

Z-14-16-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE RG-2 (RESIDENTIAL GENERAL-SECTOR 2) DISTRICT TO THE MR-3 (MULTIFAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LOCATED AT 18 PEACHTREE AVENUE, N.E., FRONTING 120 FEET ON THE NORTH SIDE OF PEACHTREE AVENUE BEGINNING APPROXIMATELY 480 FEET FROM THE NORTHEAST CORNER OF PEACHTREE ROAD. DEPTH: VARIES. AREA: APPROXIMATELY 0.66 ACRE. LAND LOT 100. 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: JW HOMES, LLC APPLICANT: JW HOMES, LLC NPU B COUNCIL DISTRICT 7

Application File Date	3-7-2014
Zoning Number	Z-14-16
NPU / CD	B/7
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Workflow List:

Office of Research and Policy Analysis	Completed	04/17/2014 10:28 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>	

LEGISLATION HISTORY – BLUE BACK

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City Council
Atlanta, Georgia

AN ORDINANCE

Z-14-16

BY: ZONING COMMITTEE

Date Filed: 3-7-14

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 18 PEACHTREE AVENUE, N.E., be changed from the RG-2 (Residential General-Sector 2) District to the MR-3 (Multifamily Residential) District to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 100, 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-14-016**
DATE ACCEPTED: **03/07/2014**

NOTICE TO APPLICANT

Address of Property:
18 Peachtree AVE 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
404-266-3271 (phone)
bill.murray@prudentialga.com

Contact info for adjacent NPUs is provided below if necessary:

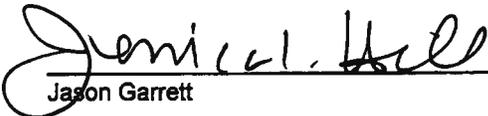
Additional Contacts:

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,



BC, for Director, Bureau of Planning



Jason Garrett



APPLICATION FOR REZONING
City of Atlanta

Date Filed _____ Application Number Z-14-016

I Herby Request That The Property Described in this Application be Rezoned
 From RG-2 District
 TO MR - 3 District

Name of Applicant JW Homes, LLC
 Last Name First Name M.I.

address 4125 street name Atlanta Road, SE
 city Smyrna state GA zip code 30080
 phone 770-703-1646 Fax _____
 e-mail address Jason.Garrett@JWHOMES.com

Name of Property Owner JW Homes, LLC
 Last Name First Name M.I.

address 4125 street name Atlanta Road, SE
 city Smyrna state GA zip code 30080
 phone 770-703-1646 Fax _____

Description of Property

Address of Property 18 street name Peachtree Avenue
 city Atlanta state Georgia zip code 30305
 The subject property fronts 119.74 feet on the north side of Peachtree Avenue
 beginning approx. 460 feet from the northeast corner of Peachtree Road
 Depth: varies Area: 0.66 acres Land Lot: 100 Land District: 17 - Fulton County, GA.
 Property is zoned: RG-2 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.**

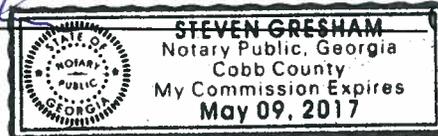
I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

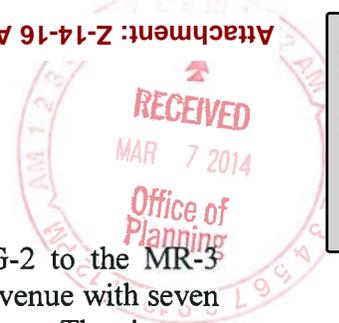
[Signature], VP DEVELOPMENT on behalf of JW Homes, LLC.

Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 13th day of February, 2014.

[Signature] Notary Public)





SUMMARY

This application requests a rezoning of the subject property from RG-2 to the MR-3 zoning district. The rezoning will facilitate the redevelopment of 18 Peachtree Avenue with seven townhomes as more particularly shown on the site plan included in this application. The site was previously developed with the 18 Peachtree Avenue Apartments. It is currently vacant and was utilized as the construction entrance for the Elle apartment project.

DOCUMENTED IMPACT ANALYSIS

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

The comprehensive development plan reflects a designation of Medium Density Residential. The request to rezone to MR-3 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.

This proposal is suitable given the mix of existing single family, proposed townhomes and existing low density multifamily development on Peachtree Avenue. There is not other suitable land available and zoned for this infill proposal. The proposed townhome development will complement the existing balance of 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 add a residential use to Peachtree Avenue that is less intensive than the prior development on the site and fill in an existing gap in the residential fabric.

(5) Suitability of proposed use.

With the exception of the Atlanta International School, Peachtree Avenue consists of several narrow residential sites that are zoned for relatively low density residential use. The proposal to develop seven townhomes is consistent with the existing and proposed development on the block.

(6) Effect on adjacent property.

All of the immediately adjacent property is currently developed with multifamily uses. There are two story apartment developments on the east and west sides of the property and the Elle apartment development abuts the site to the rear. The proposal to develop townhomes on the site will not adversely impact the development on the adjacent properties.

(7) Economic use of current zoning.

The subject property is very small and narrow for a multifamily development. Given the surrounding multifamily development, a townhome or new multifamily development are the appropriate uses of the site. To be economically feasible, an increase in density is needed to develop the site given the small size.

(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.

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 JW Homes, LLC

Address 4125 Atlanta Road, SE

City Smyrna State GA Zip Code 30080

Contact, if other than applicant _____

Zoning category requested MR - 3 No. of acres of property to be rezoned 0.66

No. of Proposed dwelling units per acre 10.6 Total number of dwelling units 7

Total number of units by bedroom:

Monthly rental per unit _____ or selling per unit \$700,000

Projected construction completion

date: March 2016

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 100 OF THE 17th DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN ON AN ALTA/ACSM LAND TITLE SURVEY FOR JWH ACQUISITIONS, LLC & CHICAGO TITLE INSURANCE COMPANY DATED 12/6/13 PREPARED BY HARDY SURVEYING GROUP, LLC AND HAS THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT AN INTERSECTION FORMED BY THE NORTHERLY RIGHT-OF-WAY PEACHTREE AVENUE (50' R/W) AND THE EASTERLY RIGHT-OF-WAY OF PEACHTREE ROAD (70' R/W), THE POINT-OF-COMMENCEMENT, (P.O.C.); THENCE CONTINUING EASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY OF PEACHTREE AVENUE (50' R/W) APPROXIMATELY 460' TO AN OPEN TOP PIPE FOUND AT THE COMMON LINE TO N/F CHANG K & CHULL J KIM, SAID OPEN TOP PIPE BEING THE TRUE POINT-OF-BEGINNING, (P.O.B.).

FROM THE POINT-OF-BEGINNING, (P.O.B.) THUS ESTABLISHED, THENCE TURNING AND LEAVING SAID THE NORTHERLY RIGHT-OF-WAY OF PEACHTREE AVENUE (50' R/W) AND CONTINUING ALONG THE LINE OF N/F CHANG K. & CHULL J. KIM NORTH 03 DEGREES 08 MINUTES 56 SECONDS EAST (N03°08'56"E) A DISTANCE OF 242.09' TO A #4 REBAR SET; THENCE TURNING AND LEAVING THE LINE OF N/F CHANG K. & CHULL J. KIM AND CONTINUING SOUTH 87 DEGREES 43 MINUTES 55 SECONDS EAST (S87°43'55"E) FOR A DISTANCE OF 119.94' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING SOUTH 03 DEGREES 12 MINUTES 50 SECONDS WEST (S03°12'50"W) A DISTANCE OF 239.96' TO A #4 REBAR SET ON THE NORTHERN RIGHT-OF-WAY OF PEACHTREE AVENUE (50' R/W); THENCE TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 88 DEGREES 45 MINUTES 25 SECONDS WEST (N88°45'25"W) A DISTANCE OF 119.71' TO AN OPEN TOP FOUND, SAID OPEN TOP PIPE BEING THE TRUE POINT-OF-BEGINNING, (P.O.B.).

SAID TRACT OF LAND CONTAINS 0.663 ACRES. (28,871 SQ. FT.).

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: Z-14-016
Application Type: Planning/ZRB/Rezoning/NA
Address: 18 PEACHTREE AVE NE, ATLANTA, GA 30305
Owner Name:
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
361490	1530980	\$500.00	03/07/2014	RPLEWIS		

Work Description: Rezoning from RG-2 to MR-3

PAID
CITY OF ATLANTA
MAR 07 2014
[Signature]
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

LEGAL DESCRIPTION:

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REVENUE COLLECTOR