



OFFICE OF PLANNING
55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404) 330-6145

APPLICATION #: **V-17-174**

DATE ACCEPTED: **06/20/2017**
Office of Planning

JUN 20 2017

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

NOTICE TO APPLICANT

Address of Property:
1944 Piedmont CIR NE

City Council District: **6** Neighborhood Planning Unit (NPU): **F**

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, August 10, 2017 at 12:00 p.m.

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:

Charles Nalbone
404-376-3230
zoning@npufatlanta.org

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

Signed,

RG, for Director, Bureau of Planning

Lamuel H. Ward



V-17-174

Office of Planning

City of Atlanta
Office of Buildings – Zoning Division
55 Trinity Avenue, Suite 3900
Atlanta, Georgia 30303
Phone: 404-330-6175

JUN 20 2017

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REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-17-174
NPU F DATE FILED 06/20/2017

Lemuel Ward
Name of Applicant

Parking Reduction

at 1944 Piedmont Circle NE 17th /50
Street Address Quadrant District & Land Lot

to be used for Hotel/Office purposes

The property is zoned MRC-2-C District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a special exception from the zoning regulation to 1). Reduce the required off-street parking from 377 spaces to 211 spaces for proposed hotel/office use.

LOT IS INCONSISTENT WITH CITY RECORDS. COMPLETE PLAN REVIEW NOT CONDUCTED

1982 ZONING ORDINANCE, AS AMENDED

Chapter 16 Section 16-34.021 Paragraph (f)(ii), (l), (j)

Chapter _____ Section _____ Paragraph _____

Tamaria Letang 06/20/17
Plan Reviewer Date

Lemuel Ward 6/20/17
Applicant Date

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Office of Planning

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

JUN 20 2017

Please mark "X" next to the type of application(s) you are submitting:

Variance	
Special Exception	X
Variance & Special Exception	

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Date Filed 6/16/17 (referral certificate)

Application Number V-17-174

Name of Applicant Lemuel H. Ward

Daytime Phone 404 427 4077

Company Name (if applicable) Dentons, US LLP

email lem.ward@dentons.com

Address 303 Peachtree Street Suite 5300 Atlanta GA 30308
street city state zip code

Name of Property Owner Piedmont Hotel Owner, LLC Phone 770 434 2400

Address 4300 Paces Ferry Rd. SE Atlanta GA 30339
street city state zip code

Description of Property

Address of Property 1944 Piedmont Circle Atlanta Ga 30324
street city state zip code

Area: 4.79 acres Land Lot: 50 & 57 District: 17, Fulton County, GA.

Property is zoned: MRC 2-C, Council District: 6, Neighborhood Planning Unit (NPU): F

TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Variance or Special Exception.

I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Lemuel H. Ward
Owner or Agent for Owner (Applicant)

LEMUEL H. WARD
Print Name of Owner (APPLICANT)

Sworn To And Subscribed Before Me This 16th Day Of June 2017.

Annette Hurst
NOTARY PUBLIC



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Office of Planning

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**APPLICATION FOR SPECIAL EXCEPTION
TO REDUCE ON-SITE PARKING REQUIREMENTS**

for
±4.79 acres of land
known as

1944 Piedmont Circle.

Zoning Classification: MRC-2-C/BeltLine Overlay

City of Atlanta
Land Lots 50 and 57, 17th District, Fulton County, Georgia

Submitted on behalf of
Piedmont Hotel Owner, LLC

by
Lemuel H. Ward, Esq.
Dentons US LLP
303 Peachtree Street, N.E.
Suite 5300
Atlanta, Georgia 30308
404.527.4000
lemuel.ward@dentons.com

INTRODUCTION

JUN 20 2017

This Application is submitted in connection with 4.79 acre parcel of land located in Land Lots 50 and 57 of the 17th District of Fulton County. A special exception is needed for a hotel at 1944 Piedmont Circle¹ (the "Property"). The Property is zoned MRC-2-C/BLO.

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Atlanta, GA

The Property is currently in use as the Intown Suites Hotel but various hotels have occupied the site since the 1960's. Piedmont Hotel Owner LLC, Property owner and applicant (the "Applicant") is planning a major renovation which will reduce the number of rooms and convert that space to office use for a shared office/hotel concept not seen in the City..

This document is submitted as the letter of intent and written justification for the special exception required by Georgia law and the Zoning Ordinance.

DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property lies near the I-85 entrance adjacent to Monroe Drive. Despite its Piedmont Circle address, the main access is from a driveway on Monroe Drive due to the elevation change as Piedmont Circle runs from Piedmont Road to intersect with Monroe Drive. The hotel consists of a mix of single story and 2 story buildings.

Diverse commercial uses such as auto body shops, veterinary clinics, restaurants, the Midtown Bowl, offices and retail (even tattoo parlors and adult entertainment) line Piedmont Circle to the south of the Property where Piedmont Circle intersects with Piedmont Road. On the northern end of Piedmont Circle's intersection with Piedmont Road, a steep climb up Piedmont Circle finds the building on the hill to your right directly behind the BP Station. On the Piedmont Road side of the hotel property is on a separate parcel is a small office building which fronts on Piedmont Road. This office building at 2102 Piedmont Road has an unusual connection with the hotel property in that there is additional parking on top of the building which can be accessed from the a ramp that also lead down to the Piedmont Road level.

SCOPE OF PROJECT

The Applicant proposes not merely to renovate this hotel, which admittedly has seen better days, and has a somewhat less than sterling reputation in the community due to its current use as a long term stay property; but to entirely change the concept under which it operates. The Applicant proposes a renovation and repositioning of the Property as a boutique hotel co-located with temporary office space but that can support permanent office uses. The number of hotel rooms will be reduced and the building devoted to 27 of the rooms will be replaced with those office spaces which can serve the business traveler or simply be used for businesses which prefer the Piedmont Circle location or need access to hotel space.

The hotel building will be renovated for use as a full-service boutique hotel with 200 guest rooms. The amenities may include meeting space, a fitness center, lobby lounge, a full-service

1. The survey shows a second parcel which is known as 2100 Piedmont Road which is separate on the City's parcel map but may become a part of the project but not a part of the special exception at this time.

restaurant to serve hotel patrons and neighborhood residents. While the programming for this site is still under development, the reduction in the number of rooms is firm at 200.

New landscaping will soften the views of the Property and pedestrian access to the Property will be enhanced to the degree that sidewalks and the other streetscape features are required by the BeltLine Overlay District.

PARKING AND THE ZONING CODE

The lack of adequate parking for the hotel is a challenge to successfully operating the Project on the Property. The reduction in the number of rooms would, in fact, reduce the degree of non-conformity. Further to this point, the BeltLine Overlay District Regulation do not set a minimum parking requirement for office uses. The Applicant believes that the parking which will be provided is sufficient but below that which the Zoning Code requires.

Current conditions and zoning requirements: Currently, 208 spaces provided on-site. As the Property is presently configured, the 227 guest rooms and the existing restaurant space and therefore is considered to have non-conforming parking if only 208 on site spaces were provided. Under the MR-2 zoning the current condition would require 227 spaces simply for the number of hotel rooms plus any spaces that would be required for the restaurant (1 space per 100 square feet of gross leasable area) and accessory meeting space (1 space per 300 square feet of gross leasable area) plus ½ space for each employee.

Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities (GLA).

City Code 16-32.021(7)(j).

The Proposal: When the Applicant remodels the hotel and reduces the number of guest rooms from 227 to 200, the parking requirement will certainly be reduced for the hotel and because office uses do not have a minimum parking requirement. The Applicant believes that the 211 spaces to be provided on site will effectively handle the projected parking demand for the hotel the restaurant and other facilities (including employee parking), as well as any parking for the office uses that might be needed.

Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

City Code 16-32.021(7)(l).

While there is the argument that the because the number of rooms is being reduced, the degree of non-conformity is reduced for the hotel and the transformation to office space does not impose any additional minimum parking requirement, so no special exception is required, the Applicant believes that adding a restaurant and other facilities to the hotel will increase the number of parking spaces that these new features would trigger the requirement to add new spaces.

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However because the programming of the uses and the associated square footages are not precisely determined at this time, the Applicant is requesting that the maximum number of spaces be set based on a preliminary use determination that would require a maximum spaces.

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REQUESTED SPECIAL EXCEPTION

The Applicant requests the following relief from the MRC-2/BLO requirements:

The Applicant currently plans that the combination of uses on the Property would require ~~248~~ ³⁷⁷ off street parking spaces. The Applicant believe that the current count of 208 spaces can be slightly reconfigured to allow 211 spaces requests a reduction from 377 off street parking spaces to 211 off street parking spaces.

Hotel of 200 rooms	200 spaces
30 employees	15 "
8,300 restaurant	83 "
7,000 meeting	69 "
Office spaces	0 "
<hr/>	
Required	377
Provided	211
<hr/>	
	166 spaces reduction

ANALYSIS

The City's Zoning Code at Section 16-26.006 allows the Board of Zoning Adjustment to reduce the parking requirements in any zoning district when the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot. The Applicant respectfully submits that both criteria are met in this case.

The Applicant, has consulted an experienced operator of urban boutique hotels and has consulted with parking experts regarding the optimal parking needs for the proposed uses. As discussed above, the operator has determined that the 211 on-site spaces are more than sufficient to satisfy peak demand even with the restaurant being located on the premises. The Applicant's development experience with office properties indicates that if any daytime office parking is used, it is generally vacated by 5:00 to 6:00 pm

The Applicant may in the future supplement the onsite spaces that may be counted for zoning purposes with shared parking on the 2102 Piedmont Road site. Furthermore, valet parking is an option for the new restaurant, which allows for more efficient use of the parking area. The Applicant notes further that a number of hotel guests are likely to arrive by taxi or car-sharing services such as Uber and Lyft. Similarly, the evolving habits of intown residents demonstrate that a considerable number of local restaurant and bar patrons will walk or use car-sharing services. Given these factors, the Applicant submits that the proposed solution is sufficient to serve the intended uses and protect the adjacent neighborhood.

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The Applicant is not aware of another commercial property in this vicinity that is presented with this unique challenge. Other large commercial properties in the area have sufficient surface parking.

Moreover, granting the requested relief will allow the Project to be developed before further deterioration of the Property occurs, which will benefit the community. Upgrading this aging hotel property and restoration of newer active uses will discourage blight and crime. The Project will improve the physical appearance and functionality of the Property. The rear parking area will be attractively screened and buffered. The Property maintains its scale with respect to the size of any surrounding properties and sits on a virtual island at the top of a hill adjacent to an expressway and major road. Accordingly, the Project will have a positive effect on nearby commercial and residential properties.

CONSTITUTIONAL OBJECTIONS

The Applicant/Property owner respectfully submits that the City of Atlanta Zoning Ordinance, to the extent that it classifies the Property in any way that would preclude the special exception as proposed by the Applicant, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Additionally, a denial of the requested special exception would deprive the owner of any reasonable use and development of the Property. Further, any attempt by the Board of Zoning Adjustment to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, denial of the requested special exception would constitute arbitrary and unreasonable uses of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Property owner. Further, denial of the special exception required to develop this Project would constitute a taking of the owners' private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested special exception would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Board of Zoning Adjustment cannot lawfully impose more restrictive standards upon the development of the Property than presently exist because to do so would not only constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

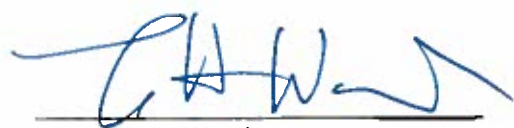
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This Application satisfies the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See *Guhl vs. Holcomb Bridge Road Properties*, 238 Ga. 322 (1977).

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this application for special exception be approved.

Submitted this 16th day of June, 2017



Lemuel H. Ward
Attorney and Agent for Applicant

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Office of Planning

AUTHORIZATION BY PROPERTY OWNER

JUN 20 2017

(Required only if the applicant is not the owner of the property subject to the proposed application.)

(Please Print Clearly)

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

I, David Cochran, Piedmont Hotel Owner, LLC (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1944 Piedmont Circle, Atlanta, GA 30324 (PROPERTY ADDRESS). AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT:

LAST NAME Ward FIRST NAME Lemuel
ADDRESS 303 Peachtree Street SUITE 5300
CITY Atlanta STATE GA ZIP CODE 30303

OWNER'S TELEPHONE NUMBER: 770-434-2400

[Signature]
SIGNATURE OF OWNER

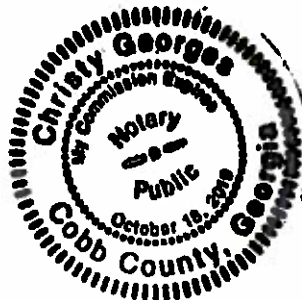
David Cochran

PRINT NAME OF OWNER

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE INFORMATION CONTAINED IN THIS AUTHORIZATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Christy Georges
NOTARY PUBLIC

June 20, 2017
DATE



RECEIPT

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVE SW, ATLANTA GA 30303
404-330-6070

Application: V-17-174
Application Type: Planning/BZA/Special Exception/NA
Address: 1944 PIEDMONT CIR NE, ATLANTA, GA 00000
Owner Name: INTOWN SUITES INC
Owner Address:
Application Name:

Receipt No.	528629					
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
Credit Card		\$625.00	06/20/2017	PLUKE		

Owner Info: INTOWN SUITES INC

Work Description: Special Exception to reduce the required off-street parking from 377 spaces to 211 spaces for proposed hotel/office use.