

O-08-Z-11
AN ORDINANCE
APPROVING A DOWNTOWN MULTIPLE DWELLING DEVELOPMENT FOR THE
PROPERTY LOCATED AT
315 WEST PONCE DE LEON AVENUE

WHEREAS, the Decatur City Commission has considered the proposed application, plans and other information submitted by the applicant, as well as comments by the applicant and interested residents at public hearings; and

WHEREAS, the Decatur City Commission finds that the information submitted with the application and presented at the public hearings establishes that the proposed development meets the standards established in Sections 10.14, 10.18, and 10.21; and

WHEREAS, the Decatur City Commission wishes to approve a downtown multiple dwelling for the property at 315 West Ponce de Leon Avenue; and

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, as follows:

A downtown multiple dwelling development at 315 West Ponce de Leon Avenue, identified on the attached map "A" as the "subject property," is approved subject to the condition that the property shall be developed according to plans substantially similar to those described by a letter from JLB Partners, dated November 14, 2008, attached as exhibit "B-1 through B-2," and further described by development plans, by Lord, Aeck, and Sargent, attached as exhibits C-1 through C-6. The property shall be developed with no more than 160 dwelling units. Such development shall be subject to the following additional conditions:

1. All future development on the site shall meet the parking requirements found in the zoning ordinance and any variance from these requirements must be approved by the City Commission,
2. The portion of Ponce de Leon Place after the northernmost curbcut is exempt from the Downtown Pedestrian Streetscape standards and shall use a streetscape more residential in design,
3. No residential or commercial signage shall be placed on Montgomery Street or on the portion of Ponce de Leon Place after the northernmost curbcut,
4. All utilities shall be placed underground on the development site and existing and new telephone poles shall not be placed on the north side of Montgomery Street,
5. The applicant will work with Georgia Power to determine the feasibility of placing existing utilities serving Montgomery Street residents on the 200 block underground,
6. Access to units on Montgomery Street will be controlled with card access and no visitor parking shall be provided on Montgomery Street,

7. A traffic control device will be installed at the exit from the site onto Ponce de Leon Place to restrict left turns subject to allowing emergency access,,
8. By March 2, 2009 the City Commission will receive a recommendation on how to develop a traffic calming plan for the Ponce de Leon Terrace neighborhood,,
9. The applicant shall provide for a left turn lane from West Ponce de Leon into the property, subject to approval from the Engineering Department,
10. The total building height of the units that are closest to Montgomery Street shall not exceed 35 feet as measured from the building's finished floor elevation.
11. On Montgomery Street, there shall be a 5 foot wide sidewalk adjacent to the curb and then a 14 foot wide landscape strip.
12. Overstory trees shall be planted on Montgomery Street,
13. The streetscape on Montgomery Street shall be residential in nature with no curbcuts and no fence,
14. Entryways and exterior doors shall be residential in design,
15. The three passkey doors on the Montgomery side are adequate. These 3 entrance ways/doors should be residential in scale and design,
16. The Downtown Development Authority, with input from the Montgomery Street representatives of the steering committee, should have final approval of the façade elevations,
17. No visitor/public access from Montgomery Street,
18. The two existing landscape buffers located at the property lines abutting the 335 property must be preserved and a plan adopted for protection during construction,
19. The exposed facades of the parking deck to be designed with proper and ample screening, including green screening and a louvered, reflective screen for the lighting fixtures, as well as incorporate façade materials used on the apartments,
20. Mechanicals on top of buildings or deck should be screened to lessen visual and noise intrusion,
21. The four West units will have facades that give the appearance of townhomes and should be detailed to appear residential in character, including a real entrance door with small porch lighting,
22. Exterior building materials should be real brick and true stucco with aluminum clad windows. Elevations should be submitted for approval by the Downtown Development Authority,
23. Only city street lighting shall be used on the perimeter of the property,
24. All internal lighting should be shielded and directed downward,
25. Pedestrian walkway for internal connectivity should be provided from the residential area to West Ponce de Leon,
26. A dog walk area shall be provided,
27. The applicant shall meet all bicycle parking requirements,
28. Mailboxes should be placed in at entry level to each floor of the development, subject to approval of the United States Postal Service,

29. A construction plan should be developed as part of the permitting process that includes:
- a) Truck ingress and egress
 - b) Office parking for the duration of construction
 - c) Construction worker parking,
30. Construction shall last no longer than 24 months from the time the permit is issued, subject to force majeure,
31. Construction work hours shall follow the existing city ordinance; and,
32. The developer shall be bound by the conditions approved by the Decatur Downtown Development Authority in its resolution of support dated November 14, 2008,
33. For 90 days following approval of this plan, no new site plan for the subject property shall be submitted for development,
34. Any new commercial building on this site shall have a maximum building height of 35 feet from existing grade and shall be subject to a hearing before the Planning Commission and approval of the City Commission

Approved this 15th day of December, 2008.

Attest: /s/ _____
Peggy Merriss
Acting City Clerk