

12-0-1405
 (Do Not Write Above This Line)

Z-12-35

AN ORDINANCE
 BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM
 THE MRC-3-C (MIXED
 RESIDENTIAL COMMERCIAL)
 DISTRICT TO THE I-2 (HEAVY
 INDUSTRIAL) DISTRICT,
 PROPERTY LOCATED AT 1033
 JEFFERSON STREET, N.W.; AND
 FOR OTHER PURPOSES.

Substitute

ADOPTED BY

JAN 22 2013

COUNCIL

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

Date Referred: 10/15/12
 Referred To: ZBB + Zoning
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading
 Committee: Zoning
 Date: 11/16/12
 Chair: [Signature]
 Referred To: ZBB + Zoning

Committee: [Signature]
 Date: 11/16/12
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]
 Referred To: [Signature]

Committee: [Signature]
 Date: [Signature]
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]
 Referred To: [Signature]

Committee: [Signature]
 Date: [Signature]
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]
 Referred To: [Signature]

Committee: [Signature]
 Date: [Signature]
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]
 Referred To: [Signature]

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

CERTIFIED
 JAN 22 2013
 ATLANTA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 JAN 22 2013
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JAN 31 2013

WITHOUT SIGNATURE
 BY OPERATION OF LAW



City Council
Atlanta, Georgia

12-O-1405

**A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE**

Z-12-35

A SUBSTITUTE ORDINANCE TO REZONE FROM THE MRC-3-C (MIXED RESIDENTIAL COMMERCIAL) DISTRICT TO THE I-1 (HEAVY INDUSTRIAL) DISTRICT, PROPERTY LOCATED AT 1033 JEFFERSON STREET, N.W.; AND FOR OTHER PURPOSES.

WHEREAS, the City Council did adopt on September 18, 1995 and the Mayor did approve on September 24, 1995, Ordinance No. 95-O-1206 which created the Space Center Industrial Enterprise Zone on 1033 Jefferson Street, N.W.; and

WHEREAS, an urban enterprise zone may not be changed once it is created; and

WHEREAS, the Space Center Industrial Enterprise Zone created by Ordinance No. 95-O-1206 expires on December 31, 2020; and

WHEREAS, the City Council did adopt on November 7, 2005 and the Mayor did approve on November 14, 2005, Ordinance No. 05-O-0863 rezoning 1033 Jefferson Street from the I-2 (Heavy Industrial) District to the MRC-3-C (Mixed Residential Commercial) District; and

WHEREAS, Ordinance No. 05-O-0863 precludes industrial use of 1033 Jefferson Street and therefore conflicts with the irrevocable Space Center Industrial Enterprise Zone created by Ordinance No. 95-O-1206; and

WHEREAS, no redevelopment of 1033 Jefferson Street has occurred since the adoption of Ordinance No. 05-O-0863; and

WHEREAS, the 2011 Comprehensive Development Plan designates 1033 Jefferson Street as an industrial character area; and

WHEREAS, the Department of Planning and Community Development desires to restore an industrial zoning to 1033 Jefferson Street to comply with the Space Center Industrial Enterprise Zone.



THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS 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 1033 Jefferson Street, N.W. be changed from MRC-3-C (Mixed Residential Commercial) District to the I-1-C (Light Industrial-Conditional) District, to wit:

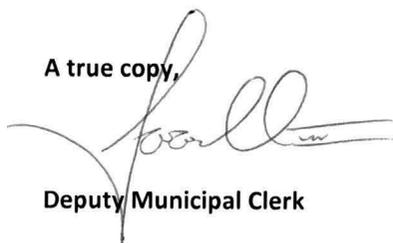
ALL THAT TRACT or parcel of land lying and being Land Lot 113, 14th District and Land Lot 189, 17th District, Fulton County, Georgia, being more particularly described by the legal description attached hereto as Exhibit "A".

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, Office 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 regulations 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 thereof in conflict with the terms of this ordinance are hereby repealed.

A true copy,



Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

January 22, 2013
January 31, 2013



EXHIBIT A

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 189 of the 17th District and Land Lot 113 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the centerline of Ashby Street with the northerly right-of-way line of Jefferson Street; proceeding thence westerly along said northerly right-of-way line, 840.4 feet to a point, said point being the True Point of Beginning; continuing thence along said northerly right-of-way line, the following courses: North 88° 32' 19" West a distance of 600.00 feet to a point, South 01° 15' 41" West a distance of 11.65 feet to a point, North 89° 17' 19" West a distance of 100.00 feet to a point, North 01° 37' 18" East a distance of 12.96 feet to a point and North 88° 32' 19" West a distance of 65.00 feet to a point; leaving said northerly right-of-way line of Jefferson Street and proceeding thence North 01° 37' 18" East a distance of 1,459.27 feet to a point on the line common to Land Lot 113 of the 14th District and Land Lot 189 of the 17th District; proceeding thence along said common land lot line, North 87° 50' 21" West a distance of 73.00 feet to a point on the easterly right-of-way line of Herndon Street (40' right-of-way); leaving said common land lot line and proceeding thence along said easterly right-of-way line, the following courses: North 01° 53' 37" East a distance of 304.33 feet to a point, South 88° 06' 23" East a distance of 10.00 feet to a point and North 01° 53' 37" East a distance of 59.95 feet to a point; leaving said easterly right-of-way line of Herndon Street and proceeding thence South 87° 49' 19" East a distance of 691.73 feet to an iron pin; proceeding thence South 00° 27' 21" East a distance of 274.55 feet to a point; proceeding thence South 87° 25' 48" East a distance of 98.51 feet to a point; proceeding thence South 01° 27' 05" West a distance of 483.87 feet to a point; proceeding thence South 08° 16' 55" East a distance of 138.88 feet to a point; proceeding thence South 01° 34' 40" West a distance of 918.65 feet to the true point of beginning.

Said tract or parcel of land contains 31.4112 acres.



Conditions for Z-12-35 for 1033 Jefferson Street, N.W.

1. Site Plan dated November 13, 2012 and marked received by the Office of Planning on November 16, 2012.

RCS# 2515
1/22/13
3:15 PM

Atlanta City Council

MULTIPLE

12-O-1405, 12-O-0448 AND 12-O-0449
Z-12-35, Z-12-11 AND Z-12-12
ADOPT ON SUB

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

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

MULTIPLE