

DOSSIER ON CLUB VISION / SPI NIGHTCLUB

Compiled by your neighbors at the Midtown Ponce Security Alliance

IN THIS DOSSIER:

1. Text of MPSA e-blast sent on August 13th, 2009 outlining why the MPSA, with intensive experience in matters relating to public safety in our neighborhood, has reached the conclusion that this nightclub would be extremely detrimental to the Midtown experience **(Page 1)**
2. Relevant excerpt from MPSA's *Eye on Midtown* 8/15/2009 **(2)**
3. Call to Action #1: Attend public hearings **(3)**
4. Call to Action #2: Write to public officials **(4)**
5. Excerpts from City Ordinance, and comments **(5-6)**
6. Voices from the Community **(7)**
7. Digest of Local News Reports **(8)**

ALSO ATTACHED TO THIS DOSSIER ARE TWO SUPPLEMENTS:

- Report and findings by the Midtown Development Review Committee
- Report and findings by the Land Use Committee of the Midtown Neighbors' Association

Version: 8/22/2009 – subject to revisions as the issue unfolds.

MPSA STATEMENT ON CLUB VISION 8/13/2009

The Midtown Ponce Security Alliance strongly opposes the reopening of Club Vision in Midtown for the following reasons:

History with ownership – This is the same ownership group that operated Club Vision at 1010 Peachtree and Compound on Brady Avenue west of Midtown. In both cases, the lack of help from the ownership to address serious community concerns adversely affected the surrounding area. Given this kind of history with the two clubs, the MPSA does not believe they will be good neighbors.

Traffic - The club intends to occupy 16,000 square feet, and would likely hold upwards of 1200 patrons. This, in turn, would inevitably generate severe traffic disruptions in an already congested area from club-goers and others who would frequent the area. The limos would clog traffic on Peachtree Street as it did before. The owners have not submitted any viable plans to alleviate any traffic issues.

Parking – The area around 11th & Peachtree offers very limited parking, and the owners have not submitted any realistic plans to handle the number of cars expected. This can only create a ‘cruising’ situation negatively affecting traffic patterns, compounded by an extreme volume of club patrons parking illegally all around the neighborhood.

Noise issues – Given the history with the above mentioned clubs, we can reasonably expect excessive noise from three sources.

- First, the music and patrons inside the club will produce a tremendous amount of noise which would not be contained by the building.
- Second, the queue, or line of people waiting to get in the club, is expected to extend several blocks and will be outside and filled with loud patrons.
- Third, the traffic and cruising around the area is often done with windows rolled down and loud music blaring. Given the residential and business development in the area this noise will result in increasing tension between residents / businesses and club patrons.

Litter – In the past, the patrons visiting the club and waiting in the queue have produced a large amount of litter which was not normally cleaned up by Club staff in a timely manner.

Security – An operation of this size would tremendously drain police resources at a time when the APD is already short-handed. The 911 calls coming from this location would be pulling patrolling officers from other areas of the neighborhood with the end result being less protection for Midtown residents. ***The owners have promised to hire between 10 and 40 off duty police officers and other security personnel to work around the building - Why would we want a business in our midst requiring such an intensive level of security on an ongoing basis?*** At the past clubs of this ownership group, police have been called multiple times to break up fights, handle drug related issues, and a shooting. The owners have not submitted a *viable* plan to deal with security issues.

RECENT UPDATES ON VISION NIGHTCLUB [FROM EYE ON MIDTOWN 8/15/2009]

#1 - A meeting was held earlier this week as Club Vision appeared before the Development Review Committee (DRC), which was attended by 70+ neighbors, all of them either opposed or very concerned about the impact this club may have on the quality of life in the neighborhood, should it get approved by city officials.

We are a little confused as this DRC meeting was for comment only, in other words, not official. Club Vision has already done the renovation to the building - without going through the proper process - and now, they have to file for the Special Administrative Permit (SAP) which they should have done before they did the renovation. Make sense? No, it does not. The Vision (we call it that because we don't have another name at this point) owners apparently feel they don't have to follow the rules. They did not follow them when they were in Midtown before, just across the street from where they want to open now. Nor did they follow them at Compound, on Brady Avenue....and plan to reopen that facility very soon. So why should they follow the rules now?

To sum up the bits and pieces of information that we have now, we assume that the owners of the new Club Vision will apply for the SAP for the 1021-1029 Peachtree Street location and start the Land Use reviews all over again. The DRC expertly and carefully laid out a list of issues that must be addressed, including parking and traffic, queuing, noise, litter and public safety in the surrounding area.

#2 – They will also apply for a liquor license for that same location within the next few weeks, and, they are planning to open by Labor Day. We find it curious that they would go through the trouble and expense of preparing the building for a grand opening, without having devised a viable plan to address the impact they would have on the surrounding community, and without having obtained building permits and approval for their liquor license.

#3 - In our last e-blast we reported that the capacity would be “upward of 600” patrons [has been revised to 1200 in above letter]. Several people wrote to us advising that the figure would be more like 1200-1500. This makes the specter of Vision’s return all the worse given that many people would be vying for the same (just under) 300 parking spaces we told you about earlier.

We will keep you informed as we learn new information. Meanwhile be prepared to attend all public meetings on this issue. We will prepare and publish a list of officials and their email addresses, to whom you should send emails voicing your opinions of having this club reopen in Midtown.

CALL TO ACTION #1: ATTEND HEARINGS

1. The Midtown Neighbors' Association License Review Committee will hear the case on Monday August 24th, at 7pm. Because of the large turnout expected, they will hold the meeting at the Piedmont Room at Park Tavern located at 500 10th Street. Due to limited parking availability and set-up for the Red Bull Soapbox Race, we encourage walking, biking or, if you are driving, carpooling. Several liquor license applicants will make their presentation, and SPI Club will be heard last.

MNA License Review Committee makes a recommendation to the full MNA board, who in turn vote on their stance to be taken into consideration by the Neighborhood Planning Unit (NPU) covering this area (see next item).

2. Following that review, the Applicant will appear before NPU-E on September 1, 6:30 PM, at Peachtree Christian Church 1580 Peachtree Street, N.W. Our NPU will then submit a recommendation to the City of Atlanta License Review Board (see next item).

3. They will next appear before the License Review Board (LRB), probably on September 8, 5 PM, at City Hall. The LRB makes its recommendation to the Mayor who has the final say. We will advise further once we have confirmation of this final hearing.

4. Once they have gone through this process, the Mayor will then have 90 days to approve or turn down this applicant.

We critically need high neighborhood turn-out at these public meetings to ensure that neighborhood concerns are well understood and documented.

CALL TO ACTION #2: WRITE TO CITY OFFICIALS (and copy us too!)

Additionally, you should begin to write to the following, and CC or BCC us (info@midtownponce.org)

- City Council Representatives
- Members of the City of Atlanta License Review Board
- NPU Chairpersons

We urgently need their support in our opposition to this application based on the grounds outlined below, with a special appeal to the mayor based on the information printed below from the City of Atlanta Alcohol Ordinance. Also urge them to have a look at this dossier (www.midtownponce.org/news/spi.pdf).

Names and email addresses of elected officials:

Mayor Shirley Franklin: sfranklin@atlantaga.gov
Anne Fauver (District 6): afauver@atlantaga.gov
Kwanza Hall (District 2): khall@atlantaga.gov
Felicia Moore(District 9): fmoore@atlantaga.gov
Mary Norwood (Post 2 at large): mnorwood@atlantaga.gov
Penelope Cheroff (Chairperson NPU-E): pcheroff@cheroffgroup.com
Jim Martin (Chairperson NPU-D): james.martin@me.gatech.edu

Note: Midtown lies in NPU-E. Compound, also under the same ownership as Vision/Spi, lies in NPU-D and is generating similar controversy there. All of these elected officials and NPU Chairs need to know that the neighborhood is opposed to the return of applicant Gidewon because we know he is a bad neighbor.

For these you can copy and paste into your e-mail: sfranklin@atlantaga.gov;
afauver@atlantaga.gov; khall@atlantaga.gov; fmoore@atlantaga.gov;
mnorwood@atlantaga.gov; pcheroff@cheroffgroup.com; james.martin@me.gatech.edu

Names and addresses of the License Review Board (LRB). They should all be copied on your email. The LRB is the last to hear the applications and they make recommendation to the Mayor, most likely on September 8th. Mayor has the final approval/disapproval, and should theoretically give considerable weight to their conclusions.

Chairperson Joy Barnes: jcbpark@yahoo.com
Frank McCombs: fmccomb@mindspring.com
Peggy Harper: minyin@bellsouth.net
Julia Emmons: julia@emmons.com
J. C. Love: jcloveiii@gmail.com
William Lobb: Will.lobb@opco.com

You can copy and paste these into your e-mail: jcbpark@yahoo.com;
fmccomb@mindspring.com; minyin@bellsouth.net; julia@emmons.com; jcloveiii@gmail.com;
Will.lobb@opco.com

EXCERPTS FROM CITY ORDINANCE AND COMMENTS

Sect 10-57 Grounds for denial

In addition to all other grounds for denial, no application for any license under this division shall be granted if the application or the evidence on a hearing before the license review board shows:

- (1) The applicant is of bad moral character or has a bad reputation in the community or does not have sufficient mental capacity to conduct the business for which application is made.
- (2) The applicant has had any license issued under the police powers of the city previously suspended or revoked; provided, however, the license review board may waive this subsection if two years have passed since any prior revocation of any license held by the applicant.

MPSA NOTE: We are not sure at this writing if the licensee has had a license revoked in the past based on the shooting at Club Compound. This question needs to be answered.

- (3) The applicant for a license to sell alcoholic beverages at a nightclub, other than those within a special entertainment district, does not furnish evidence of adequate parking for a nightclub, as defined by section 10-1, available to the applicant's patrons for the term of the license applied for and within 400 feet of the proposed licenses premises.

MPSA NOTE: The DRC has requested a detailed traffic management plan and documentation of the granted permission to use an off-site parking facility to satisfy a request for additional parking space made by MNA and DRC.

- (4) The applicant as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to that business within a five year period immediately preceding the date the application is heard by the license review board.

MPSA NOTE: We have copies of a large number of police calls from Vision and there were a number of calls from Compound. Do all those calls and the shooting constitute "violating the law"? All three of the review groups need to answer that question.

Sec. 10-109. Procedures

- (g) The mayor may, upon a finding of due cause, deny revoke, suspend or refuse to renew any license upon a determination that public convenience and advantage would not be promoted by the approval of an applicant's application. In making such a determination the mayor may consider the general welfare and safety of the community, noise, parking and traffic with reasonable consideration being given to the character of the area and its peculiar suitability to the proposed uses and the

stability of the neighborhood as they may be impacted by the proposed licenses premises.

MPSA NOTE: Note here that the general character of the neighborhood has changed substantially since Club Vision, owned by Michael Gidewon was located across the street from where Spi Club is planning to locate. The former location is now a high-rise condo building, across the street is the new Lowe's Hotel and another new office building, neither of which have opened yet.

COMPOUND: Another club about ready to reopen on Brady Avenue surrounded by neighborhood protests, and owned by Michael Gidewon, in located in Felicia Moore's Council District and Jim Martin is head of that NPU D. We are not certain at this writing if Michael Gidewon was the Agent/Licensee on the Liquor License Application in place at the time of the shooting at Compound (link to shooting), but if he was that should disqualify him from getting another license in this city, in our opinion, based on the following:

Sec. 10-57 Grounds for Denial

- (5) the applicant as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to that business within a five-year period immediately preceding the date the application is heard by the license review board.

Sec 10-109 Procedures

(f) For due cause, if a violation of the chapter occurs which results in an emergency situation in which continued operation of the premises by a licensee endangers the health, welfare of safety of the public, the mayor or the mayor's designee may suspend any license. Any such suspension may be made effective immediately and shall remain in force until the next regular of called meeting of license review board.

VOICES FROM THE COMMUNITY (Please send us letters for this section for upcoming revisions)

1. Comment from Mary M., a neighbor of Compound - *From personal experience, we have had to contact police regarding Compound on many occasions due to music that can be heard over a mile from the source. We are not saying just the tunes of the music we are saying that the LYRICS could be heard with distinction. Simply put they are not good neighbors and "they" (the establishment) cannot control their club's crowds or the music and nuisance that is generated from their facility!!*

2. Also worth noting are the 1300+ signatures on a petition against the return of this club at <http://www.petitiononline.com/mdtwnatl/petition.html>

3. Letter from Dan L., a Midtowner - *It is unfortunate that we are in this position, seemingly "coming from behind" as this applicant is well known to us. We do not need to give this application the benefit of the doubt, because we have an established track record of insensitivity and non-compliance with community concerns and local ordinances at the former Vision location (now 1010 directly across from Loews).*

Let me portray that experience to you as prelude to the future if we are unsuccessful in blocking this action. Rather than talk in terms of "traffic congestion" and "safety," we experienced thundering noise that relentlessly pounded windows and prevented normal conversation and restful sleep, cruising and cursing and public urination, with bullets occasionally flying through the air, thugs loitering on the sidewalks and in the shadows. Our public safety agencies were overwhelmed and could not and did not police the area in any way that served as a deterrent... at best, they were reactive and woefully lacking in that. Like the "broken window" syndrome, the more Vision defied ordinance the more emboldened they became – and the community became numb as a result of continuous inaction by authorities.

To have Vision return to Midtown is to invite misery into the "Miracle of Midtown." The approval of this establishment is profoundly inconsistent with the vision we have all embraced as Midtown residents and business owners, as it would lead to crime, disinvestment, and impairment of the reputation that we have spent years building.

DIGEST OF NEWS REPORTS

AJC: *Man shot inside Midtown club -*

http://www.ajc.com/services/content/metro/atlanta/stories/2008/04/18/clubshooting_0419.html?cxtype=rss&cxsvc=7&cxcat=13

11 Alive News: *Man Killed at Midtown Nightclub -*

http://www.11alive.com/news/article_news.aspx?storyid=98331

WSB-TV: *Deadly Shooting Outside Midtown Atlanta Nightclub -*

<http://www.wsbtv.com/news/13475198/detail.html>

Creative Loafing: *Re-Visioning of Midtown has strong opposition -*

<http://blogs.creativeloafing.com/freshloaf/2009/07/31/re-visioning-of-midtown-has-strong-opposition/>

Southern Voice: *Residents on edge after another stabbing in Piedmont Park -*

<http://www.sovo.com/2009/8-14/news/localnews/10467.cfm>

AJC: *Neighbors don't want a new Vision nightclub -*

<http://www.ajc.com/news/atlanta/neighbors-108511.html>



MIDTOWN LAND USE COMMITTEE

The Land Use Committee serves as an integral part of the cities Community Partners Review Process, reviewing applications and making recommendations to the Midtown Neighbor's Association Board of Directors to be officially carried forward to the DRC or NPU prior to coming before either the BZA or the ZRB. Please note that all applicants must follow the process through its various stages and that the recommendations made here do not inherently reflect the overall outcome of the cities process.

Project Address:	1021 & 1037 Peachtree Street
Zoning Classification:	SPI-16/SA1 Storefront Street frontage on Peachtree Street. A Midtown Mile Property
First Review	11/08/07, 7/21/09
Project Type:	Façade alteration for separate nightclub and lounge businesses
Presenter Contact Information	<ul style="list-style-type: none">▪ Michael Gidewon- Applicant Michael@thegidewongroup.com▪ Dewayne Martin, Gibeon Partners dmartin@gibeonpartners.com▪ David Daniels, David Daniels Design davidblairdaniels@gmail.com▪
Members Present:	<ul style="list-style-type: none">▪ Tony Rizzuto- LUC Chair▪ Ray Benitez▪ Lee Meadows▪ Angel Poventud▪ Alan Hanratty▪ Tim Huffman▪ Scott Potts▪ Al Pellenburg▪ Jeff Ellis
Members Absent:	<ul style="list-style-type: none">▪ Susan Watts- LUC Vice Chair, MNA NPU-Rep▪ Marcia Rubensohn▪ Chris Bradley
Project Facts:	<ul style="list-style-type: none">▪ Building Former single story storefront at 1021 and 1037 Peachtree St. to be converted into two entertainment establishments of approximately 9,700 sq. ft and 6,000 sq ft respectively.▪ Parking All parking to be accommodated in adjacent surface parking lot.
Variation Requests:	<ul style="list-style-type: none">▪ No variations presented at this time▪ Possible future Variations or SAP identified.
Land Use Recommendation:	<ul style="list-style-type: none">▪

The LUC is pleased to see the applicant come through the Community Partners Review Process and has attempted to address some of the issues and concerns raised in its last go round on 11/08/07. While the process can be long and cumbersome the LUC hopes that the end result will be a better project, one that, better serves its patrons, is more holistically integrated into the community and will be a positive contributing business within the Midtown community.

The MNA's LAND USE COMMITTEE offers the following informational comments to aid the design and development team in meeting zoning requirements and realizing the Midtown Neighbors Association goals for building a better Midtown.

MNA LAND USE COMMITTEE RECOMMENDATIONS

The applicant last came through the community partners review process for this application in November of 2007. At that time the LUC and MNA made the following recommendations to the DRC for the application.

1. Applicant submitted drawings for Peachtree façade only. Request for additional façade drawing. **Provided**
2. Sidewalk compliance with SPI-16 regulations. **Achieved**
3. Parking lot must be brought into compliance with City ordinances. **Currently working with Dewberry Capitol on compliance**
4. Screening of Roof top equipment in compliance with SPI-16 zoning regulations. All mechanical equipment must be screened from view of all public right of ways. **Revised application shows full screening of roof top mechanical equipment with stuccoed wall.**
5. Request for applicant provide a detailed plan for trash management and remove in compliance with SPI-16 zoning ordinances that include proper screening from public right of way. **Revised plan indicates screened dumpsters behind facility accessed off of parking lot.**
6. Request for plan for deliveries and loading, including times, that is in conformance with the existing city traffic codes regarding blocking of lanes, etc. **Current plans indicate loading locations and applicant has provided verbal information regarding times.**

The MNA at that time also raised concerns with the following aspects of the application and these concerns are still high priority issues in regards to this applicant.

1. Safety and Security
2. Parking and Traffic
3. Compliance with all SPI-16 zoning ordinances
4. Continued open communication and dialogue

1) Safety and Security

With regards to Safety and Security, the MNA considers safety and quality of life issues to be of maximum importance. The LUC is specifically concerned with the following issues:

- Plans for Queuing Patrons outside the club that does not block clear zone of the sidewalk.
- Incorporate weather protection for patrons on the queue, compliant with SPI-16 ordinances
- Submit a plan for review of crowd control for both pedestrians and traffic for planned events
- Plan for on site security staff for patrons MNA previously suggested personnel count (4)
- Identify location of VIP entrance and control

The LUC believes that all of these items should be addressed in a comprehensive manner that ensures the safety and security of the businesses patrons, employees, pedestrians, and the community as a whole.

With respect to queuing locations, the LUC recognizes that the applicant has proposed three possible options.

- Along the south side of the facility on a secured pad
- Along Peachtree Street
- Within the building on the lower level

Along the south side of the facility on a secured pad- The LUC sees this as a viable option in that it will keep the queue from blocking the sidewalk as well as, concentrate the crowd to a single condensed location in which a secured covering can be effectively provided via a semi-permanent tent and crowd control and security can be efficiently monitored. Additionally, this location for the queue has direct access to the parking lot, as well as Peachtree Street. This would prohibit patrons from having to walk within the drive isles of the parking lot.

The LUC notes that current zoning prohibits this and requires a designated pedestrian walk under such condition. The LUC does recognize that the applicant may need to create a concrete pad and this may lead to concerns over the amount of permeable surface on the lot requiring a variance. The LUC notes that there are permeable surface options available and is more likely to work with the applicant on this matter should this option be selected.

Along Peachtree Street- The LUC does not see this as a viable solution for the following reasons. The current zoning would restrict the queue to the supplemental zone which against the façade is only 3-4 feet not sufficient for the placement of many moveable barricades. The LUC notes that the most common barricade is metal with a footing that is over 18 inches wide. Zoning requires that no part of the barricade be in the clear zone. The reduced supplemental zone along the façade of the building means that this type of barricade would not be an option. Additionally, the inclusion of two barricades south of the structure would mean a reduction of available space from 5'-0" to approximately 2'-0" which appears too narrow a space for a comfortable queue. The LUC also sees this option as presenting problems in terms of both security and covering. Spreading the queue out linearly along Peachtree Street increases the amount of surface of the queue and requiring more security to properly police activity. This would also require a long and linear covering one that would have to be assembled and disassembled each day. The LUC sees this as a potential problem. It also sees such a structure as less secure and not as cost effective for the applicant.

Within the building on the lower level- The applicant suggested this option at the close of the meeting and did not fully present this option. The applicant notes that there is unused lease space in the basement with direct access off the parking lot. Should this space be used patrons would be both covered and secured within the structure. The LUC sees this as a viable solution to crowd control, security and protection, but notes that this would place the nightclub above its restricted square footage. This option would require an SAP. Without full plans and exploration with the city the LUC cannot fully comment on this option but notes that it may be viable from the communities concerns with safety and security and encourages its exploration.

The LUC is pleased to hear the applicant speak of a comprehensive security plan and would like to see such a plan prior to approval. The LUC suggests the applicant speak with a security consultant to best determine which of the three queuing options is best from a security standpoint and what an adequate number for security staffing is.

The LUC also notes that security for the parking lot is also imperative and that security should begin prior to the facilities opening time and past its closing time of 3am. Midtown's concerns with safety and security includes the safety and security not only of pedestrians and patrons but of employees and staff. The LUC notes that in the past Buckhead Village had inadequate security and that crime became problematic in parking lots and the surrounding streetscapes of its bars and clubs. This crime continued well into the early hours of the morning forcing many clubs to provide personal security to its employees who were afraid to walk to their cars after work. The MNA is intent on not seeing a repeat of this situation in Midtown. We believe that all employees in Midtown have a right to safe and secure access to their jobs.

The LUC recommends that the applicant present a comprehensive security plan that takes these concerns into consideration in advance of its planned opening in March to ensure that all security incidents are minimized.

2) Parking and Traffic

With regards to Parking and Traffic, the MNA considers this a quality of life issue that affects not only the patrons of its businesses, but its businesses and residents as well. The LUC is specifically concerned with the following issues:

- Actual parking needs
- Traffic congestion and Gridlock
- Off-site parking
- Traffic co-ordination
- Taxi and Limo drop off
- Possible Valet services

The LUC believes that all of these items should be addressed in a comprehensive manner that ensures quality experience of the businesses patrons and maintains the quality of life of residents and of the Midtown community as a whole.

The LUC recognizes that the city establishes minimum and maximum parking requirements for all business establishments and has determined that the existing parking lot fulfills such requirements. The LUC also acknowledges that the SPI-16 zoning ordinances encourage a decrease in parking and shared parking facilities as a strategy to encourage walkability.

Nevertheless, the LUC while hoping that the applicants facilities pulls from the walking trade area acknowledges that such facilities will more than likely pull from the broader metropolitan area. The LUC encourages the use of MARTA, but also recognizes that MARTA has limited accessibility and its hours of operation make it a poor choice for individuals patronizing a business which closes at 3am.

The applicant anticipates an average occupancy of 680 persons per business meaning an anticipated 1,360 patrons plus employees coming to the site. While it can be assumed that many will not drive alone, the current 300 available spaces on the Dewberry Capitol property cannot be expected to accommodate them all. The lack of available on-street parking in the immediate vicinity will likely result in 'drive arounds' as patrons scramble to find free parking in the surrounding area. The LUC believes in addition to being an irritant to the patrons, that this will create traffic congestion problems on the side streets.

To prevent such problems and the possibility of complaints to the applicant the LUC recommends the applicant seek alternative parking. In the past the LUC has supported what is called a transfer of parking when a given business cannot provide the minimum parking on site. Under such conditions an applicant enters into a legal contract with a facility that has additional parking wherein a given number of spaces are dedicated to the leasee. While not an identical situation this model may provide the applicant with a viable solution to a potential problem.

The LUC notes that the 12th and Midtown project across the street has ample parking and the hours of operation of the applicants businesses and those of 12th and Midtown do not overlap. This means that parking could be supplemented by the parking deck to the north. The LUC notes that this will be public parking, but also recognizes that many people will try to find free parking first causing traffic congestion. We therefore recommend the applicant promote the use of public parking decks including the one across the street. We would also recommend the applicant contact Selig Daniel the projects developer to see if they can work a deal whereby the applicant's patrons can park there at a discounted rate or have the parking included in and entrance fee.

The LUC notes that the forthcoming Lowes Hotel has a drop off directly across from the applicants proposed lounge entrance and that that drop off is also very close to one of the parking lot entrances. The LUC recommends that applicant begin conversations with the management of Lowes to facilitate coordination to prevent potential problems in the future.

While the applicant has not mentioned an intention to have designated taxi and limo drop off zones or valet parking the LUC feels it needs to address these with the applicant.

The Luc believes that some of the businesses patrons will arrive by taxi and will therefore also need to take one home. Because the availability of taxis on the street in Atlanta is limited other bars and clubs have sought designated taxi parking spaces. This has provided a convenience to their patrons while avoiding the hazards of taxis stopping on the street and having intoxicated patrons running around through traffic. The LUC notes the taxi stop outside Gilberts on 10th street (that serves both Gilberts and Blakes on the Park) has worked very well for the last few years.

The LUC acknowledges that the applicant has not expressed an interest in Valet parking but nevertheless the LUC feels the necessity to comment here. We recognize the city has implemented an experimental valet parking ordinance in Midtown, but current experience has shown that this does not alleviate traffic congestion and has in the past contributed to unsafe conditions between patrons and fast moving cars on main roads. Valet services are convenient and prized by many establishments, but are best when the car stack up is in a designated parking lot and not on a main or secondary street.

The LUC is pleased to hear the applicant speak of a comprehensive approach to parking and would like to see such a plan prior to approval. The LUC suggests the applicant speak with a traffic consultant to best determine its real parking needs and how to best maximize the quality of its patrons experience and their interaction with the larger community.

3) Compliance with all SPI-16 zoning ordinances

The MNA supports the City of Atlanta Zoning Ordinances and the zoning overlay for SPI-16 and insists on conformity to all zoning regulations for its support. In addition to the above stated concerns the LUC notes the following regulations that pertain to, but are not limited to the following;

- Section 16-18P.012 Sidewalk Standards-
The applicant is reminded that while the sidewalk has been upgraded to the new SPI-16 standard there are also regulations for standard street furniture that includes trash cans. The applicant should consider this specifically in regards to the queuing area as it is likely that they will be required to maintain the property. The given standard is Model SD-42 (36 gallon side door-opening) trash receptacle painted VS Gloss Black.
- Section 16-18P.013 Supplemental Zones-
The zoning ordinance stipulates that all furniture or barricades in the supplemental zone be none permanent and that no such furniture impede the clear zone. The LUC recommends the applicants design team review this in regards to acceptable barricades for the queuing should the supplemental zone option be used.
- Section 16-18P.014 Relationship of building to street-
The LUC appreciates the design team providing us with a complete set of plans of the interior as requested. We also note that the placement of the doors in the lounge when open do not impede into the clear zone as requested. We would also remind the design team to ensure that the same is true of the nightclub doors.
- Section 16-18P.027 Specific regulations for storefront streets-
The LUC recommends the applicants design team review the Storefront Design Checklist prior to developing its signage package to ensure compliance. The LUC also notes that the design team intends on making an alteration to its current design and replace the existing window on 11th street to maintain the current amount of fenestration in compliance with this regulation.
- Section 16-18P.028 Specific regulations for Sub-area 1: Midtown commercial
- Section 16-18P.007 Outdoor amplified music-
While the applicant has not indicated an interest in outdoor amplified music the LUC notes that should an interest in providing music to its queuing area arise a Special Exception would have to be applied for. Such permitting is independent of this process and would have to go through the MNA License and Permit Committee.
On a related note, the LUC also notes that the applicant's design team in collaboration with their Acoustic Consultant has addressed concerns with noise spillage coming from the sound systems within the facilities through the placement of the sound equipment and the selection of interior materials.
- Chapter 25.002(3) including: Pedestrian safety, Parking, Traffic ingress and egress, Access, screening, light spillage, maintenance/hours of operation.-
The LUC acknowledges that this ordinance pertains to the parking area and is currently being addressed by Dewberry Capitol and is a condition of this applicant's approval.
- Section 16-28A.003, 004, 006 & 007 Signage Ordinance-
While the applicant has not yet presented any signage plans the LUC reminds them of the pertinent ordinances that govern their size and placement. This should be cross checked with the storefront check list. Signage permits are handled by the BOP, but are often sent through the Community Partners Review Process for input in such instances the applicant will come before the DRC, the LUC and the NPU-E.

4) Continued open communication and dialogue

The LUC recognizes that in the daily course of business some problems are bound to arise such as garbage, noise, rowdy patrons, etc. and sees these as part of the tradeoff for urban living. The key to maintaining a high quality of life, safety and security and a viable live work play community is how such incidents are handled. The MNA encourages open dialogue and communication between its residents and business owners to ensure that when problems arise they are addressed in a swift and timely manner before they become major issues. It is now common practice in Midtown for business owners, or their management, to provide residents with a direct contact person to resolve issues or concerns as they arise. This model proved very successful with the club Wet and has been used extensively with restaurants with permits for outdoor amplified music. The LUC recommends that the applicant follow suit to prevent any future conflicts over such problems.

midtown development review committee

Project Address:	1021 & 1039 Peachtree Street. SPI Club, Inc.
Zoning Classification:	SPI-16/SA1 . Storefront Street Frontage on Peachtree Street. A Midtown Mile property
Reviews:	11/8/07, 7/14/09, 8/11/09
Project Type:	Façade alteration for separate nightclub and lounge establishments.
Applicant	▪ Michael Gidewon . michael@thegidewongroup.com
Presenter	▪ David Daniels , David Daniels Design . davidblairdaniels@gmail.com
Contact Information	▪ DeWayne Martin , Gibeon Partners . dmartin@gibeonpartners.com
Members Present:	▪ Cliff Altekruise , business/property owner within SPI-16 or SPI-17 appointed by NPU-E ▪ Brock Harvey , resident within Midtown Residential appointed by Midtown Alliance ▪ Penelope Cheroff , Ansley Park Civic Association ▪ Tony Rizzouto , Midtown Neighbors Association ▪ John Majeroni , district institutions/non-profit rep as appointed by Midtown Alliance ▪ Alan Hanratty , district resident, property or business owner appointed by NPU-E ▪ David Green , business owner/resident within SPI-16 SA-1 appointed by Midtown Alliance ▪ Gail Bechtel , resident within Juniper East appointed by Midtown Alliance
Members Absent:	▪ Henry Ikwut-Ukwa , MARTA representative, appointed by MARTA
Staff Present:	▪ Karl Smith-Davids , City of Atlanta Bureau of Planning ▪ Tshaka Warren , City of Atlanta Bureau of Planning ▪ Will Herbig , Midtown Alliance ▪ Nathan Lawrence , Midtown Alliance
Project Facts:	Building . Former single-story storefronts at 1021 and 1037 Peachtree St. to be converted into an approx. 9,706 sq. ft. lounge and separate 9,968 sq. ft. nightclub . Parking . All parking for proposed club is to be accommodated in adjacent surface parking lot. ▪ Automobile Parking: 1,967 SF / 600 = 33 spaces required minimum. 42 provided. ▪ Electric Vehicle Parking: TBD ▪ Bike Parking: TBD Loading Requirements: TBD
Variation Requests:	No variations formally requested.

Atlanta City Council established the City's Midtown SPI-16 Development Review Committee (DRC) through resolution for the sole purpose of providing formal recommendations on all applications for development within the Midtown SPI-16 zoning district prior to issuance of Special Administrative Permit (SAP) and other relevant permits. The legislation and DRC were created in order to maintain and foster Midtown's authentic urban environment, improve the community's aesthetics, and facilitate safe, pleasant and convenient pedestrian circulation. The following are comments by the City's DRC on specific elements of Midtown's SPI-16 zoning that the committee encourages the developer, designers and City to consider as plans are developed and prior to issuance of permits by Bureau of Planning and other City departments.

The City's Development Review Committee (DRC) offers the following interim comments as guidance to the applicant team. In return to the DRC, the applicant should come prepared with a complete packet of materials. At a minimum this should include both physical hand-outs (distribution for 25) and dissemination of briefing documents to the chairman/staff of the review body no later than September 3, 2009. A "complete" packet is defined *minimally* as: a site plan that details the scope of work to be performed for businesses, as well as parking arrangements, façade elevations, a roof plan, screening elements for dumpsters, mechanical and accessory features, interior space plans, signage, outdoor dining, queuing plans, any addition/modification, and any other requested documents and/or supplemental materials outlined within..

SCOPE OF PROVISIONS . CHAPTER 25 OF THE ATLANTA MUNICIPAL CODE OF ORDINANCES

In addition to requirements of SPI-16, provisions of *Chapter 25 of the Atlanta Municipal Code of Ordinances* fully apply; the DRC asks that the applicant show in subsequent meetings how they intend to meet or exceed the requirements of both SPI-16 and Chapter 25.002(1)(3). Special Permits general provisions, which pertain to the following matters:

SEC. 16-25.002. SPECIAL PERMITS, GENERAL.

- (1) *Conditions: In granting special permits, such conditions may be attached as are deemed necessary in the particular case to protect the public interest* and surrounding properties. Such conditions shall generally be of a nature as so stated in (3) below, "Construction, generally." . . .
- (3) *Construction, generally: No special permit shall be issued unless it is determined that*, in addition to meeting the special requirements set forth within the district within which such special permit is located, ***satisfactory provisions and arrangements have been made concerning the following***, applicable to each application:
 - a. Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - b. Off-street parking and loading areas where required, with particular attention to the items in a. above.
 - c. Refuse and service areas.
 - d. Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
 - e. ***Hours and manner of operations.***
 - f. ***Length of time regarding the duration of such permit, if any.***
 - g. Tree preservation and replacement in accordance with the requirements of the City of Atlanta Tree Ordinance.
 - h. Required yards and other open spaces.

REMAINING ISSUES

FOR SUBSEQUENT REVIEW AND RETURN TO THE DRC PLANS:

- 1. **Provide legible copies of all plans. Scaling to an 11" x 17" size should be adequate.**
- 2. **Provide detailed plans of the basement level below the lounge. This space is proposed to be used as an office for the parent company.**
- 3. **Submit plans electronically (as briefing documents) in advance of meeting by September 3 (due to Labor Day holiday weekend)**

SURFACE PARKING LOT LANDSCAPING REQUIREMENTS

Section 16-18P.02. Minimum Landscaping for Surface Parking Lots, Barrier Requirements

Mitigation of parking and improving the aesthetics of the built environment are the intents of SPI-16 zoning. The accessory surface parking that services the facilities is not in conformance with City code. In particular, the surface parking lot fails to meet the minimum landscaping and barrier requirements for surface parking lots, per ***Section 16-18P.021***. All parking areas were required to be in compliance by November 2005. The property owner, Dewberry Capital Corporation, has begun the process permitting process to bring the lot into compliance, but construction has not commenced. The DRC believes completion of the work to bring the parking area into compliance with established City code will be required to complete issuance of SAP and receipt of Certificate of Occupancy.

For return to the DRC applicant shall provide parking lot plans conforming to all applicable code requirements.

TRAFFIC MANAGEMENT

Section 16-18P.022. Electric Vehicle Charging Stations

Section 16-18P.024. Minimum Bicycle Parking Requirements

Traffic Plan . As discussed, a traffic coordination plan is being requested by the DRC as well as the neighborhood. As discussed, no patron drop-off will be permitted along Peachtree Street. This includes taxi and limousine drop-off. The applicant should designate areas in the rear parking area for both limousine and taxi drop off. An area should also be reserved for valet parking activities.

Parking . Thirty-three parking spaces must be designated for use by the night club & lounge given the 19,674 sq. ft. floor area of the building. The applicant has indicated that 42 parking spaces would be provided. There are a total of 272 parking spaces currently on the entire lot. In response to the DRC and neighborhood's request for additional spaces for patron parking, the applicant has identified a parking deck located at 930 Juniper Street. This parking deck is owned by Dewberry—the same property owner as the subject property. The applicant stated that 110 or the 400 spaces are currently utilized, leaving the remaining spaces for potential rent by the applicant in the evening. The applicant is requested to provide documentation of said permission to utilize these parking spaces.

For return to the DRC plans should include:

1. **A detailed traffic management plan.**
2. **Documentation of the granted permission to use the off-site parking facility.**

NOISE

Both the MNA and NPU-E neighborhood organizations have expressed a great deal of concern regarding noise. Excess noise can have a degrading effect on the quality of life in the surrounding neighborhood. Through the completion of a rigorous traffic management plan, patron cuing plan, and careful design of the interior sound systems, it is believed that the noise emanated from the site can be minimized.

On the interior of the club and lounge, the applicant has explained that all speakers would be positioned in such a manner as to reduce noise leakage. Also, by using many smaller speakers rather than a few large ones, the applicant explained that the overall sound decibel level would be reduced. The usage of upholstery on the interior would further reduce noise. The DRC requests that the applicant apply sound transmission coefficients to the proposed sound system plan to determine what the anticipated level of noise should be expected outside of the club and lounge.

For return to the DRC it is requested that a sound mitigation strategy be provided, including sound transmission coefficients and how they are applied to the club/lounge proposal.

PEDESTRIAN ACCESS / PATRON QUEUING

Section 16-18P.017. Loading areas

The applicant is no longer proposing to cue patrons on the sidewalk of either Peachtree or 11th Streets. Thus there are no longer any requests for reduction in required clear or supplemental zone requirements.

Night Club . Three options have been identified as potential cuing areas for patrons of the night club. As discussed during the meeting, the option of cuing patrons on Peachtree Street has been removed from consideration. Cuing patrons on the south side of the club on the existing hardscape pathway and staircase may be a viable option; however, physical improvements should be made in order to assure the safety of patrons cuing in line. This cuing space would be 115 feet in total length, accommodating 150 patrons standing two abreast. The final option is to cue patrons in a basement corridor beneath the club—accessed by the parking lot to the rear. After review by the DRC and the neighborhood, it has been determined that this last option is most preferable. There is, however, a question of whether utilizing this basement corridor for cuing will increase the total usable square footage of the building over the 10,000sf maximum. This issue needs to be reviewed with City of Atlanta Bureau of Planning Staff.

Lounge . The applicant has explained that lounge patrons would cue outdoors in an existing loading area along 11th Street behind the lounge (opposite the porte-cochere for the new Loews Atlanta Hotel - opening in March 2010). Given that this is an outdoor cuing condition, there are concerns that this activity may conflict with the Loews Hotel across the street. No details have been provided relating to the proposed screening fence along the 11th Street frontage. Detailed elevations need to be submitted.

The applicant is encouraged to meet with the management team at the Loews Atlanta Hotel to discuss the patron cuing plan and any other unforeseen issues. It is recognized that some issues may not be predictable prior to the opening of the proposed lounge, however, opening the lines of dialogue early have proven in the past to avoid problems that could not have been predicted by the DRC.

For return to the DRC plans should address:

1. **Completed patron cuing plan including total cuing capacity and cuing locations.**
2. **If necessary, details relating to the improvement of the pathway and staircase cuing area to the south of the building.**
3. **Completed patron safety plan including indication of number of security officers assigned to each stage of the patron arrival/cuing process.**
4. **Detailed elevations of screening along 11th Street.**
5. **Provide formal written response from the City's building department regarding the legal possibility for an interior queue.**

SAFETY & SECURITY

It is paramount that the public safety of patrons cuing outside and that of stakeholders within the surrounding Midtown community be ensured. In response, the applicant has stated that they have contacted a security consultant to generate a security plan. The applicant currently proposes to hire 10 off-duty Atlanta Police Department Officers. Four would be assigned to traffic management on the streets surrounding the lot, four would handle security in the cues, and two would direct traffic and secure the parking area. At the DRC meeting, the Midtown Neighbors Association requested that parking lot security begin prior to the opening of the club and/or lounge. Additionally, the City's DRC requests that the security plan address security concerns in the neighborhood surrounding the subject property and at the off-site parking structure along Juniper Street. For all security personal, it is requested that the applicant provide hours of service and manner of operation to ensure fulfillment of the goals of the security plan.

For return to the DRC a detailed security plan shall be provided which addresses the concerns listed above.

FAÇADE TREATMENT

Section 16-18P.014. Relationship of Building to Street

Section 16-18P.027. Specific Regulations for Storefront Streets

Section 16-18P.028. Specific Regulations for Subarea 1: Midtown Commercial

The applicant is proposing to renovate the western and northern exteriors of the existing building. The remaining sides of the building would be repainted white. The applicant has revised plans since the July review by maintaining the "Brother Juniper's" fenestration on the northern façade at 11th Street. In response to concerns voiced by the DRC, the entrance doors to both the club and the lounge have been recessed three feet to prevent them from swinging and encroaching into the sidewalk Supplemental and Clear Zones.

For return to the DRC plans should address:

- 1. Fenestration requirements - percentage of wall surface proposed for fenestration on all street facades, length of wall without intervening windows.**
- 2. Incorporate Storefront Design Checklist provisions into design, see below (Page 6)**

ACCESSORY FEATURES

Section 16-18P.017. Loading areas

Dumpsters/Dumpster Enclosures . The applicant must provide the location of all dumpsters proposed to be located onsite. All dumpsters are required to be screened from view of the public right-of way. Details relating to the height, composition, and materiality of these enclosures should be provided for review.

Rooftop Mechanical Equipment. The applicant demonstrated that they propose to screen mechanical features located on rooftops.

For return to the DRC details are requested on dumpster location and required enclosures.

OUTDOOR AMPLIFIED MUSIC

Per Section 16-18P.007. Special Permits

The DRC reminds applicant that outdoor amplified music is prohibited without issuance of Special Exception (an action of City Council).

SIGNAGE PLAN

Placement and design of signage are important considerations for urban buildings. The DRC remind applicant that the City of Atlanta's Sign Ordinance regulates commercial signage based on placement, quantity, and size. The applicant team should review ordinance thoroughly before creating the sign program for both operations.

While the Bureau of Buildings is responsible for sign ordinance compliance, it is typical for the Community Review Partners and the DRC to review details on the full signage program at subsequent reviews.

REQUIRED PEDESTRIAN/PATRON AMENITIES

Trash Receptacles. Model SD-42 (36-gallon side door-opening) Trash Receptacles on the property. A minimum of two receptacles (painted "VS Gloss Black") placed and centered within the established Street Furniture Zone along both Peachtree and 11th Streets.

Bike Racks. To aid applicant teams in carrying out inclusion of bike racks per code requirements, *Midtown Transportation Solutions* (a program of Midtown Alliance) has outlined installation specifics below:

- Bicycle/moped parking facilities must be provided at a ratio of one bicycle/moped parking space for every 20 automobile parking spaces. A minimum of 14 bicycle/moped parking spaces are required to bring the entire lot into conformity.
- Bicycle racks placed between the building and the street should be Graber Products #2112 (below grade mount) single inverted U type racks. Each of these racks provides two bicycle parking spaces. These racks should be painted glass black.
- New development should provide a mix of long-term bicycle parking designed for residents and short-term parking for visitors. Long-term bicycle parking should be placed in a covered/secure location, usually within private residential parking of a deck. Short-term parking should be installed in the Street Furniture Zone.
- 25% of the bicycle parking spaces required should be provided as short-term parking.
- When designing the street furniture zone, developers should plan to provide concrete bases beneath the inverted U bicycle racks to anchor the rack. The inverted U racks should be installed parallel to curb and centered within paver zone.
- Location of bike racks should be placed within 50 feet of primary entrances.
- Per Sec. 16-18P.024, on-street bike racks need to be added within the Streetscape plan and located and centered within the 5-ft. Street Furniture Zone. The specific number of bike parking spaces is to be determined by City staff.

Electric Vehicle Parking. As part of bringing the parking lot up to full conformity with zoning requirements, at least one electric vehicle charging station is required for every 100 automobile parking spaces. Three electric vehicle parking spaces are therefore required.

For return to the DRC plans should address:

1. **Trash receptacle requirements.**
2. **Bicycle/moped parking space requirements.**
3. **Electric vehicle charging station requirements.**

FOLLOW-UP REVIEW MEETING

NOTE: The date below outline the next required meeting, time, and location. Project reviews are not automatically added to agendas. Applicant teams are responsible for meeting confirmation and arrangements:

Presentation materials for review meetings must (at a minimum) include both physical hand-outs (distribution for 25) and dissemination of briefing documents to the technical advisor/staff of each by September 3 (due to Labor Day holiday)

CITY OF ATLANTA'S MIDTOWN SPI-16 DEVELOPMENT REVIEW COMMITTEE (DRC)

Staff: Karl Smith-Davids, KSmith-Davids@AtlantaGa.Gov
Location: 999 Peachtree Street . Suite 145 (Lobby Level Conference Facility)
Tuesday, September 8, 2009 (Approximately 5:30 PM)

DRC Technical Advisor: Will Herbig, will@midtownalliance.org

ATLANTA'S MIDTOWN MILE: FURTHER MAXIMIZE OPPORTUNITY FOR PEACHTREE STREET SIGNATURE RETAIL

As Midtown's signature street, Peachtree requires the highest level of design geared to active street-level retail. Best practices suggest that new and renovated storefronts be brought all the way to the corners with facades that follow geometry of adjacent street -- both to activate the complete street frontage and, importantly, to maximize economic return.

In addition, storefronts should appear as a unique component of the project and complement the existing architecture. Additionally, storefronts should feel open and translucent to the street.

Furthermore, on all streets, respecting best practices in urban storefront design and Blueprint Midtown II, building entrances should be maximized with particular emphasis at corners, and all entry doorways must be recessed to allow door to swing outward without obstructing pedestrian flow (particularly due to requested narrowed conditions), while creating façade articulation at base.

In preparation for subsequent meetings with Community Review Partners and return to the DRC, consider:

1. For SAP submittal, detailed storefront designs are required. Illustrated details must include doorways, mullions patterns, canopies and awnings (style and installed height), recessed doorways, etc. for all facades.
2. In preparing storefront facade details, respect and incorporate best practices in urban retail design by following carefully the *Midtown Storefront Design Checklist* (attached) – particularly along Peachtree Street.
3. Despite "solar rating" storefronts should include transparent clear "vision" glass for all active uses at street level – including retail, lobby, and required mechanical, service, and egress only doorways.

STOREFRONT DESIGN CHECKLIST

Storefront Components

- A shopper's line-of-sight should be unobstructed from anchor to anchor; leading one past enticing row of stores.
- Provide design flexibility for the unique branding needs of individual retail tenants.
- Avoid monotonous design at ground level by breaking up retail bays.
- Develop retail entrances in close proximity to the street.
- Outdoor creative merchandise displays are strongly encouraged.
- Create easy, barrier-free access for pedestrians.
- Design minimum 12-foot exterior soffit height.
- Maintain 14-foot minimum interior ceiling height (high enough for retail mezzanines).
- Limit columns, space a minimum 20-feet apart (both internally and between exterior windows). Where possible avoid columns and arcades along façade by placing such elements back from storefront glass a minimum of 3-feet to create display vitrine in front of these structural elements.
- Keep pilaster depths a maximum of 3-inches. (Measured between face of column and storefront fenestration)
- Maintain a minimum street frontage of 25-feet for individual retailers.

Doors & Windows

- Entries must be embayed and recessed to allow door to swing out without obstructing sidewalk pedestrian flow, while adding articulation at project base.
- Storefront detail tell shoppers what they are buying is high quality. Details such as the quality of the door handles and cleanliness of the area cannot ever be overlooked
- Avoid HORIZONTAL banding and limit overall use of mullions upon glass** that creates visual barriers between consumers and merchandise branding.
- Despite solar ratings, build full-height **clear transparent vision glass** storefronts in excess of conventional 5-foot wide modules
- Storefront fenestration (glass) shall have no tints/reflection and floor-to-ceiling as much as possible**
- With topography issues, windows should respect pedestrian scale and follow grade of sidewalk as nearly as possible.
- Retail entrance doors should be of glass or contain significant glass to allow visibility into business.
- Where appropriate install sliding/folding doors that allow activity of the business to open onto adjacent sidewalk.

Operations

- Per zoning, provide screened loading dock capable of odd-hour deliveries.
- Make provisions for high-capacity HVAC systems. Screening shall be provided to conceal view from surrounding rights-of-ways

Awnings & Canopies

- Canvas and metal awnings should accent the top edge of ground floor windows and doorframes -- not exceeding top edge of highest mullion (except transom windows above awning/canopy) on ground floor windows and doorframes.

Commercial Signage

- Retailers should strive for the look of handmade art in their signage rather than conventional internally lit acrylic and/or plastic-faced signs .
- Signage components (awnings/graphics) should be built-in with flexibility to accommodate branding of individual merchants.
- To identify businesses to pedestrians and those traveling parallel to storefront, projected fin or blade signs are encouraged.
- Building signage must be designed and limited in size and scale in keeping with Midtown's character and pedestrian environment.