

**AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE C-2 (COMMERCIAL SERVICE-CONDITIONAL) DISTRICT AND R-5 (TWO-FAMILY RESIDENTIAL) DISTRICT TO THE C-2 (COMMERCIAL SERVICE-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT 25, 27, 33 AND 39 DANIEL STREET AND PROPERTIES ON GARTRELL STREET (496 AND 492) WITH THE FOLLOWING PARCEL IDENTIFICATION NUMBERS 14-0045-0003-016-1 AND 14-0045-0003-017-9, AND 40 AND 46 BOULEVARD, S.E. FRONTING APPROXIMATELY 166 FEET ON THE NORTH SIDE OF GARTRELL STREET AND 256 FEET ON THE WEST SIDE OF DANIEL STREET AND APPROXIMATELY 307 FEET ON THE EAST SIDE OF BOULEVARD. DEPTH: VARIES. AREA: APPROXIMATELY 1.36 ACRES. LAND LOT 45, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: IPARCEL, NETM LLC, MAN HOLDING, LLC AND VALU INVESTMENT GROUP, LLC/ABE PODBER APPLICANT: MOST REVEREND WILTON D. GREGORY, S.L.D. AS ARCHBISHOP OF THE ROMAN CATHOLIC ARCHDIOCESE OF ATLANTA AND/OR HIS SUCCESSORS IN OFFICE. NPU M COUNCIL DISTRICT 2**

Application File Date	May 7, 2013
Zoning Number	Z-13-17
NPU / CD	M/2
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

**Review List:**

Office of Research and Policy Analysis	Completed	05/24/2013 9:36 AM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Zoning Staff	Pending	
Office of Research and Policy Analysis	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

**ORDINANCE  
BY ZONING COMMITTEE**

**AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE C-2 (COMMERCIAL SERVICE-CONDITIONAL) DISTRICT AND R-5 (TWO-FAMILY RESIDENTIAL) DISTRICT TO THE C-2 (COMMERCIAL SERVICE-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT 25, 27 , 33 AND 39 DANIEL STREET AND PROPERTIES ON GARTRELL STREET (496 AND 492) WITH THE FOLLOWING PARCEL IDENTIFICATION NUMBERS 14-0045-0003-016-1 AND 14-0045-0003-017-9, AND 40 AND 46 BOULEVARD, S.E. FRONTING APPROXIMATELY 166 FEET ON THE NORTH SIDE OF GARTRELL STREET AND 256 FET ON THE WEST SIDE OF DANIEL STREET AND APPROXIMATELY 307 FEET ON THE EAST SIDE OF BOULEVARD. DEPTH: VARIES. AREA: APPROXIMATELY 1.36 ACRES. LAND LOT 45, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: IPARCEL, NETM LLC, MAN HOLDING, LLC AND VALU INVESTMENT GROUP, LLC/ABE PODBER APPLICANT: MOST REVEREND WILTON D. GREGORY, S.L.D. AS ARCHBISHOP OF THE ROMAN CATHOLIC ARCHDIOCESE OF ATLANTA AND/OR HIS SUCCESSORS IN OFFICE. NPU M COUNCIL DISTRICT 2**

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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 25, 27 , 33 and 39 Daniel Street and properties on Gartrell Street (496 and 492) with the following Parcel Identification Numbers 14-0045-0003-016-1 and 14-0045-0003-017-9, and 40 and 46 Boulevard, S.E., be changed from the from the C-2 (Commercial Service-Conditional) District and R-5 (Two-Family Residential) District to the C-2 (Commercial Service-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 45, 14th District of Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

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.

Exhibit B

All those tracts or parcels of land lying and being in Land Lot 45 of the 14<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:

**Tract 1**

25 Daniel Street, SE, Atlanta, GA 30312-1907  
Parcel ID # 14 -0045-0003-012-0

All that certain parcel of land situate in Land Lot 45, 14<sup>th</sup> District, County of Fulton, State of Georgia, being bounded and described as follows:

Beginning at a point on the West side of Daniel Street 204' Northwesterly from the Northwesterly corner of Daniel Street and Gartrell Street; and running thence Northwesterly along the Westerly side of Daniel Street 48'; thence Westerly parallel with Gartrell Street, 131.6'; Southeasterly parallel with Daniel Street, 48'; thence Easterly parallel with Gartrell Street 131.6' to the point of beginning, being known as No. 25 Daniel Street, according to the present system of numbering houses in the City of Atlanta; and

**Tract 2**

27 Daniel Street, SE, Atlanta, GA 30312  
Parcel ID# 14 -0045-0003-013-8

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Atlanta, Land Lot 45 of the 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the western side of Daniel Street 156 feet northwesterly from the northwest corner of Daniel Street and Gartrell Street; running thence northerly along the west side of Daniel Street 48 feet; thence west 131.6 feet; thence southerly parallel with Daniel Street 48 feet; thence east 131.6 feet to the POINT OF BEGINNING; being known as No. 27-29 Daniel Street, S.E., according to the present system of numbering houses in the City of Atlanta; and

**Tract 3**

33 Daniel Street, SE, Atlanta, GA 30312-1907  
Parcel ID# 14 -0045-0003-014-6

All that tract or parcel of land lying and being in Land Lot 45 of the 14<sup>th</sup> District of Fulton County, Georgia, being more particularly described as follows:

Beginning on the western side of Daniel Street at a point 108 feet northwesterly from the northwest corner of Daniel Street and Gartrell Street; running thence northerly along the west side of Daniel Street 48 feet to a point; running thence west 132 feet to a point; running thence southerly 48 feet to a point; running thence east 132 feet to the point of beginning; and

**Tract 4**

39 Daniel Street, SE, Atlanta, GA 30312  
Parcel ID# 14 -0045-0003-015-3

Exhibit B

All that tract or parcel of land lying and being in Land Lot 45 of the 14<sup>th</sup> District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at a point on the southwest side of Daniel Street 60 feet northwest of the intersection of the southwest side of Daniel Street and the north side of Gartrell Street; thence west parallel with Gartrell Street 132 feet to a point; thence northwest parallel with Daniel Street 48 feet to a point; thence east 132 feet to a point on the southwest side of Daniel Street; thence southeast along the southwest side of Daniel Street 48 feet to the point of beginning being No. 39 Daniel Street, Atlanta, Georgia; and

**Tract 5**

0 Gartrell Street, SE, Atlanta, GA (fka 496, 500, 502 and 506 Gartrell St, SE)  
Parcel ID# 14 -0045-0003-016-1

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Atlanta, Land Lot 45 of the 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at the northwest corner of Gartrell Street and Daniel Street and running thence northerly along the west side of Daniel Street 60 feet; thence west 132 feet; thence southerly 60 feet to Gartrell Street; thence east along the north side of Gartrell Street 132 feet to the POINT OF BEGINNING; formerly being improved property known as NOS. 496, 500, 502 AND 506 GARTRELL STREET, S.E.; and

**Tract 6**

0 Gartrell Street, SE, Atlanta, GA (fka 492 Gartrell St, SE, No. 1 and No. 3 Gartrell Pl, SE)  
Parcel ID# 14 -0045-0003-017-9

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 45 of the 14<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point at the northeast corner of Gartrell Place and Gartrell Street and running thence north along the east side of Gartrell Place 113 feet; thence easterly 32.3 feet; thence south 127.1 feet to the Gartrell Street; thence west along the north side of Gartrell Street 34.2 feet to the point of beginning; being formerly improved property known as No. 492 Gartrell Street, SE and Nos. 1 and 3 Gartrell Place, SE, according to the present system of numbering houses in the City of Atlanta, Fulton County, Georgia; and

**Tract 7**

40 Boulevard, SE, Atlanta, GA 30312  
Parcel ID# 14 -0045-0003-019-5

All those tracts or parcels of land lying and being in Land Lot 45, 14<sup>th</sup> District of Fulton County, Georgia, and being Lots 19, 20, 21, 22, 23, 24, 25, and 26-32, Survey for George Robinson, as being further described in that certain survey prepared by Busbee Surveying Co., Inc., Registered Surveyor No. 2497, dated December 3, 2002 and recorded in Plat Book 236, Page 63, Fulton County, Georgia records, which plat is incorporated herein and made a part hereof by reference.

130425A

# EXHIBIT D

## DESCRIPTION OF PROPERTY 40 BOULEVARD SE, 46 BOULEVARD SE, AND SIX ADJOINING TAX PARCELS (REZONING TRACTS A, B, C, D, E, F, G, AND H)



For  
**MOST REVEREND WILTON D. GREGORY, S.L.D., AS ARCHBISHOP OF THE ROMAN CATHOLIC  
ARCHDIOCESE OF ATLANTA AND/OR HIS SUCCESSORS IN OFFICE**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 45 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 THE INTERSECTION FORMED BY THE NORTHERLY RIGHT-OF-WAY LINE OF GARTRELL STREET (R/W VARIES) WITH THE EASTERLY RIGHT-OF-WAY LINE OF BOULEVARD SE (R/W VARIES) AND PROCEED NORTH 23°59'48" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BOULEVARD SE (R/W VARIES) FOR A DISTANCE OF 75.64 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS ESTABLISHED, THENCE NORTH 24°04'12" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BOULEVARD SE (R/W VARIES) FOR A DISTANCE OF 28.12 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF BOULEVARD SE (R/W VARIES); THENCE NORTH 24°58'38" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BOULEVARD SE (R/W VARIES) FOR A DISTANCE OF 108.39 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF BOULEVARD SE (R/W VARIES); THENCE FOLLOWING A CURVE TO THE RIGHT WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BOULEVARD SE (R/W VARIES), SAID CURVE HAVING A RADIUS OF 962.89', AN ARC LENGTH OF 95.99', AND A CHORD BEARING OF NORTH 18°14'05" WEST FOR A DISTANCE OF 95.95 FEET TO AN IRON PIN FOUND ON THE EASTERLY RIGHT-OF-WAY OF BOULEVARD SE (R/W VARIES); DEPART SAID EASTERLY RIGHT-OF-WAY LINE OF BOULEVARD SE (R/W VARIES) AND PROCEED SOUTH 88°30'25" EAST FOR A DISTANCE OF 153.82 FEET TO AN IRON PIN FOUND; THENCE SOUTH 18°46'44" EAST FOR A DISTANCE OF 48.33 FEET TO AN IRON PIN FOUND; THENCE SOUTH 88°44'35" EAST FOR A DISTANCE OF 100.03 FEET TO AN IRON PIN FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW); THENCE SOUTH 20°05'20" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW) FOR A DISTANCE OF 96.05 FEET TO AN IRON PIN FOUND ON THE RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW); THENCE SOUTH 19°06'15" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW) FOR A DISTANCE OF 47.71 FEET TO AN IRON PIN FOUND ON THE RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW); THENCE SOUTH 20°55'47" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW) FOR A DISTANCE OF 50.52 FEET TO AN IRON PIN FOUND ON THE RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW); THENCE SOUTH 19°33'29" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW) FOR A DISTANCE OF 60.59 FEET TO AN IRON PIN PLACED AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF DANIEL STREET (30' RW) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF GARTRELL STREET (R/W VARIES); THENCE NORTH 88°13'49" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF GARTRELL STREET (R/W VARIES) FOR A DISTANCE OF 166.20 FEET TO AN IRON PIN PLACED ON THE RIGHT-OF-WAY LINE OF GARTRELL STREET (R/W VARIES); DEPART SAID NORTHERLY RIGHT-OF-WAY LINE OF GARTRELL STREET (R/W VARIES) AND PROCEED NORTH 17°49'02" WEST FOR A DISTANCE OF 113.60 FEET TO AN IRON PIN PLACED; THENCE SOUTH 31°10'54" WEST FOR A DISTANCE OF 19.20 FEET TO AN IRON PIN PLACED; HENCE SOUTH 18°30'11" WEST FOR A DISTANCE OF 96.27 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GARTRELL STREET (R/W VARIES); THENCE NORTH 88°13'49" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF GARTRELL STREET (R/W VARIES) FOR A DISTANCE OF 58.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BOULEVARD SE (R/W VARIES); THENCE NORTH 23°59'48" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BOULEVARD SE (R/W VARIES) FOR A DISTANCE OF 75.64 FEET TO THE POINT OF BEGINNING. SAID PROPERTY CONTAINING 1.47498 ACRES OR 64,250 SQUARE FEET.