



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

APPLICATION #: **Z-16-079**

DATE ACCEPTED: **11/01/2016**

NOTICE TO APPLICANT

Address of Property:
1824 Piedmont AVE 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:

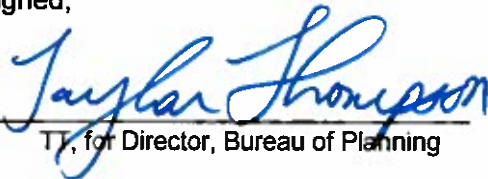
Debbie Skopczynski
404-874-7483
chair@npufatlanta.org

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,



TT, for Director, Bureau of Planning



TSW for HEDGEWOOD HOMES

APPLICATION FOR REZONING
City of Atlanta

Date Filed _____

Application Number 2-16-079



I Hereby Request That The Property Described in this Application be Rezoned
From R4 District
TO PD-H 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 afitewassilak@tsw-design.com

Name of Property Owner Swanger Sally B
Last Name First Name M.I.

address 1824 street name Piedmont Ave
city Atlanta state Georgia zip code 30324
phone _____ Fax _____

Description of Property

Address of Property 1824 street name Piedmont Ave
city Atlanta state GA zip code 30324
The subject property fronts 223.5 feet on the West side of Piedmont Ave
beginning 0 feet from the Northwest corner of Montgomery Ferry Rd.
Depth: 531 ft Area: 3.5ac Land Lot: 50,51,56,57 Land District: 17 - Fulton County, GA.
Property is zoned: R4 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 in 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.

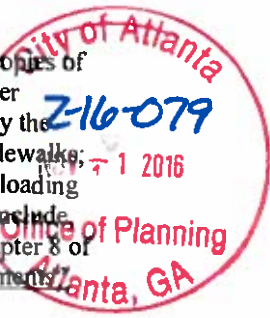
- (4) Effect on character of the neighborhood:** The Office shall consider the effect of uses permitted under the proposed change on the surrounding neighborhood and shall report any substantial probably adverse influences on desirable living conditions or sustained stability, or any tendencies toward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

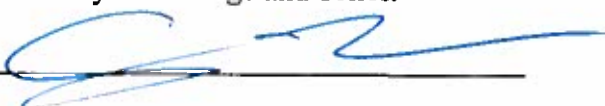
- (7) Economic use of current zoning:** The Office shall consider whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

- (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 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 1st day of Nw., 2016.


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

(Notary Public)

November 1, 2016

Summary of Proposed Project

Rezoning: **1824 Piedmont Avenue (Parcel ID 17 00560004053)**
From: **R4**
To: **PD-H**



This rezoning will support the redevelopment of the open portions of the Rock Spring Presbyterian Church site into a mix of owner-occupied units including 22 detached single-family homes.

The design of the project will comply with the vision of the policies of the Comprehensive Development Plan, which advocates 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. Interior units will be clustered around a common open space, or will include open space in the form of private patios; they will be connected to the public sidewalk by walkways. Garage doors will be discretely located to the rear of buildings where feasible so as to enhance the character of the street.

November 1, 2016

Documented Impact Analysis

Rezoning: 1824 Piedmont Avenue

From: R4

To: PD-H



1) Compatibility with Comprehensive Development Plans; timing of development:

The proposed rezoning to PD-H is consistent with the property's current classification of "Single Family Residential"

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 houses 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 allow the Piedmont Avenue 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 Piedmont Avenue.

4) Effect on character of the neighborhood:

Redeveloping the green portions of the Rock Springs church into single-family homes, provides a natural transition to the single-family homes of Piedmont Heights from the busy traffic on Piedmont Avenue, while supporting some of the neighborhood scale businesses there. It helps transition the area to a more walkable, pedestrian-friendly location.

5) Suitability of proposed use:

This is a proposal to develop detached single family residences on what is currently an underutilized tract of land. This proposal adds 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 (0.5 mile to the north); the Manchester townhouses (0.6 mile to the north); the Fuqua/Sprouts mixed-use redevelopment (0.2 miles north); and the multiple commercial and multifamily redevelopments around the Lindbergh MARTA Station (1.26 miles north).

This context is highly suitable for the small lot development proposed in that it concentrates development 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:

To the north, south, and west the property is surrounded by detached single family homes. To the east, across the street are a series of small retail commercial uses including restaurants. The redevelopment of portions of the site to smaller lot single family creates an intermediate step, and a kind of buffer, between the residential uses and the commercial uses. In addition the additional residential uses help support some of the neighborhood scale commercial nearby.

7) Economic use of current zoning:

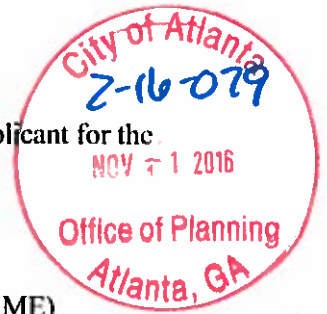
The church property is adjacent to a busy commercial corridor, while the current zoning allows for residential development, the church is an important cultural institution and needs to be preserved. By rezoning to PD-H, the church can remain and the neighborhood can create some infill urban housing along a busy corridor.

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.

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, Sally B. Swanger (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1800 and 1824 Piedmont Ave Atlanta, GA 30324 (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 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

Sally B Swanger
Signature of Owner
Sally B. Swanger
Print name of owner

Personally Appeared Before Me this 21st day of October, 2016

[Signature]

Notary Public

James Bodie
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires
10/22/2017



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 50, 51, 56 and 57 of the 17th District, Fulton County, City of Atlanta, Georgia, and being more particularly described as follows:

Commencing at the point of intersection of the southerly right-of-way of Rock Springs Road (50' R/W) and the westerly right-of-way of Piedmont Avenue (R/W varies);

Thence along said westerly right-of-way the following courses and distances; South 05 degrees 31 minutes 54 seconds West, 206.51 feet to a point, said point being the TRUE POINT OF BEGINNING;

Thence South 05 degrees 28 minutes 39 seconds West 144.18 feet to a point on the westerly right-of-way of Montgomery Ferry Road;

Thence along said westerly right-of-way of Montgomery Ferry Road and a curve to the right, an arc distance of 87.35 feet, said curve having a radius of 229.95 feet and being subtended by a chord of 86.82 feet, at South 16 degrees 21 minutes 34 seconds West, to a point;

Thence South 89 degrees 49 minutes 02 seconds West a distance of 225.34 feet to a point;

Thence South 04 degrees 35 minutes 49 seconds West a distance of 98.97 feet to a point;

Thence South 81 degrees 54 minutes 20 seconds West a distance of 113.38 feet to a crimp top pipe found;

Thence North 01 degree 27 minutes 13 seconds East a distance of 154.81 feet to a point;

Thence South 82 degrees 08 minutes 13 seconds West a distance of 162.00 feet to a point;

Thence North 01 degree 24 minutes 07 seconds East a distance of 238.20 feet to a solid rod;

Thence South 89 degrees 10 minutes 24 seconds East a distance of 80.08 feet to a half inch open top pipe found;

Thence South 88 degrees 18 minutes 43 seconds East a distance of 239.92 feet to a one inch open top pipe found;

Thence South 02 degrees 33 minutes 07 seconds West a distance of 5.80 feet to a point;

Thence South 86 degrees 07 minutes 37 seconds East a distance of 215.32 feet to a point, said point being the TRUE POINT OF BEGINNING, as shown on that plat of survey prepared by Surveys Plus, Inc. for Rock Springs Presbyterian Church, dated April 28, 2016, attached hereto.

*The property to be sold to the Purchaser by the Seller constitutes a portion of the above-described property. An approximation/sketch/rendering of the property to be sold to Purchaser and developed is attached to this Agreement as Exhibit B. Seller and Purchaser hereby agree that

SS
10/17/16  10-14-16

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 3.5

No. of Proposed dwelling units per acre 6.3 Total number of dwelling units 22

Total number of units by bedroom: 5 4-BR units, 12 3-BR units, 5 2-BR units

Monthly rental per unit _____ or selling per unit 450,000-650,000

Projected construction completion date: May 2019

Required for proposed rezoning to Planned Development—Housing (PD-H),
Planned Development –Mixed Use (PD-MU), Planned Development—Office Commercial (PD-OC),
and Planned Development—Business Park (PD-BP).

THIS CONFERENCE MUST BE HELD NO LESS THAN FIVE (5) BUSINESS
DAYS PRIOR TO FILING OF THE APPLICATION

CERTIFICATION OF PRE-APPLICATION CONFERENCE
FOR PLANNED DEVELOPMENT (PD) ZONING



A pre-application conference was held on (DATE) October 24, 2016 between
(APPLICANT) TSW (for Hedgewood Homes) and a
staff person of the Current Planning Division, Development Review Section. Applicant has/will
prepare documentation per Section 16-19.005 (2) and (5) of the Zoning Ordinance of the City of
Atlanta.

Signature of Applicant

Alex Fite-Wassilak, TSW

Printed Name of Applicant

Signature of Staff person

Signature of Staff only represents that the required pre-conference for a
PD proposal has been held and does not indicate the position of the
Office of Planning on any proposal

November 1, 2016

Conflict of Interest in Rezoning Action Disclosure

Rezoning: 1824 Piedmont Avenue (Parcel ID 17 00560004053)

From: R4

To: PD-H



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.

November 1, 2016



Constitutional Objection

Rezoning: 1824 Piedmont Avenue (Parcel ID 17 00560004053)

From: R4

To: PD-H

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: 1824 Piedmont Avenue (Parcel ID 17 00560004053)

From: R4

To: PD-H



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.



CITY OF ATL BLDG PERMI
55 TRINITY AVE STE 1350
ATLANTA, GA 30303

11/01/2016 14:16:41
Merchant ID: 000000004009798
Terminal ID: 06347552
4107574675

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PAID
NOV 1 2016
Amex

CREDIT CARD
AMEX SALE

B/Rezoning/NA
IONT AVE NE, ATLANTA, GA 30324

CARD # XXXXXXXXXXXX2010
INVOICE 0010
Batch #: 000517
Approval Code: 540888
Entry Method: Swiped
Mode: Online

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A

Payment Date	Cashier ID	Received	Comments
11/01/2016	BSIMMONS		

SALE AMOUNT \$625.00

CUSTOMER COPY

pd-h