

Z-14-23- AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-4A (SINGLE FAMILY RESIDENTIAL) DISTRICT TO THE RG-3 (RESIDENTIAL GENERAL SECTOR) DISTRICT, PROPERTY LOCATED AT 1760 MEMORIAL DRIVE, SE FRONTING APPROXIMATELY 201 FEET ON THE NORTH SIDE OF MEMORIAL DRIVE, FRONTING APPROXIMATELY 164 FEET ON THE SOUTH SIDE OF MEMORIAL DRIVE AND LOCATED APPROXIMATELY 165 FEET EAST OF THE INTERSECTION OF MEMORIAL DRIVE AND CLAY STREET. DEPTH: APPROXIMATELY 150 FEET. AREA: APPROXIMATELY .829 ACRE. LAND LOT 206C, 15TH DISTRICT, DEKALB COUNTY, GEORGIA. OWNER: SABRIN AND SYL ENTERPRISES INC./SYLVIA HILL MIDDLEBROOKS APPLICANT: STEPHEN D. MANSFIELD NPU O COUNCIL DISTRICT 5

Application File Date	5-6-14
Zoning Number	Z-14-23
NPU / CD	O/5
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Workflow List:

Office of Research and Policy Analysis	Completed	06/13/2014 2:38 PM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Zoning Review Board Staff	Pending	
Office of Research and Policy Analysis	Pending	
Mayor's Office	Pending	

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

Z-14-23- AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-4A (SINGLE FAMILY RESIDENTIAL) DISTRICT TO THE RG-3 (RESIDENTIAL GENERAL SECTOR) DISTRICT, PROPERTY LOCATED AT 1760 MEMORIAL DRIVE, SE FRONTING APPROXIMATELY 201 FEET ON THE NORTH SIDE OF MEMORIAL DRIVE, FRONTING APPROXIMATELY 164 FEET ON THE SOUTH SIDE OF MEMORIAL DRIVE AND LOCATED APPROXIMATELY 165 FEET EAST OF THE INTERSECTION OF MEMORIAL DRIVE AND CLAY STREET. DEPTH: APPROXIMATELY 150 FEET. AREA: APPROXIMATELY .829 ACRE. LAND LOT 206C, 15TH DISTRICT, DEKALB COUNTY, GEORGIA. OWNER: SABRIN AND SYL ENTERPRISES INC./SYLVIA HILL MIDDLEBROOKS APPLICANT: STEPHEN D. MANSFIELD NPU O COUNCIL DISTRICT 5

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AN ORDINANCE

Z-14-23

BY: ZONING COMMITTEE

Date Filed: 5-6-14

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 1760 Memorial Drive, S.E. , be changed from the R-4A (Single Family Residential) District to the RG-3 (Residential General Sector) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 206C , 15th District, DeKalb 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-14-023**

DATE ACCEPTED: **05/06/2014**

NOTICE TO APPLICANT

Address of Property:
1760 Memorial DR SE

City Council District: **5** Neighborhood Planning Unit (NPU): **O**

Zoning Review Board (ZRB) Hearing Date:
August 7th 2014
Thursday, ~~2014~~ 2014 at 6:00 p.m.

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

The contact person for NPU O is:

Dana Blankenhorn
215 Winter Avenue NE
Atlanta 30317
404-373-7634
danablankenhorn@gmail.com



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,

[Handwritten signature]

EB, for Director, Bureau of Planning

[Handwritten signature]

APPLICATION FOR REZONING
City of Atlanta

Date Filed 5/6/14 Application Number Z-14-023

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

From R4A District
TO RG-3^{MDY} District



Name of Applicant Mansfield Stephen D
Last Name First Name M.I.

address 815 street name South Cobb Dr S.E.
city maricopa state GA zip code 30060
phone 479-871-2664 Fax _____
e-mail address sdmansfield@geho.com

Name of Property Owner Sabrin & Syl Enterprises Inc, Sylvia Hill Middlebrooks
Last Name First Name M.I.

address 3390 Spreading Oak Dr S W street name _____
city Athens state GA zip code 30311
phone ~~404-765-1119~~ Fax ~~404-765-1119~~

404-696-0317

Description of Property

Address of Property 1760 street name Memorial Drive
city Atlanta state GA zip code 30317
The subject property fronts 201.22 feet on the NORTH side of MEMORIAL DR.
beginning 164.71 feet from the N.E. corner of CLAY ST
Depth: 150.0 Area: 0.82 AC Land Lot: 206C Land District: 15 - FULTON County, GA.
Property is zoned: R4 Council District: _____ Neighborhood Planning Unit: _____

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.

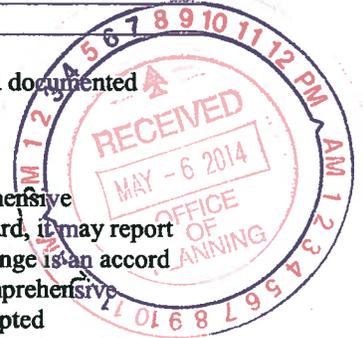
This is an existing Apartment Project which is zoned improperly. We wish to renovate. We want a correct zoning so that a bank will loan money for a renovation project.

- 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.

(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 in 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.



ACME AMERICAN, LLC

319 Atlanta St. Suite 240

Marietta, GA 30060

Phone: (770) 425-6890

Fax: (770) 425-5777

6-3-14

1760 Memorial Drive
Atlanta, Georgia

Summary of Proposed Project:

This is an existing apartment project which is zoned improperly. We wish to renovate. We do not want to change the footprint. We want a correct zoning so that a bank will loan money for renovation. We want to remove some paving and add landscaping.

ACME AMERICAN, LLC.
319 Atlanta St. Suite 240
MARIETTA, GEORGIA 30060

KIRKWOOD REZONING RESPONSES

For rezoning of 1760 Memorial Drive from R4 to RG-3

B1 – (1) Compatibility with comprehensive development plans: The existing improvements are highly compatible with the comprehensive development plans. The long term land use plan provides for multifamily dwelling zoning on this site and that is what is currently existing.

B2 –(2) Availability of and effect of public facilities and services referrals to other agencies: There is no negative availability of or impact on public facilities and services due to the planned rezoning. Utilities are existing. The renovation will not increase use.

B3 –Availability of other land suitable for proposed use: There is little other available land suitable for the proposed use. In addition, the site already contains the proposed use.

B4 –Effect of character of neighborhood: There will be no negative effect on the character of the neighborhood. Specifically, the proposed renovation of the property will remove blight and crime, while providing a positive effect on the character of the neighborhood.

B5 – Suitability of proposed use: The proposed use of multifamily dwellings is highly suitable. The site is immediately adjacent to another multifamily project to the east.

B6 – Effect on adjacent property: There will only be a positive effect on the adjacent property. According to the manager of the apartment complex adjacent to this site, the proposed renovation is very much desired and anticipated. It is her belief that the current state of the site is crime ridden and negatively affects her property.

B7 – Economic Use of current zoning: The existing structures are of little economic use, with less than 25% of the apartments in leasable condition. The proposed rezoning would permit a significant renovation that would provide additional tax revenue to the City of Atlanta and additional market rate housing units, stimulating economic growth.

B8 – Tree preservation: It will comply with all city regulations.



SUMMARY OF PROPOSED PROJECT:

This is an existing Apartment Project which is zoned improperly, we wish to renovate. We do not want to change the footprint or parking. We want a correct zoning so that a Bank will loan money for renovations.

- B. (1) Compatibility with comprehensive development plans: Adjoining property is already apartments and adjoining zoning is apartments.
- (2) Availability of and effect on public facilities and services referrals to other agencies: Project is existing Apartments.
- (3) Availability of other land suitable for proposed use: We are rezoning to get a bank loan.
- (4) Effect on character of the neighborhood: Project is existing
- (5) Suitability of proposed use: Project is existing
- (6) Effect on adjacent property: Does not change use
- (7) Economic use of current zoning: Has no use unless renovated.
- (8) Tree preservation: No trees will be cut down.



AUTHORIZATION BY PROPERTY OWNER

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

Sabrin + Syl Enterprises, Inc.

i. *Sylvia Hill Middlebrooks* (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT *1760 Memorial Drive* (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF _____ 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:

LAST NAME *MINNIFIELD* FIRST NAME *STEPHEN*

ADDRESS *893* STREET NAME *S Cobb Dr SE* SUITE *200*

CITY *Marietta* STATE *GA* ZIP CODE *30060*

TELEPHONE NUMBER

AREA CODE *(478)* NUMBER *871 2664*

Sabrin + Syl Enterprises, Inc
Sylvia Hill Middlebrooks CEO
Signature of Owner
Sylvia Hill Middlebrooks
Print name of owner

Personally Appeared Before Me this *09* day of *April*, *2014*

Valerie Leslie

Notary Public



EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 206C OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING BLOCK 5, PARCEL 9 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH SIDE OF MEMORIAL DRIVE, A DISTANCE OF 165.0 FEET EAST FROM THE NORTHEAST CORNER OF THE INTERSECTION OF MEMORIAL DRIVE AND CLAY STREET; RUNNING THENCE EAST ALONG THE NORTH SIDE OF MEMORIAL DRIVE 200.0 FEET TO A POINT; RUNNING THENCE NORTH 150.0 FEET TO A POINT RUNNING THENCE WEST 200.0 FEET TO A POINT; RUNNING THENCE SOUTH 150.0 FEET TO A POINT; WHICH IS THE POINT OF BEGINNING; BEING IMPROVED PROPERTY KNOWN AS 1760, 1764 AND 1770 MEMORIAL DRIVE, S.E. ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN ATLANTA, DEKALB COUNTY, GEORGIA.



DIA B

DEED BOOK 24201 Pg 257
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

~~DEED BOOK 24201 Pg 257
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia~~

Parcel Details

15 206 03 082
 1760 MEMORIAL DR
 MIDDLEBROOKS EDWARD



- Planning**
- Map
- Tax
- Public Safety
- Schools
- Census 2010
- Housing Survey

Planning Designations

Property in Atlanta city limits	Yes
USPS ZIP Code	30317
District/Landlot	15-206 lot boundary map
Zoning	
Primary	R-4A
Overlay	-
Maps	
Official Zoning Map (pdf)	
Online Map	
Future Land Use	Medium-Density Residential (MDR)
NPU	O
Adjacent NPU (within 300 feet)	-
Neighborhood	Kirkwood
Council District	5
Renewal Community	Yes
Empowerment Zone	No
New Market Tax Credits	No
Livable Centers Initiative (LCI)	-
Tax Allocation District (TAD)	-
Supportive Housing	
Distance Eligibility	Meets distance requirements
Neighborhood Stabilization Program	
Neighborhood Stabilization Program	Yes
Neighborhood Stabilization Program 3	Yes
Opportunity Zone	No
Community Development Impact Areas	No
Urban Redevelopment Areas	No
Property in Murphy Triangle	No
Inspection Arborist	SE
Inspection Building	Cobb
Inspection Electrical	Peele
Inspection HVAC	Broughton
Inspection Plumbing	Markell
Potential Brownfield	-



RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: Z-14-023
Application Type: Planning/ZRB/Rezoning/NA
Address: 1760 MEMORIAL DR SE, ATLANTA, GA 30317
Owner Name: MIDDLEBROOKS EDWARD
Owner Address:
Application Name: Stephen Mansfield

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
369276	2648	\$500.00	05/06/2014	JADEGBOYE		

Owner Info.: MIDDLEBROOKS EDWARD

Work Description: Applicant seeks to rezone from R-4A to RG-3 for an existing multi-family development.

PAID
CITY OF ATLANTA
MAY 06 2014
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

EXHIBIT "A"
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DIA B

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