

14-0-1039

(Do Not Write Above This Line)

An Ordinance
By Zoning Committee Z-13-53

An Ordinance to rezone from the R-5/Bellline Overlay District (Two-Family Residential and Bellline Overlay) Districts to the MRC-3/Bellline Overlay District (Mixed Residential Commercial/Bellline Overlay) District for property located at 102, 108, 112, 118, 122, 128, 136, and 144 Moreland Avenue, 1117, 1121, 1125 and 1129 Seaboard Avenue, N.W. and 146, 150, 156, 158, 162, and 166 Brantley Street, N.E., and 1150 and 1154 Wade Street, N.E., fronting approximately 194 feet on the north side of Wade Street at the northwest corner of Moreland Avenue, feet from the northeast corner of Huff Road. Depth: varies Area: approximately 4.458 acres. Land Lot 14, 14th District, Fulton County, Georgia.

OWNERS: Buddy Christian, Diane Christian, Christina Muzzi, Bernardina Maldonado, Venita Howell, Young Hughley, Mesfin Bezuneh, Meheret Asfaw, John Prewitt, Forrest Ward, Rukia Rogers, Vuong Phi Phillips, Fishal Ghavanzadeh Razavi, Crim Development, Inc., Gwerkle Limited, LLC, Kyle Armour, Ferris Capital, LLC.

APPLICANT: JW HOMES C/O JESSICA HILL, ESQ.

AS AMENDED
COUNCIL DISTRICT

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

APR 21 2014

COUNCIL

Date Referred: 1/21/14

Referred To: ZR3 zoning

Date Referred:

Referred To:

Date Referred:

Referred To:

First Reading
Committee Date: 3/12/14
Chair: [Signature]
Referred To: [Signature]

Committee Date: 3/12/14
Chair: [Signature]
Action: Fav. Adv. Hold (See rev. side)
Other: [Signature]
Members: [Signature]

Committee Date: [Blank]
Chair: [Blank]
Action: Fav. Adv. Hold (See rev. side)
Other: [Blank]
Members: [Blank]

Committee Date: 3/26/14
Chair: [Signature]

Committee Date: [Blank]
Chair: [Blank]

Action: Fav. Adv. Hold (See rev. side)
Other: [Signature]
Members: [Signature]

Action: Fav. Adv. Hold (See rev. side)
Other: [Blank]
Members: [Blank]

[Signature]

[Blank]

- 2ND FINAL COUNCIL ACTION
- 1ST & 2ND Readings
- 3RD
- Consent
- V Vote
- RC Vote

ATLANTA CITY COUNCIL PRESIDENT

APR 21 2014

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 30 2014

WITHOUT SIGNATURE
BY OPERATION OF LAW

3420



City Council
Atlanta, Georgia

14-O-1039

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-13-53
Date Filed: 11-5-13

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

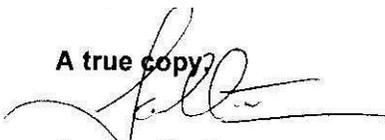
SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **102, 108, 112, 118, 122, 128, 136, and 144 Moreland Avenue, 1117, 1121, 1125 and 1129 Seaboard Avenue, N.W. and 146, 150, 156, 158, 162, and 166 Brantley Street, N.E., and 1150 and 1154 Wade Street, N.E.,** be changed from the R-5/BeltLine Overlay District (Two-Family Residential and BeltLine Overlay) Districts to the MRC-3-C/BeltLine Overlay District (Mixed Residential Commercial-Conditional/BeltLine Overlay) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 14, 14th District, 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 suffix "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.

A true copy,

Deputy Clerk

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

APR 21, 2014
APR 30, 2014

Conditions for 1117, 1121, 1125 and 1129 Seaboard Avenue, N.W. and 146, 150, 156, 158, 162, and 166 Brantley Street, N.E., and 1150 and 1154 Wade Street, N.E.,

1. Site Plan and Elevations:

- a. The development shall be conceptually consistent with the site plan by The Preston Partnership, LLC, dated January 13, 2014 and stamped received by the Office of Planning on January 14, 2013. This condition shall not preclude the application of the MRC and Beltline Overlay District regulations and any revisions needed to comply with such regulations.
 - b. The development shall be conceptually consistent with the elevations by The Preston Partnership, LLC dated January 13, 2014 and stamped received by the Office of Planning on January 14, 2014. This condition shall not preclude the application of the MRC and Beltline Overlay District regulations and any revisions needed to comply with such regulations.
2. No individual commercial tenant space shall exceed 8,000 square feet.



March 7, 2014

Ms. Charletta Wilson-Jacks
City of Atlanta Office of Planning
55 Trinity Avenue, SW, Suite 3350
Atlanta, GA 30303

Jessica L. Hill
404-504-7754
jhill@mmmlaw.com
www.mmmlaw.com

Re: Z-13-53

Dear Charletta:

Enclosed is a revised site plan for the above captioned application. The enclosed site plan makes the following changes to the site plan considered and recommended for approval by the ZRB:

1. Retail SF increased by 1,000 SF;
2. Net residential SF increased by 2,975 SF which increased the residential FAR by 0.01 (285 unit count remained the same); and
3. Parking spaces increased by 2 spaces due to the increase in retail SF.

Also enclosed is an email from the Chair of the Reynoldstown Zoning Committee, Christopher Leerssen, confirming that the RCIL is supportive of the proposed changes. The revisions are the result of more detailed analysis by the applicant into the internal building layout. Please substitute the enclosed plans in the ordinance being considered by the City Council Zoning Committee on March 12th or March 26th.

Best,

Jessica L. Hill

Enclosures

cc: Jonathan Lewis (w/ enclosure)
Jessica Lavandier (w/ enclosure)
Christopher Leerssen (w/ enclosure)

8640980.v1

Jessica L. Hill

From: Jessica L. Hill
Sent: Monday, March 10, 2014 9:23 AM
To: Jacks, Charletta
Cc: Lewis, Jonathan; twigfield@greystar.com; John Roberson (jroberson@greystar.com); Pace, Theodis
Subject: Z-13-53 - site plan change - ordinance substitute needed [IWOV-mmmdms1.27649.93769]
Attachments: [Untitled].pdf; 8649786 (1) (27649_93769) (Site Plan Submitted 3-7-14).PDF

Charletta,

Attached is an electronic copy of a request to change a site plan that is currently pending recommendation by City Council Zoning Committee. The recommendation from ZRB is site plan specific, so I ask that you substitute the attached plan and change the condition 1.a in the staff/ZRB recommendation to reference this site plan (i.e., 1.a should read: "The development shall be conceptually consistent with the site plan by The Preston Partnership, LLC, dated **March 6, 2014** and stamped received by the Office of Planning on **March 7, 2014**. This condition shall not preclude the application of the MRC and Beltline Overlay District regulations and any revisions needed to comply with such regulations.").

You'll see in the attachment that we've obtained neighborhood signoff, and I walked Jonathan through the minor changes made on Friday. My understanding was he was going to hand deliver the package I provided to Planning on Friday to you. I do not anticipate any concerns to be raised about these minor changes.

Based on the ZRB hearing date, this paper goes to Zoning Committee on Wednesday of this week so I appreciate your prompt attention to this. I note that the paper may be held in Committee due to the CDP hearing being held on 3/25 but I want to make sure the change is implemented.

Thank you and please call me if you have any questions.



Jessica L. Hill
Morris, Manning & Martin, LLP
Direct: 404.504.7754
jhill@mmmlaw.com

LEGAL DESCRIPTION:

NOV - 5 201

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN LAND LOT 14 OF THE 14th DISTRICT FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AS 4.458 ACRES (194,184 SQ. FT.) AND DESIGNATED BY HARDY SURVEYING GROUP, LLC TO HAVE THE FOLLOWING METES AND BOUNDS TO WIT.

2-13-53

COMMENCING AT A #4 REBAR FOUND BY AND BETWEEN THE NORTHERLY RIGHT-OF-WAY OF WADE STREET (40' R/W) AND THE EASTERLY RIGHT-OF-WAY OF HOLIDAY AVENUE (40' R/W), SAID POINT BEING KNOWN AS THE POINT-OF-COMMENCEMENT, (P.O.C.); THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY OF WADE STREET SOUTH 89 DEGREES 15 MINUTES 09 SECONDS EAST (S89°15'09"E) FOR A DISTANCE OF 130.16 FEET TO A 3/4 INCH OPEN TOP PIPE FOUND, SAID 3/4 INCH OPEN TOP PIPE BEING KNOWN AS THE TRUE POINT-OF-BEGINNING (P.O.B.)

FROM THE POINT-OF-BEGINNING (P.O.B.) THUS ESTABLISHED, THENCE TURNING AND LEAVING THE NORTHERLY RIGHT-OF-WAY OF WADE STREET (40' R/W) AND CONTINUING ALONG THE COMMON LINE OF A SUBDIVISION ESTABLISHED FOR KNOX REALTY COMPANY (PLAT BOOK 4 PAGE 52) NORTH 00 DEGREES 07 MINUTES 15 SECONDS WEST (N00°07'15"W) FOR A DISTANCE OF 124.94 FEET TO A 1 INCH OPEN TOP PIPE FOUND; THENCE TURNING AND CONTINUING ALONG SUBDIVISION LINE SOUTH 62 DEGREES 00 MINUTES 04 SECONDS WEST (S62°00'04"W) FOR A DISTANCE OF 2.34 FEET TO A 1 INCH OPEN TOP PIPE FOUND; THENCE TURNING AND CONTINUING ALONG SUBDIVISION LINE NORTH 21 DEGREES 47 MINUTES 39 SECONDS WEST (N21°47'39"W) FOR A DISTANCE OF 378.14 FEET TO A POINT; THENCE TURNING AND CONTINUING NORTH 42 DEGREES 12 MINUTES 56 SECONDS WEST (N42°12'56"W) FOR A DISTANCE OF 244.11' TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY OF SEABOARD AVENUE (50' R/W); THENCE TURNING AND LEAVING THE SUBDIVISION ESTABLISHED FOR KNOX REALTY COMPANY AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY SEABOARD AVENUE (50' R/W) AND ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 961.76 FEET AND AN ARC LENGTH OF 61.56 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 67 DEGREES 11 MINUTES 44 SECONDS EAST (N67°11'44"E) FOR A CHORD DISTANCE OF 61.55 FEET, TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 961.76 FEET AND AN ARC LENGTH OF 62.99 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 70 DEGREES 54 MINUTES 20 SECONDS EAST (N70°54'20"E) FOR A CHORD DISTANCE OF 62.98 FEET, TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 1,113.13 FEET AND AN ARC LENGTH OF 75.13 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 75 DEGREES 52 MINUTES 10 SECONDS EAST (N75°52'10"E) FOR A CHORD DISTANCE OF 75.11 FEET, TO A #5 REBAR FOUND; THENCE CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 1,192.35 FEET AND AN ARC LENGTH OF 84.02 FEET,

SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 79 DEGREES 49 MINUTES 20 SECONDS EAST (N79°49'20"E) FOR A CHORD DISTANCE OF 84.00 FEET TO A POINT; THENCE CONTINUING NORTH 82 DEGREES 19 MINUTES 17 SECONDS EAST (N82°19'17"E) FOR A DISTANCE OF 20.00 FEET TO A POINT AT THE SOUTHWESTERLY RIGHT-OF-WAY OF BRANTLEY STREET (40' R/W); THENCE TURNING AND LEAVING THE SOUTHERLY RIGHT-OF-WAY OF SEABOARD AVENUE (50' R/W) AND CONTINUING ALONG THE SOUTHWESTERLY RIGHT-OF-WAY OF BRANTLEY STREET (40' R/W) SOUTH 35 DEGREES 01 MINUTES 25 SECONDS EAST (S35°01'25"E) FOR A DISTANCE OF 52.45 FEET TO A #4 REBAR FOUND; THENCE CONTINUING ALONG BRANTLEY STREET RIGHT-OF-WAY SOUTH 35 DEGREES 40 MINUTES 46 SECONDS EAST (S35°40'46"E) FOR A DISTANCE OF 309.72 FEET TO A POINT AT THE WESTERLY RIGHT-OF-WAY OF MORELAND AVENUE (R/W VARIES) ALSO KNOWN AS GEORGIA STATE ROUTE 42; THENCE TURNING AND LEAVING THE SOUTHWESTERLY RIGHT-OF-WAY OF BRANTLEY STREET AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF MORELAND AVENUE SOUTH 00 DEGREES 06 MINUTES 27 SECONDS EAST (S00°06'27"E) FOR A DISTANCE OF 129.46' TO A PK NAIL FOUND; THENCE CONTINUING ALONG MORELAND AVENUE RIGHT-OF-WAY SOUTH 00 DEGREES 25 MINUTES 45 SECONDS WEST (S00°25'45"W) FOR A DISTANCE OF 314.01 FEET TO A POINT AT THE NORTHERLY RIGHT-OF-WAY OF WADE STREET (40' R/W); THENCE TURNING AND LEAVING THE WESTERLY RIGHT-OF-WAY OF MORELAND AVENUE (R/W VARIES) AND CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY OF WADE STREET (40' R/W) NORTH 89 DEGREES 25 MINUTES 42 SECONDS WEST (N89°25'42"W) FOR A DISTANCE 193.50' TO A 3/4" OPEN TOP PIPE FOUND, SAID 3/4" OPEN TOP PIPE BEING THE TRUE POINT-OF-BEGINNING (P.O.B.)

2-13-53



RCS# 235
4/21/14
2:14 PM

Atlanta City Council

MULTIPLE

14-O-1039 AND 14-O-1042

ADOPT AS AMNDED

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

MULTIPLE