



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

APPLICATION #: **Z-19-011**

DATE ACCEPTED **02/05/2019**

NOTICE TO APPLICANT

Address of Property:

1369 Ralph D Abernathy BLVD SW

City Council District: **4** Neighborhood Planning Unit (NPU): **T**

Zoning Review Board (ZRB) Hearing Date:

Thursday, April 4 or 11, 2019 at 6:00 p.m.

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

The contact person for NPU T is:

Walter Slaton
404-409-3932
wslaton@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,

RJ, for Director, Office of Zoning and
Development

Everett Gay

APPLICATION FOR REZONING

Date: FEBRUARY 5, 2019

Summary of Proposed Project: CONVERT SINGLE CAR (2) SHELTER TO FOOD SERVICE UNIT

2-19-19
Office of Planning

REZONING REQUEST

FEB - 5 2019

PROPERTY ADDRESS: 1369 RALPH DAVID ABERBATHY BVD PARCEL ID 14-0140 0008 134 1

City ATLANTA State GEORGIA Zip Code 30310

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

The subject property fronts 218.8 feet on the WEST side of MUSE STREET

Depth: 158.6' Area: .49 ACRES Land Lot: 140 Land District: 14 FULTON County, GA.

Council District: 4 Neighborhood Planning Unit: T

The undersigned, having interest in the property herein described, respectfully petitions that said property be rezoned from
R-3 to MRC-1

Existing Zoning (s)

Proposed Zoning (s)

CDP REQUEST (if applicable)

RESIDENTIAL

to

RESIDENTIAL-COMMERICAL MIXED USE

Existing Land Use

Proposed Land Use

APPLICANT INFORMATION

Name of Applicant EVERETT GAY Daytime Phone 404.484.5200 email ARTHUR-GROUP@ATT.NET

Address 1369 RALPH DAVID ABERNATHY BLVD ATLANTA, GA 30310
street city state zip code

Name of Property Owner AAA PROPERTY SOLUTIONS, LLC Phone 404.474.4153

Address 1369 RALPH DAVID ABERNATHY BLVD ATLANTA, GA 30310
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.

X Everett Gay
Owner or Agent for Owner (Applicant)

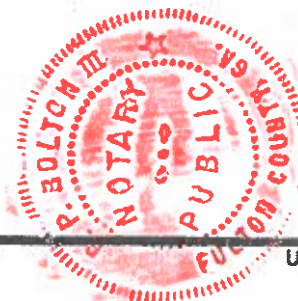
AAA PROPERTY SOLUTIONS, LLC
Reggie Jackson, Managing Partner

Print Name of Owner

Sworn To And Subscribed Before Me This 5th Day Of FEB, 2019.

Notary Public
NOTARY PUBLIC

Notary Public, Fulton County, Georgia
My Commission Expires May 6, 2019



AUTHORIZATION BY PROPERTY OWNER

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

I, Reggie Jackson (Managing Partner-AAA Property Solutions LLC) (Owner's Name) swear and affirm that I am the owner of property at 1369 RALPH DAVID ABERNATHY BLVD (Property address). As shown in the records of FULTON County, Georgia, which is the subject matter of the attached application. I authorize EVERETT GAY to file this application.


Reggie Jackson

Sworn to and subscribed before me this the

5TH Day of FEBRUARY 2019


NOTARY PUBLIC



Office of Planning

2-19-11


FEB - 5 2019

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

AUTHORIZATION TO INSPECT PREMISES
(Attachment 1)

With the signature below, I authorize the staff of the Office of Zoning and Development of the City of Atlanta to inspect the premises, which are the subject of this rezoning application.

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

X 
Owner or Agent of Owner (Applicant)
Everett Gay, Agent

Sworn to and subscribed before me this 5th day of FEBRUARY, 2019.


Notary Public

Notary Public, Fulton County, Georgia
My Commission Expires May 6, 2019
Commission Expires



Office of Planning

2-19-11

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Atlanta, GA

COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT
(Attachment 4)

Property Address: 1369 Ralph D. Abernathy Blvd Atlanta, Ga 30310
Current Land Use: Low Density Residential Proposed Land Use: mixed use

Submit the following: If a CDP Amendment is required submit a complete description of the proposed development project, including the type of land use; number of units and/or square footage, floor area ratio(s), and lot coverage ratio. In addition, submit a documented analysis detailing the following:

1. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property.
2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
4. Whether the amendment is consistent with the written policies in the Comprehensive Plan Text.
5. Whether there are environmental impacts or consequences resulting from the proposed change.

I filed an application (Z-____ -____) for rezoning of the subject property on (date)_____.

I understand that my application for a CDP amendment is subject to a review by the Neighborhood Planning Unit (NPU) in which the property is located; and I agree to contact the Chairperson of that NPU to request consideration of my application. I further understand that I am required to submit an application fee for the CDP amendment in an amount of \$1,000.00.

Office of Planning

Everett Gay
Applicant's Name (please print)

Z-19-11
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E. Gay
Applicant's Signature

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

1369 Ralph Abernathy
Address

Atlanta Ga 30310
City State Zip Code

404 484-5500
Phone

☒ Applicant informed of CDP Hearing

DISCLOSURE REPORT
(Attachment 5)

Within the (2) years immediately preceding the filing of this rezoning application have you, as the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more to a local government official who will consider the application.

Circle One:

Yes

No

Department of City Planning
Office of Zoning & Development

If the answer is YES, proceed to section 1 through 4.
If the answer is NO, complete only section 4.

2-19-11
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1. Circle One:

Party to Rezoning

In Opposition of Rezoning

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Ste. 3350
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If party to rezoning, complete section 2, 3 and 4 below.
If opposition, proceed to section 3 and 4 below.

2. List all individuals or business entities which have and ownership interest in the property which is subject of this rezoning action: _____

3. Campaign Contributions:

Name of Government Official	Total Dollar Amount	Date of Contribution

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. Seq. Conflict of interest in rezoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (please print): Everett Gay

Signature: 

Date: 2/15/2019

APPLICATION OF AAA PROPERTY SOLUTIONS LLC 2-19-11
1369 RALPH D ABERNATHY BLVD R-3 TO MRC-1 FEB - 5 2019
REQUIRED ITEMS FOR REZONING APPLICATIONS:

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

SUMMARY OF PROPOSED PROJECT: Describe the proposed project, 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.

AAA PROPERTY SOLUTIONS, LLC (AAA), proposes to convert two existing shell parking (horse shelters) shelters into fully operational food platforms. The facilities will be renovated by the addition of doors and windows. Code approved electrical, air conditioning, heating, water and sewer improvements will be made. The facilities will continue to utilize above facility outdoor seating and consumption purposes.

B. DOCUMENTED IMPACT ANALYSIS: Each application must contain a typed or printed documented detailed analysis of the impact of the proposed rezoning with respect to the following matters. The application shall include a response to each criterion listed below.

1. **Compatibility with comprehensive development plans; timing and 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 with all such plans, or that while the change is in accord with those of longer range it would be premature in the Eight 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.

The proposed renovations are in accord with current Atlanta Belt Line uses and proposes, and as stated herein:

This chapter is enacted pursuant to the City of Atlanta's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to the Article 9, Section 2, Paragraph 3 and Article9 Section 2, Paragraph 4, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. §36-70-3, the City of Atlanta Charter, §§ 3-061 through 3-603, and Charter Appendix IV, §§ 41,42,45,48 and 70, as well as the general police powers of the City of Atlanta and such other authority as may be provided by applicable, state, federal and local laws.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are regulations which are applicable in those parts of the city designated as MRC Mixed Residential Commercial district. The passage of an ordinance approving

the classification of an area of the city for Mixed Residential Commercial zoning shall supplant the zoning classifications applicable to the area so designated. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall apply. Whenever the following regulations conflict with provisions of part 16 other than historic protection regulations, the more stringent regulation shall apply. (Ord. No. 2002-40, § 1, 5-28-02) Sec. 16-34.002. Findings, purpose and intent.

The city finds that the size, scale and character of commercial uses directly affect the adjacent neighborhood districts and the public health, safety and welfare. The city finds that highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city instead of a single neighborhood or small group of neighborhoods must be located on streets that are suited for this type of development and must be done in a manner which is compatible with the adjacent neighborhoods or group of neighborhoods. The city finds there is a need to protect existing and developing neighborhood areas and building forms from the incompatible uses resulting from intense highway-oriented development and to preserve and restore existing, traditional and pedestrian scale buildings in established, historic neighborhood districts, as well as create new pedestrian oriented commercial nodes.

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 affect the proposed change would have on demands for public facilities and services in the area in which 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.

The proposed facilities, being well within the Atlanta Belt Line development will cause no adverse impact on any existing public facilities and facilities

3. Availability of other land suitable for proposed use: effect on balance of land uses: The Office. may consider 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, if the change would 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 greater need to a category for which the public need is lesser.

This proposal fills a VOID, in the area for services that are currently unavailable to the public and area resident. There is no adverse environmental effect on the land use, but in fact makes a higher and better use of the current land use at the location.

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.

There are no known or foreseeable negative effects on the living conditions of the neighborhood and affords a higher and best use, negating blight and depreciation and providing a desirable and pleasant use for the neighborhood and public.

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

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Petition absolutely believes that the proposed development will enhance the quality of life w of the residents.

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

No adverse effect is perceived on any nearby property, but greatly increases the value.

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

MRC-1 is a zoning allocation, rather than the current R-3. Land Development Code Part 16, Chapter 9, R-Lc Residential-Limited Commercial District Regulations §16-09.003 (7) allows for said use of petitioners proposed development

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.

No trees will be removed.

C. SITE PLAN: Submit eighteen (18) 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. 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; square footage and acreage; number of parking spaces must also be shown; and an address for each parcel before submitting. 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.

Included

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Atlanta, GA

D. PLANNED DEVELOPMENT (PD) DISTRICTS: Prior to submitting an application, all applicants for a PD zoning are required to meet with designated staff from the Office. The pre-application meeting must be held no less than five (5) business days prior to filing the application. A copy of the pre-application certification form must be submitted with the application. Please contact the Administrative Assistant at (404) 865-8591 to schedule an appointment. (Attachment 6)

E. PROPERTY DESCRIPTION: A copy of a recent plat or 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.

Attached, Exhibit B

F. HOUSING APPLICATION: If the rezoning application contemplates the construction of one or more residential units, complete the attached Atlanta Public School form, **Attachment 2** if the rezoning application contemplates the construction of five or more residential units, complete the attached "Housing Supplemental Form". **Attachment 2a, Attachment 2c and Attachment 2c.**

N/A

G. DEVELOPMENTS OF REGIONAL IMPACT: If your application meets the thresholds shown on Table II (**Attachment 3**), you must contact the Office of Zoning and Development for further instructions.

N/A

H. TREE PRESERVATION: The Office shall consider and report on whether the proposal is in accord 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. A copy of each application for amendment shall be forwarded to the city arborist for review and comment and said comments shall be made available to the Office and the Zoning Review Board. For their consideration. Contact the City Arborist, (404) 330-6150 for details.

N/A

I. COMPREHENSIVE PLAN DEVELOPMENT (CDP) AMENDMENT: **Submit Attachment 4.**

N/A

J. DISCLOSURE: If the owner, applicant and/or applicant's representative has financial interest or has made a campaign contribution to any member of the City Council for \$250 or more within the past 2 years shall disclose in writing the conflict of interest. **Attachment 5.**

N/A

2/5/2019

etail

RECEIPT

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVE SW, ATLANTA GA 30303
404-330-6070

PAID
CITY OF ATLANTA
FEB 4 6 2019

EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

PM

Application: Z-19-011

Application Type: Planning/ZRB/Rezoning/NA

Address: 1369 RALPH D ABERNATHY BLVD SW, ATLANTA, GA 00000

Owner Name: BERRY J DAVID

Owner Address: 0 P.O. BOX 52932 ATLANTA, GA 30355

Application Name:

Receipt No.	627038					
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
Credit Card		\$1,000.00	02/05/2019	PAMITCHELL		
Check	1368	\$3,000.00	02/05/2019	PAMITCHELL		
Owner Info.:	BERRY J DAVID 0 P.O. BOX 52932 ATLANTA, GA 30355					
Work Description:	Rezone to MRC-1					