



MIDTOWN NEIGHBORS' ASSOCIATION LAND USE COMMITTEE

APPLICATION REVIEW REPORT

The Land Use Committee serves as an integral part of the city's Community Partners Review Process, reviewing applications and making recommendations to the Midtown Neighbors Association Board of Directors to be officially carried forward to the DRC or NPU prior to coming before either the BZA or the ZRB. Please note that all applicants must follow the process through its various stages and that the recommendations made here do not inherently reflect the overall outcome of the city's process.

Date(s) of Review	8/20/19 (formal review) 7/16/19, 6/18/19, 5/21/19 (informational sessions)
Application Number	Z-19-055
Project Address	272 Ponce de Leon Ave.
Active Zoning Classification	C-2
Project Type	Zoning Change C-2 to MRC-3 mixed-use residential
Presenter (contact info)	Aaron Fortner, Jesse Caudill, Bob Zoeckler
MNA LUC Present (at vote)	<ul style="list-style-type: none"> ▪ Tony Rizzuto – serving as LUC Chair ▪ Carman Stan ▪ Lee Meadows ▪ Scott Cullen ▪ Charles Phipps ▪ Randal Lautzenheizer
MNA LUC Absent (at vote)	<ul style="list-style-type: none"> ▪ Jenny Williams ▪ Bill Gentry
Project Facts	<ul style="list-style-type: none"> ▪ Rezoning from C-2 to MRC-3 ▪ The site is surrounded on west and east with commercial zoning to the north east with RG-3 and the north west with an R-5 lot that is a legal non-conforming multi-family.
Variation Request	Applicant seeks a rezoning of the property from C-2 commercial to MRC-3 mixed use residential.
RECOMMENDATION	TO NOT OPPOSE THE APPLICATON WITH CONDITIONS



MIDTOWN NEIGHBORS' ASSOCIATION LAND USE COMMITTEE

MNA LAND USE COMMITTEE RECOMMENDATIONS

This applicant seeks a rezoning of the C-2 commercial lot to MRC-3 mixed-use residential for the purposes of developing a residential structure with ground floor retail along Ponce de Leon Ave. It should be noted that the Midtown Garden District Master Plan called for mixed-use residential on this site on Ponce de Leon Ave. That plan stipulated development up to the height of a 4-6 story building and to have ground floor retail. The Master Plan designated the MRC-2 zoning as at the time the MRC-3 would allow a significantly higher structure on the site. The desire was to limit mixed-use to a height similar to the historic multifamily properties. The primary concern was the overall height.

The applicant came to the LUC for informational meetings several months prior to the formal application. The LUC notified the applicant of the general concerns that were raised during the Master Plan process and what would be considered and what would not be considered. Over subsequent informational meetings (all of which were open to the public and were attended by directly affected neighbors) the applicant developed the final schematic plans presented in August LUC meeting.

During this process the MNA received numerous letters regarding the application some in favor and a number opposed. Most contained a list of general concerns. The MNA catalogued all of the letters/ emails and developed a spreadsheet of the issues identified. The LUC members had access to all this information. The LUC used these as talking points with the applicant as they revised their potential plans for the site.

The discussions resulted in significant changes to the project including pulling the entire project and its parking deck up to Ponce de Leon Ave. and away from the 'alley', not using the 'alley for access and respecting the transitional height plane from the neighborhood along the entire northern boundary of the site. Consistent with the Master Plans concern with height the applicants were asked to limit the height to 82 feet at Ponce de Leon Ave., a change in construction methods (wood on concrete podium to steel structure) resulted in lower floor to floor height allowing for 7 stories within the 82' height limit.

The LUC notes that there are approximately 30-40 residents who have contacted the MNA directly with objections and/or concerns over the projects size. Nonetheless, the proposed project is similar to two other projects that abut the Garden District and projects on Ponce de Leon Ave to the west and across the street.



MIDTOWN NEIGHBORS' ASSOCIATION LAND USE COMMITTEE

After careful consideration of the concerns brought to our attention and the applicants willingness to address them and make significant modifications to the proposal, the LUC made the determination that the applicants proposal as in keeping with the spirit of the Master Plan and therefore warranted consideration for review.

The LUC makes the recommendation **to not oppose with substantial conditions**. These were based on issues raised in emails sent to the MNA, the LUC Chair and MNA President. It should be noted, all have been agreed to by the applicant.

CONDITIONS FOR REZONING APPLICATION NO. Z-19-055 PREPARED BY MNA LAND USE COMMITTEE

The MNA appreciates the collaborative efforts made by the applicant in seeking solutions to the concerns of the residents of Midtown. While our Garden District Master Plan does envision a mixed-use residential project with ground level retail on the site at 264 Ponce de Leon Avenue, the master plan also specifies certain limitations for development. After reviewing the proposed site plan, we developed conditions the community feels are necessary to uphold the intention of the Garden District Master Plan. We are asking for these conditions to be attached to the rezoning of this parcel so to also make them applicable to any future owner of this property as well.

- **Transitional Height Plane.** The transitional height plane is an important zoning condition on transitional lots between R-5 neighborhoods and more densely developed corridors. While we acknowledge the current zoning on the NE corner of RG-3 would allow for a portion of the proposed project to not have a transitional height plane, we believe it to be essential across the entire northern edge of the site. We believe this is necessary to maintain the scale and character of the neighborhood along the Argonne streetscape adjacent to the historical buildings.
- **Stormwater Runoff.** Stormwater runoff should be maintained on site, preferably through the use of an underground cistern and connected to City of Atlanta stormwater utility underground as to not increase existing and substantial stormwater problems in the immediate area.
- **Height.** The height of the development shall not exceed 82 feet as measured from the average grade of the sidewalk located along Ponce de Leon Avenue. The façade along Ponce de Leon Avenue shall not exceed 7 stories. All height calculations shall be measured in accordance with City of Atlanta zoning code regulations and shall exclude those elements set forth in Section 16-28.022(1). All applicable height plane restrictions shall apply and shall not be varied.



MIDTOWN NEIGHBORS' ASSOCIATION LAND USE COMMITTEE

- **Total Floor Area.** Total floor area shall not exceed 169,000 square feet. Residential floor area is not anticipated to exceed 151,000 square feet, and nonresidential floor area is not anticipated to exceed 18,000 square feet; however, residential and nonresidential floor areas may be swapped provided the total floor area does not exceed 169,000 square feet.
- **Traffic Management.** The applicant will work with the City of Atlanta Department of Public Works and the Georgia Department of Transportation to evaluate and support the implementation of appropriate traffic improvement mechanisms surrounding the project which could include:
 1. The addition of a crosswalk across Ponce de Leon Avenue and Penn Ave.,
 2. Installation of a left turn lane or left turn arrow onto Ponce de Leon Avenue from Argonne Avenue,
 3. The evaluation of light timing at Argonne Avenue and Ponce de Leon Avenue,
 4. How amended timing may impact the intersection at Penn Avenue and Ponce de Leon Avenue.
 5. The addition of a traffic light at Penn Ave. and Ponce de Leon Ave.
- **Loading.** Only one external loading space may be provided as part of the development. Such loading space shall not be permitted along Argonne Street.
- **Garbage.** All trash and dumpster access and service shall be internal within the building.
- **Transitional Yard Improvements.** The applicant shall install appropriate security measures within the transitional yard area of the development including landscaping, fencing, lighting, and similar amenities.
- **Neighborhood Contact.** Applicant shall provide the President of MNA with a contact name and 24-hour contact phone number to be used in the event of (a) violations of these conditions; (b) complaints about the development, once it commences; or (c) emergencies pertaining to the development. The President of MNA may circulate this contact information as appropriate to the neighbors impacted by this development.
- **Construction Hours.** All construction activity shall adhere to the day and hour limitations set forth in the City of Atlanta code. Violations of these restrictions may be reported to City of Atlanta Office of Buildings, Atlanta City Council District 2, and/or Atlanta Police Department in conjunction with the neighborhood contact conditioned above.



MIDTOWN NEIGHBORS' ASSOCIATION LAND USE COMMITTEE

- **Amenity Deck Screening.** The applicant will make all reasonable efforts to screen the amenity deck from views from the north. At a minimum, a short wall or similar obstruction no less than 42 inches in height shall be installed along the exterior of the amenity area to assist in such screening. All exterior lighting associated with the amenity deck that is above the screening wall shall be shielded to prevent light spillage onto adjacent properties by providing cutoff luminaires that have a maximum 90-degree illumination.
- **Parking Deck Ingress/Egress.** The applicant will limit parking deck access to only two points of entry; one curb cut on Argonne Avenue and one curb cut on Penn Avenue.
- **Parking Deck Screening.** The parking deck should be articulated architecturally by either the use of the same material as the main structure or an aesthetically comparable skin. The parking deck should also be screened by a landscape buffer along its northern façade by the use of vegetation; trees, shrubs and or vines. This is consistent with other areas of Midtown.
- **Public Parking Access.** To the extent possible, applicant will maximize the parking such that excess spaces can be utilized through the use of a shared lease agreement to accommodate the need for public parking in the area.
- **Direct Retail Access from Parking Deck.** For safety reasons pedestrians should have direct access from the parking deck to the sidewalk along Ponce de Leon Avenue without walking through the vehicular ingress / egress of the parking deck.