

CITY COUNCIL  
ATLANTA, GEORGIA

SUBSTITUTE  
AN ORDINANCE:  
BY: ZONING COMMITTEE

01-0-0588  
Z-01-25

AN ORDINANCE TO AMEND ORDINANCE Z-96-70, ADOPTED BY THE CITY COUNCIL ON AUGUST 4, 1997 AND APPROVED BY THE MAYOR ON AUGUST 5, 1997 APPROVING A REVISED SITE PLAN FOR PROPERTY LOCATED AT THE REAR OF 3500 PEACHTREE ROAD, NE FOR THE PURPOSE OF APPROVING A REVISED SITE PLAN.

OWNER: 100 PARK AVENUE PARTNERS, LP  
APPLICANT: LARRY M. DINGLE, ESQ.  
NPU-B: COUNCIL DISTRICT 7

WHEREAS, Ordinance 99-O-1581 (Z-96-70) was previously considered by the City Council and the request for approval of the revised site plan was adversed by Role Call vote on December 6, 1999; and

WHEREAS, pursuant to the attached order of the Superior Court of Fulton County, dated March 7, 2001, a copy of which is hereby attached as Exhibit A, remanding the case for consideration of modifications and/or conditions or development of another site plan that allows for a use consistent with the Court's order;

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

**SECTION 1:** That the previously approved site plan governing the development of the property at the Rear of 3500 Peachtree Road, NE more particularly described by the attached legal description identified as Exhibit B is hereby deleted in its entirety and revised site plan entitled "100 Park Avenue Zoning Site Plan" prepared by Burt Hill Kosar Rittleman Associates, dated August 16, 1999 and marked received by the Bureau of Planning on August 17, 1999, as presented in 99-O-1581 (Z-96-70) a copy of which is attached is hereby adopted in lieu thereof. The construction of the structure approved by the adoption of this site plan amendment shall be specifically conditioned on the attached document identified as "Neighbor's Proposed Conditions to Z-01-25, a site plan amendment for the Rear of 3500 Peachtree Road, NE" consisting of two (2) pages and marked received by the Zoning Committee July 10, 2001. Said conditions specifically include the two (2) attached landscaping plans entitled "Phipps Boulevard Frontage Plan" prepared by Hughes, Good, O'Leary and Ryan, dated July 10, 2001 and marked received by the Bureau of Planning July 10, 2001 and "View-A from Phipps Blvd. to Mall Service Road" prepared by Hughes, Good, O'Leary and Ryan, dated July 10, 2001 and marked received by the Bureau of Planning July 10, 2001. To the extent that these conditions conflict with the herein adopted site plan, the written conditions shall prevail."

**SECTION 2:** That all other previously approved conditions governing the development of the property shall remain in full force and effect. A copy of ordinance 97-O-0146 (Z-96-70/Z-94-19) and 99-O-1581 (Z-96-70) including said conditions is hereby attached for reference and identified as Exhibit C.