

10-0-0405  
 (Do Not Write Above This Line)

AN ORDINANCE  
 BY ZONING COMMITTEE U-10-06

An Ordinance granting a Special Use Permit pursuant to Section 16-12.005 (1) (e) for a Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications, , property located at **949 Confederate Avenue, S.E.**, fronting approximately 50 feet on the southwest side of Confederate Avenue at the CSX Railway. Depth: varies. Area: 0.59 acres. Land Lot 23, 14<sup>th</sup> District, Fulton County, Georgia.

APPLICANT: T-MOBILE  
 SOUTH, LLC C/O LANNIE GREENE  
 OWNER: CROWN CASTLE  
 C/O PAUL REHM  
 NPU-W  
 DISTRICT 1

AS AMENDED  
 MAY 03 2010  
 COUNCIL  
 ADOPTED BY  
 COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 3/11/10

Referred To: 288 Zonings

**First Reading**  
 Committee Date 4-26-24/29/10  
 Chair [Signature]

Committee Zonings  
 Date April 28, 2010  
 Chair [Signature]  
 Actions: [Signature]  
 Fav, Adv, Held (see rev. side)  
 Other: AS AMENDED  
 Members [Signature]  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Actions: \_\_\_\_\_  
 Fav, Adv, Held (see rev. side)  
 Other: \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

**COUNCIL ACTION**  
 2nd  1st & 2nd  3rd  
 Readings  
 Consent  V Vote  RC Vote

**CERTIFIED**  
 MAY 03 2010  
 ATLANTA CITY COUNCIL PRESIDENT  
[Signature]

**CERTIFIED**  
 MAY 03 2010  
Ronald D. Blanton  
 MUNICIPAL CLERK

**MAYOR'S ACTION**  
**APPROVED**  
 MAY 11 2010  
[Signature]  
 MAYOR



Municipal Clerk  
Atlanta, Georgia

**10-O-0405**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**U-10-06**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-12.005 (1) (e) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **BROADCASTING TOWERS AND LINE-OF-SITE RELAY DEVICES FOR TELEPHONIC, RADIO OR TELEVISION COMMUNICATIONS (to increase the height of an existing tower)** is hereby granted. Said use is granted to **T-MOBILE SOUTH, LLC C/O LANNIE GREENE** and is to be located at **949 CONFEDERATE AVENUE, S.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 23, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk

ADOPTED as amended by the Council  
APPROVED by Mayor Kasim Reed

MAY 03, 2010  
MAY 11, 2010



**Conditions for U-10-06 for 949 Confederate Avenue, S.E.**

1. Conditioned to a site plan/final plat prepared July 20, 2006 by Clark Design Group, P.C. stamped received by the Bureau of Planning on March 24, 2010. The location of the proposed tower extension is located in the area labeled Parcel Nine.
2. The height of the telecommunications monopole shall be limited to 160 feet.



## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in land lot 23 of the 14th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

To find The Point of Beginning, commence at a point on the southerly right-of-way of Robinson Avenue (having a 40 foot right-of-way) located 401.22 feet as measured easterly along said right-of-way from its intersection with the easterly right-of-way of Gress Street (having a 40 foot right-of-way); thence running along the easterly right-of-way of Robinson Avenue North 00 degrees 08 minutes 46 seconds East a distance of 36.30 feet to a point; thence leaving said right-of-way and running South 89 degrees 10 minutes 46 seconds East a distance of 120.83 feet to a point; thence running North 11 degrees 01 minutes 46 seconds West a distance of 29.56 feet to an iron pin set and The Point of Beginning; Thence running North 78 degrees 58 minutes 14 seconds East a distance of 60.00 feet to an iron pin set; Thence running South 11 degrees 01 minutes 46 seconds East a distance of 50.00 feet to an iron pin set; Thence running South 78 degrees 58 minutes 14 seconds West a distance of 60.00 feet to an iron pin set; Thence running North 11 degrees 01 minutes 46 seconds West a distance of 50.00 feet to an iron pin set and The Point of Beginning;

Said tract contains 0.0689 acres (3000 square feet) as shown on a plat of survey prepared for BellSouth Mobility, Inc. by Charles D. McCann, Georgia Registered Land Surveyor #2245 dated 1-20-1994, last revised 4-15-1994.

Together with a 20 foot wide ingress-egress easement being more particularly described as follows:

To find The Point of Beginning, commence at a point on the southerly right-of-way of Robinson Avenue (having a 40 foot right-of-way) located 401.22 feet as measured easterly along said right-of-way from its intersection with the easterly right-of-way of Gress Street (having a 40 foot right-of-way); thence running along the easterly right-of-way of Robinson Avenue North 00 degrees 08 minutes 46 seconds East a distance of 16.30 feet to a point and The Point of Beginning; Thence running along the easterly right-of-way of Robinson Avenue North 00 degrees 08 minutes 46 seconds East a distance of 20.00 feet to a point; Thence leaving said right-of-way and running South 89 degrees 10 minutes 46 seconds East a distance of 120.83 feet to a point; Thence running South 11 degrees 01 minutes 46 seconds East a distance of 20.44 feet to an iron pin set; Thence running North 89 degrees 10 minutes 46 second West a distance of 124.79 feet to a point on the easterly right-of-way of Robinson Avenue and The Point of Beginning.

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Planning

U-10-006



21 The tract or parcel of land lying and being in land lot 23 on a plat of survey prepared for BellSouth Mobility, Inc. by the Georgia Surveyors Board, Georgia Registered Land Surveyor #2234, dated 20-12-1990, is hereby described as follows:

To find the Point of Beginning, commence at a point on the southerly right-of-way of Robinson Avenue (having a 40 foot right-of-way) from its intersection with the westerly right-of-way of Gress Street (having a 40 foot right-of-way) and thence running along the westerly right-of-way of Robinson Avenue North 00 degrees 46 minutes 48 seconds East a distance of 35.20 feet to a point; thence running South 89 degrees 08 minutes 46 seconds East a distance of 60.00 feet to an iron pin set; thence running South 11 degrees 19 minutes 48 seconds West a distance of 29.54 feet to an iron pin set; thence running South 11 degrees 19 minutes 48 seconds West a distance of 60.00 feet to an iron pin set; thence running South 89 degrees 08 minutes 46 seconds East a distance of 60.00 feet to an iron pin set; thence running South 11 degrees 19 minutes 48 seconds West a distance of 29.54 feet to an iron pin set and thence running South 89 degrees 08 minutes 46 seconds East a distance of 60.00 feet to the Point of Beginning.

22 The tract or parcel of land lying and being in land lot 23 on a plat of survey prepared for BellSouth Mobility, Inc. by the Georgia Surveyors Board, Georgia Registered Land Surveyor #2234, dated 20-12-1990, is hereby described as follows:

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**BELL-SOUTH MOBILITY, INC.**  
**SITE ATL. "PEN"**

LAND LOT 23 16th DISTRICT

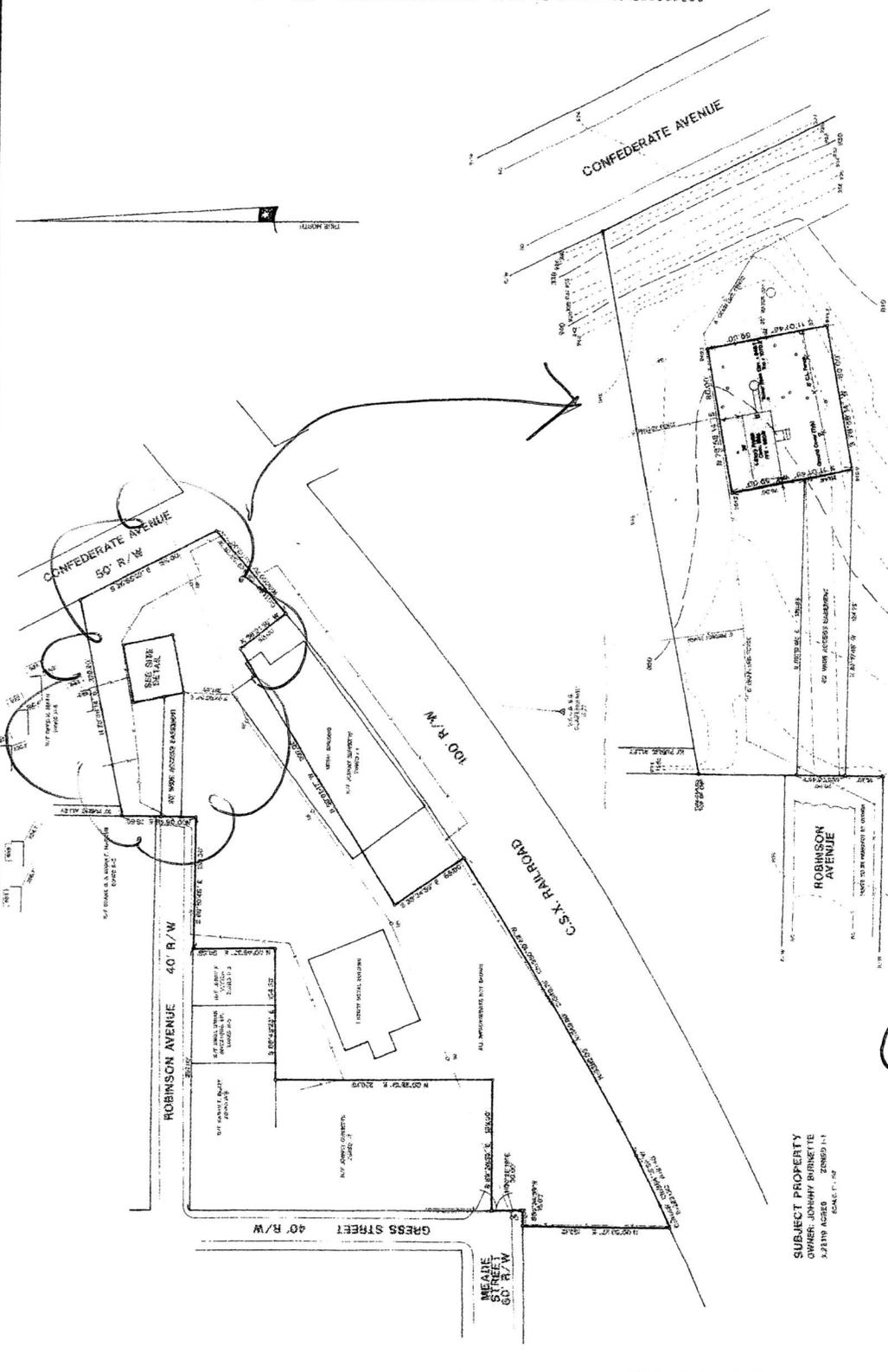
CITY OF ATLANTA, FALCON COUNTY, GEORGIA

**CHARLES D. MCCANN**  
 LAND SURVEYOR

McDonough, Georgia

SCALE: 1" = 40'

JOB NO. MM 0000 DATE: 1-10-99



**GEORGIA SURVEYORS BOARD**  
 No. 2234  
 CHARLES D. MCCANN

*Charles D. McCann*

DATE: 1-10-99

SCALE: 1" = 40'

JOB NO. MM 0000 DATE: 1-10-99

**SUBJECT PROPERTY**  
 OWNER: JONAHY BURNETTE  
 2.2170 ACRES ZONED L-1  
 SCALE: 1" = 40'

**SITE DETAIL**  
 SCALE: 1" = 10'

THIS PLAN WAS PREPARED FOR THE USE OF BELL-SOUTH MOBILITY, INC. AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. NO PORTION OF THIS SITE IS COVERED BY A SECTION OF THE GEORGIA SURVEYORS BOARD. F.L.P.M. COMMUNITY PANEL NO. 135137 B04 C DATED MARCH 04, 1987.

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 Bureau of Planning

U-10-006

SITE AREA: 2374.42 SQ. FT.  
 APPROX. AT CENTER OF SITE.

LATITUDE: 33°42'48" APPROX. AT CENTER OF SITE.  
 LONGITUDE: 84°21'52" APPROX. AT CENTER OF SITE.

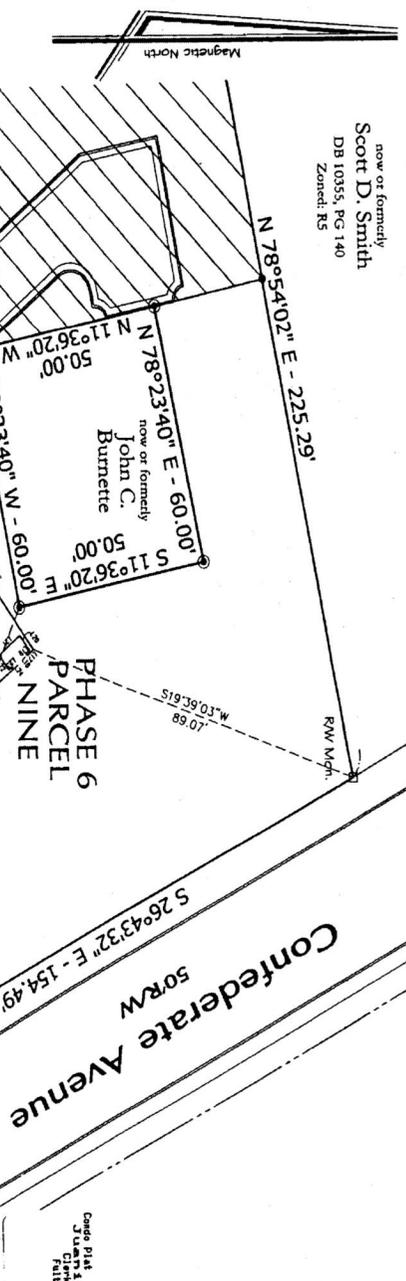
GEODETIC COORDINATE ACCURACY: 150'  
 2" CONTOUR BASED ON U.S.C.S. DATUM.  
 BEARING AND DISTANCE MEASUREMENTS ARE APPROXIMATE.  
 1" P.E. = DRIVERS 1/2" REBAR SET.







now or formerly  
 Scott D. Smith  
 DB 10355, PG 140  
 Zoned: R5



Confederate Avenue  
 50' RW  
 5 26°43'32" E - 154.49'  
 50.00'  
 S 11°36'20" E - 60.00'  
 N 78°23'40" E - 60.00'  
 S 78°23'40" W - 60.00'  
 N 11°36'20" W - 50.00'  
 N 78°54'02" E - 225.29'  
 R/W M.G.  
 W. 101°06'15" - 10.68'  
 N 63°10'20" W - 119.95'  
 50' RW  
 1/2" = 0'17"

Cardo Pitt  
 174 E. 14th St.  
 Fulton County, Georgia

LEGEND

LINE	LENGTH	BEARING
L1	11.20	N 12°34'32" E
L2	11.50	N 17°46'32" E
L3	13.50	N 17°46'32" E
L4	7.85	N 52°13'08" E
L5	7.85	S 82°13'08" W
L6	7.85	S 82°13'08" W
L7	13.50	N 17°46'32" E
L8	11.50	N 17°46'32" E
L9	10.45	N 27°46'32" E
L10	3.85	S 52°13'08" W
L11	3.85	N 52°13'08" E
L12	13.50	N 17°46'32" E
L13	10.60	N 17°46'32" E
L14	10.60	N 17°46'32" E
L15	40.25	N 62°13'08" E
L16	2.00	S 27°46'32" E
L17	2.00	S 27°46'32" E
L18	4.20	S 52°13'08" W
L19	1.15	N 17°46'32" E
L20	4.20	S 52°13'08" W
L21	1.15	N 17°46'32" E
L22	1.15	N 17°46'32" E
L23	1.15	N 17°46'32" E
L24	1.15	N 17°46'32" E
L25	1.15	N 17°46'32" E
L26	1.15	N 17°46'32" E
L27	1.15	N 17°46'32" E
L28	1.15	N 17°46'32" E
L29	1.15	N 17°46'32" E
L30	1.15	N 17°46'32" E
L31	1.15	N 17°46'32" E
L32	1.15	N 17°46'32" E
L33	1.15	N 17°46'32" E
L34	1.15	N 17°46'32" E
L35	1.15	N 17°46'32" E
L36	1.15	N 17°46'32" E
L37	1.15	N 17°46'32" E
L38	1.15	N 17°46'32" E
L39	1.15	N 17°46'32" E
L40	1.15	N 17°46'32" E
L41	1.15	N 17°46'32" E
L42	1.15	N 17°46'32" E
L43	1.15	N 17°46'32" E
L44	1.15	N 17°46'32" E
L45	1.15	N 17°46'32" E
L46	1.15	N 17°46'32" E
L47	1.15	N 17°46'32" E
L48	1.15	N 17°46'32" E
L49	1.15	N 17°46'32" E
L50	1.15	N 17°46'32" E

**CLDG**  
 CLARK DESIGN GROUP, P.C.

**PLANNERS - SURVEYORS - ENGINEERS**  
 2601 Northbank Drive  
 Suwanee, Georgia 30024  
 Phone: 578-380-6007  
 Fax: 578-380-0371  
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 This drawing and its reproduction are the property of the engineer or surveyor and shall not be used in any way without the written permission of the engineer.

**GEORGIA PROFESSIONAL SEAL**  
 CIVIL ENGINEER  
 CIVIL DESIGN GROUP, P.C.  
 No. 2849  
 CIVIL ENGINEER  
 CIVIL DESIGN GROUP, P.C.

**OLDFIELD AT GRANT PARK CONDOMINIUM PHASE 6 PARCEL 9**  
 LAND LOT 23  
 14th DISTRICT  
 CITY OF ATLANTA  
 FULTON COUNTY, GEORGIA

**OWNER / DEVELOPER**  
 THE PROVIDENCE GROUP  
 AT OLDFIELD, LLC  
 3333 Lakeside Lane  
 Atlanta, GA 30328  
 Tel: (404) 521-1888  
 Fax: (404) 521-1888

**JULY 20, 2006**  
 Scale: 1" = 50'  
 CN: 02031FinalPHS  
 Job Aias:  
 Sheet 3 of 3  
 FN: D-020316

RCS# 217  
5/03/10  
2:46 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 10-O-0323, 10-O-0405, 10-O-0025, 10-O-0045

ADOPT AS AMEND

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	B Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE