

Norman A. Koplou

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August 4, 2020

SAP-20-083

Department of City Planning

RECEIVED

DATE: 8/6/2020

Keyetta M. Holmes, AICP (kmholmes@atlantaga.gov)
Director, Office of Zoning and Development
55 Trinity Avenue, Suite 3350
Atlanta, GA 30303

Re: Special Administrative Permit Application
Demolition of 3024 Peachtree Road
The Cheesecake Factory

Dear Ms. Holmes:

The purpose of this letter is to submit this Special Administrative Permit Application on behalf of Mr. Peter Blum, Managing Partner of 3024 Peachtree LLP, to demolish the former Cheesecake Factory building at 3024 Peachtree Road. Attached is the completed SAP Application which contains the Project Summary.

PROJECT SUMMARY

BACKGROUND

1. The Cheesecake Factory building was constructed in 1993 and has been vacant for approximately the last four and one-half (4-1/2) years.
2. The property is zoned SPI 9-SA1.
3. At present the site, including the building, represents an unsafe condition to the public and adjoining property owners. Photographs are included to illustrate the existing conditions.
4. Despite the building being boarded up and secured on numerous occasions to prevent vandalism and unauthorized entry, the property is presently occupied by trespassers. As the owner has stated to me, "The situation is out of control. The interior of the building has been destroyed, and our goal is to have it demolished at the earliest possible time to prevent loss of life."

SCOPE OF WORK

1. To remove any asbestos from the building, provide rodent control of the premises and obtain a Sewer Plug Permit.

2. To demolish the building to the slab level. The slab and all impervious surfaces, including the parking lot, will remain. The patio will be removed.
3. No grading or changing of impervious surfaces on the site is anticipated.
4. All efforts will be made to preserve any trees and landscaping on site.
5. The owner, in an attempt to secure the site, respectfully requests an Administrative Variation. The proposed Variation would allow for the installation of an eight-foot galvanized fence with two gates along Peachtree Road (the eastern side of the property).

The existing fencing: Please note replacement/supplementing of the existing fencing along the southern side of the property, the western side of the property, and the northern property line is proposed in accordance with the details which are included in the attached plans by Ed Lott of Fortified Fence Group.

ADMINISTRATIVE VARIATION

As required by Section 16-18I-017(6)(c), an Administrative Variation is requested to construct an eight-foot galvanized fence with two gates along Peachtree Road (the eastern side of the property). See details provided by Ed Lott. This fence type is requested by the owner to secure the property against unauthorized entry.

The existing fencing: Please note replacement/supplementing of the existing fencing along the southern side of the property, the western side of the property, and the northern property line is proposed in accordance with the details which are included in the attached plans by Ed Lott of Fortified Fence Group.

SUMMARY

In summary, the demolition of the vacant structure, along with the proposed safeguards to protect the site, will accomplish the following objectives:

1. Protect the public, as well as the adjoining property owners,
2. Eliminate the necessity of calling the Atlanta Police Department to the site on a regular basis, and
3. Improve the unsightly condition along Peachtree Road and its negative impact on the Buckhead Village.

For these reasons and on behalf of the owner, it is respectfully requested that the Office of Planning approve this SAP Application. Should you have any questions, please contact me at your earliest convenience.

Sincerely,

/s/ Norman A. Koplon

Norman A. Koplon, P.E.

cc: Peter Blum (peb@peblum.com)
Denise Starling (denise@Batma.org)
Garth Peters, Buckhead Coalition (gpeters@thebuckheadcoalition.org)
Valerie Lineburger, Office of Planning (vlineburger@atlantaga.gov)
Sally Silver, NPU-B

Attachments:

SAP Application
Project Summary
Survey
Site Plan & Fence Installation Details
Photographs of Site



AMENDED

PROJECT

SUMMARY

AMENDED PROJECT SUMMARY

BACKGROUND

1. The Cheesecake Factory building was constructed in 1993 on the Property and has been vacant for approximately the last six years.
2. The Property is zoned SPI 9-SA1.
3. At present the Property represents an unsafe condition to the public and adjoining property owners. Photographs are included to illustrate the existing conditions.
4. Mr. Blum estimates that since the Property became vacant in 2014, he has spent upwards of \$45,000 cleaning the Property, removing truckloads of debris and trash left by trespassers, and boarding up areas of ingress and egress in an effort to secure the building from unauthorized entry. His costly and time-consuming efforts have failed to prevent trespassers from defacing and destroying the Property, and from stealing anything and everything of value, including equipment, furnishings and even copper wiring and piping. Mr. Blum's efforts to secure the Property have failed for two reasons. First, trespassers are still able to access the Property because it is not adequately fenced – in fact, on one occasion, trespassers came onto the Property and scaled the walls of the building like mountain climbers so they could access the building through the roof. Second, despite repeated requests by Mr. Blum and others, the Atlanta Police Department has routinely refused to enforce the laws prohibiting trespassing on private property, thus providing no deterrent to the trespassers. The result is that the Property is now overrun with trespassers.
5. This situation presents a serious danger to nearby residents, diners, shoppers, employees and business owners. For example, when Mr. Blum told one trespasser that he needed to leave the Property, the trespasser jumped up and approached him brandishing a knife. On another occasion, trespassers took lumber that they presumably ripped out from inside the building, set it on fire and threw it across the property line onto the adjoining tract that is occupied by Restoration Hardware. This could have burned Restoration Hardware to the ground. Nearby businesses including Restoration Hardware have reported concerns to Mr. Blum for the safety of their employees when they walk to and from the vehicles, referring the Property as a “homeless encampment.” This is a problem in need of an urgent remedy.

SCOPE OF WORK

1. To improve the unsightly conditions of the property by painting all exterior plywood previously installed to secure the building and to improve the existing landscaping and provide rodent control of the premises.
2. To further secure the building against unauthorized entry.
3. All efforts will be made to preserve any trees and landscaping on site. No grading or changing of impervious surfaces on the site is anticipated.

- 4. Most importantly, the owner, in an attempt to secure the site, respectfully requests an Administrative Variation (referenced below). The proposed Variation would allow for the installation of an eight-foot black vinyl covered galvanized fence with two gates along Peachtree Road (the eastern side of the property). For aesthetic and safety reasons, this will require the removal of the decorative caps and a reduction in the height of the patio wall that fronts the sidewalk on Peachtree Road.**

The existing fencing: Please note replacement/supplementing of the existing fencing along the southern side of the property, the western side of the property, and the northern property line is proposed in accordance with the details which are included in the attached plans by Ed Lott of Fortified Fence Group.

ADMINISTRATIVE VARIATION

As required by Section 16-181-017(6)(c), an Administrative Variation is requested to construct an eight-foot black vinyl covered galvanized fence with two gates along Peachtree Road (the eastern side of the property). See details provided by Ed Lott. This fence type is requested by the owner to secure the property against unauthorized entry.

The existing fencing: Please note replacement/supplementing of the existing fencing along the southern side of the property, the western side of the property, and the northern property line is proposed in accordance with the details which are included in the attached plans by Ed Lott of Fortified Fence Group.

REQUEST FOR EXPEDITED REVIEW

Given the serious risks to the health and safety of nearby residents and businesses, and even to the trespassers themselves, the Owner respectfully requests expedited review of this amended SAP Application.

SUMMARY

In summary, on behalf of the owner, it is felt that this amended SAP will accomplish the following objectives:

1. Protect the public, as well as the adjoining property owners,
2. Eliminate the necessity of calling the Atlanta Police Department to the Property on a regular basis, and
3. Improve the unsightly condition along Peachtree Road and its negative impact on the Buckhead Village.

For these reasons and on behalf of the owner, it is respectfully requested that the Office of Planning approve this amended SAP Application as soon as possible. Should you have any questions, please contact me at your earliest convenience.

Norman A. Koplou

norman.koplou@troutman.com

August 20, 2020

Keyetta M. Holmes, AICP (kmholmes@atlantaga.gov)
Director, Office of Zoning and Development
Alex Deus (adeus@atlantaga.gov)
55 Trinity Avenue, Suite 3350
Atlanta, GA 30303

Re: Amended Special Administrative Permit Application
SAP 20-083 – 8/16/2020
3024 Peachtree Road (the “Property”)
Former Cheesecake Factory site

Dear Ms. Holmes and Mr. Deus:

On behalf of Mr. Peter Blum, Managing Partner of 3024 Peachtree LLP (“Owner”), the purpose of this letter is to submit this amended Special Administrative Permit Application SAP 20-083 pertaining to the Property. The Owner no longer desires to demolish the building structure on the Property. The Owner still seeks approval, however, to take other actions to improve the appearance of the Property, to preserve the structural integrity of the building, and to secure the Property from entry by trespassers including, installing the fencing as requested in the original SAP Application filed on or about August 6, 2020. Attached is the amended SAP Application which contains the amended Project Summary.

AMENDED PROJECT SUMMARY

BACKGROUND

1. The Cheesecake Factory building was constructed in 1993 on the Property and has been vacant for approximately the last six years.
2. The Property is zoned SPI 9-SA1.
3. At present the Property represents an unsafe condition to the public and adjoining property owners. Photographs are included to illustrate the existing conditions.
4. Mr. Blum estimates that since the Property became vacant in 2014, he has spent upwards of \$45,000 cleaning the Property, removing truckloads of debris and trash left by trespassers, and boarding up areas of ingress and egress in an effort to secure the building from unauthorized entry. His costly and time-

consuming efforts have failed to prevent trespassers from defacing and destroying the Property, and from stealing anything and everything of value, including equipment, furnishings and even copper wiring and piping. Mr. Blum's efforts to secure the Property have failed for two reasons. First, trespassers are still able to access the Property because it is not adequately fenced – in fact, on one occasion, trespassers came onto the Property and scaled the walls of the building like mountain climbers so they could access the building through the roof. Second, despite repeated requests by Mr. Blum and others, the Atlanta Police Department has routinely refused to enforce the laws prohibiting trespassing on private property, thus providing no deterrent to the trespassers. The result is that the Property is now overrun with trespassers.

5. This situation presents a serious danger to nearby residents, diners, shoppers, employees and business owners. For example, when Mr. Blum told one trespasser that he needed to leave the Property, the trespasser jumped up and approached him brandishing a knife. On another occasion, trespassers took lumber that they presumably ripped out from inside the building, set it on fire and threw it across the property line onto the adjoining tract that is occupied by Restoration Hardware. This could have burned Restoration Hardware to the ground. Nearby businesses including Restoration Hardware have reported concerns to Mr. Blum for the safety of their employees when they walk to and from the vehicles, referring the Property as a “homeless encampment.” This is a problem in need of an urgent remedy.

SCOPE OF WORK

1. To improve the unsightly conditions of the property by painting all exterior plywood previously installed to secure the building and to improve the existing landscaping and provide rodent control of the premises.
2. To further secure the building against unauthorized entry.
3. All efforts will be made to preserve any trees and landscaping on site. No grading or changing of impervious surfaces on the site is anticipated.
4. **Most importantly, the owner, in an attempt to secure the site, respectfully requests an Administrative Variation (referenced below). The proposed Variation would allow for the installation of an eight-foot black vinyl covered galvanized fence with two gates along Peachtree Road (the eastern side of the property). For aesthetic and safety reasons, this will require the removal of the decorative caps and a reduction in the height of the patio wall that fronts the sidewalk on Peachtree Road.**

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REQUEST FOR EXPEDITED REVIEW

Given the serious risks to the health and safety of nearby residents and businesses, and even to the trespassers themselves, the Owner respectfully requests expedited review of this amended SAP Application.

SUMMARY

In summary, on behalf of the owner, it is felt that this amended SAP will accomplish the following objectives:

1. Protect the public, as well as the adjoining property owners,
2. Eliminate the necessity of calling the Atlanta Police Department to the Property on a regular basis, and
3. Improve the unsightly condition along Peachtree Road and its negative impact on the Buckhead Village.

For these reasons and on behalf of the owner, it is respectfully requested that the Office of Planning approve this amended SAP Application as soon as possible. Should you have any questions, please contact me at your earliest convenience.

Sincerely,

/s/ Norman A. Koplou

Norman A. Koplou, P.E.

cc: Peter Blum (peb@peblum.com)
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