NOTICE TO APPLICANT

Address of Property:  
2059 Manchester ST NE

City Council District: 6  Neighborhood Planning Unit (NPU): F

Zoning Review Board (ZRB) Hearing Date:

Thursday, January 5 or 12, 2017 at 6:00 p.m.

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

The contact person for NPU F is:

Charles Nalbone  
404-376-3230  
zoning@npuatlanta.org

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

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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,

[Signatures]

TT, Director, Bureau of Planning

TSW, HEDGEWOOD HOMES
APPLICATION FOR REZONING
City of Atlanta

Date Filed __________________________ Application Number Z-16-080

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

From _______ I-1 C _______ District

TO _______ MR-4B _______ District

Name of Applicant TSW (for Hedgewood Homes)

Last Name First Name M.I.

address 1389 street name Peachtree Street, NE Suite 200

city Atlanta state Georgia zip code 30309

phone 404-873-6730 x129 Fax

e-mail address afisewasilak@tsw-design.com

Name of Property Owner Wang David & Phillip

Last Name First Name M.I.

address 2059 street name Manchester Street NE

city Atlanta state GA zip code 30324

phone Fax

Description of Property

Address of Property 2059 street name Manchester Street NE

city Atlanta state GA zip code 30324

The subject property fronts 65 feet on the east side of Manchester Street

beginning 195 feet from the southeast corner of Liddell Drive

Depth: 280 ft Area: 0.40 ac Land Lot: 50 Land District: 17 - Fulton County, GA.

Property is zoned: I-1 C Council District: 6 Neighborhood Planning Unit: F
INSTRUCTIONS

A. SUMMARY OF PROPOSED PROJECT. Describe the proposed project in the space provided below. Include the proposed use of each building and all other land uses. This description is required in addition to the Documented Impact Analysis and is not considered a substitute. Should additional space be required please type or print on a separate piece of paper.

see attached

B. DOCUMENTED IMPACT ANALYSIS. Each application must contain a typed or printed documented analysis of the impact of the proposed rezoning with respect to the following matters.

(1) Compatibility with comprehensive development plans; timing of development:
The Office shall examine the proposal to determine whether it is in accord with comprehensive development plans in their 15-year, 5-year, and 1-year forms. In its findings in this regard, it may report that the proposal is compatible or incompatible with all such plans, or that while the change is an accord with those of longer range it would be premature in the light of the 1-year or 5-year comprehensive development plans. The Office shall not recommend any change not in accord with adopted comprehensive development plans but may, where it sees fit, recommend changes in such plans, following which, if such change in plans are officially adopted, the zoning change may be reconsidered without prejudice and without a new application if an application is involved.

(2) Availability of and effect on public facilities and services/referrals to other agencies: The Office shall consider and report on the availability of public facilities and services and the effect the proposed change would have on demands for public facilities and services in the area in which the change is proposed or generally. Such facilities and services include but are not limited to water supply, sewage, or drainage, transportation, schools, fire and police protection, and solid waste collection and disposal.

(3) Availability of other land suitable for proposed use; effect on balance of land uses: The Office may consider the availability of other appropriate land already zoned for the proposed use, general and in the area of the proposed change. The Office may also consider whether generally, or in the area of the proposed change, the change would have adverse environmental effects on the balance of land uses by removing land from a category for which it is suited and for which there is a greater need to a category for which the public need is lesser.

(4) Effect on character of the neighborhood: The Office shall consider the effect of uses permitted under the proposed change on the surrounding neighborhood and shall report any substantial probably adverse influences on desirable living conditions or sustained stability, or any tendencies toward blight and depreciation likely to result from the change.

(5) Suitability of proposed use: The Office shall consider whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

(6) Effect on adjacent property: The Office shall consider whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

(7) Economic use of current zoning: The Office shall consider whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

(8) Tree Preservation: The Office shall consider and report on whether the proposal is in accordance with the City of Atlanta's policies related to tree preservation as adopted in Section 10-2033, 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 1 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]

Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 1st day of Nov, 2016.

[Signature]

(Notary Public)

ELIZABETH WALSH
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires January 7, 2018
November 1, 2016

Summary of Proposed Project

Rezoning: 2059 Manchester Ave (Parcel ID 17 00500003018)
From: I-1 Conditional
To: MR-4B

This rezoning will support the redevelopment of a vacant industrial space into a mix of owner occupied units including 4 attached and 5 detached single-family homes.

The design of the project will comply with the vision of the Cheshire Bridge Road Study and the policies of the Comprehensive Development Plan, both of which advocate the creation of pedestrian-friendly, street-oriented buildings designed according good urban design principles. To this end, the project will front the street with windows, doors, and active uses. Interior units will be clustered along the private drive and will include open space private gardens; they will be connected to the public sidewalk by walkways.
November 1, 2016

**Documented Impact Analysis**

**Rezoning:** 2059 Manchester Ave (Parcel ID 17 00500003018)

**From:** I-1 Conditional

**To:** MR-4B

1) **Compatibility with Comprehensive Development Plans; timing of development:**
   The proposed rezoning to MR-4B is consistent with the property’s current classification of “Low Density Commercial Use.”

2) **Availability and effect on public facilities and services/referrals to other agencies:**
   There is current availability of public services, including water, sewer, transit and schools, to serve this project. No adverse effect on any public services will result.

3) **Availability of other land suitable for proposed use; effect on balance of land uses:**
   In northeast Atlanta, sites available for suitable redevelopment into urban-scale, pedestrian-oriented townhouses are limited. Those sites where zoning allows this type of use are often located along high traffic corridors, where land values, accessibility, and context make intense commercial or mixed-use development the highest and best use. This site is unique in that it is located on a quiet side street where it will be possible to achieve a true townhouse character, while being in close proximity to commercial uses.

   The site’s redevelopment will remove unproductive land uses and allow the Cheshire Bridge Road corridor to accommodate new housing in a location that minimizes negative impacts on nearby commercial and residential uses. This development will also have a positive effect on the balance of land uses in the area by enhancing and promoting the creation of urban residential land uses that will provide a market for neighborhood commercial uses along Cheshire Bridge Road and Piedmont Road, with their inherent area-wide benefits.

4) **Effect on character of the neighborhood:**
   Redevelopment of former industrial sites into higher density residential will have a tremendous positive effect on the surrounding neighborhood by bringing vitality, improved visual character, expanded housing options, and improved pedestrian facilities to what is currently a tear in the community’s urban fabric. Especially important, the project will also provide a housing option for aging residents in nearby areas who want to downsize without having to leave the neighborhood.

5) **Suitability of proposed use:**
   This is a proposal to develop townhouses on what is currently an underutilized tract of land, as an extension of an already constructed townhouse development. It is also a proposal to add to the ongoing revitalization of the Cheshire Bridge Road...
corridor, which has recently seen the conversion of other marginal vacant and properties into higher density housing and mixed-use developments. These nearby developments include: the Beazer Homes townhouses (0.1 mile to the west); the Manchester phase 2 (0.1 mile to the west); Broadstone Piedmont apartments (0.1 miles north); the Fuqua/Sproust mixed-use redevelopment (0.3 miles southwest); and the multiple commercial and multifamily redevelopments around the Lindbergh MARTA Station (0.9 miles north).

This context is highly suitable for the townhouse development proposed in that it concentrates “missing middle housing” (of a density between detached single-family houses and multifamily) in a location that minimizes negative impacts on the surrounding neighborhood. In addition, its location near the intersection of two other collectors (Cheshire Bridge Road and Piedmont Road) with bus service, sidewalks, and adequate roadway capacity, and its proximity to future rail transit to Emory University, provide the site with the accessibility and transit access that such a development requires.

6) **Effect on adjacent property:**
   The property abuts a variety of different land uses, consistent with the highly mixed-use land use patterns of the Cheshire Bridge Road corridor. The area to the north is the first phase of the same townhouse development, the east is an area used as storage for automotive collision repair, the area to the south is a salvage company, and across the street to the west is a broadcasting tower and offices.

   The redevelopment of the subject property into townhouse is consistent with this diverse range of adjacent uses. Furthermore, the presence of housing on the site will not negatively impact the ability of adjacent commercial uses to operate, or impact the quality of life for planned residential redevelopment.

7) **Economic use of current zoning:**
   The residential uses allowed under the I-1 do not allow adequate density in support of the future walkable and urban scale development envisioned in the City-adopted Cheshire Bridge Road Plan.

8) **Tree preservation:**
   The developer will work with the City Arborist to ensure that it is in accordance with the City of Atlanta’s policies related to tree preservation.
LEGAL DESCRIPTION (Per Deed Book 50055, Page 33):

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 50 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING KNOWN AS LOT 26, PLAT OF SUBDIVISION OF ESTATE OF MRS. P. A. LIDDELL, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE EASTERLY RIGHT-OF-WAY LINE OF MANCHESTER STREET (A 50-FOOT RIGHT-OF-WAY) WHICH IRON PIN IS LOCATED 194.83 FEET SOUTHERLY FROM THE INTERSECTION FORMED BY THE EASTERLY RIGHT-OF-WAY LINE OF MANCHESTER STREET WITH THE SOUTHERLY RIGHT-OF-WAY OF LIDDELL DRIVE, AS MEASURED ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MANCHESTER STREET; RUNNING THENCE NORTH 89°18'47" EAST A DISTANCE OF 280.00 FEET TO AN IRON PIN SET; RUNNING THENCE SOUTH 00°54'03" EAST A DISTANCE OF 65.00 FEET TO AN IRON PIN SET; RUNNING THENCE SOUTH 89°18'47" WEST A DISTANCE OF 280.00 FEET TO AN IRON PIN FOUND ON THE EASTERLY RIGHT-OF-WAY LINE OF MANCHESTER STREET; RUNNING THENCE NORTH 00°54'03" WEST ALONG AND FOLLOWING SAID RIGHT-OF-WAY LINE A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; AS SHOWN ON PLAT OF SURVEY PREPARED FOR W AND W BEAN PRODUCT, INC. AND THE SUMMIT NATIONAL BANK BY SOLAR LAND SURVEYING COMPANY, CERTIFIED BY JOHN W. STANZILLIS, JR., GEORGIA REGISTERED LAND SURVEYOR NO. 2109, DATED APRIL 6, 1995; AND BEING IMPROVED PROPERTY KNOWN AS 2059 MANCHESTER STREET, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING STREETS AND ROADS IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA.
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
TSW (for Hedgewood Homes)

Address
1389 Peachtree Street, NE Suite 200

City
Atlanta
State
GA
Zip Code
30309

Contact, if other than applicant

Zoning category requested
PD-H
No. of acres of property to be rezoned
0.4

No. of Proposed dwelling units per acre
22.5
Total number of dwelling units
9

Total number of units by bedroom:
3-BR homes

Monthly rental per unit
575,000-625,000
or selling per unit

Projected construction completion date:
May 2019
November 1, 2016

Conflict of Interest in Rezoning Action Disclosure

Rezoning: 2059 Manchester Ave (Parcel ID 17 0050003018)

From: I-1 Conditional

To: MR-4B

The Applicant has read the requirements of Municipal Code 36-67A-1 and is not required to complete a disclosure form. Neither the Applicant nor the representee, Don Donnelly of Hedgewood Homes, is an elected official with a financial interest in the rezoning application. In addition neither the Applicant nor the representee contributed to local political campaigns within two years preceding this application.
Constitutional Objection

Rezoning: 2059 Manchester Ave (Parcel ID 17 00500003018)
From: I-1 Conditional
To: MR-4B

The portions of the City of Atlanta Zoning Ordinance as applied to the subject Property which classify or may classify the Property into any district other than that requested or that would result in denial of the rezoning are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Atlanta Zoning Ordinance to the Property which restricts its use to any classification other than that requested by the Applicant or that denies the rezoning requested is unconstitutional, illegal, null and void, constituting a taking of Applicant’s Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this rezoning or the approval of any lesser relief than requested would constitute an arbitrary and capricious act by the Atlanta City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by Atlanta City Council to grant the rezoning as requested by the Applicant would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any grant of the rezoning subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in imposing unconstitutional conditions and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.
November 1, 2016

Tree Replacement Plan

Rezoning: 2059 Manchester Ave (Parcel ID 17 00500003018)
From: I-1 Conditional
To: MR-4B

The Applicant has read the requirements of the City of Atlanta Tree Ordinance and will present a Tree Replacement Plan to the City Arborist, as required by City Code.
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, DAVID C. WANG, PHILLIP HWANG, (OWNER’S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT
2059 MANCHESTER ST. NE, ATLANTA (PROPERTY ADDRESS), GA 30324

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 TSW (for Hedgewood Homes) FIRST NAME

ADDRESS 1389 STREET NAME Peachtree St NE SUITE 200

CITY Atlanta STATE GA ZIP CODE 30309

TELEPHONE NUMBER
AREA CODE (404) NUMBER 873 - 6730 x 129

[Signature of Owner]

Print name of owner

Personally Appeared Before Me this 1 day of November, 2016.

[Signature of Notary Public]

Notary Public

Moka Redd
Notary Public, Fulton County, GA
My Commission Expires April 7, 2017
AUTHORIZATION BY PROPERTY OWNER

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

DAVID C. WANG, PHILLIP HWANG (OWNER’S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 2051 MANCHESTER ST. NE, ATLANTA (PROPERTY ADDRESS), GA 30324,

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: TSW (for Hedgewood Homes) FIRST NAME

ADDRESS 1389 STREET NAME Peachtree St NE SUITE 200

CITY Atlanta STATE GA ZIP CODE 30309

TELEPHONE NUMBER

AREA CODE (404) NUMBER 873 - 6730 x 129

By: ____________________________

Signature of Owner David C. Wang

Print name of owner

Philli ph Wang

[Signature]

Personally Appeared Before Me this 1 day of NOVEMBER, 2016.

[Signature]

Notary Public

[Notary Seal]

Meka Redd
Notary Public, Fulton County, GA
My Commission Expires April 7, 2017

Electronically Signed using eSignOnline™ [ Session ID: 96c4eb3-56de-460d-ad39-151944845/de ]
CITY OF ATL BLDG PERNI
55 TRINITY AVE STE 1350
ATLANTA, GA 30303

11/01/2016
Merchant ID: 000000004009798
Terminal ID: 06347552

14:28:55

DEVELOPMENT

CREDIT CARD
AMEX SALE

CARD #
XXXXXXXXXX2010

INVOICE
0011

Batch #:
000517

Approval Code:
508976

Entry Method:
Swiped

Mode:
Online

SALE AMOUNT $500.00

3/Rezoning/NA
1ESTER ST NE, ATLANTA, GA 30324
Y ET AL

Payment Date
11/01/2016

Cashier ID
BSIMMONS

Received

Comments

CUSTOMER COPY

5 to MR-4B
