



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

DEPARTMENT OF CITY PLANNING
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
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JAHNEE R. PRINCE, AICP
Commissioner

KEYETTA M. HOLMES, AICP
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-62 for 177 Huntington Road NE (aka 175 Huntington Road NE)**

DATE: January 11, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to R-4A (Single Family Residential) for property located at **177 Huntington Road NE (aka 175 Huntington Road NE)**.

The applicant has requested to withdraw this application. Staff is supportive of the request.

STAFF RECOMMENDATION: FILE



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: Z-23-64 for 3170 Mt. Gilead Road SW

DATE: January 11, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing) for property located at **3170 Mt. Gilead Road SW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 105 feet on the west side of Mt. Gilead Road SW and begins at a point formed by the intersection of Mt. Gilead Road and Mayo Place. The property is in Land Lot 230 of the 14th District, Fulton County, Georgia within the Southwest neighborhood, of NPU R, Council District 11.
- **Property size and physical features:** The property is located along Mt. Gilead Road. The lot is 1.81 (78843.6 sq ft.) acres in area. The lot has a frontage of 105 feet. The lot is currently undeveloped with several mature trees onsite.
- **CDP land use map designation:** The subject property has a future land use designation of Single Family Residential within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The proposed development site is undeveloped. Staff is not aware of any previous activities or other prior uses of the site.
- **Surrounding zoning/land uses:** The subject site's current land use designation is Single Family Residential, and the zoning district is R-4 (Single Family Residential). Properties located north, south, east, and west of the property are zoned R-4 (Single Family Residential).

- **Transportation system:** The site is located along Mt. Gilead Road SW classified as a local road. Sidewalks are not present on either side of Mt. Gilead Road. The subject property is currently served by MARTA via bus route #66 along Mt. Gilead Road/Panther Trail SW, which is less than .2 miles away from the subject property.

PROPOSAL: The applicant requests to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing) for the construction of 8 single-family detached lots.

Project Specifications:

SITE AREA

Net Land Area 78,408 square feet (1.80 Acres)

UNIT COUNT

8 Unit

PROPOSED DENSITY

Floor Area Ratio (FAR) .75
Maximum Floor Area Ratio allowed. 39,204 square feet (.50)
(In square feet)

PROPOSED HEIGHT

35 feet

**PROPOSED BUILDING COVERAGE
(In percentage)**

50%

PROPOSED SETBACKS

Front Yard 20 feet
Side Yard 5 feet
Rear Yard 5 feet

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The Comprehensive Development Plan (CDP) has designated the subject parcels as Single Family Residential. Rezoning the subject site is consistent with the future land use designation of SFR (Single Family Residential). Therefore, a land use amendment is not required.

(2) Availability of and effect of public facilities and services; referral to other agencies:

The location of the subject property and the current use of the surrounding properties indicate that there are public facilities and services available to the subject property. Upon review by relevant agencies and departments, there has been no indications that the subject location lacks sufficient public facilities and services. When the proposed development plans are submitted for permit review, they must comply with all applicable City codes. All necessary public facilities such as water supply, sewage, drainage, transportation, schools, fire and police protection, and solid waste collection and disposal are available to serve the property. The proposed development will not negatively impact these public facilities and services.

- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The applicant has not indicated that they own other land that would be suitable for this development. There should be no negative impact on the balance of land uses as the parcels will be redeveloped with residential structures. Additionally, similar PD-H (Planned Development Housing) can be found on many of the adjoining lots. Thus, Staff is of the opinion that the proposed development will have a positive effect on the balance of land uses because it is consistent with what is currently found in the area.
- (4) **Effect on character of the neighborhood:** Staff finds that the proposed PD-H (Planned Development Housing) zoning classification will complement the single-family residential character of the community. The proposed development furthers the character of the neighborhood. Thus, the proposed development should have a positive effect on the character of the neighborhood.
- (5) **Suitability of proposed land use:** NPU-R policy R-1 seeks to preserve the single-family residential areas of the area. The property is in the Suburban Neighborhoods area of Atlanta City Design. The proposed development provides, “*offers homes for families who prefer less-urban lifestyles.*” Staff finds the proposed land use suitable since adjacent lots have a residential use consistent with the rezoning request.
- (6) **Effect on adjacent property:** The proposed development would have no negative impact on adjacent properties. There should be an overall positive effect on the adjacent properties by diversifying the housing in the neighborhood.
- (7) **Economic use of current zoning:** Staff finds that the current zoning has reasonable economic use. However, the rezoning would provide a more efficient use of land by allowing the construction of 8 dwelling units supporting the general housing needs in the city as a whole.
- (8) **Compatibility with policies related to tree preservation:** At the time of permitting the development must comply with the City of Atlanta’s Tree Ordinance.
- (9) **Other considerations:** The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **3170 Mt. Gilead Road SW** is located within a Conservation Area: Suburban. Suburban Areas are described as follows:

These are the peaceful post-war subdivisions designed by the speed and easy distance of automobiles. Many, like Adamsville, Brandon and Perkerson, lack sidewalks, are not as well connected as older neighborhoods, and are often distant from retail and employment areas. Their more generous yards and intervening floodplains, however, provide far less runoff, more habitat and host huge swaths of Atlanta’s tree canopy. In this way, in

addition to offering homes for families who prefer less-urban lifestyles, these neighborhoods provide enormous benefits to the city at large.

(10) **Planned Development Districts:** The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:

- a. **The suitability of the tract for the general type of PD zoning proposed.**
This application is a request for a rezoning to construct 8 single family detached dwellings. Location, the zoning of surrounding properties, and availability of public utilities are elements considered by Staff as satisfactory. Also, Staff is of the opinion that the proposed project would be appropriate and would enhance the character of the area.
- b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** Mt. Gilead Road SW is classified as local street and there are no sidewalks available along either side of the street. MARTA provides bus service to the immediate area along nearby Mt. Gilead Road/Panther trail SW.
- c. **The evidence of unified control.** The applicant will have to demonstrate unified control at the time of permitting.
- d. **The suitability of proposed plans.** The proposed plans entitled “Preliminary Site Plan” stamped received by the Office of Zoning and Development October 3, 2023, appear to be suitable for the development.
- e. **Specific modifications.** Detailed site plans have been submitted with the application.
- f. **The suitability of a maintenance program.** The applicant has provided no information related to a maintenance program for any possible common areas. Staff will require that the development is governed by private covenants to provide for ownership/maintenance of future common areas.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled “Preliminary Site Plan” prepared by JDM Consultants, LLC stamped received by the Office of Zoning and Development on October 3, 2023. Minor changes to the approved site plan may be authorized by the Director of the Office of Zoning and Development in accordance with Section 16-02.003(7) of the Zoning Ordinance.
2. The FAR shall not exceed .50 and the lot coverage shall not exceed 50%.



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MEMORANDUM

TO: Zoning Review Board
FROM: Keyetta M. Holmes, AICP, Director *KMH*
SUBJECT: **Z-23-65 for 215 West Wieuca Road NW**
DATE: January 11, 2024

An Ordinance by Zoning Committee to rezone from R-3 (Single Family Residential) to R-4 (Single Family Residential) for property located at **215 West Wieuca Road NW**.

The applicant has requested to withdraw this application. Staff is supportive of this request.

RECOMMENDATION: FILE



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MEMORANDUM

TO: Zoning Review Board
FROM: Keyetta M. Holmes, AICP, Director *KMH*
SUBJECT: U-23-32 for 215 West Wieuca Road NW
DATE: January 11, 2024

An Ordinance by Zoning Committee for a special use permit for a private school pursuant to Section 16-06.005(1)(b) for property located at **215 West Wieuca Road (aka Chastain Park Avenue) NW**.

The applicant has requested a deferral of this application to continue to work with the NPU. Staff is supportive of this request.

RECOMMENDATION: 30 DAY DEFERRAL – FEBRUARY 2024



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-66 for 2490 Fairburn Road SW**

DATE: January 11, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to MR-4A (Multifamily Residential) for property located at **2490 Fairburn Road SW**.

The applicant requested to continue to work with the NPU. Staff is in support of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL – FEBRUARY 2024



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-69 Waive Section 16-18T.005**

DATE: January 11, 2024

An Ordinance by Councilmember Marci Collier Overstreet to waive certain provisions in Section 16-18T.005 of the City of Atlanta Code of Ordinances related to drive-through service windows so as to allow an eating and drinking establishment at **2841 Greenbriar Parkway SW** to operate a drive-through service window; and for other purposes.

A deferral is requested to allow a meeting with the NPU. Staff is supportive of the request.

STAFF RECOMMENDATION: 60 DAY DEFERRAL – MARCH 2024



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-67 for 714 Moreland Avenue SE**

DATE: January 11, 2024

An Ordinance by Zoning Committee to rezone from MRC-1-C (Mixed Residential Commercial Conditional) to MRC-1-C (Mixed Residential Commercial Conditional) for a change of conditions for property located at **714 Moreland Avenue SE**.

- **Property Location:** The subject property fronts 106 feet on the east side of Moreland Avenue SE beginning on the easterly right of way line of Moreland Avenue at a point 159.00 feet as measured northerly along said easterly right of way line of Moreland Avenue from its intersection with the northerly right of way line of Ormewood Avenue. The property is in the East Atlanta neighborhood, in Land Lot 176 of the 15th District in NPU-W, Council District 5, DeKalb County, Georgia.
- **Property Size and Physical Features:** The subject property is an interior lot situated on Moreland Avenue. It is a regularly shaped lot that spans approximately 0.392 (17,118.19 square feet) acres. The property currently consists of a one-story nonresidential building that houses four tenant suites, a courtyard, a restaurant patio on the southern side of the lot, and 16 parking spaces. Access to the site is provided along Moreland Avenue. The topography of the lot is level, and there is a parking area situated in front of the building. There is no vegetation on the lot except for two trees located on the southern property line and some trees in the rear of the site.
- **CDP Land Use Map Designation:** The current land use designation for the subject property is Mixed Use Low Density within the 2021 Comprehensive Development Plan (CDP)
- **Current/Past Use of Property:** The property presently comprises a one-story commercial building housing four tenant suites. Staff is unaware of any other previous uses on the site.

- **Surrounding Zoning/Land Uses:** The subject property's current land use designation is Mixed Use Low Density and is currently zoned MRC-1-C (Mixed Residential Commercial Conditional). The lots surrounding the property vary in size and shape. To the north, the immediate area is zoned as MRC-1-C (Mixed Residential Commercial Conditional) with Low Density Residential land use designation. To the east, it is zoned R-4 (Single Family Residential) with a Single Family Residential land use designation. To the south and west, it is zoned MRC-1-C (Mixed Residential Commercial Conditional) with a Mixed Use Low Density land use designation.
- **Transportation System:** Moreland Avenue is classified as an arterial road and a state road (State Highway (SR 42 Spur). The nearby area is served by MARTA, specifically the #4 route on Moreland Avenue SE and Hall Street SE, which is located approximately 49 feet from the subject property. The MARTA Inman Park/Reynoldstown Transit Station is located roughly 1.8 miles from the subject property. There are sidewalks present on both sides of Moreland Avenue.

PROPOSAL: The applicant proposes to rezone the property from MRC-1-C (Mixed Residential Commercial Conditional) to MRC-1-C (Mixed Residential Commercial Conditional) for a change in the conditions to allow a hair salon to operate in suite A of the property.

CONCLUSIONS:

1. **Compatibility with comprehensive development plan (CDP); timing of development:** The subject property is designated Mixed Use Low Density (MULD) in the 2021 Comprehensive Development Plan (CDP). The proposed rezoning to MRC-1-C (Mixed Residential Commercial Conditional) for a change of conditions does not change the district's designation.
2. **Availability of and effect of public facilities and services; referral to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. It is important to note that there is no proposed development project. Rather, the change being requested is to allow for a hair salon to operate in Suite A of an existing commercial building.
3. **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulation indicates that this consideration is optional. The applicant hasn't provided any proof that they own other land in the vicinity that is appropriate for this development. The proposed rezoning will not have any harmful impact on the environment or disrupt the balance of land uses. Staff is of the opinion that there will be no negative impact on the balance of land uses. The proposed hair salon is located 500 feet away from any other personal services establishments on a separate parcel, measured from property line to property line. The only other use that is 500 feet away from the subject parcel is a barbershop, and the nearby establishment is supportive of the proposed use.
4. **Effect on character of the neighborhood:** The change in the condition will have a positive impact on the character of the neighborhood. The applicant requests to change the conditions of Section 2 1(b)(i) of Ordinance 12-O-1149 to allow a personal service establishment to operate within 500

feet of another personal service establishment. The Intown Corridor, located along Moreland Avenue, has a mix of residential and nonresidential uses, such as single-family homes, multifamily developments, restaurants, and institutional uses. The proposed use will fill the vacant suite of the subject property with a personal service use establishment, improving the overall appearance and bolstering the neighborhood's character. Furthermore, the rezoning aligns with the Intown Corridor policy #8 and #10 in the 2021 Comprehensive Development Plan (CDP), which states: *IC/RC 8 - Ensure small-scale commercial uses are compatible with the existing residential character and serve neighbors*, and *IC/RC 10 - Connect nearby residents to the areas' jobs and economic opportunities*.

5. **Suitability of proposed land use:** Staff is of the opinion that the proposed change in zoning conditions to allow a personal service establishment is compatible with the zoning along the Moreland Corridor.
6. **Effect on adjacent property:** The proposed use will permit a use in a vacant tenant space along a major corridor in the city and offer small scale services to the residents of the East Atlanta neighborhood. The proposal is supportive of the Intown Corridor policy to *ensure small-scale commercial uses are compatible with the existing residential character and serve neighbors*. Staff does not anticipate that properties adjacent to the subject site would be negatively impacted.
7. **Economic use of current zoning:** Staff is of the opinion that the property currently has economic value; however, adding a personal service use to a suite within an existing commercial building may increase the economic value of adjacent properties.
8. **Compatibility with policies related to tree preservation:** There is no new development proposed at the site, and therefore, no trees will be removed. However, if the property is redeveloped in the future, the redevelopment of the property must comply with the requirements of the City of Atlanta's Tree Ordinance at the time of permitting.
9. **Other considerations:** The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **714 Moreland Avenue SE** is located within a Growth Area within a Corridor. Corridor Areas are described as follows:

These are the connecting tissues of the city; the major streets that flow out of the core in every direction. They stitch Old and New Atlanta together and most of them are commercially developed. Streets like Hollowell, Peachtree and Jonesboro wind along the contours of the city while streets like Metropolitan, Memorial and Northside slice straight lines across hills and valleys. In either case, we find commercial sites, civic buildings, and anchor institutions along the way. With better design, these corridors can become main streets for every community, accommodating a reasonable

amount of growth that will spur commercial vitality and a vibrant public life out beyond the core of the city.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. A personal service establishment may operate at 1149 Moreland Avenue Suite A within 500 feet of another personal service establishment. This amendment to condition 2(1)(b)(i) shall be valid only as long as Local Honey Moreland LLC (“Local Honey”) is the owner and operator.
2. Should either establishment cease operations for 12 months or more Section 2 (1)(b)(i) shall be effective.
3. All other conditions approved per Z-12-31/12-0-1149 shall remain in effect.



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-71 for 3340 Stone Road SW**

DATE: January 11, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) and RG-3 (Residential General Sector 3) to MR-2 (Multifamily Residential) for property located at **3340 Stone Road SW**.

The applicant has requested a deferral. Staff is supportive of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL - FEBRUARY 2024



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-73 for 750 North Evelyn Place NW**

DATE: January 11, 2024

An Ordinance by Zoning Committee to rezone from R-4/WPAHO (Single-Family Residential/Westside Park Affordable Workforce Housing Overlay) to R-4A/WPAHO (Single-Family Residential/Westside Park Affordable Workforce Housing Overlay) for property located at **750 North Evelyn Place NW**.

The applicant has requested a deferral to meet with the NPU. Staff is supportive of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL – FEBRUARY 2024



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-74 for 780 Martin Luther King Jr Drive SW**

DATE: January 11, 2024

An Ordinance by Zoning Committee to rezone from SPI-4 SA-4 (Ashview Heights and Atlanta University Center Special Interest District Subarea 4) to SPI-4 SA-12 (Ashview Heights and Atlanta University Center Special Interest District Subarea 12) for the property located at **784 Martin Luther King Jr Drive SW**.

The applicant has requested a deferral. Staff is supportive of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL – FEBRAURY 2024



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: U-23-33 for 408 Woodward Avenue SE

DATE: January 11, 2024

An Ordinance by Zoning Committee for a special use permit for a place of worship pursuant to Section 16-18V.005 for property located at **408 Woodward Avenue SE**.

FINDINGS OF FACT:

- **Property Location:** The subject property fronts 123 feet on the north side of Woodward Avenue SE, commencing at a bolt at the northeasterly intersection of right-of-way lines Woodward Avenue and Oakland Avenue, thence continuing along the easterly right-of-way of Oakland Avenue 115.72 feet to a point and the point of beginning. The property is located within Land Lot 44 of the 14th District, Fulton County, Georgia in the Grant Park Neighborhood of NPU-W in Council District 1.
- **Property size and physical features:** The subject property is an irregularly shaped corner lot located at the intersection of Woodward Avenue and Oakland Avenue. The property consists of approximately 0.6 (27,007 square feet) acres. The site is currently undeveloped with a surface parking lot. Curb cuts are located on Woodward and Oakland Avenues. The property has minimal vegetation, consisting of manicured grass, bushes, and trees set back from the street and on the property. The property is relatively level.
- **CDP land use map designation:** The current land use designation for the subject property is Mixed Use within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The subject property is currently developed as a parking lot. Staff is unaware of any other previous uses on the site.
- **Surrounding zoning/land uses:** The subject property's current land use designation is Mixed Use and is currently zoned SPI-22 SA4/HC20KSA2 (Memorial Drive/Oakland Cemetery Special

Public Interest District/Grant Park Historic District Commercial Subarea 2). The surrounding zoning to the north is SPI-22 SA4/HC20KSA2 (Memorial Drive/Oakland Cemetery Special Public Interest District Subarea 4/Grant Park Historic District Commercial Subarea 2) with a mixed-use land use designation. To the east, properties are zoned SPI-22 SA4/HC20KSA2 (Memorial Drive/Oakland Cemetery Special Public Interest District Subarea 4/Grant Park Historic District Commercial Subarea 2) with a mixed use land use designation and R-5/HC20KSA2 (Two Family Residential/ Grant Park Historic District Commercial Subarea 2) with a Low Density Residential land use designation. To the South, R-5/HC20KSA2 (Two Family Residential/Grant Park Historic District Commercial Subarea 2) with a Low Density Residential land use designation, and to the west, SPI-22 SA4/HC20KSA2 (Memorial Drive/Oakland Cemetery Special Public Interest District Subarea 4/Grant Park Historic District Commercial Subarea 2) with a mixed use land use designation, I-1/HC20KSA2 (Light Industrial District/Grant Park Historic District Commercial Subarea 2) with a Low Density Residential land use designation, and R-5/HC20KSA2 (Two Family Residential/Grant Park Historic District Commercial Subarea 2) with a Low Density Residential land use designation.

- **Transportation:** This site is bordered by two roads, Woodward Avenue and Oakland Avenue, which are classified as local streets. MARTA bus routes #21 and #107 operate along Memorial Drive and George Street, both of which are less than 0.2 miles away from the property. The MARTA Five Points Transit Station is located approximately 1.3 miles away from the property, while the MARTA Georgia State Train Station is just 0.7 miles away. Sidewalks are present on both sides of Woodward Avenue and Oakland Avenue.

PROPOSAL: Intown Lutheran Church is seeking a special use permit (SUP) to build a place of worship on the site of an existing surface parking lot. The proposed building will have a suite for church activities on nights and weekends, a co-working office suite, and shared spaces such as conference rooms, restrooms, and a lobby. Additionally, there will be a surface parking lot and a walk-up window for coffee and pastries.

- **Ingress and egress:** The building can be accessed from both Woodward Avenue and Oakland Avenue for both entry and exit. Pedestrians can use the sidewalks on both Woodward Avenue and Oakland Avenue to access the site, or they can enter the building directly from the parking lot located at the rear of the building. Vehicles can enter and exit the property through a curb cut on Woodward Avenue. Emergency vehicles can gain access to the property from both Woodward Avenue and Oakland Avenue. The main entrance to the building is on Oakland Avenue with a secondary entrance located on Woodward Avenue. Traffic congestion will not be an issue since there are only sixteen parking spaces proposed and very few cars will be on Woodward Avenue. The facility will only have an estimated fifteen cars traveling to and from the facility throughout the day, every day, and only one delivery of pastries is expected each morning via a delivery van that will park in the parking lot. As there is minimal additional traffic, no road improvements are proposed.
- **Off-Street parking and loading:** Emergency vehicles will park in front of the property on Woodward Avenue and Oakland Avenue, or by accessing the building using the parking lot via the curb cut on Woodward. The property offers parking spaces via the curb cut on Woodward, and off-street parking can also be found on both sides of Woodward Avenue and Oakland

Avenue. Service personnel, employees, and clients can park their vehicles in the proposed parking lot off Woodward Ave. The applicant notes that the place of worship provides ride-share rides for some of the church members who do not own a car. Additionally, there will be dedicated bicycle parking on the site. Some church members bike to services. Some office tenants and church members will arrive by MARTA (King Memorial Station and several bus stops nearby on Memorial). Street parking is available with no restrictions. Some members of the church and office tenants are Grant Park residents and will walk. Additionally, the applicant is seeking a Special Exception from the Board of Zoning and Adjustment to request relief to reduce the total amount of parking needed per case V-23-161.

- **Refuse and services areas:** The applicant has arranged for a private refuse and garbage service for the place of worship, the interior café, and the shared office use on the property. There will be a dumpster in an enclosure provided at the back of the proposed parking lot. Only one dumpster container will be used. The plan is to use a private garbage disposal service, which will pick up the garbage weekly. However, the precise scheduling has not been finalized yet, so it is subject to change. Additionally, limited office supplies will be delivered via parcel services. It is expected that one delivery of pastries will be made every morning via a delivery van that will park in the parking lot.
- **Buffering and screening:** The property is situated at the intersection of Woodward Avenue and Oakland Avenue. Although there is minimal buffering and screening, all activities will occur inside a completely enclosed building. Since the building will mostly be used for office purposes and indoor worship services and meetings, there won't be any excessive noise or glare emanating from the facility.
- **Hours and manner of operation:** The property will primarily serve as a place of worship, with services taking place on Sunday mornings at 9:00 am and 11:00 am, as well as on various nights throughout the week. The building will have three designated uses - a place of worship, an office, and a potential walk-up coffee and pastry window. The church plans to hold Sunday morning services every week and on religious holidays, while also utilizing the building for Bible studies and volunteer groups. However, the place of worship will not have any programs such as "food pantry" or "homeless outreach." The office tenant will use the building during the day from Monday to Friday, between 8am and 6pm, while the potential walk-up coffee and pastry window will serve coffee and pastries made off-site to people on foot, also from Monday to Friday, between 8am and 6 pm. The place of worship will be open to the public on Sunday mornings from 8am to 1pm, and any other gatherings will be by appointment in the evening, usually between 4pm and 8pm. The office portion of the building will be open to tenants from 8am-6pm, Monday through Friday. The potential walk-up coffee and pastry window will be open every day, from 6am to 8pm, but these times are subject to change as details have not been finalized. The place of worship will have two employees working a day shift, while the office will have three. The potential walk-up coffee and pastry window will have three employees working during three shifts. These numbers are estimates since the details have not yet been finalized. The place of worship will serve approximately 100 members, ranging in age from 0 to 100 years old, while the office will serve around 20 clients, aged between 18 and 65. Meals will occasionally be provided to church members and office clients during events. Additionally, the church will occasionally host events such as summer camps, blood drives, and

community meetings. While a few visitors may park on-site, many will arrive on foot, be dropped off in the parking lot, or take MARTA. Overall, the property will serve as a safe, welcoming space for worship, work, and community events.

- **Duration**: The applicant requests an indefinite duration.
- **Required yards and open space**: No changes to the required yards or open spaces have been proposed. They are planning to construct a new building where there is currently a parking lot. The building will not exceed any required setbacks and will be built within the provided open space as per the zoning requirements.
- **Tree Preservation and Replacement**: The applicant aims to conserve the trees situated alongside the streets and sidewalks. However, they have identified a few trees in the parking lot that need to be removed. As a compensation, the applicant has proposed to plant new trees on the premises. The redevelopment of the property must adhere to the City of Atlanta Tree Ordinance during the permit process.

CONCLUSIONS:

- **Ingress and egress**: Congregants, staff, emergency vehicles, and service personnel will access the property at street level from both Woodward Avenue and Oakland Avenue for both entry and exit. Pedestrians can use the sidewalks present on both Woodward Avenue and Oakland Avenue to access the site, or they can enter the building directly from the parking lot located at the rear of the building. Vehicles can enter and exit the property through a curb cut on Woodward Avenue. Emergency vehicles can gain access to the property from both Woodward Avenue and Oakland Avenue. The main entrance to the building is on Oakland Avenue with a secondary entrance located on Woodward Avenue. Staff finds the ingress and egress to be adequate.
- **Off-street parking and loading**: Emergency vehicles will park in front of the property on Woodward Avenue and Oakland Avenue, or by accessing the building using the parking lot via the curb cut on Woodward. The property offers parking spaces via the curb cut on Woodward, and on-street parking can also be found on both sides of Woodward Avenue and Oakland Avenue. Service personnel, employees, and clients can park their vehicles in the proposed parking lot off Woodward Ave. The applicant notes that the place of worship provides ride-share rides for some of the church members who do not own a car. Additionally, there will be dedicated bicycle parking on the site. Some church members bike to services. Some office tenants and church members will arrive by MARTA (King Memorial Station and several bus stops nearby on Memorial). Street parking is available with no restrictions. Some members of the place of worship and office tenants are Grant Park residents and will walk. Additionally, the applicant is seeking a Special Exception from the Board of Zoning Adjustment to request relief to reduce the total amount of parking needed per case V-23-161. Staff finds off-street parking and loading to be sufficient.
- **Refuse and services areas**: The proposed place of worship should have sufficient waste management services provided by the existing private refuse and garbage service. The delivery

vehicles and service personnel will use the existing parking lot, which can be accessed through the curb cut on Woodward Avenue. An enclosed dumpster will be available at the back of the proposed parking lot, with only one container to be used for disposing of garbage. A private garbage disposal service will be utilized that will pick up the garbage on a weekly basis. However, the exact schedule is yet to be determined and is subject to change. Limited office supplies will be delivered via parcel services. It is expected that a delivery of pastries will be made every morning via a delivery van that will park in the parking lot. Considering all these aspects, staff is of the opinion that the refuse and service areas are adequate.

- **Buffering and screening:** The property is located at the intersection of Woodward Avenue and Oakland Avenue. Although there is very little buffering and screening provided, all activities will take place inside a fully enclosed building. The building will mainly be used for office purposes, as well as indoor worship services and meetings. Therefore, there won't be any excessive noise or glare coming from the facility. Staff considers this to be reasonable, as the property must comply with the City of Atlanta noise ordinance and zoning requirements for screening and buffering during the review process.
- **Hours and manner of operation:** The property will primarily serve as a place of worship, with services taking place on Sunday mornings at 9:00am and 11:00am, as well as on various nights throughout the week. The building will have three designated uses - a place of worship, an office, and a potential walk-up coffee and pastry window. The place of worship plans to hold Sunday morning services every week and on religious holidays, while also utilizing the building for Bible studies and volunteer groups. However, the place of worship will not have any programs such as "food pantry" or "homeless outreach." The office tenant will use the building during the day from Monday to Friday, between 8am and 6pm, while the potential walk-up coffee and pastry window will serve coffee and pastries made off-site to people on foot, also from Monday to Friday, between 8am and 6pm. The place of worship will be open to the public on Sunday mornings from 8am to 1pm, and any other gatherings will be by appointment in the evening, usually between 4pm and 8pm. The office portion of the building will be open to tenants from 8am-6pm, Monday through Friday. The potential walk-up coffee and pastry window will be open every day, from 6am to 8pm, but these times are subject to change as details have not been finalized. The place of worship will have two employees working a day shift, while the office will have three. The potential walk-up coffee and pastry window will have three employees working during three shifts. These numbers are estimates since the details have not yet been finalized. The place of worship will serve approximately 100 members, ranging in age from 0 to 100 years old, while the office will serve around 20 clients, aged between 18 and 65. Meals will occasionally be provided to church members and office clients during events. Additionally, the church will occasionally host events such as summer camps, blood drives, and community meetings. While a few visitors may park on-site, many will arrive on foot, be dropped off in the parking lot, or take MARTA. Staff finds the proposed hours and manner of operation to be sufficient.
- **Duration:** The applicant requests an indefinite duration request. Staff is supportive of a three year duration.

- **Compatibility with policies related to Tree Preservation and Replacement:** Redevelopment of the property must adhere to the City of Atlanta Tree Ordinance during the permit process.
- **Required yards and open space:** It has been determined that the required yards and open spaces for the proposed use of the site will remain the same, and staff finds this to be reasonable. However, the applicant can only receive a building permit for the proposed redevelopment after the special use permit has been approved. Additionally, the property must receive its remaining entitlements, such as a Certificate of Appropriateness from the Historic Preservation Department and an approved Special Administrative Permit, followed by reviews from other agencies to ensure compliance with all applicable City codes.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit for a place of worship shall be valid for three (3) years from the date of adoption by the Atlanta City Council, as long as Intown Lutheran Church is the owner and operator.
2. All uses not operated by Intown Lutheran Church, to include summer camps or childcare centers/facilities or any use not operated under the ministries of Intown Lutheran Church are subject to all requirements found in Chapter 18V of the Zoning Ordinance of the City of Atlanta.
3. If Intown Lutheran Church ceases operation in this location any other place of worship is subject to Section 16-18V.005 and will require a special use permit be approved by the City Council of the City of Atlanta before operation.
4. The special use permit is not transferrable.



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JAHNEE R. PRINCE, AICP
Commissioner

KEYETTA M. HOLMES, AICP
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: U-23-34 for 530 Clifton Street SE

DATE: January 11, 2024

An Ordinance by Zoning Committee for a special use permit for a private club pursuant to 16-06.005(1) for property located at **530 Clifton Street SE**.

The applicant has requested a deferral to continue working with the NPU. Staff is supportive of this request.

RECOMMENDATION: 60 DAY DEFERRAL – MARCH 2024



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JAHNEE R. PRINCE, AICP
COMMISSIONER

KEYETTA M. HOLMES, AICP
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-22 for BeltLine Off-Street Parking**

DATE: January 11, 2024

A substitute Ordinance by Councilmembers Jason Dozier, Matt Westmoreland, Liliana Bakhtiari, Jason Winston, Dustin Hillis, Amir Farokhi, Howard Shook, Mary Norwood, Andrea Boone, Keisha Sean Waites and Marci Collier Overstreet to amend **Part III Code Of Ordinances – Land Development Code, Part 16 – Zoning, Chapter 36 “BeltLine Overlay and District Regulations”, Section 16-36.020 Off-Street Parking and Loading Requirements** so as to require no minimum amount of parking; and for other purposes.

The Atlanta BeltLine project is one of the most comprehensive urban revitalization and economic development efforts ever undertaken within the City of Atlanta, and consists of a combination of greenspace, trails, transit, and new development along 22 miles of historic railroad corridor that encircle 45 neighborhoods in the City of Atlanta. The Atlanta BeltLine regulations are intended to preserve and protect existing character and ensure that future development around the Atlanta BeltLine encompasses its goals of providing economic development that increases walkability, uses of alternate modes of transportation and reduces traffic congestion and furthers the urban character of the area, the BeltLine Overlay was created to align these goals with specific zoning requirements for the area immediately surrounding the BeltLine. While still adhering to underline zoning and land use requirements for impacting properties, the BeltLine Overlay provides for additional development standards and prohibits specific uses and restricts parking requirements that are not consistent with the desired goals of the BeltLine development vision.

As the areas around the Atlanta BeltLine continue to further develop, issues such as more demand for parking related to development is starting to increase. While the development and addition of housing, retail, restaurants, and other amenities is important, it is imperative to support through policy the mission of the Atlanta BeltLine to encourage alternate modes of transportation and decrease vehicle trips and usage. It has become evident that changes must be made to the parking minimum requirements by removing such requirements within Chapter 36 BeltLine Overlay District Regulations of the Zoning Ordinance of the city as amended to

ensure that the Atlanta BeltLine and adjacent development and uses fully align with the vision and intention of the system when initially created and as it further develops and that it is not a vehicle traffic generator.

PROPOSAL: This text amendment amends Chapter 36 entitled “BeltLine Overlay District Regulations” Section 16-36.020(1) **Off-street parking and loading requirements**. The scope of these regulations are as follows:

In addition to the provisions of subsection 16-28.008(7), which shall apply and are incorporated herein the following parking requirements shall apply to all permitted uses. (See also sections 16-28.013 and 16-28.014.)

1. *Minimum parking:* With the exception of the minimum parking requirements applicable to Commercial Food Preparation, Delivery-based commercial kitchens, and Eating and Drinking Establishments which shall be determined by the underlying zoning, there will be no minimum parking requirement within the BeltLine Overlay District. The number of off street parking spaces required shall be as followings:

a. ~~For residential uses: Determined by the underlying zoning and any applicable provisions of section 16-28.014, but not more than one space per dwelling units.~~

b. ~~For non-residential uses: Determined by the underlying zoning and any applicable provisions of section 16-28.014.~~

2. *Maximum parking:* No development, unless granted a special exception by the board of zoning adjustment or subject to "2.c" below, shall have parking in excess of:

a. *For residential uses:*

i. One space per each one-bedroom unit.

ii. Two spaces per each two or greater bedroom unit.

b. *For non-residential uses:* The greater of the following either:

i. Ten spaces greater than the minimum parking ~~required~~ as determined by the underlying zoning and any applicable provisions of section 16-28.014; or

ii. Twenty-five percent greater than the minimum parking ~~required~~ as determined by the underlying zoning and any applicable provisions of section 16-28.014.

iii. When the underlying zoning has no minimum requirement, one space per 300 square feet of floor area shall be used to determine conformance with "2.b.i" and "2.b.ii" immediately above.

c. High capacity transit maximums. Paragraphs "2.a" and "2.b" immediately above shall not apply to developments subject to the high capacity transit parking requirement of [section 16-28.014](#) (14).

d. The parking maximums of paragraph “2” immediately above shall not include newly created on-street parking along a public street or private street built to public standards.

CONCLUSIONS:

1) **Compatibility with comprehensive development plan (CDP); timing of development:**

Currently, the text amendment is compatible with the existing land use designations. Therefore, a Comprehensive Development Plan (CDP) amendment is not required.

2) **Availability of and effect on public facilities and services; referrals to other agencies:**

The location of the site and current use of surrounding properties indicate there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services in the area. When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.

3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:**

Since no development project is being proposed, these considerations are not applicable. The proposed text amendment would not change zoning, allowed density or balance of uses of the district. In fact, the zoning text is part of an effort in the area to refine parking allowances in a well-designed, hospitable, and aesthetically pleasing manner. Therefore, Staff is of the opinion that this amendment could only improve the balance of land uses in the area.

4) **Effect on character of the neighborhood:**

Since no development project is being proposed, these considerations are not applicable. However, this text amendment is expected to improve the character of the district and surrounding neighborhoods. The reasons for this include requiring no minimum parking to facilitate safe, pleasant, and convenient pedestrian and bicycle circulation and minimize conflict between pedestrians and alternative transit modes and provide accessible and sufficient parking in an unobtrusive manner by encouraging shared parking solutions and minimizing commercial parking in residential neighborhoods.

5) **Suitability of proposed land use:**

Since no development project is being proposed, this consideration is not applicable. The proposed text amendment would not change land uses either existing or proposed in the district.

6) **Effect on adjacent property:**

Since no development project is being proposed, this consideration is not applicable. Staff does not anticipate any negative effects on adjacent properties from the proposed text amendment. The boundaries of the district would not change, nor would the protection afforded to immediately adjacent neighborhoods of the Atlanta BeltLine be affected. In fact, the expected improved balance of uses with higher urban design standards should enhance and protect the character of the surrounding community.

7) **Economic use of current zoning:**

Since no development project is being proposed, this consideration is not applicable. Although Staff is aware the current zoning has substantial economic uses, this ordinance allows for a more unified pedestrian-oriented built environment. Therefore, it is expected that the market value of properties in the district would only increase because of the additional requirements and the opportunity for convenient and accessible goods and services.

- 8) **Compatibility with policies related to tree preservation:** Since no development project is being proposed, this consideration is not applicable.

- 9) **Other considerations:** A large amount of vehicular traffic drawn to the Atlanta BeltLine and the spillover effects of accessory parking in commercial and office developments has led to increased congestion in the area. The objective of this legislation eliminates minimum parking requirements and allows a market driven response to parking demands.

STAFF RECOMMENDATION: APPROVAL

Z-23-22 BELTLINE PARKING

	NPU						Comments
		Approved	Approval Conditional	Denied	Abstained	No Vote Taken	
Z-23-22 BeltLine Parking	A					1	
	B			1			
	C	1					
	D	1					
	E	1					
	F	1					
	G	1					
	H			1			
	I	1					
	J	1					
	K	1					
	L			1			
	M						
	N	1					
	O			1			
	P	1					
	Q			1			
	R	1					
	S	1					
	T	1					
	V	1					
	W				1		
	X	1					
Y	1						
Z			1				
UDC							
Total:		16	0	6	1	1	



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JAHNEE R. PRINCE, AICP
Commissioner

KEYETTA M. HOLMES, AICP
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta Holmes, AICP, Director *KMH*

SUBJECT: **Z-23-61 for a Text Amendment Cascade Heights Neighborhood Commercial District**

DATE: January 11, 2024

An Ordinance by Councilmember Marci Collier Overstreet to amend Part III Land Development Code **Part 16 Chapter 32 Section 16-32F.002(9)(D) Cascade Heights Neighborhood Commercial District**; and for other purposes.

FINDINGS OF FACT:

The NC-6 (Cascade Heights Neighborhood Commercial District) regulations were adopted in 2009 via 08-O-1020 to maintain the locally serving historically commercial uses on Cascade Road. Since adoption, the character of dining has changed in the neighborhood with an increase in establishments from one to seven. To reflect current trends the text amendment proposes to amend the hours of operation to be more consistent with the operational hours of an eating and drinking establishment.

PROPOSAL: The proposal is a text amendment to the NC-6 (Cascade Heights Neighborhood Commercial District) regulations to amend the regulations for fencing and to amend the hours operation for eating and drinking establishments to not operate between 2:00 a.m. to 6:30 a.m. and No use shall operate as a private club or lodge or offer services to the public between the hours of 11:00 p.m. to 6:00 a.m.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

Staff finds that there are no known public projects or programs with which the creation of this text amendment would conflict. The current land use designations, low density commercial is consistent with the neighborhood commercial zoning district subject to this text amendment, and no land use amendment is required.

(2) Availability of and effect of public facilities and services; referral to other agencies:

The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services to the subject site. When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.

(3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need: Since no development project is being proposed in connection with the text amendment, availability of other appropriate land already zoned for the proposed use is not applicable here.

(4) Effect on character of the neighborhood: The character of the neighborhood has not changed since the NC-6 district was created but the mix of uses has changed to offer a variety of nonresidential uses. The location is immediately adjacent to and serves residents of historic single-family homes and duplexes that are contributing structures and have been used for residential purposes for many decades.

(5) Suitability of proposed land use: The proposed text amendment is suitable given the current use of the land and nonresidential nature of the area. The specific regulations of Section 16-32F of the City of Atlanta Zoning Code as amended will remain in effect and continue to serve to protect the adjacent residential neighborhood from adverse effects.

(6) Effect on adjacent property: There is no presumed negative effect as the use will be unchanged. The low-density commercial nature of the property will remain the same as there are no plans to add to the existing square footage of the building.

(7) Economic use of current zoning: The current zoning and the proposed zoning allow for reasonable economic use of the properties in the subject area.

(8) Compatibility with policies related to tree preservation: Development of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting.

STAFF RECOMMENDATION: APPROVAL



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KEYETTA M. HOLMES, AICP
Director
Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: U-23-27 for 1310 Seaboard Industrial Boulevard NW

DATE: January 11, 2024

An Ordinance by Zoning Committee for a special use permit for a nonresidential use exceeding 7500 sq. ft. in area in which alcoholic beverages are sold or consumed on the premises pursuant to Section 16-44.007(12)(A) for property located at **1310 Seaboard Industrial Boulevard NW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 941.1 feet on the north side of Seaboard Industrial Boulevard NW commencing at a point at the intersection of the north right-of-way line of Seaboard Industrial Boulevard (having a 50-foot right-of-way) with the southeast right-of-way line of Collier Road. The property is located within Land Lot 193 of the 17th District, Fulton County, Georgia in the Underwood Hills neighborhood of NPU-D in Council District 9.
- **Property size and physical features:** The property is approximately 10.6 acres (461,785 square feet). The property is developed with an existing multistory brick building. The topography varies across the lot with multiple grade changes across the lot. Vehicular access to the site is provided via a curb cut along Seaboard Industrial Boulevard. There are mature trees on site, especially in the rear as part of a stormwater detention area, but the landscaping in front of the property is minimal.
- **CDP land use map designation:** The property has a future land use designation of Industrial (I) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is developed with an existing multistory brick structure that previously operated as a manufacturing facility and warehouse. Staff is unaware of any other previous uses on the site.
- **Surrounding zoning/land uses:** The parcels to the north, south, and west are zoned I-2 (Heavy Industrial District) with an Industrial (I) future land use designation. The parcel to the east is zoned I-1 (Light Industrial District) with Medium Density Residential (MDR) future land use.

- **Transportation system:** The site has frontage along Seaboard Industrial Boulevard NW which is considered a local road. MARTA bus route service operates nearby along Chattahoochee Avenue NW. There are sidewalks along both sides of Seaboard Industrial Boulevard.

PROPOSAL:

The applicant seeks a special use permit for a nonresidential use exceeding 7500 sq. ft. in area in which alcoholic beverages are sold or consumed on the premises pursuant to Section 16-44.007(12)(A). The proposed business is K1 Speed, an indoor electric go-kart entertainment facility.

- **Ingress and egress:** There is vehicular access provided to the site via curb cuts along Seaboard Industrial Boulevard. Employees and patrons will both access the facility primarily through the front entrance. Emergency vehicles will continue to access the site from the street.
- **Parking and loading:** Parking for patrons will be accommodated via onsite parking. Currently 888 spaces are required, which makes the site deficient in required parking. The applicant has submitted a special exception to reduce the required parking to 188 spaces per V-23-125. Employees will park on site.
- **Refuse and service areas:** The applicant will use City of Atlanta trash services for scheduled trash collections.
- **Buffering and screening:** The site generates minimal light or air pollution that could impact surrounding uses, and the sound generation is minimal and will comply with standard noise ordinances. The electric go-kart activity will be contained indoors, and will not generate fumes, engine noise, or other similar nuisances that may be associated with conventional gas-powered vehicles. There are no changes proposed to the buffering and setbacks of the site.
- **Hours and manner of operation:** K1 Speed's proposed operating hours are as follows:
 - Monday through Thursday: 12:00 p.m. to 10:00 p.m.
 - Friday: 12:00 p.m. to 12:00 a.m.
 - Saturday: 10:00 a.m. to 12:00 a.m.
 - Sunday: 10:00 a.m. to 10:00 p.m.

The site previously operated as a manufacturing facility and will be converted to an indoor recreation establishment. There is expected to be approximately six (6) employees per shift, with approximately 40 employees total. Business operations occur inside the facility with no outdoor component. The facility will also include a small concession area with food and beer and wine and non-alcoholic beverages for the convenience of race observers. The facility will also include a gift shop, playable video games, and separate spaces dedicated to K1 Speed's business operations. No special programs are proposed.

- **Duration:** The applicant requests an indefinite duration.

- **Required yards and open space:** The applicant has indicated that any of the proposed structures shall comply with the required yards and open spaces. No changes to required yards are proposed.
- **Tree Preservation and Replacement:** Any tree removal on the property will be permitted via the City Arborist.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the plan provided by the applicant the proposal appears to provide adequate access to the site. The site's previous use as a manufacturing facility means the infrastructure in place can easily accommodate a less intense. The applicant also provided details from a traffic study that indicated the traffic generated by the proposed use will not negatively impact this area. Staff is of the opinion that the proposed ingress and egress are sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- b) **Off-street parking and loading:** The applicant has requested a special exception to reduce the required parking to 188 off-street spaces. Although less than the 888 spaces required by the Zoning Ordinance, staff believes 888 spaces would be unnecessary and excessive. The K1 Speed facility is quite large compared to structures of a similar use, but a significant portion of the indoor space will be occupied by the go kart track itself. Similar amusement and entertainment uses do not typically have to devote so much enclosed space to infrastructure, and therefore operate at much smaller building sizes with proportionally lower parking requirements. The 188 spaces proposed should adequately service the proposed use. Furthermore, the building's previous use as a manufacturing facility suggests that its loading capabilities are likely to exceed what is minimally required for the proposed use. Therefore, Staff finds the proposed parking and loading to be sufficient.
- c) **Refuse and service areas:** Staff finds that the proposed refuse and service areas to the rear are sufficient.
- d) **Buffering and screening:** The site generates minimal impact to surrounding uses as most operations will be contained indoors. Minimal changes are proposed to the exterior of the site. The site is physically separated from all adjacent parcels by either a large retaining wall, the right of way, or dense natural vegetation, all of which currently exist on the site and will remain. The buffering and screening as proposed by the applicant appears to be suitable.
- e) **Hours and manner of operation:** The business expects to operate seven days a week, opening as early as 10:00 a.m. and closing at 12:00 a.m. Staff is of the opinion that the proposed hours and manner of operation are typical of an amusement and entertainment establishments and will not negatively impact the surrounding properties. Nearby uses are diverse and include offices, breweries, places of worship, personal services, and a variety of commercial retail. These surrounding uses are of a relatively similar intensity and operate during similar timeframes. There is little to suggest that the proposed hours and manner of operation will not be suitable. Staff finds the proposed hours and manner of operation reasonable.

- f) **Duration:** The applicant requests an indefinite duration. Staff is supportive of a three-year duration.
- g) **Required yards and open space:** The site plan complies with the required yards and open space.
- h) **Compatibility with policies related to tree preservation:** Trees impacted by the development will be reviewed by the City Arborist in accordance with the Tree Preservation Ordinance.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit shall be valid as long as **K1 Speed Inc.** is the operator.
2. The special is not transferrable.
3. The special use permit shall be valid for three (3) years from the date of adoption by the City Council.