CITY COUNCIL
ATLANTA, GEORGIA

13-O-1224

AN ORDINANCE TO REZONE FROM THE C-3 (COMMERCIAL RESIDENTIAL), C-3-C (COMMERCIAL RESIDENTIAL-CONDITIONAL) AND R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICTS TO THE C-3-C (COMMERCIAL RESIDENTIAL-CONDITIONAL) AND R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICTS FOR PROPERTY LOCATED AT 1875, 1891, 1895 AND 1901 PEACHTREE ROAD, N.E.., FRONTING APPROXIMATELY 390 FEET ON THE EAST SIDE OF PEACHTREE ROAD BEGINNING APPROXIMATELY 404 FEET FROM THE INTERSECTION OF PEACHTREE AND PALISADES. DEPTH: VARIES. AREA: 3.25 ACRES. LAND LOT 110, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: DOUGLAS DRANEY, MANGER OF LMSPTREE, LLC., JAMES B. CUMMING, R. B. WILSON, JR. AND MICHAEL NASSARRGH OF SEMAH, INC. . APPLICANT: CORNERSTONE DEVELOPMENT PARTNERS, LLC /CO JAMES N. NEY NPU E COUNCIL DISTRICT 7

Application File Date	8-6-13
Zoning Number	Z-13-30
NPU / CD	E-7
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Review List:

Office of Research and Policy Analysis	Completed	08/20/2013 10:32 AM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Zoning Review Board Staff	Pending	
Office of Research and Policy Analysis	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action *See Authentication Page Attachment*	

LEGISLATION HISTORY – BLUE BACK

AN ORDINANCE
BY ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE C-3 (COMMERCIAL RESIDENTIAL), C-3-C (COMMERCIAL RESIDENTIAL-CONDITIONAL) AND R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICTS TO THE C-3-C (COMMERCIAL RESIDENTIAL-CONDITIONAL) AND R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICTS FOR PROPERTY LOCATED AT 1875, 1891, 1895 AND 1901 PEACHTREE ROAD, N.E.., FRONTING APPROXIMATELY 390 FEET ON THE EAST SIDE OF PEACHTREE ROAD BEGINNING APPROXIMATELY 404 FEET FROM THE INTERSECTION OF PEACHTREE AND PALISADES. DEPTH: VARIES. AREA: 3.25 ACRES. LAND LOT 110, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: DOUGLAS DRANEY, MANGER OF LMSPTREE, LLC., JAMES B. CUMMING, R. B. WILSON, JR. AND MICHAEL NASSARRGH OF SEMAH, INC. . APPLICANT: CORNERSTONE DEVELOPMENT PARTNERS, LLC /CO JAMES N. NEY NPU E COUNCIL DISTRICT 7

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Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

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 1875, 1891, 1895 AND 1901 PEACHTREE ROAD, N.E., be changed from the C-3 (Commercial Residential), C-3-C (Commercial Residential-Conditional) and R-4 (Single Family Residential) Districts to the C-3-C (Commercial Residential-Conditional) and R-4 (Single Family Residential) Districts, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 110 of the 17th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If 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 suffice "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 attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any 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 the Municipal Clerk, be changed to conform with the terms of this ordinance.

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

55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404) 330-6145

APPLICATION #: **Z-13-030**

DATE ACCEPTED: **08/06/2013**

NOTICE TO APPLICANT

Address of Property:
1875, 1891, 1895, 1901 Peachtree RD NE

City Council District: **7** Neighborhood Planning Unit (NPU): **E**

Zoning Review Board (ZRB) Hearing Date:

Thursday, October 3 or 10, 2013 at 6:00 p.m.

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

The contact person for NPU E is:

Penelope Cheroff
404-892-0229
pcheroff@cheroffgroup.com

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

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.

Signed,

NG, for Director, Bureau of Planning

Ellen W Smith

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APPLICATION FOR REZONING
City of Atlanta

Date Filed _____ **Application Number** Z-13-030

I Hereby Request That The Property Described in this Application be Rezoned

From C-3, C-3-C, and R-4 **District**

TO C-3-C and R-4-C **District**

Name of Applicant Cornerstone Development Partners, LLC c/o James M. Ney and Holt Ney Zatcoff & Wasserman, LLP
(Last Name, First Name, M.I.)

address 100 **street name** Galleria Parkway, Suite 1800

city Atlanta **state** GA **zip code** 30339

phone 770.956.9600 **Fax** 770.956.1490

e-mail address Jney@hnzw.com and Esmith@hnzw.com

Name of Property Owner See Attached Sheet
(Last Name, First Name, M.I.)

address _____ **street name** _____

city _____ **state** _____ **zip code** _____

phone _____ **Fax** _____

Description of Property

Address of Property 1875, 1891, 1895 and 1901 **street name** Peachtree Road, NE

city Atlanta **state** GA **zip code** 30309

The subject property fronts +/-390 **feet on the** East **side of** Peachtree Road

beginning 404' **feet from the** intersection of Peachtree ~~corner of~~ + Palisades

Depth: 380ft to 407ft **Area:** +/-3.25acre **Land Lot:** 110 **Land District:** 17th - Fulton **County, GA.**

Property is zoned: C-3 / C-3-C / R-4 **Council District:** 7 **Neighborhood Planning Unit:** E

C. CONDITIONAL ZONING. If the request is for zoning for new development, submit fourteen (14) copies of the site plan prepared by a State of Georgia registered architect, landscape architect, engineer, or planner holding the AICP designation. Site plans must be folded to 11" x 14". All site plans shall be sealed by the professional preparer and shall show the scale, north arrow; the location of streets and street names; sidewalks; existing and proposed buildings and their square footage, heights, and floor area ratio; parking spaces, loading areas, and number of parking spaces must also be shown. All plans for residential development must include, on the site plan, a summary of calculations in accordance with the Land Use Intensity System (see Chapter 8 of the Zoning Ordinance). For complete information regarding site plans, refer to the "Site Plan Requirements" attachment to this application form.

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D. PLANNED DEVELOPMENT (PD) DISTRICTS. If your request is for PD District Zoning, you must comply with the requirements of Chapter 19 of the Zoning Ordinance and with the appropriate regulations for Planned Development Housing, Office-Commercial, Mixed-Use, or Business Park as appropriate. **Certification of a PD Zoning pre-application conference is required.** Submit ***Attachment 7.***

E. PROPERTY DESCRIPTION. A copy of a recent plat of survey prepared by an engineer or land surveyor registered in the State of Georgia must accompany each application. In addition, a written legal description must be submitted. In cases involving more than one contiguous property, a consolidated legal description of the property must be submitted.

F. HOUSING APPLICATION. If the rezoning application contemplates the construction of one or more residential units, complete the attached Atlanta Public School form, ***Attachment 3.***

G. DEVELOPMENTS OF REGIONAL IMPACT. If your application meets the thresholds shown on ***Table II (Attachment 4)***, you must contact the Office of Planning for further instructions.

H. TREE PRESERVATION. All development must meet the City of Atlanta Tree Ordinance. Contact the City Arborist, (404) 330-6150 for details.

I. COMPREHENSIVE DEVELOPMENT PLAN (CDP) AMENDMENT. Submit ***Attachment 5.***

J. DISCLOSURE. Submit a disclosure statement as described in ***Attachment 6.***

K. HEARING DATES AND PROCESSING OF APPLICANTS. See attached Zoning Review Board Schedule.

L. MEETING WITH NEIGHBORHOOD PLANNING UNIT. (NPU) You must contact the appropriate Neighborhood Planning Unit (NPU) within two business days after filing your rezoning application to appear before them prior to the public hearing of the Zoning Review Board. The name and phone number of the contact for the NPU will be provided at the time that you file your application.

M. FEES. See attached fee schedule, ***Attachment 8.***

N. AUTHORIZATION TO INSPECT PREMISES. I hereby authorize the staff of the Office of Planning of the City of Atlanta to inspect the premises, which are the subject of this rezoning application.

O. Revisions to site plans will only be accepted up to 15 days prior to the scheduled hearing date.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

Cornerstone Development Partners, LLC

Z-13-030

By: Robert F. Kern

Robert F. Kern, President

Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 4th day of April, 2013.

Sherri L. DeLoach **(Notary Public)**

SHERRI L DELOACH NOTARY PUBLIC CHEROKEE COUNTY, GA EXPIRES GEORGIA AUGUST 11, 2016

HOLT NEY ZATCOFF & WASSERMAN, LLP
ATTORNEYS AT LAW
100 GALLERIA PARKWAY, SUITE 1800
ATLANTA, GEORGIA 30339-5947

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

James M. Ney, P.C.
e-mail jney@hnzw.com

Ellen W. Smith
e-mail esmith@hnzw.com

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August 6, 2013

Z-13-030

BY HAND DELIVERY
Ms. Charletta Wilson Jacks
Zoning Administrator/Assistant Director
Bureau of Planning-City of Atlanta
City Hall South, Suite 3350
55 Trinity Avenue
Atlanta, Georgia 30335

Re: Rezoning Application (***"Application"***), by Cornerstone Development Partners, LLC ("***Applicant***"), relating to approximately 3.249 acres of land located on the east side of Peachtree Road near its intersection with Collier Road being commonly known as 1875, 1891, 1895 and 1901 Peachtree Road, NE (the ***"Property"***)

SUMMARY OF PROPOSED PROJECT

Ladies and Gentlemen:

Please accept this Summary of Proposed Project in connection with and in support of the referenced Application. Applicant proposes to redevelop the Property with an 188,110-square foot medical office center (171,490 square feet of office with ancillary retail and restaurant uses being approximately 16,620 square feet) in accordance with the provisions of the C-3 zoning district, in a manner that is consistent with the City of Atlanta Comprehensive Development Plan (the "***CDP***") (to be amended for a small portion of this land) and the Zoning Ordinance of the City of Atlanta (the "***Zoning Ordinance***"). Applicant respectfully requests the approval of this request, which will allow the redevelopment of the Property in a first class manner.

The Property

The Property is an assemblage of four parcels for a total acreage of approximately 3.249 acres fronting on Peachtree Road at its intersection with Collier Road. Currently, the parcels are improved with existing commercial uses including a Chick-fil-A, the Peachtree Road Liquor Store, Peachtree Cleaners and Laundry, and a closed convenience store. The zoning of the Property is split, with the bulk of the Property being zoned C-3 and C-3-C, but with a portion of

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the Property to the east, bounded by properties in the Brookwood Hills subdivision, being zoned R-4. The existing zoning lines are shown on the Proposed Site Plan (defined below) submitted herewith.

In 2006, three of the four parcels comprising the Property (all but the Chick-fil-A parcel at 1901 Peachtree Road, NE) were zoned for a new mixed use project called "Peachtree at Collier" with two buildings (one 5 story [maximum height of 80 feet] office building and the other 2 story [maximum height of 28 feet] retail) and an underground parking garage pursuant to Ordinance 06-O-0146 (2005 zoning case Z05-135, approved in 2006) (the "***2006 Zoning***"). To the best of knowledge, the Peachtree at Collier redevelopment project has never commenced.

The portion of the Property that was not subject to the 2006 Zoning, the parcel currently used by Chick-fil-A (the "***Chick-fil-A Parcel***") currently has a split zoning of C-3 and R-4. It is improved with a restaurant on the C-3 zoned portion, and a surface parking lot that extends from the C-3 portion to the R-4 portion of the Parcel. The existing improvements and zoning lines of the Property, including the Chick-fil-A Parcel, are shown on the survey filed with the Application.[1]

Applicant intends to improve the Property with a single building that will be approximately 188,110 square feet, approximately 121 feet in height in an upscale, very attractive office center that will be a beautiful addition to the area (such improvements being "***The Cornerstone Medical Center***" or the "***Project***"). A site plan reflecting the proposed conditions to of the Project (including setbacks, maximum building area, lot coverage and accessory improvements) (the "***Proposed Site Plan***") is attached to this Application. Because the Chick-fil-A Parcel was not part of the 2006 Zoning, it was difficult for the then applicant to properly address traffic considerations of adjacent and nearby property owners. As shown on the Proposed Site Plan, the Applicant is proposing to improve existing traffic conditions by closing several driveways, and by aligning the main access point to the Property with the existing signal at Collier Road. Perhaps more importantly, the Applicant intends to rezone a portion of the now-existing R-4 portion of the Chick-fil-A Parcel to C-3, and to remove all portions of the currently-existing nonconforming parking lot from the remainder of the R-4 portions of that parcel. A more thorough discussion of the Project is included in the Documented Impact Analysis submitted herewith.

In the months prior to filing this Application, Applicant reached out to its immediately adjacent neighbors in the Brookwood Hills subdivision. As a result of those meetings and in good faith, Applicant is proposing to maintain the redevelopment of its Project within the C-3 zoned portion of the Property, plus a very small area to be rezoned from R-4 to C-3. Applicant is

[1] Applicant notes that it is unclear whether the proposed rezoning of a portion of the Chick-Fil-A Parcel to the C-3 also requires a change to the Comprehensive Development Plan ("***CDP***"). Out of an abundance of caution, Applicant has filed concurrently herewith an Application for Amendment to the CDP, as more particularly discussed in the Documented Impact Analysis included herewith.

E.6.a

Attachment: Z-13-30 (13-O-1224 : Z-13-30 An Ordinance to rezone 1875,1891,1895,1901 Ptree Street)

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also willing to entertain reasonable conditions on its development and use of the Property in an effort to reflect its good faith and belief that the Project will serve as a gateway for redevelopment of this portion of the Peachtree Road corridor.

Application Requirements

Applicant requests that the Zoning Review Board, the Zoning Committee and the City Council approve the Application to allow for the development of the Property with the Project in accordance with the conditions set forth on the Proposed Site Plan. The Zoning Ordinance sets forth the various requirements applicable to requests for site plan amendment, some of which are addressed above and the rest of which are addressed in supporting documents.[2] Specifically, in support of the Application, and in addition to this Summary of Proposed Project, Applicant submits the following documents:

(1) Application for Rezoning;
(2) Documented Impact Analysis;
(3) Authorization of Property Owners;
(4) Authorization of Attorneys;
(5) Survey of the Property and metes and bounds legal description of the Property;

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[2] Applicant notifies the City of its constitutional concerns with respect to its Application. If the Council denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Council denies the Application in whole or in part, such an action will deprive Applicant and any future Property owner of the ability to use the Property in accordance with its highest and best use. Similarly, if the Council rezones the Property to some classification other than the C-3 and R-4 zoning districts in accordance with proposed district lines without Applicant's consent, or if the Council limits its approval by attaching conditions to such approval affecting the Property or the use thereof without Applicant's consent, then such approval would deprive Applicant and any future Property owner of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Council, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and any future Property owner and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the Council's discretion in considering or deciding applications for rezonings. Applicant remains optimistic that the City's consideration of the Application will be conducted in a constitutional manner.

Attachment: Z-13-30 (13-O-1224 : Z-13-30 An Ordinance .to rezone 1875,1891,1895,1901 Ptree Street)

HOLT NEY ZATCOFF & WASSERMAN, LLP

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Ms. Charletta Wilson Jacks
Bureau of Planning – City of Atlanta
August 6, 2013

(6) Proposed Site Plan (18 copies and one 8 ½" x 11" transparency);
(7) Certification of Pre-Application Conference for Beltline Overlay District;
(8) Campaign Disclosure Reports from Applicant and Attorneys;
(9) Rezoning Application Fee in the amount of $3,250.00; and
(10) CDP Application Fee in the amount of $1,000.00.

Applicant believes that this Summary of Proposed Project, and the accompanying documents, support the Application, and is happy to answer any questions or provide any additional information that you may have with regard to this Application. The proposed redevelopment of the Property as a medical office building with ancillary retail and residential on the bottom floor as more particularly described on the Proposed Site Plan is consistent with the surrounding development and land uses and is in accord with the general purposes of the City Council as set forth in the Zoning Ordinance and the CDP. Applicant respectfully requests the approval of the Application.

Very truly yours,
HOLT NEY ZATCOFF & WASSERMAN, LLP

James M. Ney

James M. Ney

Ellen W. Smith

Ellen W. Smith
Attorneys for Cornerstone Development Partners, LLC

JMN/EWS/ews
Enclosures
cc: Mr. Robert Kern
Mr. Wesley DeFoor

Attachment: Z-13-30 (13-O-1224 : Z-13-30 An Ordinance .to rezone 1875,1891,1895,1901 Ptree Street)

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DOCUMENTED IMPACT ANALYSIS

City of Atlanta Rezoning ("***Application***") of Cornerstone Development Partners, LLC ("***Applicant***"), relating to approximately 3.249 acres of located on the east side of Peachtree Road near its intersection with Collier Road being commonly known as 1875, 1891, 1895 and 1901 Peachtree Road, NE (the ***"Property"***).[1]

(1) **Compatibility with comprehensive development plans; timing of development.**

As expressed in the Applicant's Summary of Proposed Project, the Property is currently zoned C-3, C-3-C, and R-4, and Applicant seeks to rezone a small piece of the R-4 portion of the Property (currently improved with a surface parking lot) and to amend the existing conditions (including an existing site plan) to allow for the redevelopment of the Property with a 188,110-square foot medical office building (171,490 square feet of office with ancillary retail and restaurant uses being approximately 16,620 square feet). The Brookwood Alliance and others who comment on redevelopment opportunities along Peachtree Road all agree that high density development should occur along Peachtree Road, away from the single family residential to the greatest extent possible. By locating the proposed building as close to Peachtree Road as possible (mindful of all streetscape opportunities), Applicant's proposed site plan amendment will be largely consistent with the existing, surrounding uses, the Comprehensive Development Plan (the "***CDP***") (except for the minor changes sought as a part of this Application) and all future proposed development in this area.

Specifically, Applicant is concurrently filing herewith an application to amend the CDP with respect to a small portion of the Property on the Chick-Fil-A Parcel, to allow a portion previously zoned R-4 to be placed in the "High Density Commercial" ("***HDC***") designation. Although some City records indicate that this property is already located in HDC, others indicate that the Chick-Fil-A Parcel is split into HDC and a single family residential designation. It is unclear from the online mapping, but appears to the Applicant that this zoning change might fall within the HDC. Even if it does not, the resulting change will be to remove existing nonconforming parking and paving from a portion of the Chick-Fil-A Parcel zoned R-4 and to return that portion of the Parcel to a buffer area that is not used commercially.

The fact that three of the four parcels comprising the Property were rezoned in 2006 (seven years ago), but no redevelopment actually occurred reflects the difficulty of redevelopment in this corridor and the significant cost barriers created by a number of factors, including the current zoning of the Property. Applicant's Project eliminates those barriers to allow for a viable, financially feasible and land use compliant Project.

(2) **Availability of and effect on public facilities and services/referrals to other agencies.**

There are currently adequate utilities provided to the Property to serve the Project, and Applicant is aware of no problems with water supply, sewage, solid waste collection and disposal, or fire and police protection that would be created by this proposal. The impact on area schools is anticipated to be zero as this is not designated for any new residential units.

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[1] Capitalized terms not otherwise defined in this Documented Impact Analysis have the meanings ascribed to them in the Summary of Proposed Project.

E.6.a

Attachment: Z-13-30 (13-O-1224 : Z-13-30 An Ordinance .to rezone 1875,1891,1895,1901 Pitree Street)

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Importantly, with respect to traffic infrastructure, Applicant's proposed redevelopment will positively impact traffic in five key respects: (i) it will allow for better traffic flow on the Property, particularly with respect to the Chick-fil-A drive through (which will be part of the redevelopment) as it will improve the traffic flow internally to the Property; (ii) because of the addition of the Chick-fil-A Parcel, the Applicant will be able to align its main entrance with Collier Road and significantly improve traffic ingress and egress of the Property; (iii) the number of curb cuts serving the Property will be reduced from the existing approximately 5 or 6 down to 3; (iv) because of the alignment with Collier Road and better internal traffic controls, the new traffic pattern serving the Property will significantly reduce the number of people who travel through the Brookwood Hills subdivision (as significant traffic now turns right out of the Property, and circles through Brookwood Hills to be in a position to travel south on Peachtree); and (v) parking and drive-through traffic that currently traverses a portion of the Chick-fil-A Parcel that is zoned R-4 will be eliminated from the adjacent residentially zoned and used parcels.

Almost as importantly, currently runoff from the Property flows down to the east onto residential properties along Montclair. Applicant's redevelopment of the Property will afford the opportunity to better capture runoff and relieve existing problematic conditions. Likewise, as a result of the operation of a dry cleaner on a portion of the Property, remediation will be required before any new development occurs. Applicant fully understands this issue and will remediate the Property to avoid further environmental issues. If the Property is not redeveloped, this hazard will only continue.

(3) **Availability of other land suitable for proposed use: effect on balance of land uses.**

Other land is simply not suitable for this proposed redevelopment. Given the presence of Piedmont Hospital nearby, and the urban nature of the Property, no dense development will occur absent a rezoning. The failed 2006 "Peachtree at Collier" project is evidence of this. Applicant's proposed development will not result in any adverse effects on the balance of land uses since it is in keeping with the already existing underlying zoning of the Property and surrounding area.

(4) **Effect on character of the neighborhood.**

Applicant proposes to redevelop the Property in a manner that is consistent with the surrounding neighborhood and has proposed sufficient conditions to ensure that its development will be in keeping with neighboring residences. Applicant has taken great care to work with the surrounding community to:

(a) move the density and buildings up to and nearer Peachtree Road and away from our neighbors to the rear (or east);

(b) remove a portion of the existing Chick-fil-A parking and circulation to the west and reduce its closeness to our neighbors to the east;

E.6.a

Attachment: Z-13-30 (13-O-1224 : Z-13-30 An Ordinance .to rezone 1875,1891,1895,1901 Ptree Street)

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(c) improve traffic access and circulation;

(d) landscape the front (along Peachtree) and other sides of Property to meet and enhance existing requirements;

(e) plan for storage of water on site to be placed in the City of Atlanta water system and to water proposed landscaping and greenery on site;

(f) develop an attractive and up-scale Medical Office Center that will be a credit to the area;

(g) clean up and remove the existing eye sores presently on this land;

(h) devote a significant portion of the eastern side of the property to be left vacant to assist our neighbors to the east; and

(i) plan for a number of additional conditions to be achieved.

All of the conditions proposed by Applicant are generally indicated on the Proposed Site Plan.

(5) **Suitability of proposed use**.

The Project proposed by Applicant is suitable and compatible with the use and development of the adjacent and nearby properties along Peachtree Road in this portion of Atlanta. Viewing pre-economic downturn opportunities (as evidence in part by the 2006 Zoning and by other high-rise, dense projects throughout the City), this Project places density where it should be: along a main thoroughfare through the City. It brings density to the street, and with improved traffic conditions, will be the project that kicks off other redevelopment opportunities along Peachtree. This factor strongly favors granting of Applicant's Application for Site Plan Amendment.

(6) **Effect on adjacent property**.

The proposed site plan amendment, if granted, will not adversely affect the existing use or usability of adjacent or nearby property. Instead, the conditions shown on the Proposed Site Plan are to reflect the Applicant's desire to develop the Property in a manner that will ensure that the Property is developed to enhance, not detract from, the adjacent properties and other surrounding properties. As shown on the Proposed Site Plan, this proposal meets each of the requirements for setbacks along the north, west and south, as well as all required transitional height plans. Also, as revealed by the Proposed Site Plan, Applicant is leaving a large space to the rear (and east) of the site to provide ample open space to our residential neighbors. This should clearly mitigate any impact this proposal may have.

E.6.a

Attachment: Z-13-30 (13-O-1224 : Z-13-30 An Ordinance .to rezone 1875,1891,1895,1901 Ptree Street)

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(7) **Economics of the current zoning**.

Currently, the Property is zoned primarily C-3, but with conditions severely restricting the density allowed to be developed to the point that the land price coupled with development costs prohibit any redevelopment opportunities. This is evidenced by the fact that no redevelopment has occurred since the bulk of the Property was rezoned with stringent conditions in the 2006 Zoning. Accordingly, there is no reasonable economic use for the Property as it is currently zoned. Because of this limitation, the Property simply cannot be put to its highest and best use, and is unreasonably restricted. Applicant seeks to amend the existing site plan to reflect a use of the Property that is practical and reasonable and in a manner that will in no sense adversely affect or harm adjacent or nearby property.

(8) **Tree preservation**.

Applicant will meet with the City Arborist and will develop the Property in accordance with the City of Atlanta's policies related to tree preservation as set forth in the City of Atlanta Tree Ordinance, including the implementation of an appropriate tree recompense plan, if necessary.

COMPREHENSIVE LAND USE AMENDMENT

Z-13-030

Date: August 6, 2013

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The City of Atlanta
Department of Planning and Community Development
Office of Planning
68 Mitchell Street, South Building, Suite 3350
Atlanta, Georgia 30335-0310

RE: CDP Land Use Amendment Application

Dear Sir/Madam:
I hereby request that the Comprehensive Development Plan (CDP) land use designation for *(address of property)* 1901 Peachtree Road be amended from *(existing land designation)* single family residential to a designation that will allow it to be rezoned from *(existing zoning classification)* R-4 to *(proposed zoning classification)* C-3 (High Density Commercial) Notarized authorization of any and all property owner (s) indicating consent to this request have been made a part of this application. I understand that my application for a CDP amendment is subject to a review by the Neighborhood Planning Unit (NPU) in which the property is located, and I agree to contact the Chairperson of that NPU to request consideration of my application. I further understand that I am required to submit an application fee for the CDP amendment in an amount of $1,000.00. I have submitted a complete description of the proposed development project, including type of land use, number of units and /or square footage, floor area ratio(s), and lot coverage ratio. Furthermore the following information has also been included:

1. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property.

2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property.

3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

4. Whether the amendment is consistent with the written policies in the Comprehensive Plan Text.

5. Whether there are environmental impacts or consequences resulting from the proposed change.

I filed an application (Z-_____-____) for rezoning of the subject property on *(date)*_____.

Sincerely,

Cornerstone Development Partners, LLC
Applicant's Signature

By: Name: Robert F. Kern
Name of Applicant (please print)

c/o James M. Ney
Address of Applicant

Holt Ney Zatcoff & Wasserman, LLP
City State Zip Code

100 Galleria Parkway, Suite 1800

Atlanta, Georgia 30339-5960
Phone Number of Applicant

(770) 956-9600

☐ Applicant informed of CDP hearing schedule

Attachment: Z-13-30 (13-O-1224 : Z-13-30 An Ordinance .to rezone 1875,1891,1895,1901 Ptree Street)

Z-13-030

HOLT NEY ZATCOFF & WASSERMAN, LLP
ATTORNEYS AT LAW
100 GALLERIA PARKWAY, SUITE 1800
ATLANTA, GEORGIA 30339-5947

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

James M. Ney
e-mail jney@hnzw.com

Ellen W. Smith
e-mail esmith@hnzw.com

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August 6, 2013

Re: Application for Comprehensive Land Use Amendment (***"CDP Amendment Application"***), by Cornerstone Development Partners, LLC (***"Applicant"***), relating to a portion of that property commonly known as 1901 Peachtree Road, NE (the ***"Chick-Fil-A Parcel"***[1])

In connection with the CDP Amendment Application, Applicant incorporates by reference the Summary of Proposed Project and Documented Impact Analysis as if fully set forth herein which documents were filed concurrently with Applicant's Application for Rezoning (the "***Rezoning Application***") with respect to relating to approximately 3.249 acres of land located on the east side of Peachtree Road near its intersection with Collier Road being commonly known as 1875, 1891, 1895 and 1901 Peachtree Road, NE (the ***"Property"***). As described in the Rezoning Application, Applicant seeks to redevelop the Property into a first class medical office building with ancillary retail and restaurant uses.

Applicant respectfully requests the approval of the CDP Amendment Application to change the existing land use designation of Single Family Residential to High Density Commercial to allow for the rezoning of a portion of the Chick-Fil-A Parcel from R-4 to C-3 and thereby allow the proposed Project.[2] In connection with the CDP Amendment Application, Applicant provides the following information:

(1) **Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property.**

The current land use designations of the Chick-Fil-A Parcel are HDC and (apparently) Single Family Residential. Applicant seeks to change only a small portion of the Single Family Residential designation, leaving a significant portion of the Chick-Fil-A Parcel to the east as Single Family Residential. This change will allow the line between HDC and Single Family Residential (as well as the corresponding R-4 zoning district line) to run straight (and not jagged) through the Property. It will also allow the Applicant to remove existing nonconforming parking

[1] Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Summary of Proposed Project submitted herewith.

[2] Applicant notes that the existing Comprehensive Development Plan and the Future Land Use Map that are available on the City's GIS Online Mapping appear to reflect that the Chick-Fil-A Parcel already has a HDC designation (although a portion of the Chick-Fil-A Parcel has the R-4 zoning designation). Applicant has filed this CDP Amendment Application out of an abundance of caution as the Brookwood Hills Community neighbors believe that the CDP was amended in 2005 or 2006 to change the CDP to run along the R-4 zoning line.

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from the R-4 district and provide a buffer to the existing single family residential properties to the east – moving traffic, improvements such as dumpsters and the like away from single family homes. This requested change will permit Applicant's requested rezoning of the Property to C-3, and that will allow Applicant's development of the Project in a more professional, sophisticated and modern development style now occurring in this portion of Atlanta.

Applicant's proposed redevelopment of the Property is consistent with the surrounding high density commercial development fronting on Peachtree and away from existing single family and planned for in this area.

(2) **Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property.**

The proposed land use change will mitigate and reduce what arguably are existing adverse impacts of the existing parking and drive thru use of the Chick-Fil-A Parcel. Specifically, the precedent to be set by this CDP Amendment Application is to (i) remove existing nonconforming commercial uses from R-4 and single family residential zoning, (ii) allow for new traffic patterns and parking that reduce impact on the adjacent neighbors, and (iii) allow for appropriate buffering to the single family residential properties to the east. This Chick-Fil-A Parcel is already being used for commercial purposes – the proposed change will simply allow the redevelopment of the Parcel, together with the balance of the Property, in a manner that is consistent with plans for the Peachtree Road corridor.

(3) **Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

Currently, the Property is developed, with existing infrastructure, which is sufficient generally to handle the proposed use of the Property.

Importantly, with respect to traffic infrastructure, Applicant's proposed redevelopment will positively impact traffic in five key respects: (i) it will allow for better traffic flow on the Property, particularly with respect to the Chick-fil-A drive through (which will be part of the redevelopment) as it will improve the traffic flow internally to the Property; (ii) because of the addition of the Chick-fil-A Parcel, the Applicant will be able to align its main entrance with Collier Road and significantly improve traffic ingress and egress of the Property; (iii) the number of curb cuts serving the Property will be reduced from the existing approximately 5 or 6 down to 3; (iv) because of the alignment with Collier Road and better internal traffic controls, the new traffic pattern serving the Property will significantly reduce the number of people who travel through the Brookwood Hills subdivision (as significant traffic now turns right out of the Property, and circles through Brookwood Hills to be in a position to travel south on Peachtree); and (v) parking and drive-through traffic that currently traverses a portion of the Chick-fil-A Parcel that is zoned R-4 will be eliminated from the adjacent residentially zoned and used parcels.

Almost as importantly, currently runoff from the Property flows down to the east onto residential properties along Montclair. Applicant's redevelopment of the Property will afford the opportunity to better capture runoff and relieve existing problematic conditions. Likewise, as a result of the operation of a dry cleaner on a portion of the Property, remediation will be required before any new development occurs. Applicant fully understands this issue and will remediate the Property to avoid further environmental issues. If the Property is not redeveloped, this hazard will only continue.

Finally, there will be no new residential features of the Project; accordingly, there will be no impact on the City's schools.

(4) **Whether the amendment is consistent with the written policies in the Comprehensive Text Plan.**

Applicant believes that the requested amendment is consistent with the written policies in the Comprehensive Text Plan. Specifically, in connection with Atlanta's Built Environment, as more particularly described in the CDP, Atlanta seeks to change the built environment from a suburban type development, with parking in the front, large front yard setbacks, etc., to high density development moved to the front of the street, with parking in the rear, increased pedestrian clear zones and beltline redevelopment. Because this Project is located within the Beltline Overlay District, the Project is being designed to conform to the Overlay District standards. The retail component of the Property will help enhance the pedestrian system that currently exists on Peachtree Road in this area, and that will continue to improve and grow as more mixed use projects allow more people to live, work and play in these areas.

Importantly and specific to the CDP Amendment Application and Applicant's desire to rezone a portion of the Chick-Fil-A Parcel from R-4 to C-3, is Applicant's proposal to reduce the existing commercial impact on the remaining portion of the Chick-Fil-A Parcel zoned R-4 by removing existing parking, paving and driveway improvements from the remaining R-4 portion of the Property and returning that area to green, open space. This is consistent with stated goals of the CDP and one that Applicant is excited about. Another goal that this Application meets is a greater emphasis on security and safety in urban design. If the Project is approved and constructed, it will allow for now closed and unused portions of the Property to be redeveloped, decreasing the potential for use of closed buildings for criminal activity.

(5) **Whether there are environmental impacts or consequences resulting from the proposed change.**

Applicant does not anticipate there being any environmental impacts or consequences resulting from the proposed change. Portions of the Chick-Fil-A Parcel are already used for commercial purposes. Applicant will meet with the City Arborist and develop the Property in accordance with the City of Atlanta's policies related to tree preservation as set forth in the City of Atlanta Tree Ordinance, including the implementation of an appropriate tree recompense plan.

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Applicant believes that this letter of intent, and the accompanying documents, support the CDP Amendment Application[3], and Applicant is happy to answer any questions or provide any additional information that you may have with regard to this CDP Amendment Application. Applicant respectfully requests the approval of the CDP Application to change the existing land use designation for the portion of the Chick-Fil-A Parcel proposed to be C-3 to HDC.

Very truly yours,
HOLT NEY ZATCOFF & WASSERMAN, LLP

James M. Ney

Ellen W. Smith
Attorneys for Cornerstone Development Partners, LLC

JMN/EWS/ews

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[3] Applicant notifies the City of its constitutional concerns with respect to its CDP Amendment Application. If the Council denies the CDP Amendment Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. Moreover, the CDP Amendment Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Council changes the CDP designation of the Chick-Fil-A Parcel (or any other portion of the Property) to anything other than the requested HDC designation without Applicant's consent, then Applicant will be deprived any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Council, the Zoning Ordinance is unconstitutional. Any such denial would discriminate between Applicant and any future Property owner and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a failure to grant the CDP Amendment Application would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the Council's discretion in considering or deciding applications for amendment to the CDP. Applicant remains optimistic that the City's consideration of the CDP Amendment Application will be conducted in a constitutional manner.

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AUTHORIZATION BY PROPERTY OWNER

(Required if person filing the application is **not** the owner of the subject property or Applicant for the proposed rezoning)

I, Douglas Dromey, Manager of Lmsptree, LLC (~~OWNER'S NAME~~)

SWEAR AND AFFIRM THAT ~~I AM~~ Lmsptree, LLC is THE OWNER OF THE PROPERTY AT 1901 Peachtree Road, NE, Atlanta, GA 30309 **(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 FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT: CORNERSTONE DEVELOPMENT PARTNERS, LLC
C/O
LAST NAME Ney FIRST NAME Jim
Holt Ney Zatcoff & Wasserman, LLP
ADDRESS 100 STREET NAME Galleria Parkway SUITE 1800

CITY Atlanta STATE GA ZIP CODE 30339

TELEPHONE NUMBER
AREA CODE (770) NUMBER 956 - 9600

Lmsptree, LLC

By: _____
Signature ~~of Owner~~

DOUGLAS S DROMEY
Print name ~~of owner~~ Mngr

Personally Appeared Before Me this 2nd day of Aug, 2013.

Cynthia Spraitley
Notary Public
My Commission Expires 9-9-2013

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AUTHORIZATION BY PROPERTY OWNER

(Required if person filing the application is **not** the owner of the subject property or Applicant for the proposed rezoning)

I, Michael Nassarafa of Semah, Inc. (~~XXXXXXXXXXXX~~)

SWEAR AND AFFIRM THAT ~~XXX~~ Semah, Inc. is THE OWNER OF THE PROPERTY AT 1891 Peachtree Road, NE, Atlanta, GA 30309 **(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 FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT: CORNERSTONE DEVELOPMENT PARTNERS, LLC

C/O

LAST NAME Ney FIRST NAME Jim

Holt Ney Zatcoff & Wasserman, LLP

ADDRESS 100 STREET NAME Galleria Parkway SUITE 1800

CITY Atlanta STATE GA ZIP CODE 30339

TELEPHONE NUMBER

AREA CODE (770) NUMBER 956 - 9600

Semah, Inc.

By: _____

Signature ~~XXXXXXX~~

Michael Nasserazad

Print name ~~XXXXXXX~~

Personally Appeared Before Me this 3 day of April, 2013.

_____

Notary Public

ZACH MCELVEEN
NOTARY
EXPIRES
GEORGIA
OCT. 17, 2015
PUBLIC
DEKALB COUNTY

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AUTHORIZATION BY PROPERTY OWNER

(Required if person filing the application is **not** the owner of the subject property or Applicant for the proposed rezoning)

I, James B. Cumming (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT
1875 Peachtree Road, NE, Atlanta, GA 30309 **(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 FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT: CORNERSTONE DEVELOPMENT PARTNERS, LLC
C/O
LAST NAME Ney FIRST NAME Jim
Holt Ney Zatcoff & Wasserman, LLP
ADDRESS 100 STREET NAME Galleria Parkway SUITE 1800

CITY Atlanta STATE GA ZIP CODE 30339

TELEPHONE NUMBER
AREA CODE (770) NUMBER 956 - 9600

James B. Cumming
Signature of Owner

James B. Cumming
Print name of owner

Personally Appeared Before Me this 5th day of April, 2013.

Marsha D. Anson
Notary Public

MARSHA D. ANSON
NOTARY
MY COMMISSION EXPIRES OCTOBER 17, 2014
PUBLIC
GWINNETT COUNTY, GEORGIA

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AUTHORIZATION BY PROPERTY OWNER

(Required if person filing the application is **not** the owner of the subject property or Applicant for the proposed rezoning)

I, RB Wilson, Jr. of Rbw Holdings, LLC (~~OWNER'S NAME~~)

SWEAR AND AFFIRM THAT ~~XXX~~ Rbw Holdings, LLC is THE OWNER OF THE PROPERTY AT 1895 Peachtree Road, NE, Atlanta, GA 30309 (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 FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT: CORNERSTONE DEVELOPMENT PARTNERS, LLC
C/O
LAST NAME Ney FIRST NAME Jim
Holt Ney Zatcoff & Wasserman, LLP
ADDRESS 100 STREET NAME Galleria Parkway SUITE 1800

CITY Atlanta STATE GA ZIP CODE 30339

TELEPHONE NUMBER
AREA CODE (770) NUMBER 956 - 9600

Rbw Holdings, LLC
By: RB Wilson, Jr.
Signature ~~OF OWNER~~
RB Wilson, Jr.
Print name ~~OF OWNER~~

Personally Appeared Before Me this 7th day of June, 2013.

Patsy G. Cox
Notary Public

PATSY G COX
MY COMMISSION EXPIRES
AUGUST 24 2014
BARTOW CO., GEORGIA
NOTARY PUBLIC

AUTHORIZATION OF ATTORNEY

I SWEAR AND AFFIRM, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN AUTHORIZED BY THE OWNER OF THE PROPERTY SUBJECT TO THE PROPOSED REZONING TO FILE THIS APPLICATION.

James M. Ney

SIGNATURE OF ATTORNEY

James M. Ney / Holt Ney Zatcoff & Wasserman, LLP

NAME

100 Galleria Parkway, Suite 1800

ADDRESS

Atlanta, Georgia 30339

CITY STATE ZIPCODE

770.956.9600

TELEPHONE NUMBER

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AUTHORIZATION OF ATTORNEY

I SWEAR AND AFFIRM, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN AUTHORIZED BY THE OWNER OF THE PROPERTY SUBJECT TO THE PROPOSED REZONING TO FILE THIS APPLICATION.

SIGNATURE OF ATTORNEY

Ellen W. Smith / Holt Ney Zatcoff & Wasserman, LLP
NAME

100 Galleria Parkway, Suite 1800
ADDRESS

Atlanta, Georgia 30339
CITY STATE ZIPCODE

770.661.1216
TELEPHONE NUMBER

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CERTIFICATION OF PRE-APPLICATION CONFERENCE

FOR PROPERTY LOCATED IN BELTLINE OVERLAY DISTRICT

In accordance with Section 16-36.004(1) of the Zoning Ordinance of the City of Atlanta, a pre-application conference was held on Monday, April 1, 2013, among Cornerstone Development Partners, LLC (Applicant), Applicant's counsel, engineers and architects, and staff members of the Current Planning Division, Development Review Section.

APPLICANT:
CORNERSTONE DEVELOPMENT PARTNERS, LLC

By: _____
Robert F. Kern, President

CITY OF ATLANTA

By: _____
Signature of Staff Person
Signature of Staff only represents that the required pre-conference for a Beltline Overlay property has been held and does not indicate the position of the Office of Planning on any proposal

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COMBINED TRACT DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 110 OF THE 17TH DISTRICT, BEING IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT AN IRON PIN FOUND (1" OPEN TOP PIPE) AT THE NORTHWEST CORNER OF A PARCEL KNOWN AS 1919 PEACHTREE ROAD NE REAR, BASED ON THE PRESENT STREET ADDRESS NUMBERING SYSTEM FOR THE CITY OF ATLANTA. THE LEGAL DESCRIPTION OF SAID PARCEL BEING RECORDED IN DEED BOOK 52121, PAGE 3 SAID IRON PIN HAVING A COORDINATE VALUE OF NORTH 1385023.66, EAST 2227894.90 ACCORDING TO THE GEORGIA STATE PLANE COORDINATE SYSTEM, NAD83(94), U.S. SURVEY FEET, GEORGIA WEST ZONE; THENCE SOUTH 53°26'45" EAST A DISTANCE OF 132.21 FEET TO AN IRON PIN SET (1/2" REBAR) AND HAVING A COORDINATE VALUE OF NORTH 1384944.91, EAST 2228001.10 ACCORDING TO THE GEORGIA STATE PLANE COORDINATE SYSTEM, NAD83(94), U.S. SURVEY FEET, GEORGIA WEST ZONE, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 00°51'34" WEST A DISTANCE OF 190.00 FEET ALONG THE PROPERTY NOW OR FORMERLY OF JAMES STEWART GANTT, JR. AND SUSAN GANTT AND PROPERTY NOW OR FORMERLY OF LAURA W. BOYD TO AN IRON PIN FOUND (1" OPEN TOP PIPE); THENCE SOUTH 06°21'06" EAST A DISTANCE OF 94.45 FEET ALONG THE PROPERTY NOW OR FORMERLY OF WILLIAM J. LONG AND MARY BALENT TO AN IRON PIN FOUND (1/2" OPEN TOP PIPE); THENCE SOUTH 89°53'10" WEST A DISTANCE OF 121.15 FEET ALONG THE PROPERTY NOW OR FORMERLY OF SUSAN A. MCLAUGHLIN TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 02°24'38" WEST A DISTANCE OF 95.81 FEET ALONG THE PROPERTY NOW OR FORMERLY OF SUSAN A. MCLAUGHLIN TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 89°29'41" WEST A DISTANCE OF 286.64 FEET ALONG THE PROPERTY NOW OR FORMERLY OF SYLVIA COSTOPOULOS, ET AL TO AN IRON PIN FOUND (3/8" REBAR) ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY) THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT 99.91 FEET HAVING A RADIUS OF 4575.62 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 03°42'56" EAST 99.91 FEET TO A NAIL FOUND ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY); THENCE SOUTH 89°50'52" WEST A DISTANCE OF 15.13 FEET TO AN IRON PIN FOUND (1-1/4" OPEN TOP PIPE) ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY WIDTH); THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT 50.06 FEET HAVING A RADIUS OF 4590.69 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 05°35'41" EAST 50.06 FEET TO AN IRON PIN FOUND (1" CRIMPED TOP PIPE) ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY); THENCE ALONG AN ARC OF A CURVE CONCAVE TO THE RIGHT 149.88 FEET HAVING A RADIUS OF 4590.69 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 06°50'33" EAST 149.87 FEET TO AN IRON PIN FOUND (1/2" REBAR) ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY); THENCE NORTH 06°42'41" EAST 90.00 FEET TO A PK NAIL SET IN ASPHALT ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT-OF-WAY OF PEACHTREE ROAD AND CONTINUING SOUTH 89°11'05" EAST 379.62 FEET ALONG THE PROPERTY NOW OR FORMERLY OF HOOSHANG NASSERAZAD AND PROPERTY NOW OR FORMERLY OF THE BANK OF NEW YORK MELLON TO AN IRON PIN SET (1/2" REBAR) AND THE TRUE POINT OF BEGINNING. SAID TRACT CONTAINING 3.24 ACRES MORE OR LESS.

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CITY OF ATLANTA
55 TRINITY AVE SW STE 1350
ATLANTA, GA. 30303-3534
404-330-6270

Merchant ID: 550138523
Term ID: 00105400005501385230 02

Sale

PAID
CITY OF ATLANTA
AUG 06 2013
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

xxxxxxxxxxx1017
AMEX

Entry Method: Swiped

Total: $ 5,500.00

08/06/13 09:54:12
Inv #: 000004 Appr Code: 540455
Apprvd: Online

pplication: Z-13-030
tion Type: Planning/ZRB/Rezoning/NA
Address: 1901 PEACHTREE RD NE, ATLANTA, GA 30309
ner Name: LMSPTREE LLC
r Address:
on Name:

Customer Copy
THANK YOU!

er	Amount Paid	Payment Date	Cashier ID	Received	Comments
Credit Card	$5,500.00	08/06/2013	RPLEWIS		

Owner Info.: LMSPTREE LLC

Work Description: rezone property from C-3, C-3-C and R-4 to C-3-C and R-4-C for a new medical office building and related retail and restaurant

COMBINED TRACT DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 110 OF THE 17TH DISTRICT, BEING IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT AN IRON PIN FOUND (1" OPEN TOP PIPE) AT THE NORTHWEST CORNER OF A PARCEL KNOWN AS 1919 PEACHTREE ROAD NE REAR, BASED ON THE PRESENT STREET ADDRESS NUMBERING SYSTEM FOR THE CITY OF ATLANTA. THE LEGAL DESCRIPTION OF SAID PARCEL BEING RECORDED IN DEED BOOK 52121, PAGE 3 SAID IRON PIN HAVING A COORDINATE VALUE OF NORTH 1385023.66, EAST 2227894.90 ACCORDING TO THE GEORGIA STATE PLANE COORDINATE SYSTEM, NAD83(94), U.S. SURVEY FEET, GEORGIA WEST ZONE; THENCE SOUTH 53°26'45" EAST A DISTANCE OF 132.21 FEET TO AN IRON PIN SET (1/2" REBAR) AND HAVING A COORDINATE VALUE OF NORTH 1384944.91, EAST 2228001.10 ACCORDING TO THE GEORGIA STATE PLANE COORDINATE SYSTEM, NAD83(94), U.S. SURVEY FEET, GEORGIA WEST ZONE, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 00°51'34" WEST A DISTANCE OF 190.00 FEET ALONG THE PROPERTY NOW OR FORMERLY OF JAMES STEWART GANTT, JR. AND SUSAN GANTT AND PROPERTY NOW OR FORMERLY OF LAURA W. BOYD TO AN IRON PIN FOUND (1" OPEN TOP PIPE); THENCE SOUTH 06°21'06" EAST A DISTANCE OF 94.45 FEET ALONG THE PROPERTY NOW OR FORMERLY OF WILLIAM J. LONG AND MARY BALENT TO AN IRON PIN FOUND (1/2" OPEN TOP PIPE); THENCE SOUTH 89°53'10" WEST A DISTANCE OF 121.15 FEET ALONG THE PROPERTY NOW OR FORMERLY OF SUSAN A. MCLAUGHLIN TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 02°24'38" WEST A DISTANCE OF 95.81 FEET ALONG THE PROPERTY NOW OR FORMERLY OF SUSAN A. MCLAUGHLIN TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 89°29'41" WEST A DISTANCE OF 286.64 FEET ALONG THE PROPERTY NOW OR FORMERLY OF SYLVIA COSTOPOULOS, ET AL TO AN IRON PIN FOUND (3/8" REBAR) ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY) THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT 99.91 FEET HAVING A RADIUS OF 4575.62 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 03°42'56" EAST 99.91 FEET TO A NAIL FOUND ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY); THENCE SOUTH 89°50'52" WEST A DISTANCE OF 15.13 FEET TO AN IRON PIN FOUND (1-1/4" OPEN TOP PIPE) ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY WIDTH); THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT 50.06 FEET HAVING A RADIUS OF 4590.69 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 05°35'41" EAST 50.06 FEET TO AN IRON PIN FOUND (1" CRIMPED TOP PIPE) ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY); THENCE ALONG AN ARC OF A CURVE CONCAVE TO THE RIGHT 149.88 FEET HAVING A RADIUS OF 4590.69 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 06°50'33" EAST 149.87 FEET TO AN IRON PIN FOUND (1/2" REBAR) ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY); THENCE NORTH 06°42'41" EAST 90.00 FEET TO A PK NAIL SET IN ASPHALT ON THE EASTERLY RIGHT-OF-WAY MARGIN OF PEACHTREE ROAD (VARIABLE RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT-OF-WAY OF PEACHTREE ROAD AND CONTINUING SOUTH 89°11'05" EAST 379.62 FEET ALONG THE PROPERTY NOW OR FORMERLY OF HOOSHANG NASSERAZAD AND PROPERTY NOW OR FORMERLY OF THE BANK OF NEW YORK MELLON TO AN IRON PIN SET (1/2" REBAR) AND THE TRUE POINT OF BEGINNING. SAID TRACT CONTAINING 3.24 ACRES MORE OR LESS.

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