

**AN ORDINANCE BY ZONING COMMITTEE TO EXTEND THE DEVELOPMENT TIME TABLES FOR PROPERTY LOCATED AT 207, 211, 219, 223 AND 225 13TH STREET (RECEIVING PARCEL) IN CONNECTION WITH THE TRANSFER OF DEVELOPMENT RIGHTS AUTHORIZED PURSUANT TO SPECIAL USE PERMIT U-13-10; AND FOR OTHER PURPOSES.**

Application File Date	
Zoning Number	
NPU / CD	E-2
Staff Recommendation	Not required
NPU Recommendation	Not required
ZRB Recommendation	No public hearing required

**Workflow List:**

Office of Research and Policy Analysis	Completed	05/20/2014 11:41 AM
Zoning Committee	Completed	05/30/2014 4:12 PM
Atlanta City Council	Completed	06/05/2014 9:58 AM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

**HISTORY:**

05/28/14	Zoning Committee	
06/02/14	Atlanta City Council	REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [12 TO 0]</b>
<b>AYES:</b>	Bond, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd
<b>ABSENT:</b>	Mary Norwood
<b>AWAY:</b>	Andre Dickens, Carla Smith

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [12 TO 0]</b>
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

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WHEREAS, Ordinance 13-O-1038 (special use permit # U-13-10), authorized the severance of approximately 120,290 square feet of residential development rights from 979 Crescent Avenue also known as the Margaret Mitchell House (sending parcel) and the transfer of said rights to 207-225 13<sup>th</sup> Street (receiving parcel); and

WHEREAS, said Ordinance became effective on July 10, 2013 and the owners of the sending parcel and the receiving parcel closed the real estate transaction and recorded the necessary instruments set forth in City Code Sec. 16-28.023 governing the transfer of development rights (TDR) on December 13, 2013; and

WHEREAS, City Code Sec. 16-28.023(11) provides that if initial development at a property to which development rights have been transferred is not begun within 12 months, or a certificate of occupancy issued for all structures on the site plan within 24 months, after the issuance of the TDR special permit, the permit will automatically expire; and

WHEREAS, City Code Sec. 16-28.023(11) further provides that any extension of these time frames must be approved by the governing authority; and

WHEREAS, as more fully set forth in Exhibit “A” attached hereto, the owner of the receiving parcel, TPKG 13<sup>th</sup> Street Development, LLC has experienced certain delays in the commencement of construction and has requested an extension of the aforementioned timeframes such that the deadline to commence construction shall be July 1, 2015 and the deadline for issuance of the certificate of occupancy shall be July 1, 2016; and

WHEREAS, the City Council finds it in the public interest to grant an extension pursuant to City Code Sec. 16-28.023(11).

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

SECTION 1. Under the provisions of Section 16-28.023(11) of the Zoning Ordinance of the City of Atlanta, an extension of twelve months is granted such that in connection with Special Use Permit U-13-10 for a Transfer of Excess Development Rights to the receiving parcel at 207-225 13<sup>th</sup> Street, the deadline to commence construction shall be July 1, 2015 and the deadline for issuance of the certificate of occupancy shall be July 1, 2016. Said extension is granted to 13<sup>th</sup> Street Holdings, LLC, its successors, assigns and all subsequent owners.

SECTION 2. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.