

Z-14-01- AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-3 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO THE RG-4 (RESIDENTIAL GENERAL-SECTOR 4) DISTRICT, PROPERTY LOCATED AT 2600 SHADY VALLEY DRIVE (17-00060001029), 2601 SHADY VALLEY DRIVE (17-00060001028) AND 2633 LENOX ROAD (17-00060001027), FRONTING APPROXIMATELY 123 FEET ON THE NORTHERLY SIDE OF SHADY VALLEY DRIVE AND APPROXIMATELY 347 FEET ON THE EASTERLY SIDE OF BUFORD HIGHWAY AND APPROXIMATELY 47 FEET ON THE SOUTHEASTERLY SIDE OF LENOX ROAD. DEPTH: VARIES. AREA: APPROXIMATELY 1.37 ACRES. LAND LOT 6, 17TH DISTRICT FULTON COUNTY, GEORGIA. OWNER: THE DOCTOR CHARLES M. TAYLOR LIVING TRUST AND WILLIAM J. TAYLOR, JR. APPLICANT: AOB ATLANTA, LLC. NPU B COUNCIL DISTRICT 7

Application File Date	January 7, 2014
Zoning Number	Z-14-01
NPU / CD	B/7
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Workflow List:

Office of Research and Policy Analysis	Completed	02/17/2014 10:13 AM
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-14-01- AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-3 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO THE RG-4 (RESIDENTIAL GENERAL-SECTOR 4) DISTRICT, PROPERTY LOCATED AT 2600 SHADY VALLEY DRIVE (17-00060001029), 2601 SHADY VALLEY DRIVE (17-00060001028) AND 2633 LENOX ROAD (17-00060001027), FRONTING APPROXIMATELY 123 FEET ON THE NORTHERLY SIDE OF SHADY VALLEY DRIVE AND APPROXIMATELY 347 FEET ON THE EASTERLY SIDE OF BUFORD HIGHWAY AND APPROXIMATELY 47 FEET ON THE SOUTHEASTERLY SIDE OF LENOX ROAD. DEPTH: VARIES. AREA: APPROXIMATELY 1.37 ACRES. LAND LOT 6, 17TH DISTRICT FULTON COUNTY, GEORGIA. OWNER: THE DOCTOR CHARLES M. TAYLOR LIVING TRUST AND WILLIAM J. TAYLOR, JR. APPLICANT: AOB ATLANTA, LLC. NPU B COUNCIL DISTRICT 7

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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 2600 Shady Valley Drive (17-00060001029), 2601 Shady Valley Drive (17-00060001028) and 2633 Lenox Road (17-00060001027) be changed from the R-3 (Single Family Residential) District to the RG-4 (Residential General-Sector 4) District,, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 6, 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.

NOTICE TO APPLICANT

Address of Property:

~~3533 Roxboro RD~~ and 3533 Roxboro RD NE



OFFICE OF PLANNING

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

APPLICATION #: **Z-14-001**

DATE ACCEPTED: **01/06/2014**

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

Zoning Review Board (ZRB) Hearing Date:

Thursday, March 6 or 13, 2014 at 6:00 p.m.

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

The contact person for NPU B is:

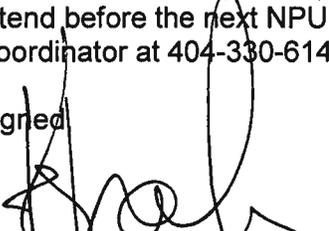
Bill Murray
404 226-3271
bill.murray@prudentialga.com

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



Director, Bureau of Planning



AOB Atlanta, LLC



APPLICATION FOR REZONING
City of Atlanta

Date Filed _____ Application Number Z-14-01

I Hereby Request That The Property Described in this Application be Rezoned
From R-3 District
TO RG-4 District

Name of Applicant AOB ATLANTA, LLC
Last Name First Name M.I.

address 3533 street name ROXBORO ROAD
city ATLANTA state GA zip code 30326
phone (404) 281-0122 Fax _____
e-mail address GARYBROCK1@YAHOO.COM

Name of Property Owner SEE ATTACHED LIST
Last Name First Name M.I.

address _____ street name _____
city _____ state _____ zip code _____
phone _____ Fax _____

Description of Property

Address of Property SEE ATTACHED LIST street name _____
city ATLANTA state GA zip code 30324
The subject property fronts approx feet on the SW side of SHADY VALLEY DR.
beginning 0 feet from the SW corner of Buford Highway
Depth: varies Area: 1.37 Land Lot: 6 Land District: 17 - Fulton County, GA.
Property is zoned: R-3 Council District: 7 Neighborhood Planning Unit: B



Owner and Address List

Owners: The Doctor Charles M. Taylor Living Trust
William J. Taylor, Jr.

Addresses: 2600 Shady Valley Drive (per Keeva) - Tax ID No. 17 00060001029
2601 Shady Valley Drive (per Keeva) - Tax ID No. 17 00060001028
2633 Lenox Road (per Keeva) - Tax ID No. 17 00060001027

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SUMMARY

This application requests a rezoning of the subject property from R-3 to the RG-4 zoning district. The rezoning will facilitate the redevelopment of the site with twenty-three (23) townhomes with garages and back decks as more particularly shown on the site plan included in this application. Only nineteen (19) of the townhomes are located on the property being rezoned. The balance are located on the adjacent RG-3-C property.

DOCUMENTED IMPACT ANALYSIS

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

The comprehensive development plan reflects a designation of Office/Institutional. The request to rezone to RG-4 is consistent with the zoning categories allowed by the existing comprehensive development plan designation. Development of the site will commence promptly after approval of the rezoning.

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

All necessary public facilities and services are available to this property.

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

There is not other similarly situated property available for redevelopment in the immediate area. The proximity to Buford Highway and Lenox Road make the site more suitable for a townhome development than the mix of single family and townhome uses allowed by the current zoning. The subject property is located at a node with office and multifamily uses with townhome and single family uses nearby. The proposal will complement the existing balance of land uses.

(4) Effect on character of the neighborhood.

No adverse effect on the character of the neighborhood is anticipated based on the proposal. To the contrary, the rezoning will enhance the residential character of Shady Valley Drive by adding a townhome development to its fabric.

(5) Suitability of proposed use.

The proximity of the site to both Buford Highway and the single family homes in Pine Hills makes the proposed townhome use an appropriate transition. The proposed use is suitable.

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

The adjacent property is currently developed with the Lenox Green condominiums in four story multifamily buildings, and townhomes. The proposal to develop a townhome project will not adversely impact adjacent property.

(7) **Economic use of current zoning.**

The property's location immediately adjacent to Buford Highway at the intersection of Lenox Road makes the current R-3 zoning uneconomical. The portion of the site zoned RG-3-C was zoned in 1986 and has not been redeveloped. The proposal to rezone the R-3 portion of the property to RG-4 accommodates a marketable development.

(8) **Tree Preservation.**

The applicant shall comply with the policies related to tree preservation as adopted in Section 158-28 (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.

Shelley Brock, Mgr

Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 27th day of February, 2013.
Paul Heleen (Notary Public)



10-14-01



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, The Doctor Charles M. Taylor Irrevocable Living Trust (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT Tax ID
Nos. 1700060001027, 1700060001028 and 1700060001029 (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: AOB Atlanta

LAST NAME _____ FIRST NAME _____

ADDRESS 3533 STREET NAME Roxboro Road SUITE #5

CITY Atlanta STATE GA ZIP CODE 30326

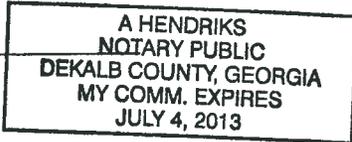
TELEPHONE NUMBER

AREA CODE (404) NUMBER 281 - 0122

Edward Taylor Trustee
Signature of Owner
Edward J Taylor
Print name of owner

Personally Appeared Before Me this 10th day of January, 2013.

Hendriks
Notary Public



Z-14-01



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, William J Taylor, Jr (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT TAX
FD 17000 6000 1027 (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 AOB Atlanta FIRST NAME _____

ADDRESS 3533 STREET NAME Roxboro Rd SUITE #5

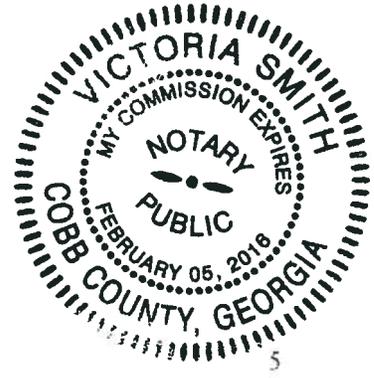
CITY Atlanta STATE GA ZIP CODE 30324

TELEPHONE NUMBER
AREA CODE 404 NUMBER 281 - 0122

Wm J Taylor Jr
Signature of Owner
Wm. J. TAYLOR JR
Print name of owner

Personally Appeared Before Me this 15 day of January, 2013.
[Signature]

Notary Public



Z-14-01



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, The Doctor Charles M. Taylor Irrevocable Living Trust (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT Tax ID
Nos. 1700060001027, 1700060001028 and 1700060001029 (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: AOB Atlanta

LAST NAME _____ FIRST NAME _____

ADDRESS 3533 STREET NAME Roxboro Road SUITE #5

CITY Atlanta STATE GA ZIP CODE 30326

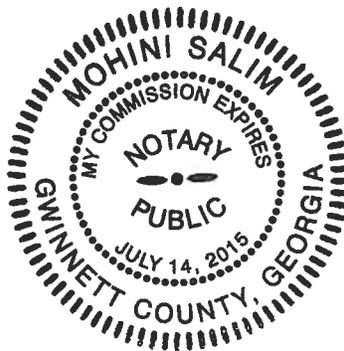
TELEPHONE NUMBER

AREA CODE (404) NUMBER 281 - 0122

Cordy B. Reagan
Signature of Owner
CORDY B. REAGAN
Print name of owner

Personally Appeared Before Me this 15 day of January, 2013.

Alvin Fiel
Notary Public



Z-14-01



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.

Jennifer Hill
SIGNATURE OF ATTORNEY

Morris Manning & Martin, LLP
NAME

1600 Atlanta Financial Center
ADDRESS

3343 Peachtree Road, N.E.

Atlanta GA 30326
CITY STATE ZIPCODE

(404) 233-7000
TELEPHONE NUMBER

Z-14-01



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 AOBATLANTA, LLC

Address 3533 ROXBORO ROAD, ST 5

City ATLANTA State GA Zip Code 30326

Contact, if other than applicant _____

Zoning category requested RG-3 No. of acres of property to be rezoned 1.37

No. of Proposed dwelling units per acre 13.9 Total number of dwelling units 19 (23 in total project)

Total number of units by bedroom: 3&4BR

Monthly rental per unit _____ or selling per unit \$500,000s

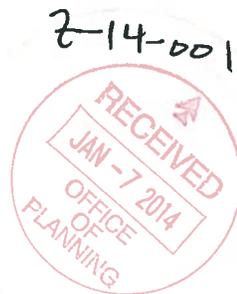
Projected construction completion date: Winter 2015

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those aggregate contributions made by **Morris Manning & Martin LLP, Carl E. Westmoreland, Jr. or Jessica Hill** in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Howard Shook	City Council Member	\$300

By: 



Z-14-01



LEGAL DESCRIPTION
SHADY VALLEY DRIVE
REZONING PORTION
TO (OI ZONING)
11-25-2013

All that tract or parcel of land lying and being in Land Lot 6, of the 17th Land District Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an ½" rebar found at the intersection of the northerly right-of-way line of Buford Hwy (variable r/w) and the northeasterly right-of-way line of Lenox Road (variable r/w), said point being the TRUE POINT OF BEGINNING;
Thence along said right-of-way line of Lenox Road, N46°19'25"W, a distance of 47.06 feet to a ½" rebar found,
thence leaving said right-of-way line, N18°33'43"E, a distance of 269.67 feet to a 1" open top pipe found,
thence S57°50'41"E, a distance of 113.01 feet to a 1" CTP found,
thence S17°29'51"E a distance of 36.82 feet to a point;
thence S56°57'38"E a distance of 219.07 feet to a 1" rebar found on the westerly right-of-way line of Shady Valley Drive (50' r/w),
thence along said right-of-way line the following calls:
thence S01°26'37"E a distance of 22.62 feet to a point on a curve to the right, having a radius of 60 feet,
thence along the arc of a said curve a distance of 100.50 feet to a point on said northerly right-of-way line of Buford Highway, said arc subtended by a chord bearing of S46°03'44"W, a chord distance of 89.16 feet,
thence along said right-of-way line the following calls:
thence N80°28'48"W a distance of 46.06 feet to a point;
thence N81°46'32"W a distance of 48.20 feet to a point;
thence N88°44'00"W a distance of 103.74 feet to a point;
thence N84°28'19"W a distance of 59.85 feet to a point;
to a point and the TRUE POINT OF BEGINNING.

Said tract of land contains 59,684 square feet or 1.37 acres more or less

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: Z-14-001
Application Type: Planning/ZRB/Rezoning/NA
Address: 3533 ROXBORO RD, ATLANTA, GA 00000
Owner Name: MC KENNA STEPHEN A
Owner Address:
Application Name:

Receipt No.	354760				
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received Comments
Check	2158	\$625.00	01/06/2014	JADEGBOYE	
Owner Info.:	MC KENNA STEPHEN A				

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

Work Description: Rezoning from R-3 to RG-4 to accomodate a 23-unit townhome development.

Z-14-01



LEGAL DESCRIPTION
SHADY VALLEY DRIVE
REZONING PORTION
TO (OI ZONING)
11-25-2013

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Thence along said right-of-way line of Lenox Road, N46°19'25"W, a distance of 47.06 feet to a ½" rebar found,
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thence along the arc of a said curve a distance of 100.50 feet to a point on said northerly right-of-way line of Buford Highway, said arc subtended by a chord bearing of S46°03'44"W, a chord distance of 89.16 feet,
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Said tract of land contains 59,684 square feet or 1.37 acres more or less