

Z-14-12-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE I-2 (LIGHT INDUSTRIAL) DISTRICT TO THE MR-4A (MULTIFAMILY RESIDENTIAL) DISTRICT, PROPERTY LOCATED AT 664 BISHOP STREET, N.W., FRONTING APPROXIMATELY 326 FEET ON THE SOUTH SIDE OF BISHOP STREET BEGINNING APPROXIMATELY 400 FEET FROM THE NORTHEAST CORNER OF NORTHSIDE DRIVE. DEPTH: VARIES. AREA: APPROXIMATELY 3.59 ACRES. LAND LOT 148. 17TH DISTRICT FULTON COUNTY, GEORGIA. OWNER: CAPITOL MATERIALS, INC. APPLICANT: NEWPORT DEVELOPMENT, LLC NPU E COUNCIL DISTRICT 8

Application File Date	3-4-2014
Zoning Number	Z-14-12
NPU / CD	E/8
Staff Recommendation	Denial
NPU Recommendation	Approval Conditional
ZRB Recommendation	Denial

Workflow List:

Office of Research and Policy Analysis	Completed	04/17/2014 10:39 AM
Zoning Committee	Completed	05/01/2014 3:22 PM
Atlanta City Council	Completed	05/12/2014 5:52 PM
Zoning Review Board Staff	Completed	07/02/2014 6:19 PM
Zoning Review Board Staff	Completed	07/02/2014 6:20 PM
Office of Research and Policy Analysis	Completed	07/08/2014 4:13 PM
Zoning Committee	Pending	
Mayor's Office	Pending	

HISTORY:

04/30/14	Zoning Committee	
05/05/14	Atlanta City Council	REFERRED TO ZRB AND ZC

RESULT: REFERRED TO ZRB AND ZC [UNANIMOUS]
AYES: Bond, Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd

RESULT: REFERRED TO ZRB AND ZC [UNANIMOUS]
AYES: Bond, Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd

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

Z-14-12-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE I-2 (LIGHT INDUSTRIAL) DISTRICT TO THE MR-4A (MULTIFAMILY RESIDENTIAL) DISTRICT, PROPERTY LOCATED AT 664 BISHOP STREET, N.W., FRONTING APPROXIMATELY 326 FEET ON THE SOUTH SIDE OF BISHOP STREET BEGINNING APPROXIMATELY 400 FEET FROM THE NORTHEAST CORNER OF NORTHSIDE DRIVE. DEPTH: VARIES. AREA: APPROXIMATELY 3.59 ACRES. LAND LOT 148. 17TH DISTRICT FULTON COUNTY, GEORGIA. OWNER: CAPITOL MATERIALS, INC. APPLICANT: NEWPORT DEVELOPMENT, LLC NPU E COUNCIL DISTRICT 8

Application File Date	3-4-2014
Zoning Number	Z-14-12
NPU / CD	E/8
Staff Recommendation	Denial
NPU Recommendation	Approval Conditional
ZRB Recommendation	Denial

City Council
Atlanta, Georgia

AN ORDINANCE

Z-14-12

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 664 BISHOP STREET, N.W., be changed from the I-2 (Heavy Industrial) District to the MR-4A (Multifamily Residential) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 148, 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.



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

APPLICATION #: **Z-14-012**

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

NOTICE TO APPLICANT

Address of Property:
464 Bishop ST NW

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

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 E is:

Penelope Cheroff
404-892-0229
pcheroff@cheroffgroup.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


Newport Development, LLC

APPLICATION FOR REZONING
City of Atlanta

Date Filed _____ Application Number 2-14-12

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

From l-2 District
TO MR-4A District

Name of Applicant Newport Development, LLC
Last Name First Name M.I.

address 3625 street name Cumberland Blvd., SUite 1150
city Atlanta state GA zip code 30339
phone (770) 818-4120 Fax (770) 818-4121
e-mail address bkrause@newport-development.com

Name of Property Owner Capitol Materials, Inc.
Last Name First Name M.I.

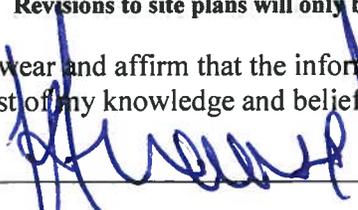
address 451 A street name Bishop Street
city Atlanta state Georgia zip code 30318
phone (404) 351-3748 Fax N/A

Description of Property

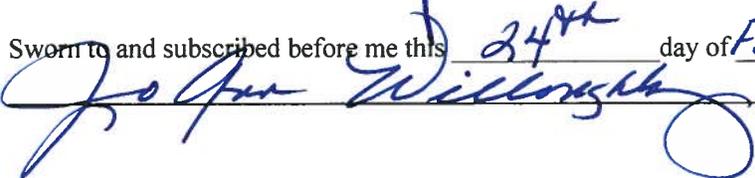
Address of Property 464 street name Bishop Street NW
city Atlanta state Georgia zip code 30318
The subject property fronts 326.27 feet on the south side of Bishop Street
beginning approx. 400 feet from the northeast corner of Northside Drive
Depth: varies Area: 3.59 acres Land Lot: 148 Land District: 17 - Fulton County, GA.
Property is zoned: l-2 Council District: 8 Neighborhood Planning Unit: E

- 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.



Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 24th day of FEBRUARY, 2014


(Notary Public)





SUMMARY

This application requests a rezoning of the subject property from the I-2 zoning district to the MR-4A zoning district. Approval of the rezoning will facilitate the redevelopment of the site with a five and six story multifamily development as more particularly shown on the site plan included in this application. Currently the site is improved with multiple metal industrial buildings.

DOCUMENTED IMPACT ANALYSIS

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

The existing comprehensive development plan provides an industrial designation for the subject property. Notwithstanding the foregoing, portions of this block of Bishop Street have already been redesignated to allow multifamily and mixed uses. This application seeks to change the comprehensive plan to allow the proposed rezoning to MR-4A. 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.

The subject property is located in a unique area in close proximity to many neighborhoods as well as the Midtown and Atlantic Station business districts. There is not other suitably zoned property in the immediate area that is available to accommodate the proposed development. With the development of Atlantic Station and the proposed redevelopment of 507 Bishop Street with multifamily residences, Bishop Street is no longer an industrial node. The proposal will not disrupt the balance of uses in the area.

(4) Effect on character of the neighborhood.

This block of Bishop Street currently includes multiple one story commercial buildings, many of which have outlived their useful life. Heavy industrial operations are not located on this block and the block is bound by the railroad and a single family neighborhood. Changing the zoning to allow the proposed development will provide an active, 24 hour use on the street and help bridge the gap between Loring Heights and the rear of Atlantic Station. The character of the neighborhood will be enhanced by the proposal.

(5) **Suitability of proposed use.**

As discussed above, Bishop Street is in a state of transition. Although part of a former industrial node, the redevelopment of Atlantic Station changed the landscape of development in this area. The proposal provides a suitable transition from the railroad and Atlantic Station to the single family homes to the north in Loring Heights.

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

The adjacent property is currently developed with commercial uses. The proposed redevelopment will be a catalyst for revitalizing this portion of Bishop Street and encourage redevelopment of this underutilized infill location.

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

Although the site could have a use under the existing I-2 zoning, the site and this block of Bishop Street has remained static for many years. A residential use of the site provides a more marketable use and recognizes the changes occurring in the area in the past several years.

(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 BY PROPERTY OWNER

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

I, Capitol Materials, Inc. (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT _____
464 Bishop Street NW (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: Newport Development, LLC

LAST NAME _____ FIRST NAME _____

ADDRESS 3625 STREET NAME Cumberland Blvd. SUITE 1150

CITY Atlanta STATE GA ZIP CODE 30339

TELEPHONE NUMBER

AREA CODE (770) NUMBER 818 - 4120



Signature of Owner
Capitol Materials, Inc.
Print name of owner

Personally Appeared Before Me this 24th day of February, 2014.



Notary Public



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.

Jenice L. Hill

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 Newport Development, LLC

Address 3625 Cumberland Blvd., Suite 1150

City Atlanta State GA Zip Code 30339

Contact, if other than applicant _____

Zoning category requested MR - 4A No. of acres of property to be rezoned _____

No. of Proposed dwelling units per acre 64.68 Total number of dwelling units 232

Total number of units by bedroom: 156 1BR and 76 2BR

Monthly rental per unit \$1,400 or selling per unit _____

Projected construction completion date: June 2016

COMPREHENSIVE LAND USE AMENDMENT

Date: _____

The City of Atlanta
Department of Planning and Community Development
Office of Planning
68 Mitchell Street, South Building, Suite 3350
Atlanta, Georgia 30335-0310

RE: CDP Land Use Amendment Application

Dear Sir/Madam:

I hereby request that the Comprehensive Development Plan (CDP) land use designation for (*address of property*) 464 Bishop Street be amended from (*existing land designation*) Industrial to a designation that will allow it to be rezoned from (*existing zoning classification*) I-2 to (*proposed zoning classification*) MR-4A.

Notarized authorization of any and all property owner (s) indicating consent to this request have been made a part of this application. I understand that my application for a CDP amendment is subject to a review by the Neighborhood Planning Unit (NPU) in which the property is located, and I agree to contact the Chairperson of that NPU to request consideration of my application. I further understand that I am required to submit an application fee for the CDP amendment in an amount of \$1,000.00. I have submitted a complete description of the proposed development project, including type of land use, number of units and /or square footage, floor area ratio(s), and lot coverage ratio. Furthermore the following information has also been included:

1. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property.
2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
4. Whether the amendment is consistent with the written policies in the Comprehensive Plan Text.
5. Whether there are environmental impacts or consequences resulting from the proposed change.

I filed an application (Z-____ - ____) for rezoning of the subject property on (*date*) _____.

Sincerely, _____

Applicant's Signature

Newport Development, LLC

Name of Applicant (please print)

3625 Cumberland Blvd., Suite 1150

Address of Applicant

Atlanta

GA

30339

City

State

Zip Code

(770) 818-4120

Phone Number of Applicant

Applicant informed of CDP hearing schedule

CDP CHANGE CRITERIA

SUMMARY OF PROPOSED PROJECT

This application requests a comprehensive development plan (“CDP”) change from Industrial to accommodate a rezoning from the I-2 zoning district to the MR-4A zoning district. The subject property is a 3.592 acre parcel located on Bishop Street north of the existing railroad and Atlantic Station. The proposal is to develop a multifamily development as shown on the site plan included in this application.

Concurrently with this application, the applicant also seeks a rezoning from I-2 to MR-4A.

JUSTIFICATION FOR AMENDMENT

- (1) Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property.**

The adjacent and nearby properties are currently developed with commercial, industrial and uses, single family residential uses and a railroad. Although the existing development on Bishop Street does not currently include any multifamily uses, there is a multifamily project approved and in the permit process across Bishop Street from the subject property. The proposal recognizes the change in the trend in development in this area and provides for a suitable use based on such trend.

- (2) Whether the proposed land change will adversely affect the existing use or usability of adjacent or nearby property.**

Prior to the rezoning of Atlantic Station, Bishop Street marked the northern boundary of a much larger industrial node that extended south toward Fourteenth Street. The redevelopment of the area in the past 15 years has changed the landscape from a industrial node, to a mixed use area. Bishop Street’s existing industrial land use is a remnant of the industrial node that require re-evaluation. A multifamily use is already permitted and proposed across the street from the subject property so the change on this site will not add a use that is not already contemplated on this block. The proposal will not adversely affect the existing use or usability of adjacent or nearby property.

- (3) Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

The proposal is not anticipated to have an excessive or burdensome effect on streets, transportation facilities, utilities or schools. Bishop Street is currently under utilized and has existing access to the Northside Drive corridor as well as Deering Road. Notwithstanding the foregoing, the change in the land use plan to a residential category will, by default, have an impact on schools due to the development of new residences, however, such impact is not anticipated to be burdensome. All necessary public facilities and services currently are available to the subject property.

(4) Whether the amendment is consistent with the written policies in the Comprehensive Plan Text.

The amendment is consistent with the written policies of the Comprehensive Development Text. Given its location immediately adjacent to single family homes and the railroad, the most appropriate development along Bishop Street provides a transition between the two uses. The proposed multifamily use provides such a transition. In addition, although there is an initiative to preserve existing industrially zoned parcels, the Bishop Street corridor has already begun to transition to residential use with the existing residential comprehensive plan designations of 507 Bishop Street and 1475 Mecaslin Street.

(5) Whether there are environmental impacts or consequences resulting from the proposed changes.

No adverse environmental impacts or consequences are anticipated from the proposed change.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 148 of the 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found on the southeasterly right-of-way line of Bishop Street (50' R/W), said point being South 63 degrees 11 minutes 19 seconds West 1,068.85 feet from the centerline road intersection of Mecalvin Street and Bishop Street; thence leaving said right-of-way line of Bishop Street South 21 degrees 51 minutes 33 seconds East a distance of 422.30 feet to an iron pin found (bolt) on the northwesterly right-of-way line of Southern Railway Company (100' R/W); thence along said right-of-way line South 55 degrees 41 minutes 44 seconds West a distance of 369.10 feet to a point; thence leaving said right-of-way line North 17 degrees 53 minutes 16 seconds West a distance of 494.74 feet to an iron pin found (1/2" open top pipe) on said right-of-way line of Bishop Street; thence along said right-of-way line North 66 degrees 41 minutes 04 seconds East a distance of 326.27 feet to a point and the POINT OF BEGINNING.

Said tract containing 3.592 acres.

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: Z-14-012
Application Type: Planning/ZRB/Rezoning/NA
Address: 464 BISHOP ST NW, ATLANTA, GA 30318
Owner Name: CAPITOL MATERIALS INC
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
360891	1120	\$1,625.00	03/04/2014	RPLEWIS		

Owner Info.: CAPITOL MATERIALS INC

Work Description: Rezoning from I-2 to MR-4A

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

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 148 of the 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found on the southeasterly right-of-way line of Bishop Street (50' R/W), said point being South 63 degrees 11 minutes 19 seconds West 1,068.85 feet from the centerline road intersection of Mecalvin Street and Bishop Street; thence leaving said right-of-way line of Bishop Street South 21 degrees 51 minutes 33 seconds East a distance of 422.30 feet to an iron pin found (bolt) on the northwesterly right-of-way line of Southern Railway Company (100' R/W); thence along said right-of-way line South 55 degrees 41 minutes 44 seconds West a distance of 369.10 feet to a point; thence leaving said right-of-way line North 17 degrees 53 minutes 16 seconds West a distance of 494.74 feet to an iron pin found (1/2" open top pipe) on said right-of-way line of Bishop Street; thence along said right-of-way line North 66 degrees 41 minutes 04 seconds East a distance of 326.27 feet to a point and the POINT OF BEGINNING.

Said tract containing 3.592 acres.