

13-0-1013

(Do Not Write Above This Line)

U-13-11

AN ORDINANCE

BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit for a HOTEL pursuant to Section 16-11.005 (1) (h), property located at 789 PONCE DE LEON AVENUE AND 672 AND 676 BONAVENTURE AVENUE, N.E., fronting approximately 161 feet on the south side of Ponce de Leon Avenue at the southwest corner of Bonaventure Avenue. Depth: approximately 330 feet. Area: approximately 1.33 acres, Land Lot 17, 14th District, Fulton County, Georgia.

OWNER: CLERMONT HOTEL PARTNERS, LLC
APPLICANT: CLERMONT HOTEL PARTNERS, LLC BY SHARON A GAY, ESQ.
NPU N COUNCIL DISTRICT 2

As Amended

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

Date Referred 5/6/13
 Referred To: ZR13 Zoning
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee Zoning
 Date 7/31/13
 Chair [Signature]
 Action Fav, Adv, Hold (see rev. side) as amended
 Members [Signatures]
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side) Other _____
 Members ADOPTED BY
AUG 19 2013
COUNCIL
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side) Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side) Other _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION

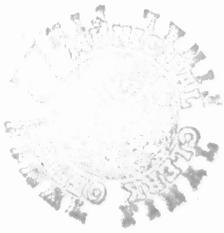
- 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 CERTIFIED
 AUG 19 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 AUG 19 2013
 Rhonda Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 AUG 28 2013
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



Municipal Clerk
Atlanta, Georgia

13-O-1013

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-13-11

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

SECTION 1. Under the provisions of Section 16-11.005 (1) (h), of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for **HOTEL** is hereby granted. Said use is granted to **CLERMONT HOTEL PARTNERS, LLC** and is to be located at **789 PONCE DE LEON AVENUE AND 672 AND 676 BONAVENTURE AVENUE, N.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 17 of the 14th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or map.

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 Daughin Johnson
Municipal Clerk

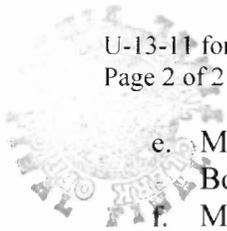
ADOPTED as amended by the Council
APPROVED as per City Charter Section 2-403

AUG 19, 2013
AUG 28, 2013



Conditions for U-13-11 for 673, 676 Bonaventure Avenue and 789 Ponce De Leon Avenue, NE

- 1) Conceptual Site Plan: The Property shall be developed in accordance with the conceptual Site Plan prepared by G + G Architecture dated July 3, 2013 and stamped "received" by the Office of Planning on July 8, 2013; provided, however, that this condition shall not preclude application of the MRC and Beltline Overlay District regulations.
- 2) Front Plaza/motor court: the asphalt pavement in the front plaza/motor court facing Ponce de Leon shall be replaced with decorative pavers or scored concrete. Final plaza design shall be subject to special administrative permit (SAP) approval.
- 3) Outdoor sound and amplification:
 - a. Live acoustic music shall be permitted on the rooftop bar only between the hours of 10:00 a.m. and 11:00 p.m.
 - b. Rooftop amplified music shall be permitted with speakers no higher than the building façade parapet walls.
 - c. No other outdoor music, amplified or otherwise, is allowed elsewhere on-site, including the 673 Bonaventure Avenue parcel.
- 4) Lighting for any outdoor dining, bar, or lounge areas and the parking structure shall be directed away from residential properties.
- 5) Parking structure:
 - a. The parking deck shall be developed compatible with the architectural character of the original Clermont Hotel building, as shown in accordance with the conceptual building elevations prepared by G + G Architecture dated July 3, 2013 and stamped "received" by the Office of Planning on July 3, 2013; provided, however, that this condition shall not preclude application of the MRC and Beltline Overlay District regulations.
 - b. Landscaping, including evergreen plantings, shall be provided on the west property line between the parking structure and the RG District and along the south façade of the parking structure. Said landscape area shall be a minimum of 10 feet wide abutting the length of the western and southern parking deck façades.
 - c. Evergreen vines shall be planted along the entire western façade of the parking structure and along the portions of the south façade that do not have windows or other delineations.
 - d. Landscape plan: The quantity, type, and location of tree plantings as described in (b) and (c) above shall be approved by the Office of Planning in coordination with the City Arborist prior to issuance of a building permit for the Property.
- 6) The loading dock and trash receptacles shall be screened from view from any public street.
- 7) Conditions applicable to the portion of the Property currently known as 673 Bonaventure Avenue:
 - a. The residential structure may be operated as part of the hotel and rented as a guest villa for guest lodging. No other non-residential uses shall be allowed.
 - b. Building envelope for new construction, in the event of damage to existing structure:
 - c. Minimum front yard setback: 40 feet. Front porch may encroach up to 10 feet into setback.
 - d. Minimum north side yard setback: three feet from existing property line

- 
- e. Minimum south side yard setback: seven (7) feet, subject to approval of a variance from the Board of Zoning Adjustment for reduction of the transitional yard setback.
 - f. Maximum building height of 35 feet.
- 8) Upon completion of the improvements shown on the Site Plan and receipt of final approvals of federal and state historic designations, the Property Owner shall apply for nomination of the original Clermont Hotel building for designation as a Landmark Building or Site in accordance with the City of Atlanta Code of Ordinances.

1849
U-13-11

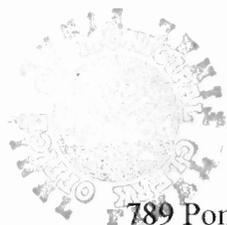
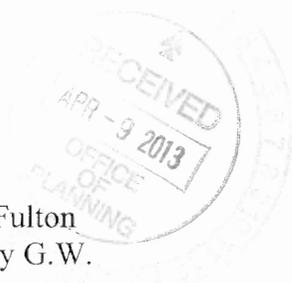


EXHIBIT "A"
(Legal Description)



789 Ponce de Leon Avenue:

All that tract or parcel of land lying and being in Land Lot 17 of the 14th District of Fulton County, Georgia, and being Lots 1-4 of a Plat of Property for Dr. George F. Payne by G.W. Cruselle, C.E., dated May 25, 1922, and being more fully described as follows:

Start at a nail found at the intersection of the South right-of-way of Ponce de Leon Avenue (80-foot right-of-way) and the West right-of-way of Bonaventure Drive (50-foot right-of-way) (said point also being the Point of Beginning). Thence from the Point of Beginning and running South 00°17'23" East along the said West right-of-way of Bonaventure Drive, a distance of 239.37 feet to a rebar found. Thence leaving the said West right-of-way of Bonaventure Drive and running South 89°25'10" West a distance of 173.00 feet to a point. Thence running North 00°17'23" West a distance of 39.20 feet to a point. Thence running North 89°21'38" East a distance of 12.00 feet to a point. Thence running North 00°17'23" West a distance of 200.00 feet to a point on the said South right-of-way of Ponce de Leon Avenue. Thence running North 89°21'38" East along the said South right-of-way of Ponce de Leon Avenue, a distance of 161.00 feet to said nail found at the said intersection of the said South right-of-way of Ponce de Leon Avenue and the said West right-of-way of Bonaventure Drive and the Point of Beginning.

Said tract or parcel of land containing 0.895 acres or 38,995 square feet, and being known as 789 Ponce de Leon Avenue, using the present system of numbering of the City of Atlanta, Georgia, and being shown on an ALTA/ACSM Survey and Topographical Map for 789 Ponce de Leon Avenue, LLC and Lawyers Title Insurance Corporation, dated April 22, 2003, last revised August 27, 2003 by McClung Surveying Services, Inc., Michael R. Noles, GRLS #2646.

672 Bonaventure Avenue:

All that tract or parcel of land lying and being recorded in Land Lot 17 of the 14th District of Fulton County, Georgia, and being shown on a Plat of Property for 789 Ponce de Leon Avenue, LLC and Lawyers Title Insurance Corporation by McClung Surveying Services, Inc., Michael R. Noles, Georgia Registered Land Surveyor No. 2646, dated July 6, 2006, and being more fully described as follows:

To find the True Point of Beginning, commence at the intersection of the southerly right-of-way of Ponce de Leon Avenue (80-foot right-of-way) and the westerly right-of-way of Bonaventure Avenue (50-foot right-of-way), and run South along the westerly right-of-way of Bonaventure Avenue a distance of 350.46 feet to a rebar found at the True Point of Beginning; thence running along said right-of-way South 00°07'20" West a distance of 50.00 feet to a rebar set; thence leaving said right-of-way and running South 89°25'07" West a distance of 174.74 feet to a rebar set; thence running North 00°13'55" West a distance of 50.00 feet to a rebar found; thence running North 89°25'10" East a distance of 175.05 feet to a rebar found on the westerly right-of-way of Bonaventure Avenue and the True Point of Beginning.



Said tract or parcel containing 8,744 square feet or 0.201 acres, and being known as 672 Bonaventure Avenue, using the present system of the City of Atlanta, Georgia.

676 Bonaventure Avenue:

All that tract or parcel of land lying and being in Land Lot 17 of the 14th District of Fulton County, Georgia, and being shown on a Plat of Property for Dr. George F. Payne, by McClung Surveying Services, Inc., Michael R. Noles, Georgia Registered Land Surveyor No. 2646, dated October 11, 2006, and being more fully described as follows:

To find the True Point of Beginning, commence at the intersection of the southerly right-of-way of Ponce de Leon Avenue (80-foot right-of-way) and the westerly right-of-way of Bonaventure Avenue (50-foot right-of-way), and run South 00°17'23" East along the westerly right-of-way of Bonaventure Avenue, a distance of 239.37 feet to the rebar found at the True Point of Beginning; thence running along the westerly right-of-way of Bonaventure Avenue 00°28'26" East, a distance of 59.95 feet to a rebar found; thence leaving said rebar found, running South 89°25'10" West, a distance of 175.05 feet to a rebar found; thence leaving said rebar found, running North 01°29'10" East, a distance of 59.99 feet to a rebar found; thence leaving said rebar found, running North 89°25'10" East, a distance of 173.00 feet to a rebar found and being the True Point of Beginning.

U-13-11



RCS# 2932
8/19/13
3:34 PM

Atlanta City Council

MULTIPLE

13-O-1008, 13-O-1040, 13-O-1013 AND
13-O-1084

ADOPT AS AMNDED

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

MULTIPLE