

Z-14-10-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE RG-3-C (RESIDENTIAL GENERAL-SECTOR 3-CONDITIONAL) DISTRICT TO THE RG (RESIDENTIAL GENERAL-SECTOR 3) DISTRICT, PROPERTY LOCATED AT 3663-3667 PEACHTREE ROAD, N.E., FRONTING APPROXIMATELY 162 FEET ON THE SOUTH SIDE OF PEACHTREE ROAD BEGINNING APPROXIMATELY 836.47 FEET FROM THE NORTHWEST CORNER OF CANTRELL ROAD DEPTH: VARIES. AREA: APPROXIMATELY 1.49 ACRES. LAND LOT 10. 17TH DISTRICT FULTON COUNTY, GEORGIA. OWNER: 3663 PEACHTREE, LLC C/O FRED FILSOOF. APPLICANT: 3663 PEACHTREE, LLC C/O FRED FILSOOF. NPU B COUNCIL DISTRICT 7

Application File Date	3-14-14
Zoning Number	Z-14-10
NPU / CD	B/7
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Workflow List:

Office of Research and Policy Analysis	Completed	04/16/2014 4:49 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>	

LEGISLATION HISTORY – BLUE BACK

Z-14-10-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE RG-3-C (RESIDENTIAL GENERAL-SECTOR 3-CONDITIONAL) DISTRICT TO THE RG (RESIDENTIAL GENERAL-SECTOR 3) DISTRICT, PROPERTY LOCATED AT 3663-3667 PEACHTREE ROAD, N.E., FRONTING APPROXIMATELY 162 FEET ON THE SOUTH SIDE OF PEACHTREE ROAD BEGINNING APPROXIMATELY 836.47 FEET FROM THE NORTHWEST CORNER OF CANTRELL ROAD DEPTH: VARIES. AREA: APPROXIMATELY 1.49 ACRES. LAND LOT 10. 17TH DISTRICT FULTON COUNTY, GEORGIA. OWNER: 3663 PEACHTREE, LLC C/O FRED FILSOOF. APPLICANT: 3663 PEACHTREE, LLC C/O FRED FILSOOF. NPU B COUNCIL DISTRICT 7

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City Council
Atlanta, Georgia

AN ORDINANCE

Z-14-10

BY: ZONING COMMITTEE

Date Filed: 3-4-14

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 3663-3667 PEACHTREE ROAD, N.E., be changed from the RG-3-C (Residential General-Sector 3-Conditional) District to the RG (Residential General-Sector 3) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 10, 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.



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

APPLICATION #: **Z-14-010**

DATE ACCEPTED: **03/04/2014**

NOTICE TO APPLICANT

Address of Property:
3663 Peachtree RD NE

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

Zoning Review Board (ZRB) Hearing Date:

Thursday, May 1 or 08, 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@prudebntial.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

Fred Filsoof

APPLICATION FOR REZONING
City of Atlanta

Date Filed _____

Application Number Z-14-010

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

From RG-3-C District

TO RG-3 District

Name of Applicant 3663 Peachtree, LLC c/o Fred Filsoof
Last Name First Name M.I.

address 1100 street name Garmon Drive
city Atlanta state GA zip code 30327
phone _____ Fax _____
e-mail address _____

Name of Property Owner 3663 Peachtree, LLC c/o Fred Filsoof
Last Name First Name M.I.

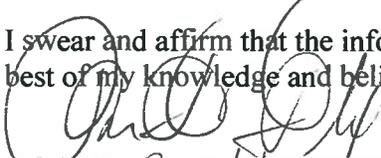
address 1100 street name Garmon Drive
city Atlanta state GA zip code 30327
phone _____ Fax _____

Description of Property

Address of Property 3663-3667 street name Peachtree Road N.E.
city Atlanta state Georgia zip code 30326
The subject property fronts 162 feet on the south side of Peachtree Road
beginning approx. 836.47 feet from the northwest corner of Cantrell Road
Depth: varies Area: 1.493 acres Land Lot: 10 Land District: 17 - Fulton County, GA.
Property is zoned: RG-3-C Council District: 7 Neighborhood Planning Unit: B

- 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.


 3663 Peachtree LLC. *Manager*
 Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 3 rd, 2014.
 (Notary Public)



SUMMARY

This application requests a rezoning of the subject property from RG-3-C to the RG-3 zoning district. Approval of the rezoning will facilitate the redevelopment of the site with 20 townhomes as more particularly shown on the site plan included in this application. The subject property was entitled in 2005 for a townhome development, however, no redevelopment of the site occurred following the entitlement. An abandoned single family home currently exists on the overgrown site.

DOCUMENTED IMPACT ANALYSIS

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

The comprehensive development plan reflects a designation of Medium Density Residential which is consistent with the proposal. 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 are limited sites available for this type of infill development in this area along Peachtree Road. In the immediate area, the Peachtree Road frontage has a mix of townhomes and multifamily buildings, including some high rise multifamily and senior living continuing care facilities such as the Winston condominiums, Caterbury Court and the Lenbrook. The proposed townhouse use does not impact the balance of residential land uses in this area.

(4) Effect on character of the neighborhood.

This portion of Peachtree Road is developed predominantly with townhome and multifamily buildings. The addition of a new, luxury townhome development will be consistent with the character of the neighborhood.

(5) Suitability of proposed use.

Residential communities are the primary use along the Peachtree Road frontage in this area up to the City of Atlanta boundary line with the City of Brookhaven. A mix of residential uses is developed in this area, including the immediately adjacent Winton condominiums, which are zoned RG-5, a more intensive zoning residential zoning designation than this application requests. The proposed use is suitable and complementary to the existing uses in the area.

(6) Effect on adjacent property.

The adjacent and nearby property is currently developed with the Winston high rise condominiums, midrise multifamily buildings, townhomes and single family homes. Canterbury Court and the Lenbrook high rise senior living care facilities are located on Peachtree Road in the immediate area. The proposal to develop a townhome project will add to the existing residential fabric and will not adversely impact adjacent property.

(7) Economic use of current zoning.

The property was rezoned in 2005 for a site plan specific townhome development that was never constructed. To meet market demands in this area, the applicant is proposing to change the proposal to a more marketable development. The existing zoning does not meet market conditions as evidenced by the lack of development on the site.

(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.

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.



SIGNATURE OF ATTORNEY

Morris Manning & Martin, LLP

NAME

1600 Atlanta Financial Center

ADDRESS

3343 Peachtree Road, N.E.

Atlanta

CITY

GA

STATE

30326

ZIPCODE

(404) 233-7000

TELEPHONE NUMBER

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 Fred Filsoof

Address 1100 Garmon Drive

City Atlanta State GA Zip Code 30327

Contact, if other than applicant _____

Zoning category requested RG-3 No. of acres of property to be rezoned 1.493 acres

No. of Proposed dwelling units per acre 13.4 Total number of dwelling units 20

Total number of units by bedroom: 50% 3 BR and 50% 4 BR

Monthly rental per unit _____ or selling per unit \$600,000 avg

Projected construction completion date: 24 months following approval

PROPERTY TO BE RE-ZONED
Property Description

All that tract or parcel of land lying and being in Land Lot 10 of the 17th District, Fulton County, Georgia, containing 1.493 acres (65,052 sq. ft.), and being more particularly described as follows:

COMMENCING at a point located at the southwest intersection of the right of way line of Cantrell Road (right of way width unknown) and Peachtree Road (having an 80 foot right of way), thence running along said right of way line of Peachtree Road (80' right of way), South 60°56'56" West, a distance of 836.47 feet to an iron pin set and the POINT OF BEGINNING;

THENCE FROM SAID POINT OF BEGINNING, continuing along said right of way line of Peachtree Road (80' right of way), South 60°56'56" West, a distance of 90.00 feet to an iron pin set; thence continuing along said right of way line of Peachtree Road (80' right of way), South 60°56'56" West, a distance of 72.00 feet to an iron pin found; thence leaving said right of way line of Peachtree Road (80' right of way), South 17°55'03" East a distance of 293.35 feet to an iron pin found (3/4" rebar); thence North 84°39'15" East, a distance of 29.31 feet to an iron pin found (1/2" rebar); thence North 81°44'26" East a distance of 70.01 feet to an iron pin found (3/4" rebar); thence North 82°03'20" East a distance of 19.54 feet to an iron pin set; thence North 82°03'20" a distance of 50.37 feet to an iron pin found (3/4" rebar); thence North 82°06'24" East a distance of 70.24 feet to an iron pin found (1" covered top); thence North 29°43'07" West a distance of 375.02 feet to an iron pin set in the right of way of Peachtree Road (80' right of way) and the POINT OF BEGINNING.

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: Z-14-010
Application Type: Planning/ZRB/Rezoning/NA
Address: 3663 PEACHTREE RD NE, ATLANTA, GA 30319
Owner Name: THIRTY SIX SIXTY THREE PEACHTREE LLC
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
360892	2259	\$625.00	03/04/2014	RPLEWIS		

Owner Info.: THIRTY SIX SIXTY THREE PEACHTREE LLC

Work Description: Rezoning from RG-3-C to RG-3

PAID
CITY OF ATLANTA
MAR 04 2014
[Signature]
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

PROPERTY TO BE RE-ZONED
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