



# Technical Panel

Chapter 74 Article VII  
Riparian Buffer Requirements

## Technical Review Report

Atlanta City Code Section 74-309

## Modified Application

Application No: 2020-01

849 Cleveland Avenue

October 21, 2020

### 1. Background and legislative context

The purpose of this report is to document the technical review required to be conducted by the Technical Panel (“Panel”) pursuant to section 74-309 of the Atlanta City Code (“Code”).

### 2. Project description

The project seeks approval to construct a Del Taco Restaurant, parking lot, subsurface utilities, and stormwater detention at 849 Cleveland Avenue. The site lies mostly in the City of Atlanta, but partially in the City of East Point. The project requires demolition of a 4,861 sf building and 35,008 sf parking lot that currently encroaches into the 75-ft buffer of the South River. This application seeks an authorized encroachment for continued encroachment into the 75-ft buffer, but with a reduction to comply with the 50-ft limit for commercial encroachment. The redevelopment which will result in a reduction of 2,472 sq ft less impervious surface in the 75-ft buffer.

### 3. Project modifications

The following project modifications have been made and the application being considered by the Panel is for the project as amended by the following modifications. The Panel may or may not request further modifications to the application.

Modification #	Date	Description
3 <sup>rd</sup> Review	Review Date 10/21/2020	Applicant has adjusted the driveway to remain completely outside the 50 ft encroachment limit for commercial development.

### 4. Assessment and evaluation

The Panel has reviewed the application, including any information, plans, and reports prepared by the applicant as well as other information on the City file.

In accordance with section 74-309 of the Code, the Panel has evaluated the following the matters:

**Table 1: Compliance with section 74-309**

Subsection	Comment
(a) Whether the application meets the requirements of section 74-308 and provides sufficient information to proceed with review	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>Subsection</b>	<b>Comment</b>
(b) Whether the application contains a disqualifying characteristic that makes the applicant ineligible for an authorized encroachment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) Whether the proposed encroachment is on a wetland, 100-year floodplain, or other location that is inappropriate for development	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(d) Whether the property owner has demonstrated a hardship or an extreme hardship	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Determined in 1 <sup>st</sup> review.
(e) Whether, in light of the showings by the applicant required by section 74-308, the applicant has demonstrated that the location and extent of the proposed buffer encroachment has been minimized	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(f) Whether alternative designs are possible which require less intrusion or no intrusion	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Applicant has demonstrated that the current design is the least intrusive.
(g) Whether, in light of the mitigation proposed by the applicant in accordance with section 74-306(d), the post-development conditions will be at least as protective of water quality as pre-development conditions	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Applicant has not yet provided a Buffer Mitigation per the City of Atlanta Riparian Buffer Revegetation Guidelines.
(h) Whether the proposed development meets all other requirements of this ordinance	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> See Table 2.
(i) Whether the property to be affected by the authorized encroachment has no reasonable use given, but not limited to, the current zoning if the authorized encroachment is denied	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Site is Zoned for, was originally developed as, and will continue to be a commercial site.

In accordance with section 74-309(h) of the Code, the Panel has evaluated the following the matters and has determined compliance as follows:

**Table 2: Compliance with section 74-309(h)**

<b>Section</b>	<b>Comment</b>
74-304. - Stream crossing requirements	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

Section	Comment
74-306(a) – Existing lots of record	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
74-306(a) – New lots of record	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
74-306(c) – All lots of record	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
74-306(d) – Mitigation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Buffer Revegetation Plan not yet provided.

**5. Other Comments or Conditions**

The Landscape Plan provided does not specifically address the Stream Buffer area. Please provide a Buffer Mitigation Planting Plan, separated and in addition to the Landscape Plan. Refer to the City of Atlanta Riparian Buffer Revegetation Guidelines.

Applicant should reconsider locating pervious pavers outside the driving lane. Pavers will receive less acceleration/deceleration, turning/twisting force if located in parking spaces.

**6. Determination**

The Panel, having completed the technical review in accordance with section 74-309 of the Code, determines to

[Option 2: Request modifications] request the following modifications:

- Please provide a Buffer Mitigation per the City of Atlanta Riparian Buffer Revegetation Guidelines and in consultation with the city arborist.
- Applicant should address the Panel’s concern for locating pervious pavers outside the driving lane. If the site cannot accommodate the Panel’s suggestion, please explain why.

Authorized Signature:

Name:

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 Rose Connolly