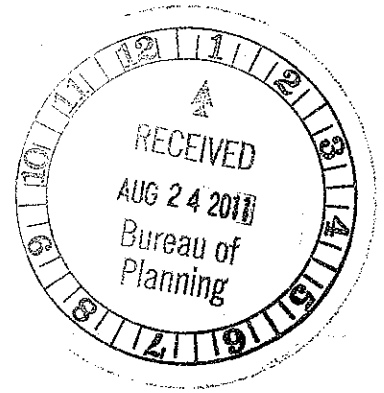




**Notice To Applicant**  
City of Atlanta - Bureau of Planning



APPLICATION NUMBER: V-11-123

City Council District: 2      Neighborhood Planning Unit (NPU): N

Address of Property: 699, 725 Ponce De Leon AVE NE

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, October 13, 2011 at 12:00 p.m.**

Council Chambers, 2nd Floor, City Hall  
55 Trinity Avenue, S.W.

The contact person for NPU N is:

**Jonathan Miller**  
**(404) 790-9398**  
**millernkelly2@mindspring.com**

Contact info for adjacent NPUs is provided below if necessary:

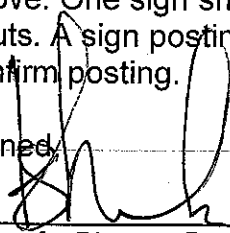
The contact person for NPU is:

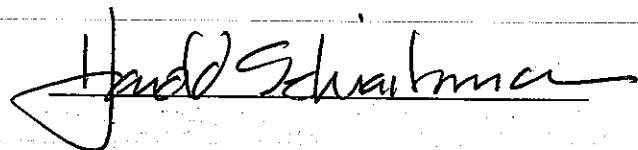
E: PENELOPE CHEROFF / 404-892-0229  
F: CHARLIE NALBONE / 404-~~8~~626-1354  
M: SCOTT WEST / SWEST@WESTARCHITECTURE.COM

Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

**Sign Posting** - The property owner is required to post a sign or signs in a conspicuous place on the property at least 15 days before the hearing date shown above. One sign shall be placed every 600 feet along each street the property abuts. A sign posting affidavit must be returned to the Bureau of Planning to confirm posting.

Signed:

  
\_\_\_\_\_  
for Director, Bureau of Planning

  
\_\_\_\_\_

FORD FACTORY

# APPLICATION FOR SPECIAL EXCEPTION

City of Atlanta

Date Filed \_\_\_\_\_ Application Number V-11-123

Name of Applicant AARON BOTTENHORN Daytime Phone 770-496-5302

Company Name KROGER CO. email AARON.BOTTENHORN@KROGER.COM

Address 2175 PARKLAKE DR. ATLANTA, GA 30145  
street city state zip code

Name of Property Owner FORD FACTORY Phone 905-965-1616

Address 1231 B STATE ST. SANTA BARBARA, CA 93101  
street city state zip code

### Description of Property

Address of Property 699 PONCE DE LEON AVE OR

The subject property fronts \_\_\_\_\_ feet on the \_\_\_\_\_ side of \_\_\_\_\_ beginning \_\_\_\_\_ feet from the \_\_\_\_\_ corner of \_\_\_\_\_.

Depth: 515 Area: 2.65 Land Lot: 17 District: 14, FULTON County, GA.

Property is zoned: C-1, Council District: \_\_\_\_\_, Neighborhood Planning Unit: N

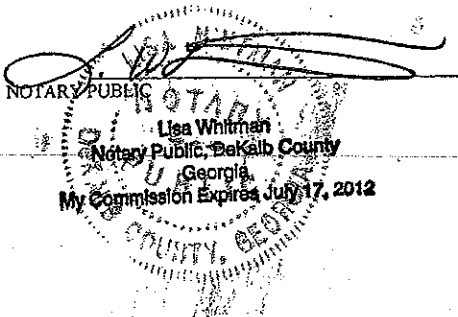


TO THE BOARD OF ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Special Exception.

I hereby authorize the staff of the Office of Planning to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Planning upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Sworn To And Subscribed Before Me This 22 Day Of Aug., 2011.

Aaron Bottenhorn  
Owner or Agent for Owner (Applicant)  
Aaron Bottenhorn  
NAME OF APPLICANT IN PRINTED LETTERS



KROGER

APPLICATION FOR VARIANCE  
City of Atlanta

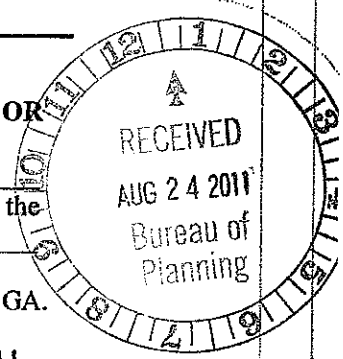
Date Filed \_\_\_\_\_ Application Number V-11-123  
Name of Applicant AARON BOTTENHORN Daytime Phone 770-496-5302  
Company Name KROGER CO. e-mail AARON.BOTTENHORN  
Address 2175 PARKLAKE DR. ATLANTA, GA 30145  
street city state zip code

Name of Property Owner KROGER CO. Phone 770-496-5302  
Address 2175 PARKLAKE DR. ATLANTA, GA 30145  
street city state zip code

Description of Property

Address of Property 725 PONCE DE LEON AVE OR  
the subject property fronts \_\_\_\_\_ feet on the \_\_\_\_\_ side of \_\_\_\_\_  
\_\_\_\_\_, and begins \_\_\_\_\_ feet from the \_\_\_\_\_  
\_\_\_\_\_ corner of \_\_\_\_\_

Depth: 822 Area: 4.55 Land Lot: 17 District: 14, FULTON County, GA.  
AC  
Property is zoned: C-1, Council District: \_\_\_\_\_, Neighborhood Planning Unit: N



TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant variance(s).

I hereby authorize the staff of the Office of Planning to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Planning upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Sworn To And Subscribed Before Me This 22 Day Of Aug, 2011.

Aaron Bottenhorn  
Owner or Agent for Owner (Applicant)  
Aaron Bottenhorn  
APPLICANT'S NAME IN PRINTED LETTERS

Lisa Whigman  
NOTARY PUBLIC  
Lisa Whigman  
Notary Public, DeKalb County  
Georgia  
My Commission Expires July 17, 2012

KROGER

APPLICATION FOR SPECIAL EXCEPTION  
City of Atlanta

Date Filed \_\_\_\_\_ Application Number V-11-123  
Name of Applicant AARON BOTTENHORN Daytime Phone 770-490-5302  
Company Name KROGER CO. email AARON.BOTTENHORN  
@ KROGER.COM  
Address 2175 PARKLAKE DR ATLANTA, GA 30145  
street city state zip code

Name of Property Owner KROGER CO. Phone 770-494-5302  
Address 2175 PARKLAKE DR ATLANTA, GA 30145  
street city state zip code

Description of Property

Address of Property 725 PONCE DE LEON AVE OR  
The subject property fronts \_\_\_\_\_ feet on the \_\_\_\_\_ side of  
\_\_\_\_\_ beginning \_\_\_\_\_ feet from the  
\_\_\_\_\_ corner of \_\_\_\_\_  
Depth 82' Area: 4.53 AC Land Lot: 17 District: 14, FULTON County, GA.  
Property is zoned: C-1, Council District: \_\_\_\_\_, Neighborhood Planning Unit: N

TO THE BOARD OF ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Special Exception.

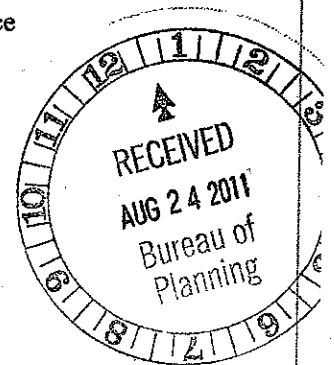
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Sworn To And Subscribed Before Me This 22 Day Of Aug, 2011.

Aaron Bottenhorn  
Owner or Agent for Owner (Applicant)  
Aaron Bottenhorn  
NAME OF APPLICANT IN PRINTED LETTERS

NOTARY PUBLIC

Lisa Whitman  
Notary Public, DeKalb County  
Georgia  
My Commission Expires July 17, 2012





# CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3900 - ATLANTA, GEORGIA 30335  
404-330-6175 - FAX: 404-658-6979  
Internet Home Page: www.atlantaga.gov

KASIM REED  
MAYOR

James E. Shelby  
Commissioner  
Dept. of Planning &  
Community Development

Don Rosenthal  
Director  
Office of Buildings

## REFERRAL CERTIFICATE

COUNCIL DISTRICT 2 APPLICATION NUMBER V-11-123  
NPU N DATE FILED \_\_\_\_\_



1. Aaron Bottenhorn  
Name of Applicant

### BUILDING PERMIT AUTHORIZING Addition to an existing retail store

at 725 Ponce De Leon Ave., (pending re-plat approval from Planning) N.E. 14<sup>th</sup> / 17  
Street Address Quadrant District & Land Lot

to be used for Commercial purposes

The property is zoned C-1 / Beltline District

#### 2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a variance from zoning regulations to reduce the transitional east side yard setback from 20ft.(required) to 7ft. to allow for an addition to a retail store. Applicant also seeks a special from zoning regulations to reduce the off-street parking requirement from 265 parking spaces (required) to 239 spaces, to allow for an addition to an existing retail store.  
Applicant seeks no other variances or special exceptions at this time.

#### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 11 Section 16-11.006 Paragraph (3) (a)  
Chapter 11 Section 16-11.008 Paragraph (10)  
Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Department of Planning and Development  
Office of Buildings  
Don Rosenthal, Director  
Ann Heard, Chief Zoning Division

Applicant: Handel Schaitman Zoning Plan Reviewer: Augusta  
(FOR APPLICANT) 8/23/11



# CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3900 - ATLANTA, GEORGIA 30335  
404-330-6175 - FAX: 404-658-6979  
Internet Home Page: www.atlantaga.gov

KASIM REED  
MAYOR

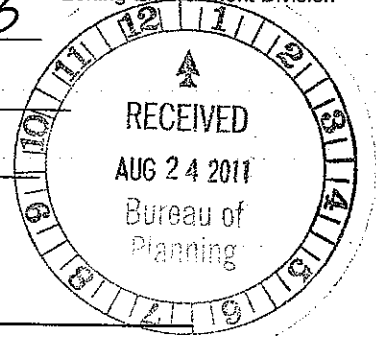
James E. Shelby  
Commissioner  
Dept. of Planning &  
Community Development

Don Rosenthal  
Director  
Office of Buildings

## REFERRAL CERTIFICATE

COUNCIL DISTRICT 2 APPLICATION NUMBER V-11-123  
NPU N DATE FILED \_\_\_\_\_

Zoning Enforcement Division



1. Aaron Bottenhorn  
Name of Applicant

### BUILDING PERMIT AUTHORIZING Install new business identification sign

at 725 Ponce De Leon Ave., (pending re-plat approval from Planning) N.E. 14<sup>th</sup> / 17  
Street Address Quadrant District & Land Lot

to be used for \_\_\_\_\_ Commercial \_\_\_\_\_ purposes

The property is zoned C-1 / Beltline District

#### 2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a variance from zoning regulations to increase the maximum height of a business identification sign from 30ft.(required) to 53ft. of an existing retail store.

Applicant seeks no other variances at this time.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 28A Section 16-28A.007 Paragraph (m)

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Department of Planning and Development  
Office of Buildings  
Don Rosenthal, Director  
Ann Heard, Chief Zoning Division

Applicant: David Schwabman Zoning Plan Reviewer: [Signature]  
(FOR APPLICANT) 8/23/11



# CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3900 - ATLANTA, GEORGIA 30335  
404-330-6175 - FAX: 404-658-6979  
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KASIM REED  
MAYOR

James E. Shelby  
Commissioner  
Dept. of Planning &  
Community Development

Don Rosenthal  
Director  
Office of Buildings

## REFERRAL CERTIFICATE

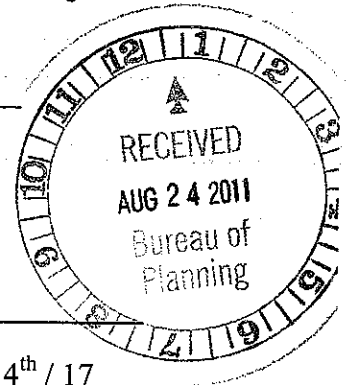
COUNCIL DISTRICT 2 APPLICATION NUMBER V-11-123 Zoning Enforcement Division  
NPU N DATE FILED \_\_\_\_\_

I. Aaron Bottenhorn

Name of Applicant

## BUILDING PERMIT AUTHORIZING

Addition to an existing retail store



TONCE DE LEON  
at 699 North Ave. (pending re-plat approval from Planning) N.E. 14<sup>th</sup> / 17  
Street Address Quadrant District & Land Lot

to be used for \_\_\_\_\_ Commercial \_\_\_\_\_ purposes

The property is zoned C-1 / Beltline District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a special from zoning regulations to reduce the minimum off-street parking requirement from 254 parking spaces (required) to 129 parking spaces, to allow for an alteration to an existing mixed-use parking lot. Applicant seeks no other special exceptions at this time.

## 1982 ZONING ORDINANCE, AS AMENDED

Chapter 11 Section 16-11.008 Paragraph (4) & (10)

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Department of Planning and Development  
Office of Buildings  
Don Rosenthal, Director  
Ann Heard, Chief Zoning Division

Applicant: Hand Schwabman Zoning Plan Reviewer: [Signature]

(FOR APPLICANT)

8/23/11

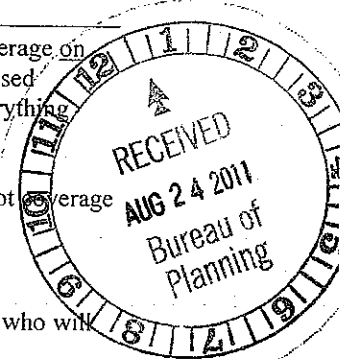
**Summary of proposed construction changes to buildings or site.** (Examples:

"Convert a 100' x 200' retail space into a restaurant." "Install a 6-foot high opaque wooden wall ('privacy fence' with 6-foot high opaque wall gates.)"

V-11-123

**Proposed Lot Coverage (After Construction)** Calculate total amount of lot coverage on entire property, after proposed construction would be finished, including existing and proposed buildings and other structures; sidewalks, driveways, parking pads, patios, gravel, etc.; everything except natural planted or undisturbed areas.

\_\_\_\_\_ covered square feet / \_\_\_\_\_ total lot square feet = \_\_\_\_\_ % proposed lot coverage  
\_\_\_\_\_ % maximum allowed lot coverage



**(For Parking Special Exceptions Only)** List the maximum number of employees who will park on the site at any given time: \_\_\_\_\_ AND

List the maximum estimated number of customers, clients, visitors, or similar persons who will require automobile parking in connection with the facility on the site at any given time: \_\_\_\_\_

If you propose to provide off-site parking, see the attached Standards for Off-site Parking Agreements (p. 8). **REQUEST PARKING REDUCTION FROM 254 SPACES REQUIRED TO 129 SPACES PROPOSED.**

**Special Exception Procedures REFER TO JUSTIFICATION DOCUMENT.**

Special exception applications are heard and decided at a regularly-scheduled public hearing by the five-member City of Atlanta Board of Zoning Adjustment ("BZA"). The Office of Planning serves as staff to the BZA. Approximately one week after each closing date, a planner is assigned to review your application. All inquiries regarding your application should be directed to this office at (404) 330-6145. The rules of the BZA prevent BZA members from discussing the merits of any case except during the public hearing for that case.

**Schedule.** There are two closing dates and two public hearings per month. The schedule allows time for neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The schedule of closing and public hearing dates is attached.

**Neighborhood and NPU Recommendations.** The City is divided into 24 Neighborhood Planning Units (NPU), each of which has a volunteer citizen advisory committee that makes a recommendation to the BZA on special exceptions. When you file your application, you will be notified of the NPU contact person and that you must schedule a meeting with that NPU in order to explain what you wish to do. You may be requested to attend additional neighborhood meetings; inquire about the time and place of those meetings. The applicant is expected to contact the NPU as soon as possible after the application is filed. The Office of Planning will send a copy of your application to the appropriate NPU during the week after the closing date for your application.

**Public Notice.** When you file your application, it will be scheduled for a public hearing. The Office of Planning will initiate posting of public notice ("an advertisement", "a legal ad") for this public hearing so that the public is informed at least 15 days before the date of the public hearing:

- by sending written notice of your application to all property owners whose property is within 300 feet of the subject property, and
- by causing public notice to be placed in the newspaper.

*You are responsible for obtaining a public notice sign when you file your application with the Office of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. Failure to properly post the sign will make it necessary for the BZA to defer your case to another public hearing. The BZA may defer the case to a hearing that has been scheduled 30 or more days after the original hearing.*

V-11-123

Summary of proposed changes to buildings or site (example: "Construct a 10-foot by 10-foot, one-story room addition on the first floor of the house.") Include square footages and stories: ADD 22' DEEP ADDITION TO TWO SECTIONS AT BUILDING FRONT FOR A TOTAL OF 2,926SF; ADD 33'X60' FREEZER SPACE (1980SF) AT REAR OF BUILDING; ALLOW FOR NEW SPINAGE AT BUDFI. FRONT TO BE 53 FT (@TOP) ABOVE GRADE

Proposed Lot Coverage (After Construction): Calculate total square footage of all lot coverage on the entire property after construction would be finished, including existing and proposed buildings and other structures, sidewalks, driveways, parking pads, patios, gravel, etc; everything except natural planted or undisturbed areas.

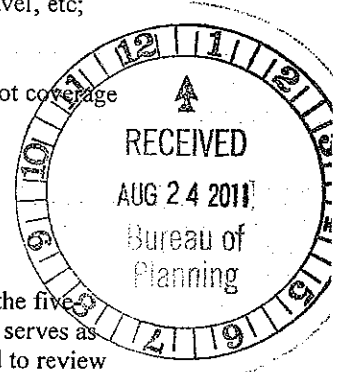
171,381 covered square feet / 198,980 total lot square feet = 90.5% proposed lot coverage

\_\_\_\_\_ % maximum allowed lot coverage

**REFER TO JUSTIFICATION DOCUMENT.**

Variance Procedures

Variance applications are heard and decided at a regularly-scheduled public hearing by the five member City of Atlanta Board of Zoning Adjustment ("BZA"). The Office of Planning serves as staff to the BZA. Approximately one week after each closing date, a planner is assigned to review your application. All inquires regarding your application should be directed to this office at (404) 330-6145. The rules of the BZA prevent BZA members from discussing the merits of any case except during the public hearing for that case.



**Schedule.** There are two closing dates and two public hearings per month. The schedule allows time for neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The schedule of closing and public hearing dates is attached (Page 9).

**Neighborhood and NPU Recommendations.** The City is divided into 24 Neighborhood Planning Units (NPU), each of which has a volunteer citizen advisory committee that makes a recommendation to the BZA on variances. When you file your application, you will be notified of the NPU contact person and that you must schedule a meeting with that NPU in order to explain what you wish to do. You may be requested to attend additional neighborhood meetings; inquire about the time and place of those meetings. The applicant is expected to contact the NPU as soon as possible after the application is filed. The Office of Planning will send a copy of your application to the appropriate NPU during the week after the closing date for your application.

**Public Notice.** When you file your application, it will be scheduled for a public hearing. The Office of Planning will initiate posting of public notice ("an advertisement", "a legal ad") for this public hearing so that the public is informed at least 15 days before the date of the public hearing:

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**Refunds on Withdrawn Cases.** Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

**Staff Recommendation.** Office of Planning staff reviews and makes written recommendations to the BZA on each variance application. You may contact your assigned planner at (404) 330-6145 on the day of the public hearing if you wish to know staff's recommendation.

**Summary of proposed construction changes to buildings or site.** (Examples:

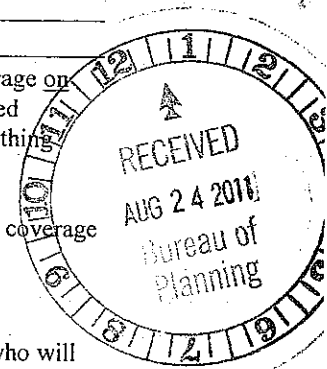
V-11-123

"Convert a 100' x 200' retail space into a restaurant." "Install a 6-foot high opaque wooden wall ('privacy fence' with 6-foot high opaque wall gates.)"

**Proposed Lot Coverage (After Construction)** Calculate total amount of lot coverage on entire property, after proposed construction would be finished, including existing and proposed buildings and other structures; sidewalks, driveways, parking pads, patios, gravel, etc.; everything except natural planted or undisturbed areas.

\_\_\_\_\_ covered square feet / \_\_\_\_\_ total lot square feet = \_\_\_\_\_ % proposed lot coverage

\_\_\_\_\_ % maximum allowed lot coverage



**(For Parking Special Exceptions Only)** List the maximum number of employees who will park on the site at any given time: \_\_\_\_\_ AND

List the maximum estimated number of customers, clients, visitors, or similar persons who will require automobile parking in connection with the facility on the site at any given time: \_\_\_\_\_

If you propose to provide off-site parking, see the attached Standards for Off-site Parking Agreements (p. 8). **REQUEST PARKING REDUCTION FROM 265 SPACES REQUIRED TO 239 SPACES PROPOSED. Special Exception Procedures REFER TO JUSTIFICATION DOCUMENT.**

Special exception applications are heard and decided at a regularly-scheduled public hearing by the five-member City of Atlanta Board of Zoning Adjustment ("BZA"). The Office of Planning serves as staff to the BZA. Approximately one week after each closing date, a planner is assigned to review your application. All inquiries regarding your application should be directed to this office at (404) 330-6145. The rules of the BZA prevent BZA members from discussing the merits of any case except during the public hearing for that case.

**Schedule.** There are two closing dates and two public hearings per month. The schedule allows time for neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The schedule of closing and public hearing dates is attached.

**Neighborhood and NPU Recommendations.** The City is divided into 24 Neighborhood Planning Units (NPU), each of which has a volunteer citizen advisory committee that makes a recommendation to the BZA on special exceptions. When you file your application, you will be notified of the NPU contact person and that you must schedule a meeting with that NPU in order to explain what you wish to do. You may be requested to attend additional neighborhood meetings; inquire about the time and place of those meetings. The applicant is expected to contact the NPU as soon as possible after the application is filed. The Office of Planning will send a copy of your application to the appropriate NPU during the week after the closing date for your application.

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V-11-123

**NOTARIZED AUTHORIZATION BY PROPERTY OWNER**

(Required only if applicant is not the owner of the property subject to the application.)

TYPE OF APPLICATION Special Exception (Parking)  
I, Ford Factory Square L.P. (OWNER'S NAME)

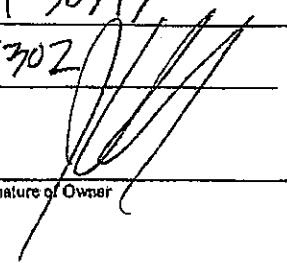
SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT \_\_\_\_\_  
699 Ponce de Leon Ave, Atlanta Ga. (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA WHICH  
IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE  
THE PERSON NAMED BELOW TO ACT AS THE APPLICANT IN THE  
PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT Aaron Bottenhorn (The Kroger Co.)

ADDRESS OF APPLICANT 2175 Parklake Dr.  
Atlanta, GA 30345

TELEPHONE NUMBER 770-496-9302

  
Signature of Owner



Personally Appeared Before Me \_\_\_\_\_

Who Swears That The Information Contained In This Authorization Is True and Correct To The Best of His or Her Knowledge and Belief. \_\_\_\_\_

Notary Public \_\_\_\_\_

Date \_\_\_\_\_

See Attached California All-Purpose Certificate.  
P. J. J.

LAND PLANNING  
ENGINEERING & ARCHITECTURE  
1500 BROADWAY  
SUITE 1000  
SAN FRANCISCO, CALIFORNIA 94103  
TELEPHONE: 415.774.3700  
FAX: 415.774.3701

**PAULSON MITCHELL**  
INCORPORATED



PROJECT:  
STORE CA-295  
725 PONDIC DE LOON AVE.  
LAND LOT 17  
DISTRICT 14  
CITY OF SAN FRANCISCO  
SAN FRANCISCO, CALIFORNIA  
FUSION COUNTY, CA  
EIR:

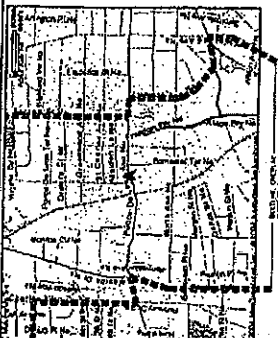
**THE KROGER COMPANY**

2175 PARKSIDE AVE.  
ALAMOGON, CA 94545  
(925) 498-7400

DATE: 08/15/2011  
BY: [Signature]

DATE	DESCRIPTION
08/15/2011	PRELIMINARY SITE PLAN

200925911.dwg 08/15/2011  
PRELIMINARY  
SITE  
PLAN  
SHEET **PS.11**



VICINITY MAP  
NOT TO SCALE

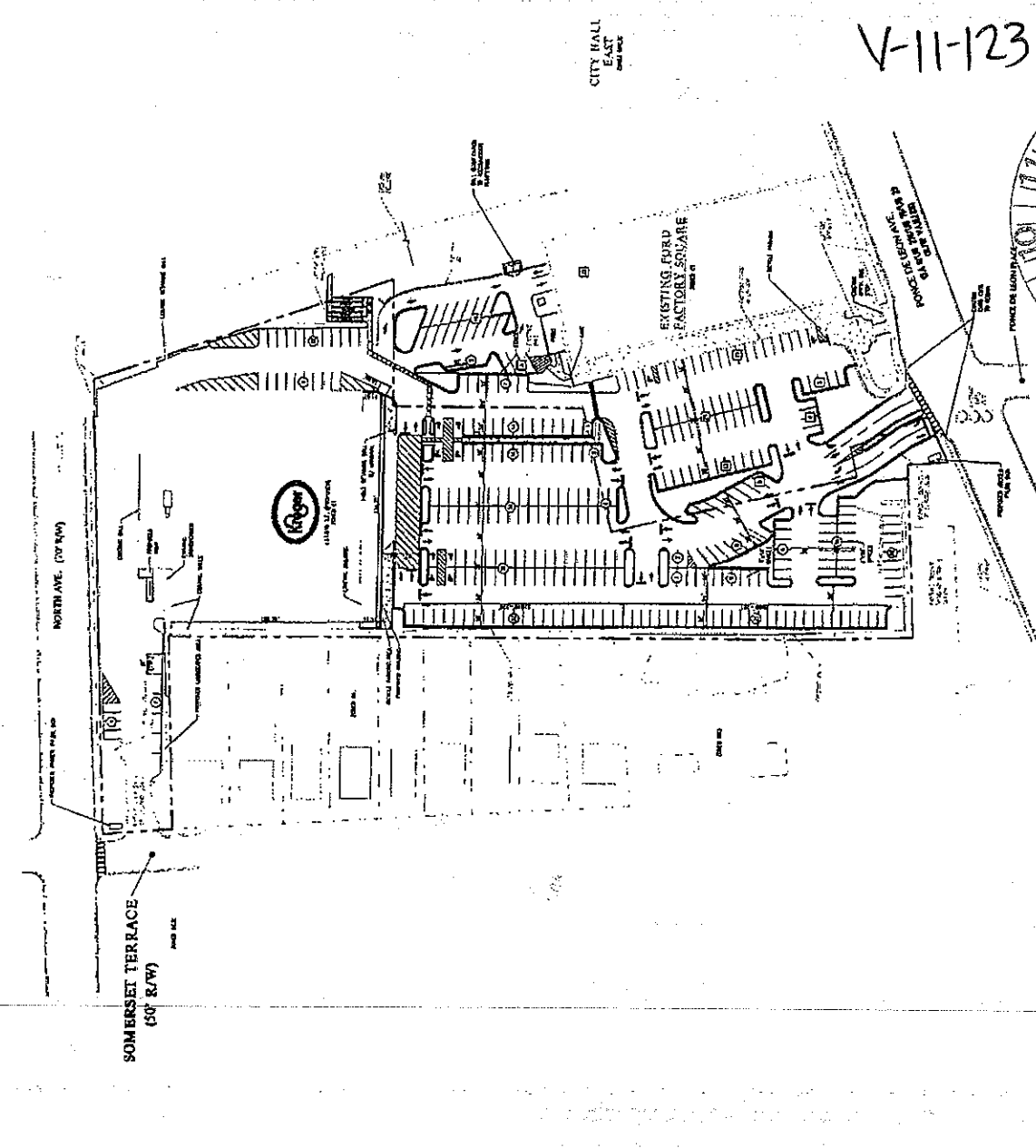
**VARIANCE**  
WHEREAS THE CITY HAS A RECORD OF THE VARIANCE AND  
WHEREAS THE CITY HAS A RECORD OF THE VARIANCE AND  
WHEREAS THE CITY HAS A RECORD OF THE VARIANCE AND

**SPECIAL EXCEPTION**  
WHEREAS THE CITY HAS A RECORD OF THE VARIANCE AND  
WHEREAS THE CITY HAS A RECORD OF THE VARIANCE AND

ITEM	DESCRIPTION	AREA (SQ. FT.)
1	PROPERTY LOCATED IN THE BELLEVUE CORNER OF BAYVIEW & CLAY	31,000 SQ. FT.
2	EXISTING FACTORY BUILDING (EXISTING/RETIRED)	27,000 SQ. FT.
3	TOTAL RETAIL SALES AREA	27,000 SQ. FT.
4	TOTAL FACTORY SALES AREA	107,000 SQ. FT.
5	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
6	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
7	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
8	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
9	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
10	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
11	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
12	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
13	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
14	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
15	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
16	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
17	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
18	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
19	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
20	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
21	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
22	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
23	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
24	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
25	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
26	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
27	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
28	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
29	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.
30	TOTAL FACTORY SALES (EXISTING/RETIRED)	107,000 SQ. FT.

**PRELIMINARY SITE PLAN**

SCALE: 1" = 50'



V-11-123





6.23

EXHIBIT "A"

## LEGAL DESCRIPTION

V-11-123

PARCEL A (KROGER SITE)

ALL THAT TRACT or parcel of land lying and being in land Lot 17 of the 14th District of Fulton County, Georgia, and being more particularly described, measured and bounded as follows:

BEGINNING at an iron pin at the intersection of the westerly edge of the right-of-way of Somerset Terrace (a 50 foot wide right-of-way) and the northerly edge of the right-of-way of North Avenue (a 70 foot wide right-of-way) and from thence run North  $83^{\circ} 20'$  West along the northerly edge of the right-of-way of North Avenue a distance of 456.7 feet to a point on the easterly edge of the right-of-way of the Southern Railway; thence northerly along the easterly edge of said railroad right-of-way and following the curvature thereof along the arc of a curve to the right (said arc being subtended by a chord bearing North  $9^{\circ} 57'$  West with a chord length of 311.0 feet) a distance of 311.5 feet to a point; thence leaving said railway right-of-way run South  $82^{\circ} 15'$  East a distance of 127 feet to a point; thence North  $09^{\circ} 10'$  East a distance of 190 feet to a point; thence North  $84^{\circ} 52'$  East a distance of 127 feet to a point; thence North  $04^{\circ} 09'$  West a distance of 250 feet to a point; thence South  $86^{\circ} 27'$  West a distance of 30 feet to a point; thence North  $14^{\circ} 02'$  West a distance of 81.4 feet to a point on the southerly edge of the right-of-way of Ponce de Leon Avenue; thence North  $74^{\circ} 32'$  East a distance of 31.8 feet along the southerly edge of said right-of-way to an iron pin; thence North  $72^{\circ} 22'$  East a distance of 18.2 feet to a point in the center of the right-of-way of Ford Place (contemplated to be closed); thence South  $5^{\circ} 25'$  West a distance of 40 feet along the centerline of the right-of-way of Ford Place to a point; thence South  $84^{\circ} 0'$  East a distance of 174.5 feet to a point; thence South  $7^{\circ} 19'$  West a distance of 101 feet to a point; thence South  $8^{\circ} 57'$  West a distance of 638.1 feet to an iron pin; thence South  $83^{\circ} 20'$  East a distance of 193.9 feet to an iron pin on the westerly edge of the right-of-way of Somerset Terrace; thence South  $4^{\circ} 49'$  West a distance of 70.1 feet to the POINT OF BEGINNING. Said property as shown and described as Parcel A on a Plat of Property for The Kroger Co. and Ford Factory Square by Noel W. Cook, Land Surveyor, Dated November 20, 1982, last revised April 6, 1984 (the "Survey").

LESS AND EXCEPT all property (collectively the "Excepted Property") located within: (a) the right-of-way of Ford Place (a dedicated street located in the City of Atlanta, Fulton County, Georgia); and (b) that certain eleven foot (11') alley perpendicular to and contiguous with the easterly right-of-way line of Ford Place and bounded on the north by property currently owned and/or occupied by Green's Liquor Store, each of which is more particularly described on the Survey.

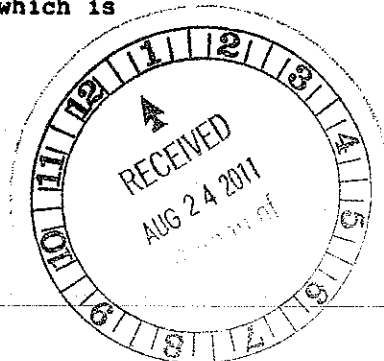


EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 17 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

To find the POINT OF BEGINNING, commence at the point of the intersection of the westerly right-of-way line of Somerset Terrace (a 50 foot right-of-way) with the northerly right-of-way line of North Avenue (a 70 foot right-of-way) and thence travel north 83°20' west along the northerly right-of-way line of North Avenue a distance of 456.7 feet to the point located at the intersection of the northerly right-of-way line of North Avenue with the easterly boundary line of property now or formerly owned by Southern Railroad; thence travel in a northwesterly direction along the easterly line of property now or formerly owned by Southern Railroad, along the arc of the curve to the right an arc distance of 311.5 feet to an iron pin (said arc being subtended by a chord bearing north 09°57' west, having a radius of 311.0 feet), said point being the POINT OF BEGINNING.

From the POINT OF BEGINNING, as thus established, travel along the easterly boundary line of property now or formerly owned by Southern Railroad, north 04°33'00" west a distance of 449.50 feet to an iron pin located at the intersection of the easterly boundary line of property now or formerly owned by Southern Railroad with the southeasterly right-of-way line of Ponce de Leon Avenue (a variable right-of-way); thence travel along said right-of-way north 77°14'00" east a distance of 142.00 feet to a point; thence continuing along said right-of-way travel north 76°33'00" east a distance of 59.20 feet to a point; thence continuing along said right-of-way travel north 74°32'00" east a distance of 56.00 feet to an iron pin; thence leaving said right-of-way travel south 14°02'00" east a distance of 81.40 feet to an iron pin; thence travel north 86°27'00" east a distance of 30.00 feet to an iron pin; thence travel south 04°09'00" east a distance of 250.00 feet to an iron pin; thence travel south 84°56'47" west a distance of 127.00 feet to an iron pin; thence travel south 09°01'32" west a distance of 190.00 feet to an iron pin; thence travel north 82°15'00" west a distance of 127.00 feet; to an iron pin located on the easterly boundary line of property now or formerly owned by Southern Railroad, said iron pin being located at the POINT OF BEGINNING.

All as shown on ALTA/ACSM Land Title Survey for D.E.L. Development Corporation and Stewart Title Guaranty Company, prepared by bearing the seal and certification of Vaughn & Drake Surveyors, Inc., Georgia Professional Land Surveyors No. 741, dated November 13, 2002.

Said tract contains 2.650 acres of land.

TOGETHER WITH the easements for access, parking and installation of utilities appurtenant to the above described property over Parcel A, as more particularly described in and created by that certain Declaration and Agreement of Restrictions and Covenants and Grant of Easements, recorded in Deed Book 8931, Page 169, Fulton County, Georgia public records.





The Kroger Co.  
Real Estate Department  
2175 Parklake Dr.  
Atlanta, GA 30306

Aaron Bottenhorn  
Phone: 770-496-5302  
Fax: 770-496-7586  
E-Mail: aaron.bottenhorn@kroger.com

August 24, 2011

City of Atlanta  
Dept. of Planning & Community Development  
55 Trinity Avenue, Suite 1450  
Atlanta, GA 30303

RE: Justification for requested Special Exception and Variances  
Kroger Shopping Center @ 725 Ponce De Leon Ave

To Whom It May Concern,

Kroger is planning a \$7.8 million dollar project to remodel and revitalize our store and shopping center on Ponce De Leon Ave. We hope to complement all the positive changes taking place around us with City Hall East, Old Fourth Ward Park, and the Beltline. The project will include a new parking lot with reconfigured parking and landscaping, a connection to the Beltline, a new storefront to fit the character of the area, and a completely remodeled store to better serve the area. In order to move forward with this project we are asking for a special exception and two variances, which are outlined below.

#### Parking Special Exception

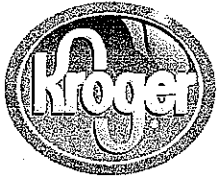
Kroger is requesting approval to reduce the existing parking spaces to accommodate a parking layout that allows for better flow through the shopping center and better use of the existing parking. Parking spaces will be reduced on both the Kroger property (265 required, 254 existing, 239 proposed) and the Ford Factory property (254 required, 159 existing, 129 proposed). The current layout of the parking lot creates some dangerous situations with cars entering and exiting to and from Ponce De Leon because cars are coming from many different directions. The new layout streamlines access into and out of the site and creates safer decision points for cars coming from different directions. These changes in the layout and flow of the site necessitate some loss of parking. Many of the parking spaces located in the northeast corner of the parking lot near Greene's are not currently used so the reduction should not affect customers' overall ability to park in the center. In addition, Kroger and Ford Factory have a shared parking agreement that allows them to park on our property. The connection to the Beltline and pedestrian access to the site will also allow for an increased amount of foot traffic from the surrounding areas. Given the limited size (property is constrained on one side by the Beltline and on the other side by homes) and shape of the site in an in-town location, we are doing the best we can to design an efficient parking field with good traffic flow to make this center safer and easier to use when the redevelopment occurs.

#### Building Setback Variance

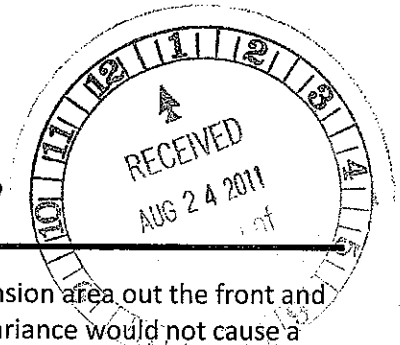
Kroger is requesting a reduction in the building setback from the eastern property line so that we can extend the building out 22' in the front to square off the proposed new storefront with the existing entrance and 33' in the back to build a freezer cooler for more product storage space. The required building setback is 20', but the existing building already sits 7' from the property line. We believe that this is an exceptional condition because the building already sits 7' from the property line and in order to slightly expand the building along the existing wall we need to extend that encroachment. Complying with the code would require us to set the new walls 13' back from the existing building, which would create an irregular layout for the store. The width of the site does not allow us to expand to

V-11-123





V-11-123



the west because we are constrained by the beltline, so we are limited to the small expansion area out the front and back to accommodate our new storefront and expanded storage space. If granted, this variance would not cause a detriment to the public good or impair the intent of the zoning because the condition was already allowed to exist for the past 25 years and we are simply extending the existing building slightly in front and back.

**Sign Height Variance**

Kroger is requesting a variance for sign height to allow for a Kroger sign on the proposed tower feature of the new storefront. The top of the proposed sign would be 53' above the ground, while code restricts building signage to 30'. The existing property is long and narrow and the Kroger building sits back roughly 540 ft from the road, which limits visibility of the building and signage. In addition, the combination of the landscaping in front of the building, the 4 story Ford Factory building to the west and the higher elevation of the buildings to the east, even further limits the visibility of the store and signage. Having a lower sign would continue to limit visibility of the store and signage from the street. If this is granted it will not cause detriment to the public good because the feature will be a major improvement to an existing run down store and it will match the architecture of the surrounding Ford Factory building and City Hall East building.

In summary, Kroger is pleased and excited to present this project to revitalize or store and shopping center and we request the support of the City of Atlanta on the issues outlined above to help us move forward with the project.

Sincerely,

*Aaron Bottenhorn*

Aaron Bottenhorn

RECEIPT

CITY OF ATLANTA  
ATLANTATEST  
55 TRINITY AVE SW

**Application:** V-11-123  
**Application Type:** Planning/BZA/Variance/NA  
**Address:** 725 PONCE DE LEON AVE , ATLANTA, GA 30308  
**Owner Name:** FORD FACTORY SQAURE L P  
**Owner Address:**  
**Application Name:**

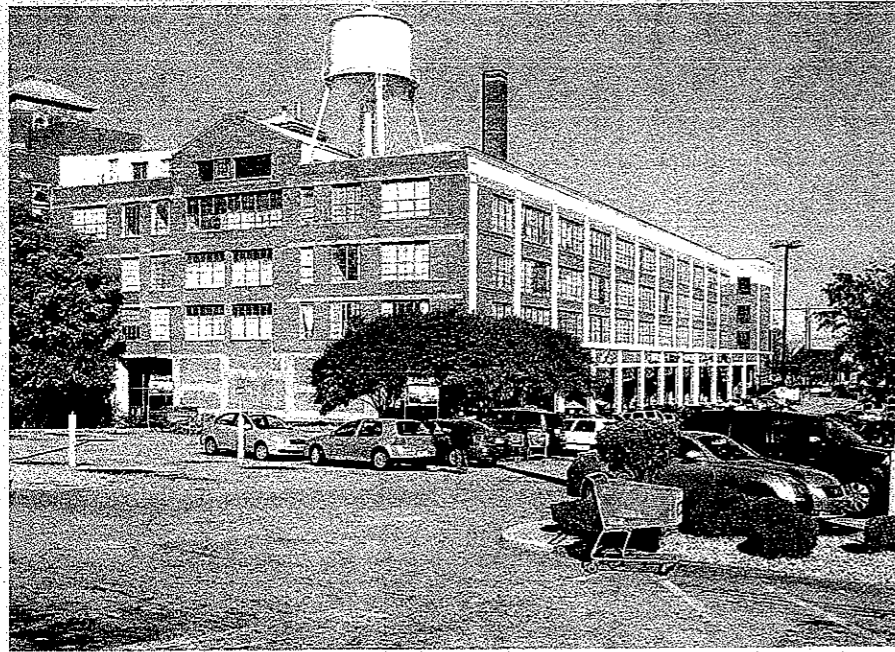
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<b>Receipt No.</b>	268131					
<b>Payment Method</b>	<b>Ref Number</b>	<b>Amount Paid</b>	<b>Payment Date</b>	<b>Cashier ID</b>	<b>Received</b>	<b>Comments</b>
Check	5037288	\$1,250.00	08/24/2011	OFELIX		

**Owner Info.:** FORD FACTORY SQAURE L P

**Work Description:** Variance to reduce the transitional east sysb from 20 ft. to 7 ft. to allow for an addition to a retail store. Special Exception to reduce the off-street parking from 265 spaces to 239 spaces to allow for an addition to an existing retail store.

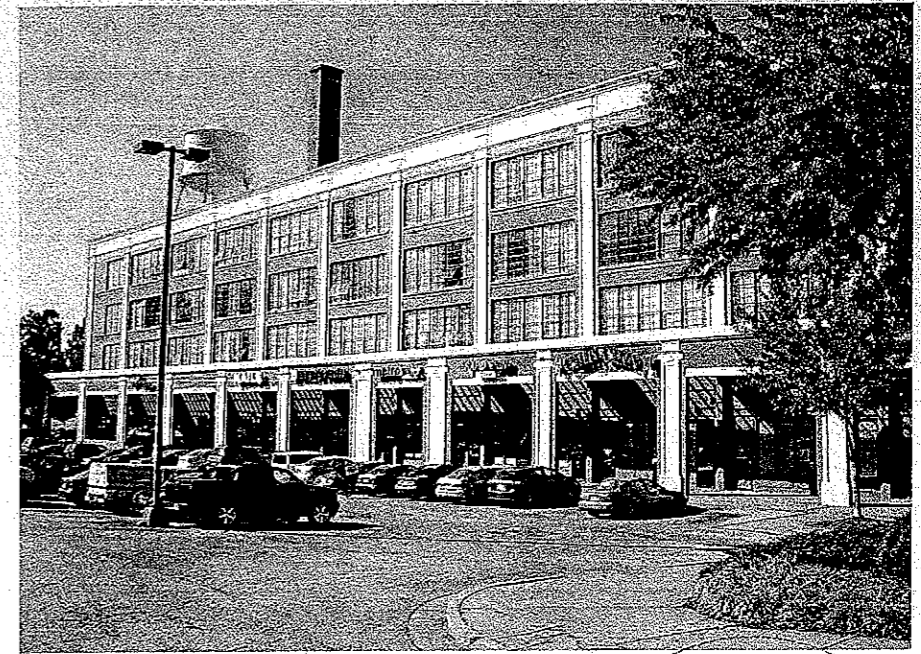
PAID  
CITY OF ATLANTA  
AUG 24 2011  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR



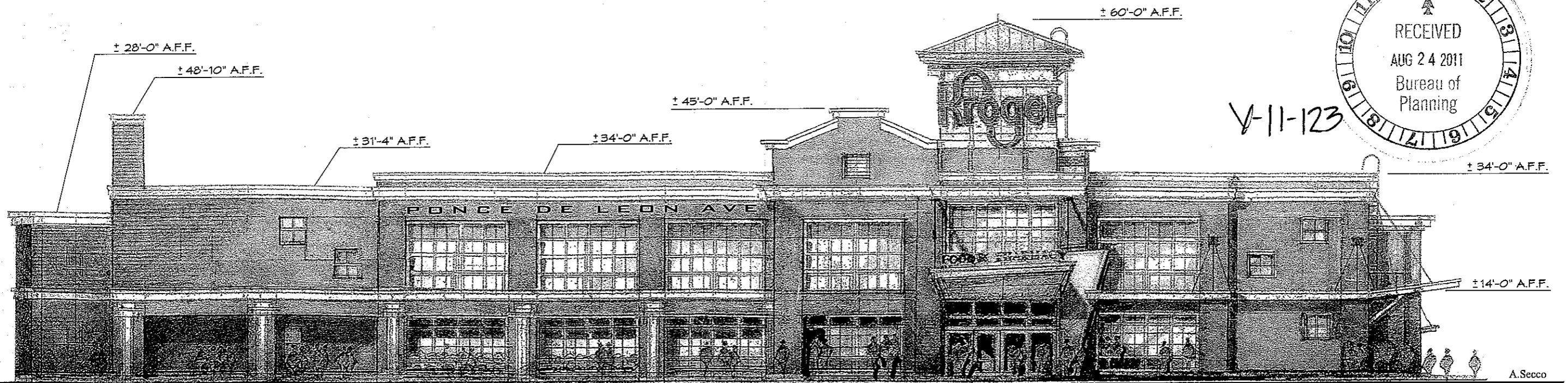
FORD FACTORY



CITY HALL EAST



FORD FACTORY



PRELIMINARY ELEVATION  
**PONCE DE LEON KROGER RENOVATION**  
 ATLANTA, GEORGIA

STORE# GA-295



**ROBERTSON LOIA ROOF**  
 ARCHITECTS & ENGINEERS

PROJECT# 10-278  
 08-19-2011