



**CITY COUNCIL
ATLANTA, GEORGIA**

14-O-1425

U-14-17- AN AMENDED ORDINANCE BY ZONING COMMITTEE GRANTING A SPECIAL USE PERMIT FOR THE TRANSFER OF EXCESS DEVELOPMENT DENSITY FROM PROPERTY LOCATED AT 979 CRESCENT AVENUE, 90 PEACHTREE PLACE AND 990 PEACHTREE STREET (SENDING PARCELS) TO PROPERTY LOCATED AT 169, 171, 175, 179, 181, 185, 191 AND 195 11TH STREET AND 180 10TH STREET (RECEIVING PARCELS); AND FOR OTHER PURPOSES. OWNERS: PIEDMONT AND ELEVENTH, LLC/182 TENTH, LLC. APPLICANT: PIEDMONT REALTY PARTNERS, LLC. NPU E COUNCIL DISTRICT 2

Application File Date	July 11, 2014
Zoning Number	U-14-17
NPU / CD	E/2
Staff Recommendation	Approval Conditional
NPU Recommendation	Approval Conditional
ZRB Recommendation	Approval Conditional

Workflow List:

Office of Research and Policy Analysis	Completed	08/19/2014 12:35 PM
Zoning Committee	Completed	08/27/2014 9:30 AM
Atlanta City Council	Completed	09/02/2014 1:00 PM
Zoning Review Board Staff	Completed	10/02/2014 9:05 PM
Office of Research and Policy Analysis	Completed	10/06/2014 3:55 PM
Zoning Committee	Completed	10/15/2014 9:30 AM
Atlanta City Council	Completed	10/20/2014 1:00 PM
Mayor's Office	Completed	10/29/2014 12:00 AM

HISTORY:

08/27/14 Zoning Committee

09/02/14 Atlanta City Council REFERRED TO ZRB AND ZC

RESULT:	REFERRED TO ZRB AND ZC [14 TO 0]
AYES:	Bond, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd
AWAY:	Mary Norwood

10/15/14 Zoning Committee FAVORABLE/AMENDED

RESULT:	FAVORABLE/AMENDED [UNANIMOUS]
AYES:	Smith, Bottoms, Norwood, Shook, Young Jr.
ABSENT:	Yolanda Adrean, Kwanza Hall

10/20/2014 Atlanta City Council ADOPTED AS AMENDED



RESULT: **ADOPTED AS AMENDED [14 TO 0]**
AYES: Bond, Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms
AWAY: Joyce Sheperd

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">10/20/2014</p> <p style="text-align: center;">ATLANTA CITY COUNCIL PRESIDENT</p> 	<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">10/20/2014</p>  <p style="text-align: center;">Rhonda Dauphin Johnson, Municipal Clerk 10/20/2014</p>
<p>Mayor's Action</p> <p>APPROVED by of Mayor Kasim Reed - October 29, 2014</p> <p><i>See Authentication Page Attachment</i></p>	



U-14-17- AN AMENDED ORDINANCE BY ZONING COMMITTEE GRANTING A SPECIAL USE PERMIT FOR THE TRANSFER OF EXCESS DEVELOPMENT DENSITY FROM PROPERTY LOCATED AT 979 CRESCENT AVENUE, 90 PEACHTREE PLACE AND 990 PEACHTREE STREET (SENDING PARCELS) TO PROPERTY LOCATED AT 169, 171, 175, 179, 181, 185, 191 AND 195 11TH STREET AND 180 10TH STREET (RECEIVING PARCELS); AND FOR OTHER PURPOSES. OWNERS: PIEDMONT AND ELEVENTH, LLC/182 TENTH, LLC. APPLICANT: PIEDMONT REALTY PARTNERS, LLC. NPU E COUNCIL DISTRICT 2

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City Council
Atlanta, Georgia

U-14-17
AN AMENDED ORDINANCE
BY ZONING COMMITTEE

AN AMENDED ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE TRANSFER OF EXCESS DEVELOPMENT DENSITY FROM PROPERTY LOCATED AT 979 CRESCENT AVENUE, 90 PEACHTREE PLACE AND 990 PEACHTREE STREET (SENDING PARCELS) TO PROPERTY LOCATED AT 169, 171, 175, 179, 181, 185, 191 AND 195 11TH STREET AND 180 10TH STREET (RECEIVING PARCELS); AND FOR OTHER PURPOSES.

WHEREAS, the City Council finds that it is in the public interest to allow the owners of historic designated properties to transfer their development density to adjacent properties; and

WHEREAS, the Atlanta Historical Society, Inc. (Atlanta History Center), through its subsidiary AHA/MMH, LLC owns property at 979 Crescent Avenue, 90 Peachtree Place and 990 Peachtree Street, and



WHEREAS, the parcels and are historically designated properties; and

WHEREAS, the Atlanta Historical Society seeks to transfer 169,100 of residential development rights from the properties at 979 Crescent Avenue, 90 Peachtree Place and 990 Peachtree Street, to receiving properties located at 169 (aka 173) 11th Street, 175 11th Street, 179 11th Street, 181 11th Street, 191 11th Street, 195 11th Street (collectively the "Phase 1 Property") and 190 10th Street (the "Phase II Property") Street; and

WHEREAS, the "Phase 1 Property" will receive 107,800 square feet of transferred residential density and the "Phase II Property" will receive 61,300 square feet of transferred residential density. The "Phase 1 Property" and the "Phase II Property" will be developed in phases with a predominantly residential development with some limited commercial uses; and

WHEREAS, the sending property at 979 Crescent Avenue, will not be altered by the transfer of development rights and the historical designation of the properties will continue to assist in the protection of the Mitchell House and its Crescent Street views for the public; and

WHEREAS, the owners of the sending and receiving parcel will enter into an agreement within 30 days after the approval of the special permit to transfer excess development rights and shall provide the executed affidavit and all corresponding documents to the City of Atlanta Office of Planning-Director and the City of Atlanta Law Department to be recorded in the real property records in the Office of the Clerk of Superior Court, Fulton County, Georgia; and

WHEREAS, the applicant seeks an extension of the time periods for expiration of the special use permit provided in Section 16-28.023 (11). Specifically, on the Phase 1 Property, the applicant requests 12 months to begin initial development and 36 months to obtain a certificate of occupancy for all structures on the site plan on the Phase I property. On the Phase II property, the applicant requests 48 months to begin initial development and 96 months to obtain a certificate of occupancy for all structures on the site plan in the Phase II property; and

WHEREAS, the applicant requests that the special use permit automatically terminate if closing on the transfer of the development rights from the sending property to the Phase 1 property and the Phase II property has not occurred on or before March 31, 2015. In the event only a partial transfer of development rights occurs on or before March 31, 2015, the special use permit shall terminate only with respect to a portion of the 169,100 square feet that was not transferred by the sending property to the Phase I property or the Phase II property by the March 31, 2015 deadline

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 of the Zoning Ordinance of the City of Atlanta), a Special Use Permit for a Transfer of Excess Development Rights is hereby approved. Said use is granted to Piedmont Realty Partners, LLC and 182 Tenth, LLC. its successors, assigns and all subsequent owners. The sending and receiving parcels are more particularly described by the attached legal descriptions and/or surveys.

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, Office of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. 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 the Special Use Permit, including the executed agreements shall be recorded with the Clerk of Superior Court of Fulton County in accordance with the provisions of Section 16-28.023 (4).

SECTION 4. That the Special Use Permit shall be recorded by the Office of Planning on the official zoning map (referencing both the Donor (sending) and Recipient (receiving) parcels) in accordance with the provisions of Section 28.023 (4).

SECTION 5. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy
ADOPTED by the Atlanta City Council - October 20, 2014
APPROVED by of Mayor Kasim Reed - October 29, 2014


Rhonda Dauphin Johnson, Municipal Clerk 10/29/2014


Rhonda Dauphin Johnson, Municipal Clerk 10/29/2014