

**CITY COUNCIL  
ATLANTA, GEORGIA**

13-O-1225

**AN ORDINANCE TO REZONE FROM THE C-1-C (COMMUNITY BUSINESS-CONDITIONAL) DISTRICT TO THE MR-4B (MULTI-FAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LOCATED AT 627 IRWIN STREET, N.E. FRONTING APPROXIMATELY 100 FEET ON THE SOUTH SIDE OF IRWIN BEGINNING 400 FEET FROM THE SOUTHWEST CORNER OF RANDOLPH. DEPTH: APPROXIMATELY 200 FEET. AREA: APPROXIMATELY .49 ACRES. LAND LOT 19, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: JIM LAVALLEE/EPIC DEVELOPMENT, LLC. APPLICANT: JIM LAVALLEE/EPIC DEVELOPMENT, LLC. NPU M COUNCIL DISTRICT 2**

Application File Date	8-6-13
Zoning Number	Z-13-31
NPU / CD	M/2
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

**Review List:**

Office of Research and Policy Analysis	Completed	08/20/2013 10:34 AM
Zoning Committee	Pending	
Zoning Review Board Staff	Pending	
Office of Research and Policy Analysis	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

**AN ORDINANCE  
BY ZONING COMMITTEE**

**AN ORDINANCE TO REZONE FROM THE C-1-C (COMMUNITY BUSINESS-CONDITIONAL) DISTRICT TO THE MR-4B (MULTI-FAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LOCATED AT 627 IRWIN STREET, N.E. FRONTING APPROXIMATELY 100 FEET ON THE SOUTH SIDE OF IRWIN BEGINNING 400 FEET FROM THE SOUTHWEST CORNER OF RANDOLPH. DEPTH: APPROXIMATELY 200 FEET. AREA: APPROXIMATELY .49 ACRES. LAND LOT 19, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: JIM LAVALLEE/EPIC DEVELOPMENT, LLC. APPLICANT: JIM LAVALLEE/EPIC DEVELOPMENT, LLC. NPU M COUNCIL DISTRICT 2**

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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 627 IRWIN STREET, N. E., be changed from the C-1-C (Community Business-Conditional) District to the MR-4B (Multi-family Residential) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 19 of the 14<sup>th</sup> 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.

Deed Book 49387 Pg 636

WHEREAS, U.S. Bank, N.A., a successor trustee to Wachovia Bank, N.A. (formerly known as First Union National Bank) as trustee for Long Beach Mortgage Loan Trust 2002-2, according to the terms of said Security Deed, did expose said property for sale to the highest and best bidder for cash on the first Tuesday, September 7, 2010 within the legal hours of sale before the Courthouse door in Fulton County, Georgia, after first advertising said sale by a notice published in the FULTON COUNTY DAILY REPORT once a week for four weeks immediately preceding said sale and complying with the terms of said Security Deed and advertisement; and

WHEREAS, the property hereinafter described was knocked off to the Grantee herein, said Grantee being the highest and best bidder for cash at and for the sum of

**THIS CONVEYANCE is made subject to any right of the United States of America to redeem the within-described property within one hundred and twenty (120) days from the aforesaid sale date in order to satisfy certain outstanding federal tax liens. See affidavit and notice to Internal Revenue Service attached hereto and made a part hereof.**

NOW THEREFORE, in consideration of the premises and the above said sum, cash in hand paid, the receipt of which is hereby acknowledged, the said Grantors, acting by and through their duly appointed agent and Attorney-in-Fact, U.S. Bank, N.A., a successor trustee to Wachovia Bank, N.A. (formerly known as First Union National Bank) as trustee for Long Beach Mortgage Loan Trust 2002-2, do hereby sell, transfer and convey unto said Grantee herein, its successors and assigns, the following described property, to-wit:

**All that tract or parcel of land lying and being in Land Lot 19 of the 14th District of Fulton County, Georgia being more particularly described as follows: Beginning at a point on the south side of Irwin Street 206.4 feet west as measured along the south side of Irwin Street from the southwest corner of the intersection of Irwin Street and Auburn Avenue, said Point of Beginning also being located at the northwest corner of property now or formerly owned by Rice and Mitchell; thence running west along the south side of Irwin Street, 100 feet to a point; thence running south 200 feet to a point; thence running east 100 feet to a point; thence running north 200 feet to a point on the south side of Irwin Street, said point being the point of beginning.**

Said property is known as 627 Irwin Street NE, Atlanta, GA 30312, together with all fixtures and personal property attached to and constituting a part of said property, if any.

This conveyance is subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), the right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, easements, restrictions, covenants, and matters of record superior to the Security Deed.

2-13-31



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

APPLICATION #: **Z-13-031**

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

NOTICE TO APPLICANT

Address of Property:

**627 Irwin ST NE**

City Council District: **2** Neighborhood Planning Unit (NPU): **M**

Zoning Review Board (ZRB) Hearing Date:

**Thursday, October 10 or 17, 2013 at 6:00 p.m.**

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

The contact person for NPU M is:

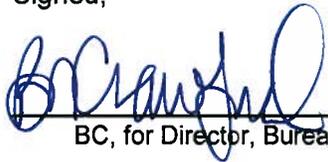
**Fiona Sites-Bowen**  
**(650)380-6737**  
**Fiona.s.b@gmail.com**

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,

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

  
\_\_\_\_\_  
Jim Lavalley



APPLICATION FOR REZONING  
City of Atlanta

Date Filed \_\_\_\_\_

Application Number Z-13-31

**I Hereby Request That The Property Described in this Application be Rezoned**  
From C1-C District  
TO MR-4B District

Name of Applicant LAVALLEE, JIM - EPIC DEVELOPMENT, LLC  
Last Name First Name M.I.

address P.O. Box 660066 street name \_\_\_\_\_  
city ATL state GA zip code 30366  
phone 770-228-2000 Fax 770-457-2390  
e-mail address JLaVallee@EPICITY.COM

Name of Property Owner SAME  
Last Name First Name M.I.

address \_\_\_\_\_ street name \_\_\_\_\_  
city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_  
phone \_\_\_\_\_ Fax \_\_\_\_\_

**Description of Property**

Address of Property 627 street name IRWIN ST. N.E.  
city ATL state GA zip code 30312  
The subject property fronts 100' feet on the SOUTH side of IRWIN  
beginning 400' feet from the SW corner of RANDOLPH  
Depth: 200' Area: .49 Land Lot: 19 Land District: 14TH FULTON County, GA.  
Property is zoned: C1-C Council District: 2 Neighborhood Planning Unit: M

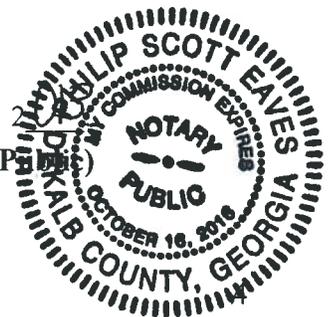
- C. **CONDITIONAL ZONING.** If the request is for zoning for new development, submit fourteen (14) copies of the site plan prepared by a State of Georgia registered architect, landscape architect, engineer, or planner holding the AICP designation. Site plans must be folded to 11" x 14". All site plans 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.
- 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.**

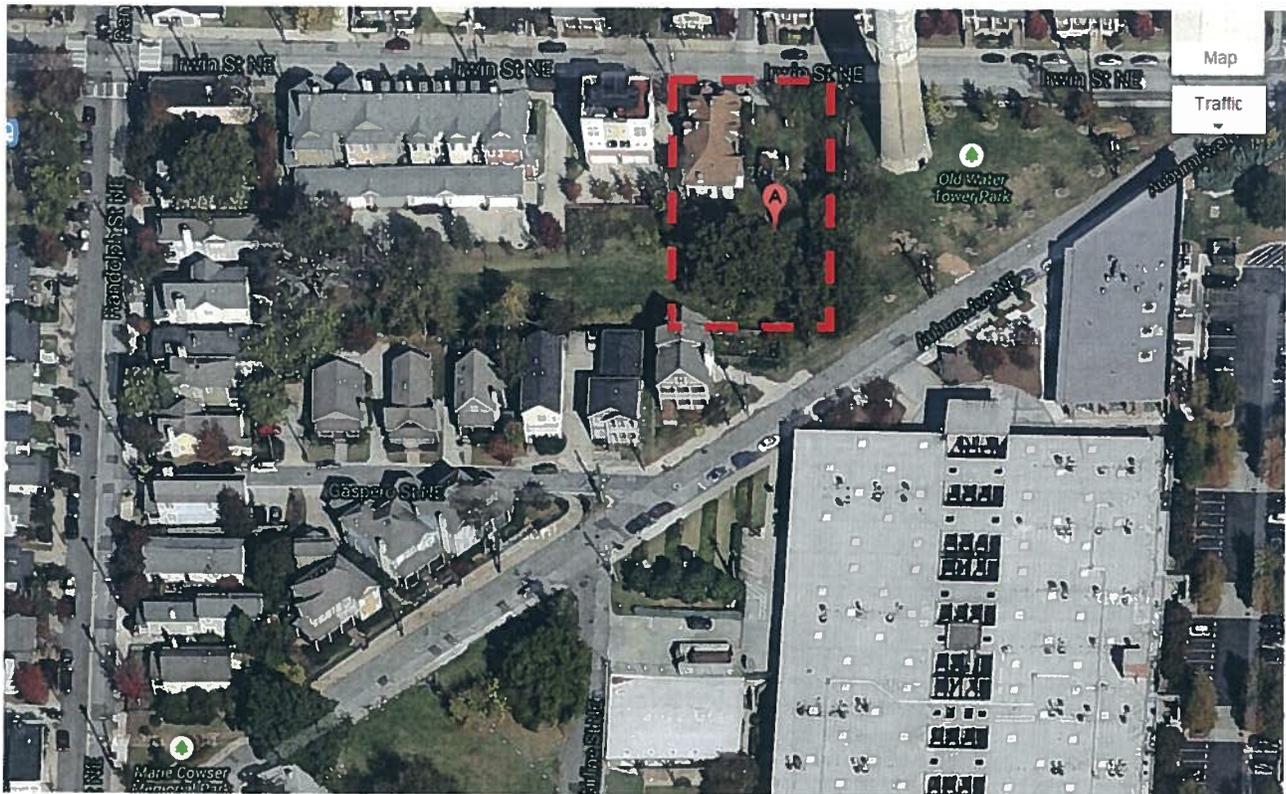
I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

Epic Development Atlanta, LLC  
by: EpiCity, Inc. its manager  
by T.J. LaVallee VP

Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 5<sup>th</sup> day of August,  
Philip Scott Eaves (Notary Public)





## STATEMENT OF INTENT AND DOCUMENTED IMPACT ANALYSIS

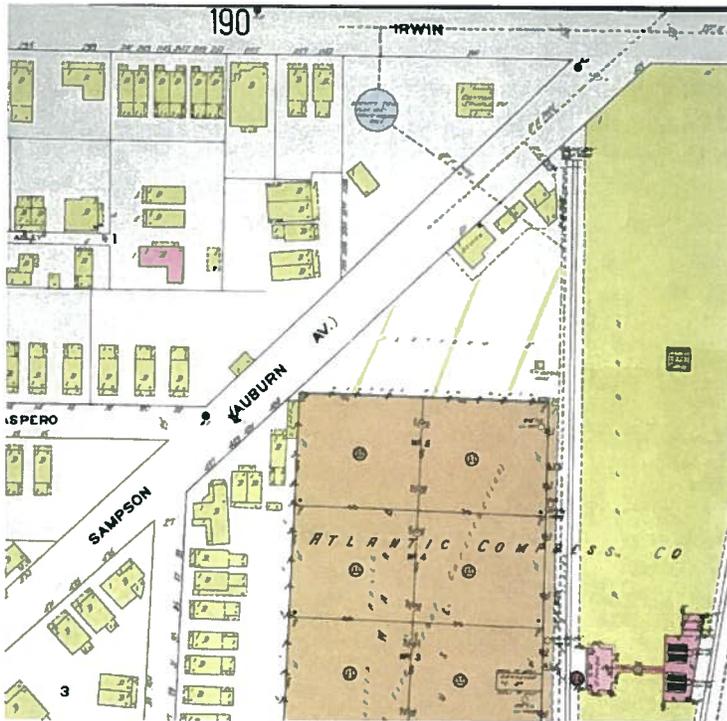
### APPLICATION TO REZONE PROPERTY FROM C-1c to MR-4B

For ±.489 acres of  
land located at  
**627 Irwin Street NE**  
City of Atlanta  
Land Lot 19, 14<sup>th</sup> District, Fulton County, Georgia

Submitted by  
**Epic Development Atlanta, LLC**  
*USPS Mail:* P. O. Box 660066, Atlanta, Georgia 30366-6666  
*Headquarters:* 2215 Perimeter Park Drive, Suite 1, Atlanta GA 30341-1307

**INTRODUCTION:** This Application is submitted for a .489-acre parcel of land located in Land Lot 19 of the 14<sup>th</sup> District of Fulton County and known as 627 Irwin Street (zoned C1-c) Epic Development Atlanta, LLC, owner and applicant (the “Applicant”) seeks approval to rezone certain property from the C-1c(Community Business District) within the BLO (Beltline Overlay) to the MR-4B/BLO (Mixed Residential Four B/Beltline Overlay) classification for the purpose of developing the site for multifamily residential purposes. This document is submitted as the Statement of Intent and Documented Impact Analysis required by Georgia law and the City of Atlanta Zoning Ordinance.

**DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA:** The Property is currently vacant and sits adjacent to 631 Irwin Street, a.k.a. the water tower site, or water tower park as it is known, and 632 Auburn Avenue to the south. The topography slopes toward Irwin Street from a high point at the south property line. A new duplex townhouse sits adjacent to the site at 621 Irwin Street. The block is predominantly multifamily townhome and single family residences, with a small commercial store on the northeast corner of the block at the intersection of Irwin and Randolph.



**HISTORY OF THE PROPERTY:** The property is currently vacant. 1911 Sanborn Fire Insurance Maps show the property containing 8 residences. See Illustration

**SCOPE OF PROJECT:** The Applicant proposes to construct (9) 2000 s.f. townhouses on the parcel per the attached site by Gamble and Gamble Architects. Access to this site will be per one curb cut on Irwin Street with all applicable setbacks as determined by the BLO. Trees will line the perimeter at the west and south property lines, with ample landscaping.

#### **DOCUMENTED IMPACT ANALYSIS**

The Applicant provides the following information in response to the required analysis:

**1. Compatibility with comprehensive development plans:** The Property and surrounding area has been the subject of one planning exercise, the *Atlanta Beltline Master Plan/Subarea 5* adopted on March 16, 2009 (“Subarea 5 Plan”). This plans emphasized the following themes with regards to the area around Irwin Street and Auburn Avenue:

- Emphasize quality design
- Redevelopment should be at a density sufficient to support public transit
- Enhance the pedestrian environment by providing safe, attractive sidewalks and a quality public realm
- Discourage surface parking
- Preservation of stable neighborhoods: Redevelopment of parcels near single family Homes will step down in intensity to achieve design compatibility. Residential activity (5-9 stories) proposed along the BeltLine transitions to lower scale residential (1-4 stories), providing a buffer between existing neighborhoods

No addendum to the CDP is required. In preliminary meetings with planning staff, it was determined that a change from C1-c to MR-4B is acceptable within the current CDP matrix.

**2. Availability of and effect on public facilities and services:** The Property is located between to major streets in the Old Fourth Ward and is served by MARTA bus lines. City sewer and other utilities have

served the Property for many decades. The Applicant is not aware of any deficiencies in available services. The proposed transit stop at Irwin Street will further afford mobility options once completed.

**3. Availability of other land suitable for proposed uses; effect on balance of land uses:** There are a very limited number of vacant, buildable lots in the general vicinity of the intersection. Positive effect related to the suitability of proposed uses in that the applicant seeks to preserve the residential character of the block by ensuring no commercial use. . . . overall per the BLO, contributes to the overall residential redevelopment of the old fourth ward – make reference

**4. Effect on character of neighborhood:** There is general consensus amongst adjacent property owners that the development of the parcel under its current zoning of C1-c is not in keeping with the general character of the block. There is currently only 1 small commercial establishment on the block at the intersection of Randolph and Irwin. While there is commercial development in the vicinity, the best use of the parcel to preserve the character of the existing block is exclusively residential. Sidewalks and landscape areas per the BLO will further enhance the character of the site and the surround blocks. Resident parking will be accommodated in townhouse style garages, and guest parking accommodated via on-site parallel parking along the driveway.

**5. Suitability of proposed use:** Per the Sanborn Map from 1911, the proposed development is consistent with the historic neighborhood fabric. As shown, 5 of the 8 total residences on the site are party wall structures and face the water tower parcel. Higher density residential development is in keeping with the aspirations of the BLO.

**6. Effect on adjacent property:** There will be no negative effects on the immediate adjacent properties if the site is developed exclusively residential. The block and surrounds are characterized by single and multifamily houses. The set of rowhouses shown in the site plan will have a height not to exceed 35' and are essentially a set of 9 single family houses joined by party walls. High quality of the design and construction will enhance overall value of the neighborhood.

If the block is developed commercially under the existing zoning designation, the immediate neighbors could be profoundly impacted by large surface parking, dumpster areas, and most importantly, a high volume of in and out transient traffic on the site.

**7. Economic use of current zoning:** While residential could be developed under the existing C-1c zoning (with and amendment – see table), the setbacks associated with C1 as well as the FAR do not support the development of more the 13,800 s.f. of residential (.696 x 19,980s.f.), a density lower than recommended by the CDP. Commercial development of the site would result in substantial surface parking to support commercial functions, e.g. restaurant or retail space.

**8. Tree preservation:** The Applicant currently projects that approximately 4 trees will be removed and will pay recompense. However, street trees and landscaping will be added. Once the site plan is finalized, the Applicant will engage a landscape professional and will submit a tree replacement plan in accordance with applicable zoning and tree ordinance requirements.

#### **Conclusion:**

Based on the observations and arguments above, the applicant respectfully requests the change from C1-c to MR-4B.



<b>Site Plan Specifications - 627 Irwin Street</b>		
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning Classification:</b> <b>627 Irwin Street</b>	<b>C-1</b>	<b>MR-4B</b>
<b>Building Square Footage:</b>	<b>Not Applicable</b>	<b>18,000 sq. ft.</b> <b>(9 townhomes at 2,000 sq. ft. each)</b>
<b>Accessory Spaces</b>	<b>Not Applicable</b>	<b>3600 sq. ft. garages</b> <b>(9 at 400 sq. ft. each)</b>
<b>Building Heights:</b>	<b>Not Applicable</b>	<b>&lt; 35 feet</b> <b>(52 feet max. allowed)</b>
<b>Land Area:</b>	<b>19,998 sq. ft.</b>	<b>No Change</b>
<b>Floor Area Ratio:</b>	<b>Not Applicable</b> <b>.696 allowable in C-1</b>	<b>.90 (18,000/ 19,998)</b> <b>1.49 allowable in MR-4B</b>
<b>Lot Coverage (impervious):</b>	<b>Not Applicable</b>	<b>63%</b> <b>(12,600 sf / 19,998 sf = 63%)</b>
<b>Total Open Space Requirement</b>	<b>Not Applicable</b> <b>.696 required in C-1</b>	<b>.70 (.69 required in MR-4B)</b> <b>(13,998 sf / 19,998 sf = .70)</b>
<b>Usable Open Space Requirement</b>	<b>Not Applicable</b> <b>.40 required in C-1</b>	<b>.64 (.43 required in MR-4B)</b> <b>(12,798 sf / 19,998 sf = .64)</b>
<b>Parking:</b>	<b>Not Applicable</b> <b>(.99 / unit required)</b>	<b>18 spaces provided</b> <b>(.73 / unit required = 7 req.)</b>

# ATLANTA PUBLIC SCHOOLS REVIEW REQUEST

(Required only if application would result in construction of one or more units of new housing)

Application Number \_\_\_\_\_

Name of applicant **Epic Development Atlanta, LLC**

Address **PO Box 660066**

City **Atlanta** State **GA** Zip Code **30366**

Contact, if other than applicant **Tom Stokes 404-995-9494**

Zoning category requested **MR4B** No. of acres of property to be rezoned **1/2 Acre**

No. of Proposed dwelling units per acre **18** Total number of dwelling units **9**

Total number of units by bedroom: **27**

Monthly rental per unit **N/A** or selling per unit **\$375,000**

Projected construction completion date: **Fall of 2014**

WHEREAS, U.S. Bank, N.A., a successor trustee to Wachovia Bank, N.A. (formerly known as First Union National Bank) as trustee for Long Beach Mortgage Loan Trust 2002-2, according to the terms of said Security Deed, did expose said property for sale to the highest and best bidder for cash on the first Tuesday, September 7, 2010 within the legal hours of sale before the Courthouse door in Fulton County, Georgia, after first advertising said sale by a notice published in the FULTON COUNTY DAILY REPORT once a week for four weeks immediately preceding said sale and complying with the terms of said Security Deed and advertisement; and

WHEREAS, the property hereinafter described was knocked off to the Grantee herein, said Grantee being the highest and best bidder for cash at and for the sum of

**THIS CONVEYANCE is made subject to any right of the United States of America to redeem the within-described property within one hundred and twenty (120) days from the aforesaid sale date in order to satisfy certain outstanding federal tax liens. See affidavit and notice to Internal Revenue Service attached hereto and made a part hereof.**

NOW THEREFORE, in consideration of the premises and the above said sum, cash in hand paid, the receipt of which is hereby acknowledged, the said Grantors, acting by and through their duly appointed agent and Attorney-in-Fact, U.S. Bank, N.A., a successor trustee to Wachovia Bank, N.A. (formerly known as First Union National Bank) as trustee for Long Beach Mortgage Loan Trust 2002-2, do hereby sell, transfer and convey unto said Grantee herein, its successors and assigns, the following described property, to-wit:

**All that tract or parcel of land lying and being in Land Lot 19 of the 14th District of Fulton County, Georgia being more particularly described as follows: Beginning at a point on the south side of Irwin Street 206.4 feet west as measured along the south side of Irwin Street from the southwest corner of the intersection of Irwin Street and Auburn Avenue, said Point of Beginning also being located at the northwest corner of property now or formerly owned by Rice and Mitchell; thence running west along the south side of Irwin Street, 100 feet to a point; thence running south 200 feet to a point; thence running east 100 feet to a point; thence running north 200 feet to a point on the south side of Irwin Street, said point being the point of beginning.**

Said property is known as 627 Irwin Street NE, Atlanta, GA 30312, together with all fixtures and personal property attached to and constituting a part of said property, if any.

This conveyance is subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), the right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, easements, restrictions, covenants, and matters of record superior to the Security Deed.

RECEIPT

CITY OF ATLANTA  
ATLANTATEST  
55 TRINITY AVE SW

**Application:** Z-13-031  
**Application Type:** Planning/ZRB/Rezoning/NA  
**Address:** 627 IRWIN ST NE, ATLANTA, GA 30312  
**Owner Name:** PATTON DAVID  
**Owner Address:**  
**Application Name:**

---

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
338022	1467	\$500.00	08/06/2013	JADEGBOYE		

**Owner Info.:** PATTON DAVID

**Work Description:** Rezoning from C-1-C to MR-4B

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