

**CITY COUNCIL
ATLANTA, GEORGIA**

E.B

14-O-1237

U-14-09 - AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A COMMUNITY CENTER PURSUANT TO SECTION 16.18K. 004 (3) (A) FOR PROPERTY LOCATED AT 80 JOSEPH E. LOWERY BOULEVARD, N.W. FRONTING APPROXIMATELY 258 FEET ON THE WEST SIDE OF JOSEPH E. LOWERY BOULEVARD AT THE INTERSECTION DEPTH: APPROXIMATELY 164 FEET. AREA: APPROXIMATELY 0.23ACRES. LAND LOT 16, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: FAMILIES FIRST C/O HAROLD BUCKLEY, JR., ESQ. APPLICANT: THE BOARD OF EDUCATION OF THE CITY OF ATLANTA NPU K COUNCIL DISTRICT 3

| | |
|-----------------------|----------|
| Application File Date | 4-1-2014 |
| Zoning Number | U-14-09 |
| NPU / CD | K/3 |
| Staff Recommendation | |
| NPU Recommendation | |
| ZRB Recommendation | |

Workflow List:

| | | |
|--|-----------|--------------------|
| Office of Research and Policy Analysis | Completed | 05/08/2014 1:38 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

U-14-09 - AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A COMMUNITY CENTER PURSUANT TO SECTION 16.18K. 004 (3) (A) FOR PROPERTY LOCATED AT 80 JOSEPH E. LOWERY BOULEVARD, N.W. FRONTING APPROXIMATELY 258 FEET ON THE WEST SIDE OF JOSEPH E. LOWERY BOULEVARD AT THE INTERSECTION DEPTH: APPROXIMATELY 164 FEET. AREA: APPROXIMATELY 0.23ACRES. LAND LOT 16, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: FAMILIES FIRST C/O HAROLD BUCKLEY, JR., ESQ.APPLICANT: THE BOARD OF EDUCATION OF THE CITY OF ATLANTA NPU K COUNCIL DISTRICT 3

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Municipal Clerk
Atlanta, Georgia

AN ORDINANCE

U-14-09

BY: ZONING COMMITTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-18K.004 (1) (3) (a), of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a COMMUNITY CENTER is hereby approved. Said use is granted to FAMILIES FIRST and is to be located at 80 JOSEPH E. LOWERY BOULEVARD, N.W., to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 16, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, “Special Use Permits, Procedural Requirements”, and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. 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 #: **U-14-009**

DATE ACCEPTED: **04/01/2014**

NOTICE TO APPLICANT

Address of Property:

80 Joseph E Lowery BLVD NW

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

Zoning Review Board (ZRB) Hearing Date:

Thursday, June 5 or 12, 2014 at 6:00 p.m.

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

The contact person for NPU K is:

Jair Sweatman

404-210-9244

jairsweatman@gmail.com

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

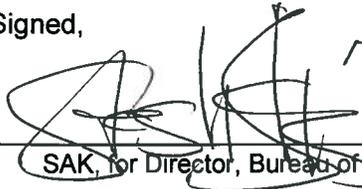
Greg Hawthorne (NPU L)

678-362-4786

ghawthorne@bellsouth.net

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,



 SAK, for Director, Bureau of Planning



 Harold Buckley

APPLICATION FOR SPECIAL USE PERMIT

City of Atlanta

Date Filed _____ Application Number _____

I Hereby Request That The Property Described in this Application be granted a Special Use Permit

Name of Applicant Families First c/o Harold Buckley, Jr., Esq.
Last Name First Name M.I.

Address 1105 Street Name West Peachtree Street, NW

City Atlanta State GA Zip Code 30309

Phone 404-853-5050 Fax 404-759-2754

E-mail address hbuckley@wbilega.com

Name of Property Owner The Bd of Education of the City of Atlanta
Last Name First Name M.I.

Address 1635 Street Name La France Street, NE

City Atlanta State GA Zip Code 30307

Daytime Phone _____ Fax _____

E-mail address _____

Description of Property

Street Address of Property 80 Joseph E. Lowery, NW

City Atlanta State GA Zip Code _____

Property is zoned: SPI-11/SA-6 Council District: 3 Neighborhood Planning Unit: K

The subject property fronts 258 feet on the west side of
Joseph E. Lowery Blvd, beginning 0 feet from the NE
corner of Lena Street

Depth: 310 Area: 2.1 ac Land Lot: 115 Land District: 14th



INSTRUCTIONS

A. SUMMARY OF PROPOSED PROJECT. What kind of special use would you be operating?

personal care home rehabilitation center day care center
 assisted living facility nursing home church
 other: (describe): community center

B. IMPACT ANALYSIS. Type or legibly print on a separate piece of paper a complete and descriptive response to each one of the following questions:

1. Ingress and Egress:

- How will employee and client vehicles enter and leave the property?
- How will emergency vehicles (fire, police, and ambulance) gain access to the property?
- Will the way in which vehicles enter and leave the property cause traffic congestion? Why or why not?

2. Off-Street Parking and Loading:

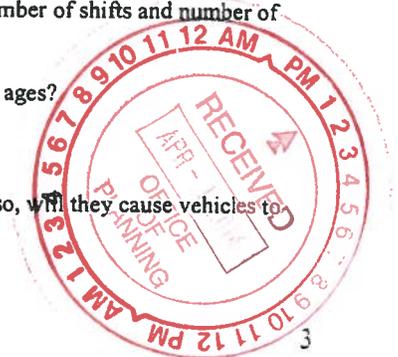
- How will the operator of the facility dispose of refuse and garbage? What kind of containers would be used? Will the City or a private garbage disposal service be used? How often will the service pick up the garbage?
- How will products and supplies be delivered to the facility?
- Where and how will service personnel (such as electric and gas maintenance personnel) park their vehicles and gain access to the property for routine maintenance?
- How will employees and clients park their vehicles and gain access to the property.

3. Buffering and Screening:

- How will adjoining properties be buffered or screened from any noise or glare from lights that might be generated from the facility?
- How many vehicles will travel to and from the facility every day? Are you planning to make any road improvements to accommodate heavy traffic to and from the facility?

4. Hours and Manner of Operation:

- Proposed Use of Site? Please state exactly and in detail what is intended to be done on, or with the property.
- What will be the hours and days of the week during which the facility will be open?
- How many employees will be employed at the facility? Include the number of shifts and number of employees per shift.
- How many clients will be served by the facility, and what will be their ages?
- Will you offer meals; and if so, when will they be offered?
- Will there be any other special programs offered at the facility; and if so, will they cause vehicles to park at or on the site?



WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339

HAROLD BUCKLEY, JR.
HBUCKLEY@WBILEGAL.COM
DIRECT DIAL: (770) 803-3707

TELEPHONE
(404) 853-5050
FACSIMILE
(404) 853-1812

April 1, 2014

VIA HAND DELIVERY

Ms. Charletta Wilson Jacks
City of Atlanta Office of Planning
City Hall South
55 Trinity Avenue, SW, Suite 3350
Atlanta, GA 30303

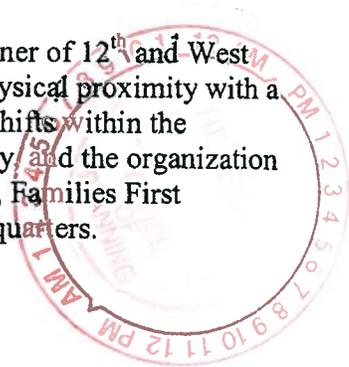
Re: Documented Impact Analysis for Application by Families First for a Special Use Permit on 2.1-Acre Property Located at 80 Joseph E. Lowery Boulevard (the "Subject Property") to Allow the Establishment of a Community Center.

Dear Charletta:

We represent Families First, a state-wide non-profit, multi-service agency headquartered in Atlanta. Since it's founding in 1890 on what is now the Spelman College campus, Families First has provided comprehensive community-based safety net services to scores of vulnerable families. Families First focuses its services within the following three primary impact areas:

1. Child and Youth Permanency - Foster care and adoption services to help ensure long-term stability and a supportive environment for children and youth whose lives have been disrupted;
2. Family Sustainability and Empowerment - Housing, family support services, and asset development to help families achieve self-sufficiency.
3. Healthy Families and Relationships - Affordable counseling, training, and education to equip parents and families with skills needed to build healthy family relationships and raise children who succeed and flourish.

When Families First moved into its current headquarters at the corner of 12th and West Peachtree Street, its Midtown location placed the organization in close physical proximity with a population that needed its services. Over the last 36 years, demographic shifts within the Midtown community has substantially reduced this advantage of proximity, and the organization outgrew its headquarters building. After very careful review and analysis, Families First identified the Subject Property as the optimal location to relocate its headquarters.



WILSON BROCK & IRBY, L.L.C.
FAMILIES FIRST DOCUMENTED IMPACT ANALYSIS
April 1, 2014
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The Subject Property is zoned SPI-11/SA 6 (Vine City & Ashby Station Special Public Interest District – Washington Sub-Area), which permits community centers with the prior approval of a special use permit. To satisfy this requirement, Families First respectfully requests the approval of a special use permit for its proposed community center on the Subject Property. Our request for special use permit complies with the approval criteria prescribed by section 16-25.002(3) of the zoning ordinance as follows:

(1) The Subject Property Provides Superior Transportation Access and Safety.

The Subject Property is the site of a former elementary school, E.R. Carter Elementary, which is currently being operated as a private school by KIPP Academy. Therefore, the surrounding area includes unique transportation access opportunities and safety infrastructure, which are geared toward providing families with safe vehicular and pedestrian access to the Subject Property. The Subject Property is bounded by Lena Street to the south, Joseph E. Lowery Boulevard (“Lowery Blvd”) to the west, and Desoto Street to the north. Ample sidewalks are provided on all three of these street frontages. The Ashby MARTA transit station is located diagonally across the street from the Subject Property, at the intersection of Lena Street and Lowery Blvd, which is a signalized intersection. Therefore, the Subject Property enjoys an extraordinarily high level of transportation and pedestrian safety infrastructure.

(2) Off-Street Parking and Loading Areas.

The zoning ordinance requires community centers within the SPI-11 zoning district to provide 1 parking space for every 35 square feet of floor area within the largest room of assembly, plus additional spaces for every classroom. The existing 3,000-square-foot cafetorium, which will be converted to become a large, flexible meeting space, will be the community center’s largest room of assembly. The existing classrooms will be repurposed to serve as meeting rooms in which the center’s social programs are conducted, so they will not add to the minimum parking requirement. Therefore, the community center’s minimum parking requirement is 86 on-site parking spaces, based on the former cafetorium’s floor area.

There are twenty-four visitor parking spaces in front of the existing school building, between the building and Lowery Blvd, which will remain after the Subject Property is redeveloped. There is also an existing parking lot behind the school that is currently accessed from Desoto Street, which is a residential street. Families First intends to rework this parking lot to include enough parking spaces to meet their on-site parking requirement and shift vehicular access from Desoto Street to Lena Street. The revised parking access is appropriate since MARTA already operates a transit station across Lena Street from the Subject Property.

The zoning ordinance does not impose any minimum loading space requirements on the proposed community center, and Families First intends to use the existing school’s loading facilities.



WILSON BROCK & IRBY, L.L.C.
FAMILIES FIRST DOCUMENTED IMPACT ANALYSIS

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Page 3

(3) Refuse and Service Areas.

The existing school facility consists of three buildings, the original 26,000-square-foot three-story school building that is connected to a stand-alone 3,000-square-foot cafeteria, and a detached 7,800-square-foot building that houses educational and support functions.

The refuse and service area for the existing school is located immediately behind the cafeteria building, in an area that is partially screened from public view. To the extent any outdoor refuse and service activities are required, Families First will utilize these existing facilities.

(4) Buffering and Screening to Alleviate Adverse Effects.

Families First has unique historical ties to Atlanta's Westside community. The organization was founded in 1890 as the Leonard Street Orphan's Home on what is now Spelman College's campus. ER Carter's contemporary, Alonzo Herndon, served on the Leonard Street Orphan's Home board of directors for many years, and it is believed he was one of its first presidents. His son, Norris Herndon, also served as president of the Home in the 1930s. Therefore, Families First is extremely dedicated to being a model citizen in its home community.

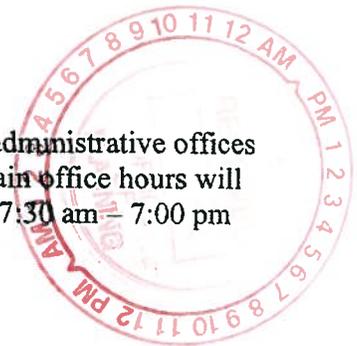
The existing on-site school campus, which will be preserved and enhanced, is an integral part of the community's character. The primary exterior enhancement will be a new main pedestrian entrance to the facility. The school building's current main entrance lacks visibility because it is recessed between the original classroom building and the adjacent cafeteria. Families First plans to create a grand entry focal point to the community center by constructing a unified entry space between these two buildings. Exterior modifications will also include a separate rear employee entrance.

Families First intends to utilize the existing school's exterior refuse, service, and loading facilities. The reuse of these existing facilities, coupled with the preservation and enhancement of the existing school buildings, will prevent any adverse effects on the surrounding neighborhood.

In addition, while Families First intends to maintain the existing visitor's parking lot along Lowery Blvd, it will rework a rear parking lot to shift vehicular access to that area from Desoto Street to Lena Street, which already services a parking facility for the MARTA transit station. This change will make the community center's operations more consistent with existing activity within the surrounding area.

(5) Hours and Manner of Operation.

Families First will convert the existing facilities from school use to administrative offices and facilities for the delivery of social services. The community center's main office hours will generally be between 7:30 am and 8:00 pm Monday through Thursday, and 7:30 am - 7:00 pm



WILSON BROCK & IRBY, L.L.C.
FAMILIES FIRST DOCUMENTED IMPACT ANALYSIS

April 1, 2014

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on Friday. There will generally be 40 – 60 employees on-site during peak operating periods, and staff will begin arriving on-site as early as 6:30 am. The center will be open as needed for various programs and events on weekends.

The existing on-site basketball court will be redeveloped as a new children’s playground, with new equipment and a rubberized safety surface. This playground will serve Families First clients, including those who reside in the surrounding Washington Park neighborhood.

The Subject Property does not currently include an on-site stormwater drainage system. A new 50,000-cubic-foot stormwater vault will be installed as part of Families First’s on-site improvements.

(6) Tree Preservation and Replacement.

Families First will only remove existing trees that are in poor health or located too close to existing buildings. Healthy existing trees that do not compromise, or threaten to compromise, the operation of existing buildings will be preserved. In addition new landscaping and trees will be installed to enhance the proposed community center. Families First will plant new trees on the Subject Property in a manner that meets or exceeds the city’s minimum tree replacement requirements.

(7) Conclusion.

Any action taken on this application other than the approval requested by the applicant herein would violate the owner’s and applicant’s constitutional rights as guaranteed by Article I, Section I, Paragraph I; Article I, Section I, Paragraph II and Article I, Section III, Paragraph I of the Georgia Constitution and the 5th and 14th Amendments to the United States Constitution.

However, we believe this request furthers the interests of public’s health, safety and welfare and respectfully request that it be approved. Please let me know if I may provide you with any additional information or clarification.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Harold Buckley, Jr., AICP

HB:ewj

cc: Kim Anderson, Esq., Families First



AUTHORIZATION BY PROPERTY OWNER

(Required only if applicant is not the owner of property subject to the proposed Special Use Permit)

Erroll B. Davis, Jr., Superintendent
I, Atlanta Independent Schools System (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT _____
80 Joseph Lowery Blvd. NW, Atlanta, GA 303014 (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 Families First FIRST NAME _____

ADDRESS 1105 STREET NAME W. Peachtree St. SUITE —

CITY Atlanta STATE GA ZIP CODE 30309

TELEPHONE NUMBER

AREA CODE (770) NUMBER 803-3707



Signature of Owner

Erroll B. Davis, Jr.

Print name of owner

Personally Appeared Before Me this 18 day of March, 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.

Harold Buckley Jr.

SIGNATURE OF ATTORNEY

Harold Buckley, Jr.

NAME

Wilson Brock & Irby LLC

ADDRESS

2849 Paces Ferry Rd, Suite 700

| | | |
|----------------|-----------|--------------|
| Atlanta | GA | 30339 |
| CITY | STATE | ZIPCODE |

404-853-5050

TELEPHONE NUMBER



AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the Office of Planning of the City of Atlanta to inspect the premises, which are the subject of this special use permit application.

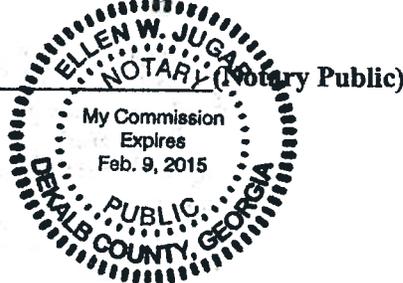
I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

Harold Buckley Jr.

Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 1st day of April, 2014.

Ellen W. Jugan



RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: U-14-009
Application Type: Planning/ZRB/Special use/NA
Address: 80 JOSEPH E LOWERY BLVD NW, ATLANTA, GA 30314
Owner Name: BOARD OF EDUCATION OF THE CITY OF ATLANTA THE
Owner Address:
Application Name:

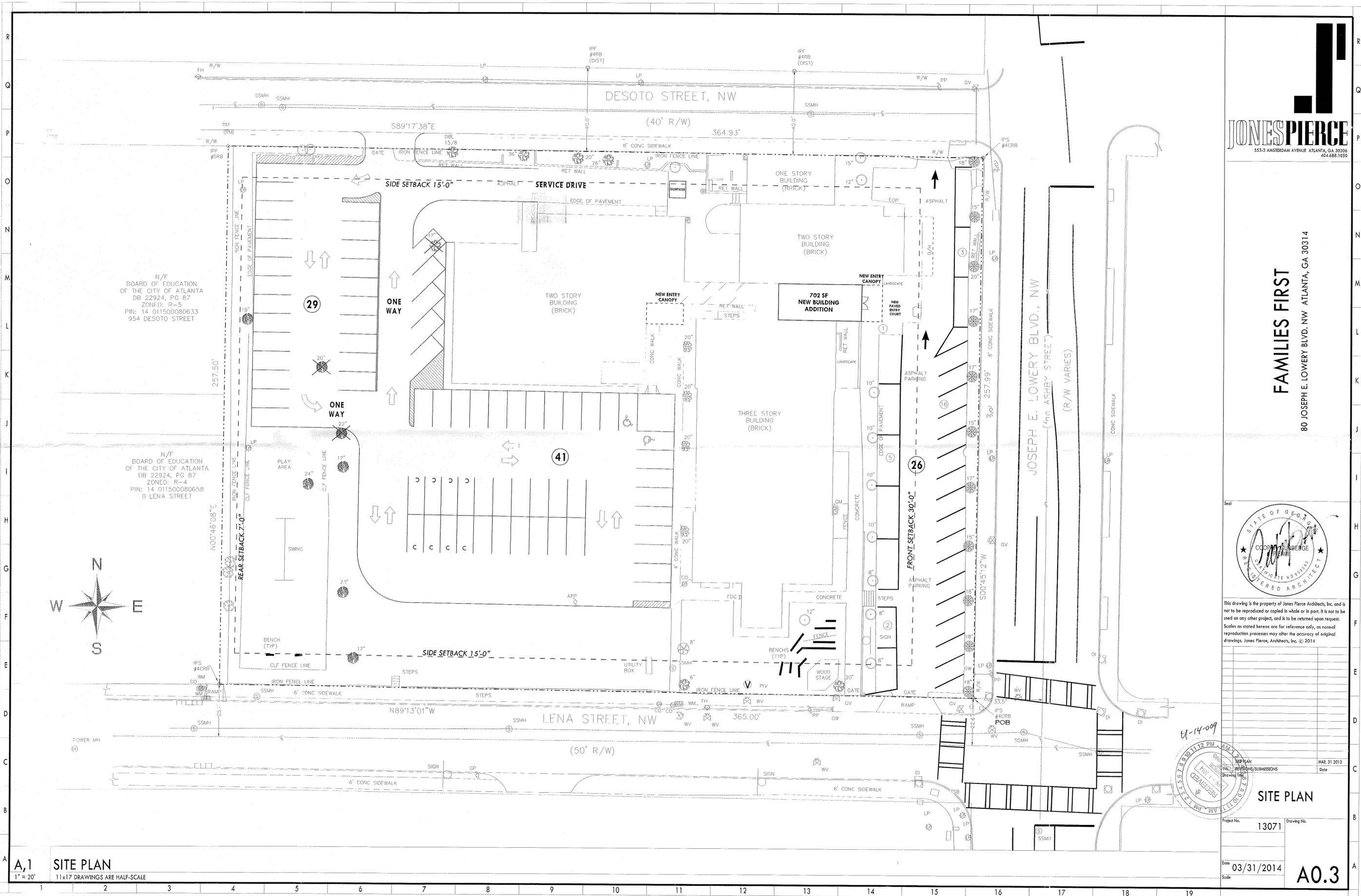
| Receipt No. | Ref Number | Amount Paid | Payment Date | Cashier ID | Received | Comments |
|-------------|------------|-------------|--------------|------------|----------|----------|
| 364864 | 8632 | \$400.00 | 04/01/2014 | RPLEWIS | | |

Owner Info.: BOARD OF EDUCATION OF THE CITY OF ATLANTA THE

Work Description:

APR 01 2014





N/F
BOARD OF EDUCATION
OF THE CITY OF ATLANTA
DB 22924, PG 87
ZONED: R-5
PIN: 14 011500080633
954 DESOTO STREET

N/F
BOARD OF EDUCATION
OF THE CITY OF ATLANTA
DB 22924, PG 87
ZONED: R-4
PIN: 14 011500080658
0 LENA STREET



FAMILIES FIRST
80 JOSEPH E. LOWERY BLVD. NW ATLANTA, GA 30314



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SITE PLAN

Project No. 13071 Drawing No.
Date 03/31/2014
Scale

A0.3

A,1 SITE PLAN
1" = 20'
11x17 DRAWINGS ARE HALF-SCALE

NOT FOR CONSTRUCTION