



OFFICE OF ZONING AND DEVELOPMENT

55 Trinity Avenue S.W., Suite 3350

Atlanta, Georgia 30303

(404) 330-6145

APPLICATION #: **Z-18-108**

DATE ACCEPTED **09/04/2018**

NOTICE TO APPLICANT

Address of Property:

716 Edgewood AVE NE

City Council District: **2** Neighborhood Planning Unit (NPU): **N**

Zoning Review Board (ZRB) Hearing Date:

Thursday, November 8 or 15, 2018 at 6:00 p.m.

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

The contact person for NPU N is:

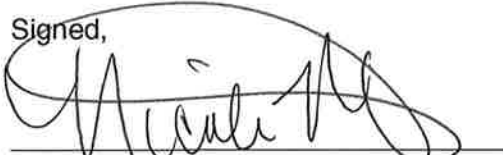
Christopher Leerssen
404-226-4219
npunchair@gmail.com

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

Please contact the person(s) listed above within five 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,



NYM, for Director, Office of Zoning and
Development

~~Laurel David~~ CRYSTAL ROBINSON

APPLICATION FOR REZONING

Date: 9/4/18

Summary of Proposed Project: Six (6) live-work townhomes, with the renovation of an existing Contributing Building for live-work use.

REZONING REQUEST

PROPERTY ADDRESS: 716 & 724 Edgewood Avenue PARCEL ID 14 00190011041, -40

City Atlanta State GA Zip Code 30307

The subject property fronts approx. 157 feet on the north side of Edgewood Avenue

Depth: approx. 115 feet Area: approx. 0.38 acres Land Lot: 19 Land District: 14 - Fulton County, GA.

Council District: 2 Neighborhood Planning Unit: N

The undersigned, having interest in the property herein described, respectfully petitions that said property be rezoned from

R-LC

to

L-W

Existing Zoning (s)

Proposed Zoning (s)
Department of City Planning
Office of Zoning & Development

CDP REQUEST (if applicable)

2-18-108

SEP - 4 2018

to

Existing Land Use

Proposed Land Use

APPLICANT INFORMATION

33 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

The Thrive Group, LLC

Name of Applicant c/o The Galloway Law Group Daytime Phone (404) 965-3680 email laurel@glawgp.com

Address 3500 Lenox Road NE, Suite 760 Atlanta GA 30326
street city state zip code

Name of Property Owner Jenkins Properties LLC Phone _____

Address 49 Krog Street Atlanta GA 30307
street city state zip code

Applicant affirms that he/she is the applicant for the property described in the attached legal description, which is made part of this application.

Crystal Robinson
Owner or Agent for Owner (Applicant)

By: Crystal Robinson
Print Name of Applicant

Jenkins Properties LLC
Print Name of Owner

Sworn To And Subscribed Before Me This 27 Day Of Aug, 2018.

Myndi Walters
NOTARY PUBLIC



DOCUMENTED IMPACT ANALYSIS
APPLICATION FOR REZONING
CITY OF ATLANTA, GEORGIA

The Thrive Group, LLC (the “Applicant”), submits this rezoning application on behalf of the Owners for two parcels located at 716 and 724 Edgewood Avenue and having the Parcel Identification Numbers 14 00190011041 and 14 00190011040, respectively (the “Property”). The Property is designated Mixed Use (MU) in the City’s 2016 Comprehensive Development Plan (CDP) and is zoned to the Residential-Limited Commercial (R-LC) zoning classification. The Property is also located in Sub Area 1 of the Inman Park Historic District and is within the Beltline Overlay District. A Contributing Building is located on the Property at the corner of Edgewood Avenue and Krog Street, and will be preserved and adapted for residential use. The Applicant is requesting a rezoning to the Live-Work (LW) district for the purpose of constructing six (6) live-work townhomes.

With respect to the Documented Impact Analysis, the Applicant responds to the following criteria:

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

The CDP assigns the Property to the MU Future Land Use category, with which the LW district is compatible. Table 9-3: Land Use and Zoning Compatibility Table, CDP at 226. The MU category “allows for a mix of uses such as commercial, office, hotels and residential.” CDP at 224. The Property also fronts the commercial corridor of Edgewood Avenue, where it is surrounded by a variety of uses, generally transitioning from commercial and denser residential uses to the west towards single-family residential uses to the east. Due to its location within this area of transition, the Property is well placed for a townhome development with live-work units, which will provide an appropriate transitional use. The proposed development is also consistent with the townhomes to the immediate southwest across Edgewood Avenue (zoned to the I-2 Heavy Industrial district) and those that will be constructed adjacent to the Property to the north, and it will be compatible with the multifamily dwellings across Krog Street to the west. In this way the proposal redevelops a nonconforming industrial site that is inconsistent with adjacent uses into live-work units that are much better suited for this location.

(2) Availability of and effect on public facilities and services/referrals to other agencies:

The Applicant proposes to keep and repurpose an existing historic building and to develop 6 live-work townhomes on the balance of the Property, with off-street parking to be located on the ground floor of each unit. This development, being low in intensity of use, is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, sewer systems, or any other utilities or schools.

(3) Availability of other land suitable for proposed use; effect on balance of land uses:

The Property is zoned to the R-LC district but is currently unused and dilapidated. Edgewood Avenue, like many of the City's mixed-use corridors, is currently experiencing redevelopment in many areas. The Property is in a state of disuse but is surrounded by a variety of residential, commercial, and entertainment uses, making it an appropriate site for redevelopment. The proposal will also establish a use and density transition between the apartment building and commercial properties to the south and west and the single family residential properties to the north and east, thereby fulfilling the policy objectives of the CDP.

(4) Effect on character of the neighborhood:

As indicated above, the Applicant proposes a development that will be compatible with adjacent land uses. The portion of Edgewood Avenue in which the Property is located is lined with commercial buildings and a variety of residential use types. As such, the proposal is in keeping with the character of the neighborhood. In addition to being similar in kind to other parcels fronting Edgewood Avenue, the proposed development is slight enough in scale as to avoid unduly burdening residential uses of lower intensity located outside the commercial corridor. In addition, the Applicant does not propose increasing the amount of commercial space beyond that which is currently allowed under the R-LC zoning. On the contrary, the Applicant proposes to demolish the existing nonconforming light industrial building on the Property (not the Contributing Building, which will be adapted for live-work use) and replace it with live-work townhomes. In developing these townhomes, the Applicant proposes to use the massing and building placement of the historic homes and commercial structures across the street as a guide. In this regard the proposal is consistent with the Inman Park Historic District's Sub Area 1 regulations, which require height, scale, and massing of principal structures to be compatible with the surrounding neighborhood. Atlanta Zoning Ordinance Sec. 16-20L.006.1.g.

(5) Suitability of proposed use:

The Applicant's proposal will permit a use that is suitable in light of the use and development of adjacent and nearby property. Adjacent and nearby parcels are developed and used for commercial, mixed-use, or residential purposes. As such, the proposed use is in keeping with and will complement the area's character.

(6) Effect on adjacent property:

The Applicant's proposal will not adversely affect the existing use or usability of adjacent or nearby property. The Applicant's proposal is compatible with the residential, multi-family, commercial or mixed uses located in the area. Further, the proposal will allow the productive use of currently unused land to the benefit of the surrounding area.

(7) Economic use of current zoning:

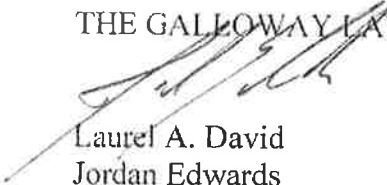
The Property is zoned to the R-LC zoning classification. While the Property has some economic value, it was formerly the site of heavy commercial or light industrial uses that have long been discontinued, indicating that new development is appropriate. As a result, the Property requires the zoning change that the Applicant is requesting.

(8) Tree Preservation:

It is understood that a tree preservation plan is not required at this time. The foregoing notwithstanding, the Applicant intends to comply with the City of Atlanta's Tree Ordinance.

Accordingly, the Applicant respectfully asks that the City Council of the City of Atlanta approve the rezoning as requested above.

THE GALLOWAY LAW GROUP, LLC



Laurel A. David
Jordan Edwards
Attorneys for Applicant

3500 Lenox Road NE, Suite 760
Atlanta, Georgia 30326
(404) 965-3680

**CONSTITUTIONAL OBJECTIONS
APPLICATION FOR REZONING
CITY OF ATLANTA, GEORGIA**

Georgia Law and the procedures of the City of Atlanta require us to raise Federal and State Constitutional objections during the rezoning application process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Zoning Ordinance of the City of Atlanta, Georgia, as applied to the Property, that would result in a denial of the rezoning as requested by the Owner/Applicant, are, or would be, unconstitutional in that they would destroy the Owner/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.

Any application of the Code of the City of Atlanta or the City of Atlanta Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested by the Owner/Applicant is unconstitutional, illegal and null and void because such an application constitutes a taking of the Owner/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 because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application or approval subject to conditions which differ from those proposed by the Owner/Applicant, would also violate the Religious Land Use and Institutionalized Persons Act by imposing a substantial burden on the exercise of religion without a compelling government interest or without using the least restrictive means possible of furthering a compelling governmental interest.

A denial of this Application would also constitute an arbitrary and capricious act by the City Council of the City of Atlanta without any rational basis therefore, thereby 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.

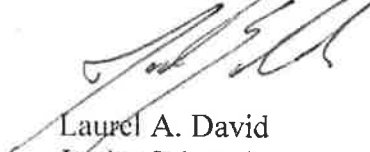
A refusal to grant the rezoning as requested by the Owner/Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I,

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 approval of the rezoning subject to conditions that are different from the conditions requested by the Owner/Applicant, to the extent such different conditions would have the effect of further restricting the Owner/Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to the City of Atlanta, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by the City of Atlanta. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Applicant respectfully requests that the City Council of the City of Atlanta grant the rezoning requested by the Applicant.

THE GALLOWAY LAW GROUP, LLC



Laurel A. David
Jordan Edwards
Attorneys for Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680
(404) 965-3670 Facsimile

Legal Description:

Tracts 1 & 2 Combined

All that tract or parcel of land lying and being in Land Lot 19 of the 14th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the northerly Right of Way of Edgewood Avenue (60' R/W) and the easterly Right of Way of Krog Street (40' R/W); thence running along the easterly Right of Way of Krog Street (40' R/W); thence running along the easterly Right of Way of Krog Street (40' R/W) North 05° 44' 51" West a distance of 115.82 feet to a 1" crimp top pipe found; thence leaving said Right of Way North 78° 43' 11" East a distance of 40.00 feet to a point; thence North 78° 43' 11" East a distance of 98.35 feet to a 1/2" rebar found; thence South 15° 06' 50" East a distance of 105.70 feet to a rebar with cap found; on the aforementioned northerly Right of Way of Edgewood Avenue (60' R/W); thence running along said Right of Way South 75° 24' 24" West a distance of 96.89 feet to a 1/2" rebar found; thence South 74° 41' 21" West a distance of 60.00 feet to the TRUE POINT OF BEGINNING. Said tract contains 0.373 Acres (16,230 Square Feet).