricted uses:

- a. At a distance greater than 60 feet from the eastern curb of Glen Iris Drive, non-residential uses are limited to the first two stories.
- b. Sizes of individual retail, restaurant, repair or commercial recreation establishments, and clubs and lodges, shall not exceed 15,000 square feet along arterials and collector streets, such as Glenn Iris Drive, and 10,000 square feet elsewhere.
- c. Buildings fronting on a park greater than two acres in area, or fronting on portions of streets adjacent to such a park, shall have a residential or non-residential uses at the sidewalk-level, but not parking or storage areas.
- d. Parking decks are prohibited adjacent to a park larger than two acres, or fronting on portions of streets adjacent to such a park.
- e. Dumpsters, loading docks, and surface parking lots shall not be visible from any adjacent street or any adjacent park.
- f. The following uses are prohibited: automobile service and gasoline stations; car washes; new and used car sales; repair garages; paint and body shops; plumbing and air conditioning service and repair; repair of lawn mowers and other outdoor mechanical equipment; commercial greenhouses; laundry and dry cleaning plants; mortuaries and funeral homes; security storage centers; and digital industry switchboards, power generators and other relay equipment as a primary use.

5. On-street parking shall be provided along the east side of Glen Iris Drive.

RCS# 2656
1/05/09
3:03 PM

Atlanta City Council

SPECIAL SESSION

MULTIPLE

08-O-2437, 08-O-2438, 08-O-2439

REFER ZRB/ZONE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

MULTIPLE

City Council
Atlanta, Georgia

08-0-2437

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ALL THAT TRACT or parcel of land lying in Land Lot 18, 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.

493 Wilmer Street NE

All of that tract or parcel of land lying or being in Land Lot 18, 14th Land District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Commencing at a point at the intersection of the southerly right of way of Dallas Street (50' R.O.W.) and the easterly right of way of Wilmer Street (50' R.O.W.);

Thence southerly along the easterly right of way of Wilmer Street (50' R.O.W.) 145.39 feet to a point;

said point being THE POINT OF BEGINNING.

thence leaving said right of way North 82 degrees 31 minutes 26 seconds East, a distance of 153.21 feet to a point;

thence South 01 degrees 52 minutes 22 seconds West, a distance of 48.49 feet to a ½" rebar;

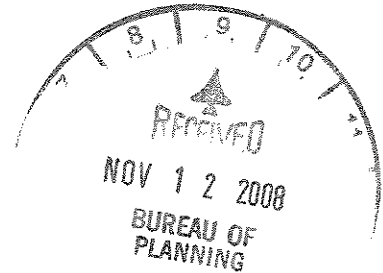
thence South 82 degrees 59 minutes 30 seconds West, a distance of 153.98 feet to a point on the easterly right of way of Wilmer Street (50' R.O.W.);

thence northeasterly along the easterly right of way of Wilmer Street (50' R.O.W.)

North 03 degrees 01 minutes 30 seconds East, a distance of 47.38 feet to a point;

said point being THE POINT OF BEGINNING.

Said tract or parcel containing 7,258 square feet or 0.17 acres.



7-00-01

497 Wilmer Street NE

All of that tract or parcel of land lying or being in Land Lot 18, 14th Land District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Commencing at a point at the intersection of the southerly right of way of Dallas Street (50' R.O.W.) and the easterly right of way of Wilmer Street (50' R.O.W.);
Thence southerly along the easterly right of way of Wilmer Street (50' R.O.W.) 96.99 feet to a 3/4" iron rod;

said 3/4" iron rod being THE POINT OF BEGINNING.

thence leaving said right of way North 78 degrees 51 minutes 46 seconds East, a distance of 74.44 feet to a 1/2" rebar;

thence North 77 degrees 46 minutes 26 seconds East, a distance of 80.09 feet to a 1/2" rebar;

thence South 01 degrees 52 minutes 22 seconds West, a distance of 59.77 feet to a point;

thence South 82 degrees 31 minutes 26 seconds West, a distance of 153.21 feet to a point on the easterly right of way of Wilmer Street (50' R.O.W.);

thence northeasterly along the easterly right of way of Wilmer Street (50' R.O.W.)

North 03 degrees 01 minutes 30 seconds East, a distance of 48.40 feet to a 3/4" iron rod;
said 3/4" iron rod being THE POINT OF BEGINNING.

Said tract or parcel containing 8,078 square feet or 0.19 acres.

Z-00-01