



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

APPLICATION #: **Z-13-036**

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

NOTICE TO APPLICANT

Address of Property:
961, 973 Desoto ST NW

City Council District: **3** Neighborhood Planning Unit (NPU): **K**

Zoning Review Board (ZRB) Hearing Date:

Thursday, November 7 or 14, 2013 at 6:00 p.m.

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

The contact person for NPU K is:

Christi Jackson
977 Westmoor DR. NW
Atlanta GA 30314

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,

Nina E. Putney

 NG, for Director, Bureau of Planning

Kaveh Kamooneh

 Kaveh Kamooneh



APPLICATION FOR REZONING
City of Atlanta

Date Filed _____ Application Number Z-13-36

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

From SPI-11 SA6 District
TO SPI-11 SA8 District

Name of Applicant Kamooneh, Kaveh
Last Name First Name M.I.

address PO Box 728 street name _____
city Decatur state GA zip code 30031
phone 678 532 1000 Fax 404 963 5231
e-mail address Kaveh@LiliProperties.com

Name of Property Owner Track Investments, LLC
Last Name First Name M.I.

address PO Box 728 street name _____
city Decatur state GA zip code 30031
phone 678 532 1000 Fax 404 963 5231

Description of Property

Address of Property 961-973 street name DeSoto St.
city Atlanta state GA zip code 30314
The subject property fronts 297 feet on the north side of DeSoto St.
beginning 597 feet from the northeast corner of Ollie St
Depth: 324' Area: 2.2 ac Land Lot: 115 Land District: 14 - Fulton County, GA.
Property is zoned: SPI-11 SA6 Council District: 3 Neighborhood Planning Unit: K

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.

Built as a sixty four unit apartment complex, the subject property's use was grand fathered in upon the introduction of the zoning ordinance. The purpose of this rezoning effort is therefore to bring the use of the subject property into conformity

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.



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- 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.

Kaveh Kamran

Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 10th day of September, 2013.

Patricia C. Marshall (Notary Public)



PATRICIA C MARSHALL
NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA
COMMISSION EXPIRES
APRIL 25, 2017

2-13-36

Impact Analysis

in support of the rezoning application for

961 & 973 DeSoto St. Atlanta, GA 30314

1. Compatibility with comprehensive development plans

The subject property's less than fifth of a mile from MARTA's Ashby train station makes the proposed rezoning compatible with the ends of the City's 3-5 year Comprehensive Development Plan to provide dense development around transportation nodes.

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

The proposed rezoning will have no known adverse effects on public facilities and services.

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

There are no other land suitable for the proposed use.

4. Effect on character of the neighborhood

The effect of the rezoning will be positive on the character of the neighborhood as it will bring into vibrant use buildings that have been board up for the past several years.

5. Suitability of proposed use

The subject property is adjacent on the one side to another apartment complex, and on the other, to a recently purchased and soon to be developed former YMCA structure. The entire block is therefore compatible with the proposed use of the subject property.

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6. Effect on adjacent property

The effect of the proposed rezoning is entirely and highly positive on the adjacent properties.

7. Economic use of current zoning

Given the existing improvements on subject property, i.e. ten buildings each consisting of four or eight apartment units, there is no other use for the subject property with the existing zoning designation. The proposed rezoning, if successful, will allow the only suitable use of the existing improvements.

8. Tree Preservation:

The proposed rezoning will have no adverse effect and will only further the intent and purpose of the City of Atlanta's Tree Ordinance. All existing trees will be protected and additional trees will be planted.



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, Kaveh Kamooneh (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 961-973
Desoto St., Atlanta, GA 30314 (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:

LAST NAME Kamooneh FIRST NAME Kaveh

ADDRESS 317 STREET NAME Ponce de Leon Pl SUITE

CITY Decatur STATE GA ZIP CODE 30030

TELEPHONE NUMBER

AREA CODE (678) NUMBER 532 - 1000

Kaveh Kamooneh
Signature of Owner
KAVEH KAMOONEH
Print name of owner

Personally Appeared Before Me this 10TH day of September 2013.

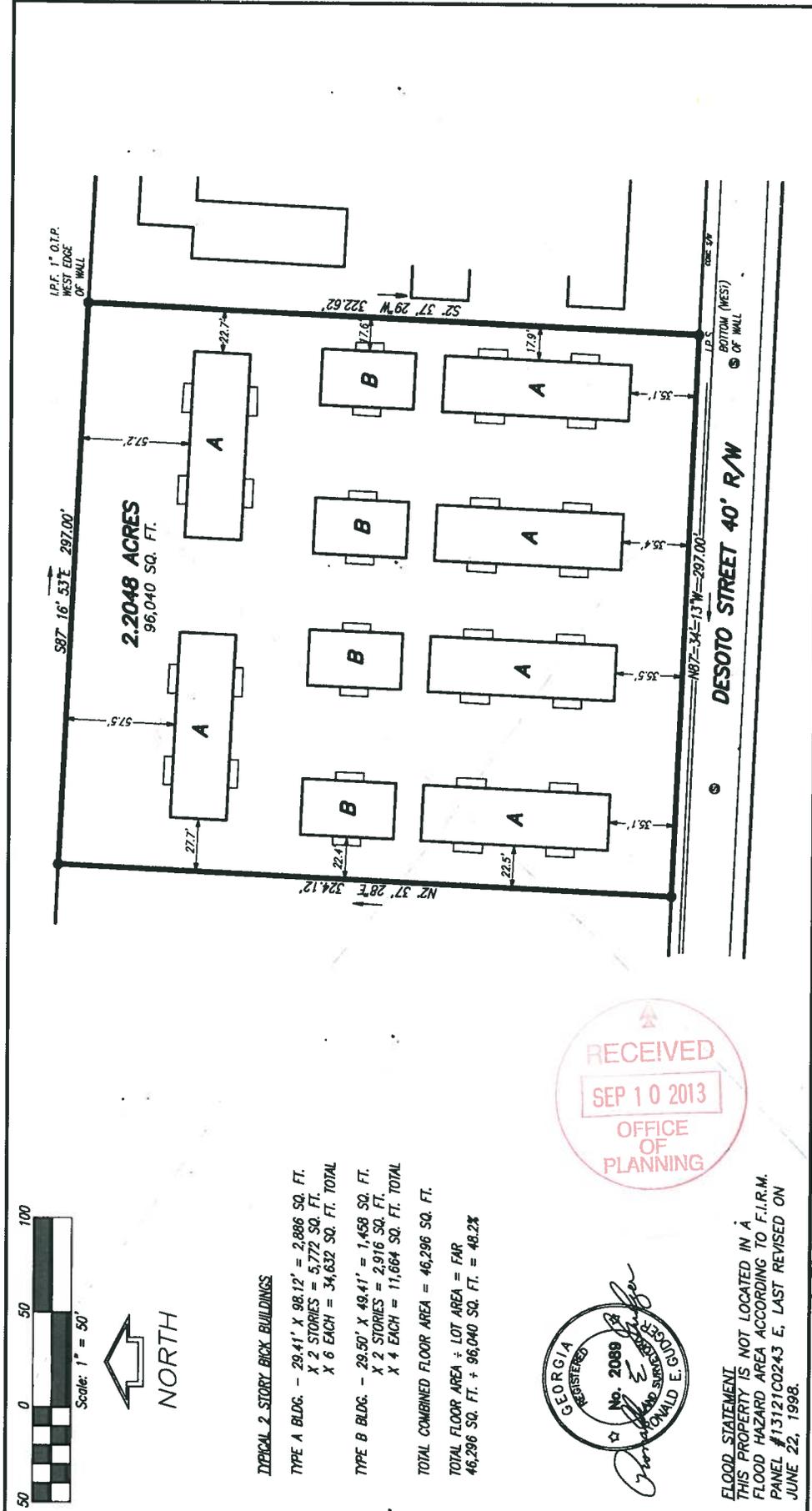
Patricia C. Marshall

Notary Public

PATRICIA C MARSHALL
NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA
COMMISSION EXPIRES
APRIL 25, 2017



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TYPICAL 2 STORY BICK BUILDINGS

TYPE A BLDG. - 29.41' X 98.12' = 2,886 SQ. FT.
 X 2 STORIES = 5,772 SQ. FT.
 X 6 EACH = 34,632 SQ. FT. TOTAL

TYPE B BLDG. - 29.50' X 49.41' = 1,468 SQ. FT.
 X 2 STORIES = 2,916 SQ. FT.
 X 4 EACH = 11,664 SQ. FT. TOTAL

TOTAL COMBINED FLOOR AREA = 46,296 SQ. FT.

TOTAL FLOOR AREA + LOT AREA = FAR
 46,296 SQ. FT. + 96,040 SQ. FT. = 48.2%



FLOOD STATEMENT
 THIS PROPERTY IS NOT LOCATED IN A
 FLOOD HAZARD AREA ACCORDING TO F.I.R.M.
 PANEL #13121C0243 E, LAST REVISED ON
 JUNE 22, 1998.

SURVIVED _____ REG. TPO _____ CALCULATED _____ RAM _____ DRAWN _____ RAM _____ DWG. NAME _____ DESOTO 961 DATE _____ AUG. 16, 2012		RONALD E. GUDGER, LS 404-731-8686 SITE SURVEYS & PLANNING 7000 PEACHTREE DUNWOODY ROAD BUILDING 6, SUITE 250 ATLANTA, GEORGIA 30326 PHONE: 770-398-8011 FAX: 770-398-2379 e-mail: gudgersurveying@bellsouth.net	RE-ZONING DRAWING FOR 961 DESOTO STREET L.L. 115, DISTRICT 14 CITY OF ATLANTA FULTON COUNTY, GEORGIA
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Z-13-36

Deed Book 51507 Pg 361
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 115 of the 14th District, Fulton County, Georgia, being part of the Chennault property subdivision as per plat recorded in Plat Book 12, page 139, Fulton County records and being more particularly described as follows:

Beginning at a point on the north side of DeSoto Avenue, 597 feet east of the northeast corner of DeSoto Avenue and Ollie Street, said point also being the southeasterly corner of a tract of land conveyed by Mrs. Amanda Chennault to Chennault, Inc. on August 18, 1959 recorded in Deed Book 3491, page 429, Fulton County records; thence northerly along the eastern line of the property so conveyed to Chennault, Inc. a distance of 325.8 feet to a point on the northern boundary of Lot 9 of said subdivision, said point also being the northeasterly corner of the property so conveyed to Chennault, Inc.; thence easterly along the northern line of Lots 9, 8, 7, 6, 5, 4, 3 and 1 of said subdivision a distance of 400.2 feet to a point on the westerly side of Mayson Turner Avenue, said point also being the northeasterly corner of Lot 1 of said subdivision; thence southeasterly along the westerly side of Mayson Turner Avenue a distance of 118 feet to a point which is the center of "Chennault Avenue" as shown on the aforesaid plat; thence westerly along the center of said "Chennault Avenue" a distance of 137.5 feet to a point which is on a line which forms an extension of the easterly side of Lot 45 of said subdivision; thence southerly along the line of extension and the easterly side of said Lot 45 a distance of 119.3 feet to a point which is the southeasterly corner of Lot 45 of said subdivision; thence continuing south along the east line of Lot 39 a distance of 100 feet to a point on the north side of DeSoto Street; thence westerly along the north side of DeSoto Street a distance of 260.5 feet to the Point of Beginning.



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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: 0010540000550138523003

Sale

xxxxxxxxxxxx1262
MASTERCARD
Total:
09/10/13
Inv #: 000009
Apprvd: Online

Entry Method: Swiped
\$ 3,000.00
11:55:29
Appr Code: 20149P

ation: Z-13-036
Type: Planning/ZRB/Rezoning/NA
ress: 973 DESOTO ST NW, ATLANTA, GA 30314
ame: CHENNAULT ROBERT L JR & ANDREWS FRANK H
ress:
ame:

Customer Copy
THANK YOU!

Amount Paid	Payment Date	Cashier ID	Received	Comments
Credit Card	\$3,000.00	09/10/2013	JADEGBOYE	

Owner Info.: CHENNAULT ROBERT L JR & ANDREWS FRANK H

Work Description: Rezone from SPI-11 SA6 to SPI-11 SA8 to allow rehabilitation of existing apartment buildings

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

Deed Book 51507 Pg 361
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 115 of the 14th District, Fulton County, Georgia, being part of the Chennault property subdivision as per plat recorded in Plat Book 12, page 139, Fulton County records and being more particularly described as follows:

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