RECEIVED
OCT 26 2016
BY:

LETTER OF INTENT

This amendment adds a .3 acre tract of property currently zoned NC to the property which was previously the subject of the application. Inclusion of this tract, which is currently the subject of an appeal with the City regarding the owner's ability to rebuild a building for a restaurant will resolve that issue and also allow the restaurant to be built with parking incorporated into the deck proposed on the balance of the subject property. This amendment also provides a transition from the single family uses across Caldwell Road into the subject property by a row of 10 for-sale townhomes fronting Caldwell. The site plan shows that 169 multifamily units and another 18,200 square feet of restaurant and retail space (in addition to the 2,500 square feet freestanding restaurant) will be contained in a five-story building with vehicular access provided onto Dresden Drive.

Therefore, this amendment provides a transition along the Caldwell frontage as previously requested and addresses the ability of the proposed restaurant user to develop the additional NC tract. Also, the applicant requests that, if the 3-acre tract added to the application is not purchased by the Applicant for inclusion into the overall development within ninety days after final rezoning, that such tract will automatically revert to its current NC classification, subject to its existing conditions.

By: _____
Name: Carl E. Westmoreland, Jr.
Title: Attorney for Applicant

RECEIVED
OCT 26 2016
BY:

Zoning Map Amendment Review Criteria

1. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan?

The comprehensive plan designates the property as "Peachtree Corridor Overlay District" character area. The Peachtree Corridor Overlay District character area identifies many uses as appropriate land uses including multifamily residential, mixed-use, retail and neighborhood commercial. The recommended residential density in the Peachtree Corridor Overlay District is 12-120 units per acre. The recommended building height is between three and eight stories. The proposal to develop a mixed use development with multifamily residential uses at a density of 45.3 units per acre, with ground floor retail and neighborhood commercial uses in a building five stories on Dresden and three story townhomes on Caldwell, is consistent with the comprehensive plan policy and intent.

2. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?

The development of adjacent and nearby properties includes a variety of residential and commercial uses with the more intensive uses fronting on Dresden Drive. South of the property and immediately across Dresden Drive is the four story @ 1377 apartment development. The Rosewood at Brookhaven apartments are located across Dresden to the west and a medical office building is located across Dresden Drive to the east. Commercial buildings are located east of the site on the same block fronting on Dresden Drive. The Village Place four story mixed use development is located east of the site across Caldwell Road. Location of ten townhome units and a 2500 square foot restaurant on Caldwell will provide an appropriate transition to the single family homes and townhomes located north and northeast of the site on and across Caldwell Road. Based on the scale and mix of uses in the immediate area, the proposal is suitable.

3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?

The PC-2 portion of the property was zoned in 2006 and has not been redeveloped since the 2006 approval. The lack of development evidences the lack of economic use as currently zoned. In addition, one of the properties originally zoned PC-2 and included in the 2006 zoning plan has since been rezoned, limiting the possible execution of development under the existing PC-2 zoning The O-I portions of the site are small and pie shaped, making them more suitable for an assemblage into a larger tract for development consistent with the development trend on Dresden Drive and contemplated by the Peachtree Corridor Overlay District character area. The NC tract of land fronting Caldwell and being added to the plan is too small to provide adequate parking on its own; therefore, this plan will allow its redevelopment, consistent with the Overlay. Rezoning the site will respond to the market trends in the area.

4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

The property is currently zoned for multifamily and nonresidential use. As mentioned above, the adjacent and nearby property includes a mix of uses that will be complemented by the proposed development. Approval of the zoning proposal will not adversely impact the use or usability of adjacent or nearby property.

5. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

Since the approval of the 2006 PC-2 zoning impacting the majority of the site, the Brookhaven Peachtree Overlay District was adopted, encouraging pedestrian friendly, quality of life developments. Further, redevelopment along Dresden Drive has increased, providing a vibrant corridor with residential and commercial uses. Approving the application will allow the redevelopment of currently underutilized site with development consistent with the comprehensive plan, the Brookhaven Peachtree Overlay District and the development in the area.

6. Will the zoning proposal adversely affect historic buildings sites districts, or archaeological resources?

There are no historic buildings or sites, nor are there archeological resources impacted by redevelopment of the property as proposed by this application.

7. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

The change in zoning will not cause an excessive or burdensome use of existing streets, transportation facilities or utilities as further discussed in the traffic study included in this application. Multifamily residential use and commercial use is already permitted on the property. The development adds only fourteen multifamily residential units to the original 2006 proposal, but decreases the commercial uses proposed from 35,000 to 20,700 square feet. Additional land has been added to the development scope since 2006. School impact is not anticipated to be significant based on the typical resident in a development of this scale and type. The applicant has developed three other multifamily projects in Brookhaven (Prelude, Encore and 1105 Town Brookhaven) and of the combined 912 multifamily units, there are 38 children under the age of 18 living in the units. The impact on schools will not be excessive or burdensome.