

14-0-1042

(Do Not Write Above This Line)

An Ordinance
By Zoning Committee Z-13-54

An Ordinance to rezone from the I-1/Beltline Overlay District (Light Industrial and Beltline Overlay) Districts to the MR-4/Beltline Overlay District (Multi Family Residential /Beltline Overlay) District for property located at 1390 Northside Drive, N.W., 638 Green Street, N.W., and 637 Hoke Street, N.W., (also known as the following Parcel Identification Numbers 17-01510002945, 17-01510002012, 17-01510002045, 17-01510002044, 17-01510002046 and 17-0151 L1052) fronting approximately 113 feet on the west side of Northside Drive at the northwest corner of Hoke Street. Depth: varies Area: approximately 1.28 acres. Land Lot 151, 17th District, Fulton County, Georgia.
OWNERS: ETPC, LLC
APPLICANT: WESTPLAN INVESTORS PARTNERS, LP
NPD AND E COUNCIL DISTRICT

As Amended

APR 21 2014

ADOPTED BY

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

COUNCIL

Date Referred

1/21/14

Referred To:

ZRB + Zoning

Date Referred

Referred To:

Date Referred

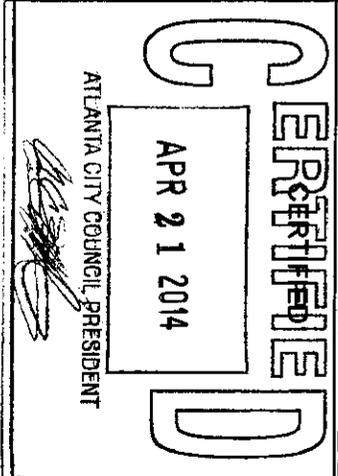
Referred To:

First Reading
Committee Green 1/14/14
Date 3/12/14
Chair Jordan
Referred To Jordan

Committee Date <u>3/12/14</u> Chair <u>Jordan</u> Action Fav. Adv. Hold (See rev. side) Other Members	Committee Date Chair Action Fav. Adv. Hold (See rev. side) Other Members
Refer To	Refer To

Committee Date <u>3/21/14</u> Chair <u>Jordan</u> Action Fav. Adv. Hold (See rev. side) Other Members <u>Carly Smith</u> <u>Greg Williams</u> <u>Deborah</u>	Committee Date Chair Action Fav. Adv. Hold (See rev. side) Other Members
Refer To	Refer To

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



CERTIFIED
APR 21 2014
Municipal Clerk

MAYOR'S ACTION

APPROVED

APR 30 2014

WITHOUT SIGNATURE
BY OPERATION OF LAW

3421

City Council
Atlanta, Georgia

14-O-1042

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-13-54
Date Filed: 12-3-13

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 **1390 Northside Drive, N.W., 638 Green Street, N.W., and 637 Hoke Street, N.W., (also known as the following Parcel Identification Numbers 17-01510002945, 17-01510002012, 17-01510002045, 17-01510002044, 17-01510002046 and 17-0151 LL052)** be changed from the I-1/BeltLine Overlay District (Light Industrial and BeltLine Overlay) Districts to the MR-4-C/BeltLine Overlay District (Multi Family Residential-Conditional /BeltLine Overlay) District, to wit:

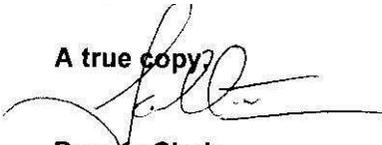
ALL THAT TRACT or parcel of land lying in Land Lot 151, 17th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

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 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.

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 Z-13-54

1. Applicant will request that the City direct impact fees from the development to the extension of sidewalks along the west side of Northside Drive from Holmes Street to Deering Road as described in the 2014-18 Capital Improvements Program / Short Term Work Program items #75 (pg. 242) and #43 (pg 328) and in the Comprehensive Development Plan via the adoption of the recommendations of the Northside Drive Corridor Study.
2. Within 90 days from and after the issuance of the special administrative permit for the redevelopment of the property, applicant shall demolish the existing single family home on the property
3. Within 30 days from and after the acquisition of the property, applicant shall remove the existing fence on the property around the area currently used for parking by 1400 Northside Drive (i.e., the fence located in the northeast portion of the subject property).
4. Concurrently with applicant's acquisition of the property, applicant shall not permit the adjacent tract, 1400 Northside Drive, to park on the property, subject to any existing rights that are not terminable.



Additional Conditions for Z-13-54

1. No curb cut shall be provided for the development on Green Street.
2. The developer will request a variation to delete the requirement for trees in the streetscape across from 635 Green Street. The developer will design the streetscape on Green Street to minimize interference with truck access to 635 Green Street.
3. No on street parking will be provided by the developer on Green Street.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 151, 17th District, Fulton County, Georgia as shown on that Boundary and Above Ground As-Built Survey prepared by Pearson & Associates, Inc., certified by William W. DeLoach, Georgia Registered Land Surveyor No. 1711, dated April 22, 2005, being more particularly described as follows:

PARCEL ONE

BEGIN at a concrete monument found at the southwestern end of the miter of the intersection between the western right-of-way of Northside Drive (right-of-way varies) and the northwestern right-of-way of Hoke Street (forty foot right-of-way); thence in a southwesterly direction along the northwestern right-of-way of said Hoke Street the following calls and distances:

2-18-54

South 78 degrees 43 minutes 04 seconds West a distance of 25.55 feet to a one-half inch rebar set;
South 78 degrees 43 minutes 04 seconds West a distance of 50.00 feet to a five-eighths inch rebar found;
South 78 degrees 30 minutes 50 seconds West a distance of 150.04 feet to a one-half inch rebar found;
South 78 degrees 26 minutes 12 seconds West a distance of 50.00 feet to a one-half inch rebar set; leaving said right-of-way,

thence North 12 degrees 44 minutes 58 seconds West along the boundary of property now or formerly known as 637 Hoke Street a distance of 124.29 feet to a fence corner; thence South 78 degrees 56 minutes 02 seconds West along the boundary of property now or formerly known as 637 Hoke Street a distance of 71.50 feet to a one-half inch rebar set; thence North 12 degrees 19 minutes 37 seconds West along the boundary of property now or formerly owned by Earleen Cain et al a distance of 125.29 feet to a one-half inch rebar set on the southeastern right-of-way of Green Street (forty foot right-of-way); thence in a northeasterly direction along the southeastern right-of-way of said Green Street the following calls and distances:

North 79 degrees 25 minutes 43 seconds East a distance of 71.50 feet to a one inch open top pipe found;
North 78 degrees 08 minutes 38 seconds East a distance of 49.87 feet to a one-half inch rebar found;
North 78 degrees 02 minutes 31 seconds East a distance of 148.78 feet to a one-half inch rebar found;
North 78 degrees 59 minutes 22 seconds East a distance of 50.18 feet to a one-half inch rebar set; leaving said right-of-way,

thence South 12 degrees 37 minutes 18 seconds East along the boundary of property now or formerly owned by Cummins B. Jones a distance of 113.91 feet to a one-half inch rebar set; thence North 79 degrees 39 minutes 43 seconds East along the boundary of property now or formerly owned by Cummins B. Jones a distance of 50.66 feet to a one-half inch rebar set; thence South 13 degrees 13 minutes 04 seconds East along the boundary of property now or formerly owned by Cummins B. Jones a distance of 10.55 feet to a one-half inch rebar set; thence North 78 degrees 47 minutes 31 seconds East along the boundary of property now or formerly owned by Cummins B. Jones a distance of 35.70 feet to a one-half inch rebar set on the western right-of-way of Northside Drive (right-of-way varies); thence South 04 degrees 01 minutes 12 seconds West along the western right-of-way of said Northside Drive a distance of 113.01 feet to a concrete monument found at the northeastern end of the miter of the intersection between the western right-of-way of said Northside Drive and the northwestern right-of-way of Hoke Street (forty foot right-of-way); thence South 48 degrees 36 minutes 39 seconds West along the miter of the intersection between the western right-of-way of said Northside Drive and the northwestern right-of-way of said Hoke Street a distance of 31.56 feet to a concrete monument found at the southwestern end of the said miter of the intersection between the western right-of-way



of said Northside Drive and the northwestern right-of-way of said Hoke Street, said point being the POINT OF BEGINNING; containing 0.86 acres (37,324 square feet) more or less.

TOGETHER WITH

PARCEL TWO

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a concrete monument found at the southwestern end of the miter of the intersection between the western right-of-way of Northside Drive (right-of-way varies) and the northwestern right-of-way of Hoke Street (forty foot right-of-way); thence in a southwesterly direction along the northwestern right-of-way of said Hoke Street the following calls and distances:

21354

South 78 degrees 43 minutes 04 seconds West a distance of 25.55 feet to a one-half inch rebar set;
South 78 degrees 43 minutes 04 seconds West a distance of 50.00 feet to a five-eighths inch rebar found;
South 78 degrees 30 minutes 50 seconds West a distance of 150.04 feet to a one-half inch rebar found;
South 78 degrees 26 minutes 12 seconds West a distance of 50.00 feet to a one-half inch rebar set;
South 78 degrees 26 minutes 12 seconds West a distance of 101.15 feet to a one-half inch rebar found, said point being the TRUE POINT OF BEGINNING;

FROM THE TRUE POINT OF BEGINNING, thence South 78 degrees 40 minutes 02 seconds West along the northwestern right-of-way of said Hoke Street a distance of 46.00 feet to a one-half inch rebar set; leaving said right-of-way, thence North 12 degrees 13 minutes 09 seconds West a distance of 125.35 feet to a one-half inch rebar set; thence North 78 degrees 56 minutes 02 seconds East along the boundary of property now or formerly owned by Cummins B. Jones a distance of 46.00 feet to a one-half inch rebar set; thence South 12 degrees 13 minutes 15 seconds East along the boundary of property now or formerly known as 637 Hoke Street a distance of 125.14 feet to a one-half inch rebar found on the northwestern right-of-way of Hoke Street (forty foot right-of-way), said point being the TRUE POINT OF BEGINNING; containing 0.13 acres (5,760 square feet) more or less.



EXHIBIT "A"
LEGAL DESCRIPTION
Parcel 3

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a concrete monument found at the southwestern end of the miter of the intersection between the western right-of-way of Northside Drive (right-of-way Varies) and the northwestern right-of-way of Hoke Street (forty foot right-of-way); thence in a southwesterly direction along the northwestern right-of-way of said Hoke Street the following calls and distances:

2-13-54

South 78 degrees 43 minutes 04 seconds West a distance of 25.55 feet to a one-half inch rebar set;

South 78 degrees 43 minutes 04 seconds West a distance of 50.00 feet to a five-eighths inch rebar found;

South 78 degrees 30 minutes 50 seconds West a distance of 150.04 feet to a one-half inch rebar found;

South 78 degrees 26 minutes 12 seconds West a distance of 50.00 feet to a one-half inch rebar set; said point being the TRUE POINT OF BEGINNING;

FROM THE TRUE POINT OF BEGINNING, South 78 degrees 26 minutes 12 seconds West along the northwestern right-of-way of said Hoke Street a distance of 101.15 feet to a one-half inch rebar found; leaving said right-of-way, thence North 12 degrees 13 minutes 15 seconds West a distance of 125.14 feet to a one-half inch rebar set; thence North 78 degrees 56 minutes 02 seconds East a distance of 101.50 feet to a fence corner; thence South 12 degrees 44 minutes 58 seconds East a distance of 124.29 feet to a one-half inch rebar set, said point being the TRUE POINT OF BEGINNING; containing 0.29 acres (12,542 square feet) more or less.

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

Atlanta City Council

MULTIPLE

14-0-1039 AND 14-0-1042

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