

# SPI-9 Development Review Committee

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## MEMORANDUM

**TO:** Charletta Wilson-Jacks, Director City of Atlanta Office of Planning

**FROM:** Denise Starling on behalf of the SPI-9 Development Review Committee

**Date:** November 7, 2012

### Committee Members Present

Denise Starling, BATMA  
Sally Silver, City Council District 7  
Bonnie Dean, BCID  
Dwight Bell, BCID  
Bob Stasiowski, NPU-B

### City Staff Members Present

Karl Smith-Davids

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## 1. Proposed Development Address: 34 Irby Ave.

**Applicant:** Dewayne Martin on behalf of Larry Martin, Park Bench

**SAP#:** SAP-12-138

### Project Scope:

**Variation Requested:** Applicant acknowledges property is out of compliance with existing code due to non-permitted construction of back patio which eliminated required parking from adjacent property owner which was designated in a previous SAP. Construction of patio also removed parking for the subject property that had been designated in a previous Special Exception. The removal of the previously designated parking has created a situation putting both properties in noncompliance due to parking requirements. Applicant states contractor used to construct patio bar represented that proper permits had been sought and applicant was unaware that it had not.

Applicant presented shared parking agreements to address 34 Irby parking needs as well as parking agreement that provided parking for neighboring Animal Hospital. Applicant represented that resolution was satisfactory to both parties.

Committee determined that various actions are needed –

- SAP for construction of patio (unless removal of the patio and reversion to the former parking lot)
- SAP for off-site parking arrangement (unless removal of the patio and reversion to the former parking lot)

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- Possible Special use permit – nightclub (not the purview of the committee)
- Possible Liquor License for additional bar (not the purview of the committee)

**Recommendation:** Due to concerns over the safety of the proposed parking (being located across the street where no crosswalks or sidewalks exist), the DRC recommends denial of the requested SAP for parking. It is the opinion of this committee, that the Park Bench owner’s actions have inappropriately forced a neighboring property into non-compliance and that the onus should be upon Park Bench to resolve the issue on behalf of both properties either via removal of the patio and reversion to the former parking lot or SAP meeting the full criteria of a shared parking arrangement both for the applicant and adjacent property.

### 2. **Proposed Development Address: 550 Pharr Road**

**Applicant:** Jessica Hill, Morris Manning Martin on behalf of Mark Middlebrook Lion Communities

**SAP#:**

**Project Scope:** Conversion from Office to Residential

**Variation Requested: Several as outlined below**

The project is a conversion of the existing office building to residential apartment building including 100 units including studio, one and two bedroom units and one 5 bedroom rooftop penthouse.

Due to the existing configuration of the property and the fact that the streetfront retaining wall is integrated into the subterranean parking structure, it is not reafible to modify the existing street frontage. These existing conditions result in the need for the following variations:

- Reduction of amenity zone
- Reduction of walk zone
- Elimination of supplemental zone

Due to the reuse of an existing property designed as office, the development has significantly more parking than allowed in the district, therefore a variation is requested

Due to the reuse of an existing property, additional variations are needed to reduce requirements for open space and public space.

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**Recommendation:** The DRC applauds the developer for the creative reuse of this property and finds the intent of the redevelopment consistent with the intentions of the SPI-9 district. Regarding the streetscape variations, the DRC recommends the applicant work with the City's Department of Public Works to determine whether it is feasible to take a lane out of Pharr Road to accommodate the streetscape frontage requirements. If feasible, the committee recommends this course of action be pursued. If the action is determined to not be feasible, the committee recommends approval of the requests for variations to the streetscape requirements for amenity zone, walk zone and supplemental zone.

Regarding the exceedence of parking maximums – the committee recommends the developer be required to make every effort to minimize the exceedence by making use of the space to achieve other on-site amenities and requirements such as secured bicycle storage, pet walk area, workout facilities, etc.

Regarding public space requirements – the committee recommends the developer make every possible effort to satisfy this requirement using public art in the form of a mural or mosaic along the front retaining wall, sculptural elements around the pool deck and/or sculptural design elements incorporated into the front canopy.

### 3. Proposed Development Address: World Class Auto

**Applicant:** Keith Logan

**SAP#:**

**Project Scope:** Previous Filing

**Variation Requested:** Fence constructed without proper permitting exceeds code required 42 inches in height along a public street and the 50% open requirement.

Applicant indicated the property is currently leased by a new company that took possession in October of 2011 and is not the same group that previously appeared before this committee. Applicant indicated the property is being used as a holding lot for cars that are being sold overseas. Applicant also indicated property is used for small parties and intended to pursue a Special Use Permit in the new year to address this change of use.

**Recommendation:** The DRC advised the applicant that he needed to immediately file for the Special Use Permit, that no action could be taken on a Special Administrative permit until the Special Use Permit was approved. He was also advised that the corrective action regarding the fence was to reduce the height to 42 inches and use a style of fence that allowed 50% open air to pass through or to request an exception for the higher fence.