



Patrice Ruffin
Director of Community Development
City of Brookhaven

RE: Proposal to Rezone 4.68 Acres on Park Vista Drive

Dear Patrice:

We appreciate the City's consideration of our proposal to rezone 1234 and 1244 Park Vista Drive. Our request is to adjust the zoning from a combination O-I (Office Institutional) and RSA-5 (Townhomes) to RSA-18 (Townhomes). If approved, we will build 74 for-sale townhomes.

The property is a vacant hospice center and associated surface parking. It is owned by James Starr Moore Memorial Foundation and was formerly owned and run by Hospice Atlanta, a not for profit hospice organization. Our proposed use as townhomes is consistent with the Comprehensive Plan and the Lenox Park Character Area Study. We believe townhomes are an ideal transition between the apartments abutting the site and the other residential uses in the area.

We look forward to working with the City and the surrounding neighbors to create a high-quality community that will complement and strengthen the existing neighborhood.

Best regards,

A blue ink signature of Brian Davison, consisting of a stylized first name and a long horizontal line for a surname.

Brian Davison
Managing Partner

A blue ink signature of Dan Cotter, featuring a stylized first name and the surname "COTTER" in all caps.

Dan Cotter
Zoning Director

REZONING CRITERIA**(1) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;**

Yes. The site is located on Park Vista Drive in the Lenox Park Character Area. Townhomes are a recommended use in this location, per the Brookhaven Comprehensive Plan and Character Area Study.

(2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;

Yes. The site is in a transitional area with a more intense use (large apartment buildings) to the south and west. To the north and northeast are a variety of townhome communities similar to our proposal. To the east across the street is a residential community. For-sale townhomes are an ideal transition between the residential areas, the other townhomes, and the more intense apartments.

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The site is a vacant hospice care center with 36 beds. The owner is a nonprofit, mission-based organization. Unfortunately, due to changes in the hospice care industry and the increasing popularity of in-home care alternatives, the facility is no longer viable. The building has been listed for sale for approximately two years and no alternative uses for the structure have materialized. Of the other potential uses, the community has been strongly opposed to apartments. We feel for-sale townhomes are the best fit to complement the surrounding uses.

(4) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

No. New high-quality townhomes will complement the existing houses and townhomes and will provide additional for-sale housing options with convenient pedestrian access to the offices.

(5) Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;

Prior to submittal, we spoke informally with a group of homeowners and leaders from several of the nearby neighborhoods (The Village and Ville de Vista, among others), plus the Lenox Park Design Control Committee. In the week following submittal, we plan to hold a series of small group Zoom meetings with interested neighbors to answer questions and seek input prior to holding a larger Zoom meeting.

(6) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;

No. There are no known historic or archeological resources on or near the site.

(7) Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the comprehensive plan, the character area study, and all applicable zoning ordinance regulations; and

Yes, it will be compatible. The site is between traditionally styled apartments and Mediterranean style townhomes and colonial style red brick single family homes. We are working with the residents on a design style that will be fresh, while retaining some classical characteristics.

(8) Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No, the existing infrastructure is more than adequate for the proposed use.

1234, 1244 Park Vista Drive
Analysis of Standards for a Subdivision Variance

Please describe the adverse, material hardship should the regulation be strictly applied, and address the following considerations:

(1) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of division 3 of this article VII would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;

On a larger site, it is easier to provide 50' between a side property line and any new streets. This site is an infill location constrained by existing narrow frontage, topography, and shape that significantly limit design options for the development.

(2) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;

The resulting design configuration is somewhat fixed, due to the topography, the site shape, the existing narrow frontage, and the dimensional requirements for fire access roads.

(3) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;

Correct. We are requesting a minor reduction in spacing from 50 ft to 35 ft, not a total waiver.

(4) The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and

Correct. We will install additional plantings at the end of the road for extra privacy.

(5) The requested variance will not in any manner vary the provisions of chapter 27 or the official zoning map of the city.

It will not.

1234 & 1244 PARK VISTA DRIVE REZONING CONCURRENT VARIANCE REQUEST: GARAGE DESIGN

Request: Waive the following requirements of Section 27-158(c) for front-loaded garages:

- Maximum garage width: The greater of 13 ft or 50% of the townhome width
- Minimum distance between driveways: 25 ft

Reason: To provide front-loaded 2-car garages.

VARIANCE CRITERIA

(1) The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements; or

No, it will be a benefit. We believe the intent of these provisions is to avoid a continuous wall of garages, which is a major aesthetic problem with the narrow, 14-18 ft-wide townhomes that many developers are trending toward intown. We are proposing wider townhomes ranging from 20-24 ft in width, so there will be plenty of room for architectural variation and character, plus wider landscaped areas between the driveways.

(2) The variance request is based on conditions that are:

a. Unique to the subject property;

Yes. Due to the site's unique characteristics (as described further in item 3), we found we could dramatically improve the design and layout by using front-entry townhomes (with the front door on the same side of the townhome as the garage) instead of rear-entry units (with the front door and the garage on opposite sides of the townhome).

We are requesting the variance in order to provide front-entry townhomes with 2-car garages instead of 1-car garages. The neighbors have expressed concerns that 1-car garages would result in an overflow parking issue, as seen in other nearby communities. In addition, they see 2-car garages as a higher quality product that will better complement their existing homes. We share their concerns, plus the concern that 1-car garages would be a major marketing issue, due to the site's location and surroundings.

b. Not generally applicable to other properties in the same zoning district;

Correct. Partly answered above. Also see item 3 below.

c. Not the result of the subject property owner's or applicant's actions; or

Correct. We are requesting the variance in response to the neighbors' concerns about overflow parking, and to improve the quality of the design due to unique site conditions (further described on the next page).

- (3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners; or**

Yes. The property is a small (4.76 acre) site with limited street frontage. It is located on a hilltop with existing retaining walls along the northeast, west, and south boundaries. To the south and west, the property is adjacent to a large apartment complex and its parking lot. To the north, the property is adjacent to the backyards of existing townhomes and houses. As a result, we feel the optimal design is to orient the front doors of the proposed townhomes toward the private drive on the interior of the site, rather than facing outward along the perimeter of the site. We feel it is a major design improvement to orient the front yards toward one another and the backyards toward one another, instead of creating a hodgepodge. As an added benefit, the townhomes will get a private backyard space, vs. rear-loaded garages, which would have decks over their driveways, directly facing the rear decks of other townhome buildings.

- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; or**

Correct. There will be no garages facing Park Vista Drive. The townhomes with front doors on Park Vista will have garages at the rear of the building. Throughout the site, all garages will be accessed from the private drive on the interior of the site. Also, we will gather stylistic design feedback for the townhomes during the rezoning process and if approved, we will agree to make the design concept a condition of the approval.

- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; or**

Yes. The variance will prevent an overflow parking issue and a quality-compatibility issue for the neighbors, plus a marketing issue for the townhomes, while also responding to the site's unique characteristics in a way that dramatically improves the quality and design of the neighborhood.

- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.**

Yes. Townhomes are a recommended use of the site per the comprehensive plan and the Lenox Park character area study. As demonstrated above, the variance will improve the design and layout of the proposed townhome community and its relationship to its surroundings and neighbors, which is the intent of the code.