

**Z-13-35- AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE C-3-C/BL (COMMERCIAL RESIDENTIAL-CONDITIONAL/BELTLINE OVERLAY) DISTRICT AND C-3/BL (COMMERCIAL RESIDENTIAL/BELTLINE OVERLAY) DISTRICT TO THE C-3-C/BL (COMMERCIAL RESIDENTIAL-CONDITIONAL/BELTLINE OVERLAY) DISTRICT FOR PROPERTY LOCATED AT (A PORTION OF) 2140 PEACHTREE ROAD, N.W., FRONTING APPROXIMATELY 339 FEET ON THE WEST SIDE OF PEACHTREE ROAD BEGINNING APPROXIMATELY 149 FEET FROM THE SOUTHWEST INTERSECTION OF PEACHTREE ROAD AND COLONIAL HOMES DRIVE. DEPTH: VARIES; AREA: 1.91 ACRES. LAND LOT 111, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: BROOKWOOD SQUARE, LLC APPLICANT: GRAYCO PARTNERS, LLC NPU C COUNCIL DISTRICT 8**

**Review List:**

Office of Research and Policy Analysis	Completed	09/19/2013 4:46 PM
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 <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

**AN ORDINANCE  
BY**

**Z-13-35- AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE C-3-C/BL (COMMERCIAL RESIDENTIAL-CONDITIONAL/BELTLINE OVERLAY) DISTRICT AND C-3/BL (COMMERCIAL RESIDENTIAL/BELTLINE OVERLAY) DISTRICT TO THE C-3-C/BL (COMMERCIAL RESIDENTIAL-CONDITIONAL/BELTLINE OVERLAY) DISTRICT FOR PROPERTY LOCATED AT (A PORTION OF) 2140 PEACHTREE ROAD, N.W., FRONTING APPROXIMATELY 339 FEET ON THE WEST SIDE OF PEACHTREE ROAD BEGINNING APPROXIMATELY 149 FEET FROM THE SOUTHWEST INTERSECTION OF PEACHTREE ROAD AND COLONIAL HOMES DRIVE. DEPTH: VARIES; AREA: 1.91 ACRES. LAND LOT 111, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: BROOKWOOD SQUARE, LLC APPLICANT: GRAYCO PARTNERS, LLC NPU C COUNCIL DISTRICT 8**



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

Attachment: Z-13-35 (13-O-1287 : Z-13-35 An Ordinance to rezone from C-3/C/BL to C-3-C/BL

APPLICATION #: **Z-13-035**

DATE ACCEPTED: **09/10/2013**

NOTICE TO APPLICANT

Address of Property:  
**2140 Peachtree RD NW**

City Council District: **8** Neighborhood Planning Unit (NPU): **C**

Zoning Review Board (ZRB) Hearing Date:  
*Thursday November 14*  
~~Tuesday, September 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 C is:

**Michael Swick**  
**404-326-9808**  
**mswick@choateco.com**

Contact info for adjacent NPUs is provided below if necessary:

**Additional Contacts:**  
Penelope Cheroff (NPU E)  
(404) 892-0229  
pcheroff@cheroffgroup.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.

Signed,

*Dina E. Gentry*  
\_\_\_\_\_  
MG, for Director, Bureau of Planning

*Nathan V. Hendricks III*  
\_\_\_\_\_  
Nathan V Hendricks III



APPLICATION FOR REZONING  
City of Atlanta

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

Application Number Z-13-35

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

From C-3 and C-3C District

TO C-3C District

Name of Applicant Grayco Partners, LLC

Last Name First Name M.I.

address 55 street name Waugh Drive, Suite 500

city Houston state Texas zip code 77007

phone (713) 426-2004 Fax (713) 426-2506

e-mail address igray@graycopartners.com

Name of Property Owner Brookwood Square LLC

Last Name First Name M.I.

address 3715 street name Northside Parkway, 400 Northcreek, Suite 100

city Atlanta state Georgia zip code 30327

phone (404) 846-4000 Fax (404) 846-8660

Description of Property

a portion of  
Address of Property 2140 street name Peachtree Road

city Atlanta state Georgia zip code 30309

The subject property fronts 328.42 feet on the southerly side of Colonial Homes Drive

beginning 154.30 feet from the northwest corner of Peachtree Road  
1.91013

Depth: Varies Area: acres Land Lot: 111 Land District: 17 - Fulton County, GA.  
C-3 and

Property is zoned: C-3C Council District: 8 Neighborhood Planning Unit: NPU-C

Z-13-35

INSTRUCTIONS

A. SUMMARY OF PROPOSED PROJECT. Describe the proposed project in the space provided below. Include the proposed use of each building and all other land uses. This description is required in addition to the Documented Impact Analysis and is not considered a substitute. Should additional space be required please type or print on a separate piece of paper.

See Exhibit "A" attached hereto and by reference thereto made a part hereof.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. DOCUMENTED IMPACT ANALYSIS. Each application must contain a typed or printed documented analysis of the impact of the proposed rezoning with respect to the following matters. See Exhibit "B" attached hereto and by reference thereto made a part hereof.

(1) Compatibility with comprehensive development plans; timing of development:

The Office shall examine the proposal to determine whether it is in accord with comprehensive development plans in their 15-year, 5-year, and 1-year forms. In its findings in this regard, it may report that the proposal is compatible or incompatible with all such plans, or that while the change is an accord with those of longer range it would be premature in the light of the 1-year or 5-year comprehensive development plans. The Office shall not recommend any change not in accord with adopted comprehensive development plans but may, where it sees fit, recommend changes in such plans, following which, if such change in plans are officially adopted, the zoning change may be reconsidered without prejudice and without a new application if an application is involved.

(2) Availability of and effect on public facilities and services/referrals to other agencies: The Office shall consider and report on the availability of public facilities and services and the effect the proposed change would have on demands for public facilities and services in the area in which the change is proposed or generally. Such facilities and services include but are not limited to water supply, sewage, or drainage, transportation, schools, fire and police protection, and solid waste collection and disposal.

(3) Availability of other land suitable for proposed use: effect on balance of land uses: The Office may consider the availability of other appropriate land already zoned for the proposed use, general and in the area of the proposed change. The Office may also consider whether generally, or in the area of the proposed change, the change would have adverse environmental effects on the balance of land uses by removing land from a category for which it is suited and for which there is a greater need to a category for which the public need is lesser.

(4) Effect on character of the neighborhood: The Office shall consider the effect of uses permitted under the proposed change on the surrounding neighborhood and shall report any substantial probably adverse influences on desirable living conditions or sustained stability, or any tendencies toward blight and depreciation likely to result from the change.

(5) Suitability of proposed use: The Office shall consider whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

(6) Effect on adjacent property: The Office shall consider whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

(7) Economic use of current zoning: The Office shall consider whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

(8) Tree Preservation: The Office shall consider and report on whether the proposal is in accordance with the City of Atlanta's policies related to tree preservation as adopted in Section 10-2033, Policy, Purpose and Intent of the City of Atlanta Tree Ordinance.



- 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.

Grayco Partners, LLC  
By: [Signature]  
John B. Gray, III - President  
Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 4<sup>th</sup> day of September, 2013.  
[Signature] (Notary Public)



## Exhibit "A"

## A. SUMMARY OF PROPOSED PROJECT.

The Applicant intends to develop upon the entire 1.91013 acre tract of land a multifamily community of 238 for rent units. The unit mix is projected to be 70% one bedroom units (167 in number), 25% two bedroom units (60 in number) and 5% three bedroom units (12 in number). The average monthly rate is projected to be approximately \$2,000.00. The units will be individually metered with 9 1/2' ceilings, granite or comparable material counter tops, stainless steel or comparable material fronts to appliances and all interior hallways and common areas to be temperature controlled. The units are projected to range from approximately 750 square feet to 1,500 square feet averaging approximately 1,000 square feet.

The failure of the City Council to permit the development of the Property in accordance with this Application for Rezoning would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section III, Paragraph III of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Also, if the development of the Property is burdened with conditions which are different from the conditions which the Applicant has incorporated into this Application, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Property, said burdening conditions would also constitute an arbitrary, capricious and discriminatory action and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.



Z-13-35

## Exhibit "B"

## B. DOCUMENTED IMPACT ANALYSIS.

(1) The requested rezoning is compatible with the Comprehensive Development Plan and is totally in accordance with the CDP in the 15-Year, 5-Year and 1-Year Plans given the recommendation of the CDP for High Density Commercial. The Property is presently zoned to the C-3 and C-3C Classification and the request to rezone to the C-3C Classification would result in a rezoning having multifamily use as a Permitted Principal Use under the C-3 Classification.

(2) The proposed rezoning will not have any affect on the availability of public facilities and services and the proposed change would not have extra-ordinary demands for public facilities and services in the area in which the change is proposed ~~or generally~~. Such facilities and services as are included in this finding include, but are not limited to, water supply, sewerage, drainage, transportation, schools, fire and police protection and solid waste collection and disposal. It is to be noted that the Property is in the Peachtree Creek Sewer Basin and the Peachtree Creek Stormwater Drainage Basin.

(3) As the requested C-3 zoning is sought to be conditional and specifically conditioned to the Site Plan submitted as potentially modified and amended, there is not, nor would there be, other land in the immediate vicinity zoned for the proposed use which is undeveloped.

(4) Given the surrounding zonings and developments of the properties shown on Sheet No. 17-111 of the City of Atlanta's Official Zoning Map, there would not be any affect on the surrounding neighborhood and there would not be the probability of any substantial adverse influences on desirable living conditions or sustained stability or give rise to any tendencies toward blight and depreciation which would likely result from the change as the zoning Classification would remain the same.

(5) The approval of this rezoning request will permit a use that is suitable in view of the existing zonings adjacent and in the immediate area as described on the Official Zoning Map referenced in Paragraph 4. above.

(6) This zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property as described on the Official Zoning Map referenced in Paragraph 4. above.

(7) The Property has little economic use as zoned and conditioned as it is singularly being used for surface parking.

(8) The Applicant shall coordinate with the City of Atlanta Arborist to fully evaluate the Property and conclude a Tree Preservation Plan which complies with the policy, purpose and intent of the City of Atlanta Tree Ordinance.

## C. CONDITIONAL ZONING.

The request of the Applicant is for a conditional C-3 zoning.



## D. PLANNED DEVELOPMENT DISTRICTS.

Not Applicable.

## E. PROPERTY DESCRIPTION.

Attached.

## F. HOUSING APPLICATION.

Attached.

## G. DEVELOPMENT OF REGIONAL IMPACT.

Not Applicable.

## H. TREE PRESERVATION.

The Applicant shall coordinate with the City of Atlanta Arborist to fully evaluate the Property and conclude a Tree Preservation Plan which complies with the policy, purpose and intent of the City of Atlanta Tree Ordinance.

## I. COMPREHENSIVE DEVELOPMENT PLAN (CDP) AMENDMENT.

Not Applicable.

## J. DISCLOSURE.

Attached.



Z-13-35

**AUTHORIZATION BY PROPERTY OWNER**

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

I, Brookwood Square, LLC, a Delaware limited liability company (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF A PORTION OF THE PROPERTY AT 2140 Peachtree Road, Atlanta, Georgia 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:**

Grayco Partners, LLC

ADDRESS 55 STREET NAME Waugh Drive SUITE 500

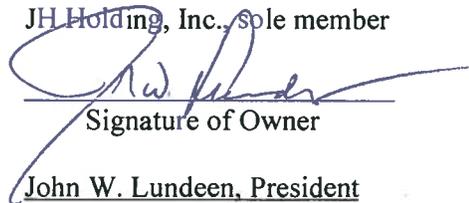
CITY Houston STATE Texas ZIP CODE 77007

**TELEPHONE NUMBER**

AREA CODE (713) NUMBER 426-2004

By: Brookwood Square, LLC

By: JH Holding, Inc. sole member

  
Signature of Owner

John W. Lundeen, President  
Print name of owner

Personally Appeared Before Me this 29th day of August, 2013.

  
Notary Public



Z-13-35



**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.

*Nathan V. Hendricks III*  
SIGNATURE OF ATTORNEY

Nathan V. Hendricks III  
NAME

6085 Lake Forrest Drive  
ADDRESS

Suite 200

Atlanta                      Georgia                      30328  
CITY                              STATE                              ZIPCODE

(404) 255-5161  
TELEPHONE NUMBER



*Z-13-35*

# 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 Grayco Partners, LLC

Address 55 Waugh Drive, Suite 500

City Houston State Texas Zip Code 77007

Contact, if other than applicant Nathan V. Hendricks III

Zoning category requested C-3C No. of acres of property to be rezoned 1.91013

No. of Proposed dwelling units per acre 125 Total number of dwelling units 238

Total number of units by bedroom: 322

Monthly/rental per unit \$2,000.00 or selling per unit average

Projected construction completion date: December, 2015



Z-13-35

130717

**Description of Property  
Proposed Tract 1**

All of that tract or parcel of land lying and being in Land Lot 111 of the 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

To find the **Point of Beginning**, commence at an iron pin placed (1/2" rebar) at the intersection formed by the southerly right-of-way line of Colonial Homes Drive (variable r/w) with the northwesterly right-of-way line of Peachtree Road, a/k/a SR #9 (variable r/w) and proceed North 81°25'35" West along said southerly right-of-way line of Colonial Homes Drive, a distance of 154.30 feet to an iron pin placed (1/2" rebar) and the **Point of Beginning**.

From the **Point of Beginning** thus established, and departing said southerly right-of-way line of Colonial Homes Drive South 08°34'25" West, a distance of 204.00 feet to an iron pin placed (1/2" rebar); thence South 08°34'25" West for a distance of 39.62 feet to a point; thence North 81°25'35" West for a distance of 173.13 feet to a point; thence North 08°34'25" East for a distance of 10.02 feet to a point; thence North 81°25'35" West for a distance of 205.88 feet to a point; thence North 07°43'26" East for a distance of 91.14 feet to an iron pin placed (1/2" rebar); thence South 83°04'31" East for a distance of 51.39 feet to an iron pin placed (1/2" rebar); thence North 08°48'19" East for a distance of 141.00 feet to an iron pin placed (1/2" rebar) located on the aforementioned southerly right-of-way line of Colonial Homes Drive; thence South 81°25'35" East along said southerly right-of-way line of Colonial Homes Drive for a distance of 328.42 feet to an iron pin placed (1/2" rebar) and the **Point of Beginning**. Said tract or parcel containing 1.91013 acres, or 83,205 square feet.



Z-13-35

DISCLOSURE STATEMENT

By its execution below, the Applicant does hereby confirm that pursuant to the disclosure requirements of O.C.G.A., 36-67, A-30 the Applicant within the two (2) years immediately preceeding the date of the filing of this Application for Rezoning has not made any campaign contributions aggregating \$250.00 or more or made any gifts having in the aggregate a value of \$250.00 or more to any member of the Atlanta City Council or the Mayor.

This the 4th day of September, 2013.

APPLICANT:

Grayco Partners, LLC

By:

John D. Gray, III  
Its: President



Z-13-35

DISCLOSURE STATEMENT

By its execution below, the Applicant does hereby confirm that pursuant to the disclosure requirements of O.C.G.A., 36-67, A-30 the Applicant within the two (2) years immediately preceding the date of the filing of this Application for Rezoning has not made any campaign contributions aggregating \$250.00 or more or made any gifts having in the aggregate a value of \$250.00 or more to any member of the Atlanta City Council or the Mayor.

This the 5<sup>th</sup> day of September, 2013.



Nathan V. Hendricks III  
Attorney for the Applicant



Z-13-35

**RECEIPT**

CITY OF ATLANTA  
ATLANTATEST  
55 TRINITY AVE SW

**Application:** Z-13-035  
**Application Type:** Planning/ZRB/Rezoning/NA  
**Address:** 2140 PEACHTREE RD NW, ATLANTA, GA 30309  
**Owner Name:** REES THREE TWO EIGHT LLC  
**Owner Address:**  
**Application Name:**

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
342156	1706	\$4,500.00	09/10/2013	RPLEWIS		

**Owner Info.:** REES THREE TWO EIGHT LLC

**Work Description:** Rezone property from C-3 and C-3-C to C-3-C

PAID  
CITY OF ATLANTA  
SEP 10 2013  
  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR

130717

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