Municipal Clerk
Atlanta, Georgia

A SUBSTITUTE ORDINANCE Z-97-58
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE PROPERTY FROM THE I-2 (HEAVY INDUSTRIAL) DISTRICT TO THE C-4-C (CENTRAL AREA COMMERCIAL RESIDENTIAL-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT 1300 MECASLIN STREET , N.W. AND FOR OTHER PURPOSES.
APPLICANT: ATLANTIS 16TH, L.L.C.
OWNER: AUTHORITY LAND COMPANY, FOURTEENTH LAND CORP., ATLANTIC STEEL INDUSTRIES, INC.
NPU-E COUNCIL DISTRICT 7&8

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

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 1300 Mecaslin Street, N.W., be changed from the I-2 (Heavy Industrial) District to the C-4-C (Central Area Commercial Residential-Conditional) District to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 108, 148, and 149 of the 17th District, Fulton County, Georgia, being more particularly shown on the attached map.

SECTION 2. 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 following conditions:

1. The Use Diagram ("Diagram") attached hereto and titled "Proposed Atlantic Steel Redevelopment for Jacoby Development Incorporated, prepared by Thompson, Ventulett, Stainback and Associates, and stamped received by the Bureau of Planning April 3, 1998.
2. The plan drawing of proposed 16th and 17th Streets, stamped received by the Bureau of Planning April 3, 1998.
3. The drawing of a section through 16th Street, stamped received by the Bureau of Planning April 3, 1998.
4. The drawing of a section through 17th Street, stamped received by the Bureau of Planning April 3, 1998.
5. The attached written conditions, Nos. 1 - 27.

The conditions hereby approved do 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 maps referred to, now on file in the Office of Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

A true copy,

Rhonda Dauphin Johnson

Deputy Clerk, CMC

ADOPTED as amended April 06, 1998

APPROVED by the Mayor April 13, 1998

ATLANTIC STEEL
Z-97-58 CONDITIONS

1. The property will be rezoned to the C- 4 - C zoning classification with a maximum development limitation of 50 percent of the allowable residential FAR and 30 percent of the allowable non-residential FAR under such classification. These development limitations shall apply to the property as a whole and not to any component tract.

2. The property shall be developed in accordance with the Use Diagram ("Diagram") attached hereto and titled "Proposed Atlantic Steel Redevelopment for Jacoby Development Incorporated, prepared by Thompson, Ventulett, Stainback and Associates stamped received by the Bureau of Planning April 3, 1998, more particularly as follows:

   A. The Street system will be constructed as indicated on the Diagram. Bike lanes shall be included on 17th Street, State Street (including loop north of 17th Street), and Center Street.

   B. The Area south of 16th Street as shown on the Diagram and east of State Street will be developed in accordance with the standards of the R-5 zoning classification.

   C. The area south of 16th Street as shown on the Diagram and between State and Meeslin Streets will be developed in accordance with the standards of the RG-3 zoning classification with a maximum 35' height restriction on the State Street side and those units facing State Street.

   D. Areas north of 16th Street as indicated on the Diagram and specified as "Low Rise Residential" will be restricted to residential use except for a maximum of 10 percent accessory retail use and shall be contained in buildings not greater than four (4) stories in height.

   E. Not less than 90 percent of the developed square footage in the area designated as "Predominantly Residential" on the Diagram shall contain residential and accessory uses.

3. The development will be subject to restrictive covenants which will provide for maintenance of open space areas and architectural control, through an architectural review board, of all buildings. The developer will include a representative from Home Park neighborhood and a representative from Loring Heights neighborhood on the architectural review board.

4. The developer will work with the City and Home Park to limit cut-through traffic on residential streets perpendicular to and south of 16th Street by means of cul-de-sacs, speed humps, gates, control arms, and other traffic-calming devices. The developer will work with the City and Loring Heights neighborhood to limit cut-through traffic on Bishop Street.

5. There will be open space of not less than seven acres which will include a lake and landscaped area as indicated in the "Predominantly Residential" area of the Diagram.

6. Design standards with dimensions for streetscape, pedestrian circulation and bike paths will be indicated on the attached drawing from Thompson, Ventulett and Stainback (TVS), and pedestrian and bicycle elements will be installed concurrently with the street system. These standards are shown in the attached drawings dated February 2, 1998, stamped received by the Bureau of Planning April 3, 1998, and respectively include: (a) a plan drawing of proposed 16th and 17th Streets; (b) a section through 16th Street; and (c) a section through 17th Street.

7. The development will not utilize the existing at-grade crossing over the railroad at Mecaslin Street, and will not pursue any other crossing into Mecaslin Street north of the railroad, except to provide for a trail link, and will support closure of the crossing by the City. However, the crossing will be retained as a signalized bike/pedestrian crossing and the developer shall construct a 12 foot concrete multi-use trail connection to this crossing from the bike lanes on 17th Street and from the multi-use trail running parallel to the Southern railroad right-of-way.

8. The developer will incorporate public art as possible into the development.

9. The Bureau of Buildings shall not issue permits for any buildings or structures on the property, except for infrastructure improvements (defined as bridge/road access and water/sewage projects and remediation of existing utilities) until a contract is approved for construction of the 17th Street bridge over I-75/85. *

10. The developer will incorporate people movers and other alternative forms of public transportation into its plans, subject to the required approvals by federal, state, City of Atlanta, and MARTA, including plans for access to the Marta Arts Center station as well as provision for connection to the rail corridor to the west and will use its best efforts to see that such transportation is provided.

11. All buildings along the new 17th Street in the area of the property designated as "Mixed Use" on the Diagram will contain ground level retail facing the street.

12. Service and loading areas, will be placed underground or in otherwise inconspicuous areas.

13. All utilities will be underground.

14. The developer will use its best efforts to ensure that development is phased so that the proposed residential space is developed in advance of, or concurrent with, retail/ commercial space in such a manner that when 100 percent of the proposed retail/ commercial space has been built, 100 percent of the proposed residential space shall also have been built.

15. The primary pedestrian entrance to any building shall face toward the public sidewalk.

16. Along the new 17th Street in the area of the property designated as "Mixed Use" on the Diagram, no parking or driveways shall be permitted between any building and the sidewalk; provided, however, that hotels may have circular driveways in the front of a building for the purpose of providing for the arrival and departure of guests; and that a building surrounded on more than one side by public streets may have a circular drive on any one except 17th Street.

17. Along the new 17th Street in the area of the property designated as "Mixed Use" on the Diagram, the number of curb cuts shall be limited to one per building per street, provided, however, that properties fronting on 17th Street shall not be permitted to have curb cuts onto 17th Street, with the exception of parking garages and hotels with circular driveways, which may have a maximum of two curb cuts from any street frontage which serve a circular driveway.

18. Along the new 17th Street in the area of the property designated as "Mixed Use" on the Diagram, buildings shall be set back no more than 25 feet from the edge of the street curb, except to provide for public plazas, pedestrian space, or usable public green space.

19. The Bureau of Buildings shall not issue a building permit until such time as the Commissioner of the Department of Public Works has certified that for each prospective phase of development the sanitary sewer capacity is sufficient to carry the projected additional flow, and such building permit shall require the installation of non-bypass style grease traps for all proposed restaurants.

20. A final landscape plan, including a phasing plan, shall be approved by the Bureau of Planning. The Bureau of Buildings shall not issue temporary or permanent Certificates of Occupancy unless and until it has inspected the property and verified that the entire landscape plan has been fully implemented, in accordance with the applicant's phasing plan.

21. All proposed pedestrian and open space improvements, as required in condition 6 above, shall be fully implemented prior to temporary or permanent Certificates of Occupancy being issues, in accordance with the phasing plan to be approved by the Bureau of Planning.

22. The Department of Public Works shall not issue any clearing and grading permits for any building components of this project until such time as the Bureau of Buildings has issued a building permit which includes a stormwater drainage plan, approved by the Department of Public Works.

23. The Bureau of Buildings shall not issue a building permit until such time as the applicant has submitted a transportation management plan (TMP) for all non-residential components. The number of single occupancy vehicle trips proposed to be generated by this project exceeding 5.366 peak period a.m. trips will be mitigated by the development of a TMP. This plan will be developed through the implementation of an annual commute mode survey. Said survey will be submitted on an annual basis from the day of initial occupancy of each tenant employing more than 50 employees. The survey will be based on a continuous five-day work week for all employees arriving at the work site between 6:00 a.m. and 10:00 a.m., Monday through Friday. Based upon the survey information, the employer will develop a

TMP. The TMP will contain strategies and implementation programs for reducing the number of single occupant vehicle trips by 25 percent during a five year period from the first day of initial occupancy. Said TMP shall include, but not be limited to:

A. An estimate of the number of employees and visitors per hour estimated to use rail and bus transit throughout the day, and a bus and rail schedule showing the frequencies of stops near the property.

B. A description of how information regarding new or existing transit stops and building access to such stops will be displayed on the property in indoor or outdoor locations.

C. A program to promote and maintain employee participation in carpooling, van-pooling and use of mass transit, including a system for monitoring the number of, and travel patterns of, ride sharers.

D. Identification of nearby land uses that are projected to generate high volumes of pedestrian traffic and an illustration of the means of pedestrian access an assurance of continuity to these land uses from within the property.

E. An illustration of the means of ingress and egress for motorized vehicles.

F. A statement committing to support for, and participation in a Transportation Management Association (TMA) and the funding mechanism necessary to support its activities.

G. During the construction of the project, the developer will post and issue notices directing all construction traffic to avoid all residential streets surrounding the development.

24. The Bureau of Buildings shall not issue a building permit for any structures until such time as confirmation that the Phase II (environmental) Work-plan has been fully implemented and that the applicant has certified to the Commissioner of Planning Development and Neighborhood all other necessary site remediation has been fully executed. Said work-plan is a matter of public record according to August 25, 1997, letter from State of Georgia Environmental Protection Division.

25. The developer shall encourage residential developers to provide residential units for owner occupancy, particularly on the low-rise units both north and south of 16th Street and in at least one of the high-rise residential structures.

26. The developer(s) or member of the property owners association shall meet with the NPU on an annual basis, or at such time that a building permit is requested, to report on the status of the project.

27. It is the intent of the City Council to pursue adoption of a Special Public Interest District (SPI) for an area that includes, but is not limited to, the Atlantic Steel property that incorporates the conditions herein contained.