



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
www.atlantaga.gov

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-23-68 for 2715 Fairburn Road SW**

DATE: February 8, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing) for the property located at **2715 Fairburn Road SW**.

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL - APRIL 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-23-73 for 750 North Evelyn Place NW**

DATE: February 8, 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**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 100 feet on the west side of North Evelyn Place NW being all that tract or parcel of land lying and being in Land Lot 176 of the 14th District of Fulton County, Georgia, being Lot 388 Block 21 of Fortified Hills Subdivision as per plat recorded at Plat Book 8 Page 149. The property is in Land Lot 176 of the 14th District, Fulton County, Georgia in the Grove Park Neighborhood of NPU J, Council District 9.
- **Property Size and Physical Features:** The subject property is approximately 0.362 acres (15,774 square feet). The site is currently vacant and undeveloped. Vehicular access to the site is not provided. Topography varies slightly across the site, with elevation change of approximately 16 feet between the highest and lowest points on the site. The undeveloped site is densely covered with mature trees and natural vegetation.
- **CDP Land Use Map Designation:** The current land use category for the site is Single-Family Residential (SFR) within the 2021 Comprehensive Development Plan (CDP). A land use amendment is not required.
- **Current/Past Use of Property:** The site is currently vacant and undeveloped. Staff is unaware of any other previous uses of the property.

- **Surrounding Zoning/Land Uses:** The parcels to the north, west, and south are zoned R-4 (Single-Family Residential) with Single Family Residential (SFR) future land use designation. The neighboring parcel to the north is zoned R-4A (Single-Family Residential) with Single-Family Residential (SFR) future land use. The properties to the east are zoned R-4 (Single-Family Residential) with Open Space (OS) future land use designation.
- **Transportation System:** North Evelyn Place NW is considered a local road at this location. MARTA bus service operates nearby to the south along Donald Lee Hollowell Parkway NW. The Bankhead MARTA Transit Station is approximately a mile away.

PROPOSAL:

The applicant requests 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 the development of two new single-family homes and two new ADUs pending subdivision of the lot.

CONCLUSIONS

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The 2021 Comprehensive Development Plan designates the subject property with a Single-Family Residential (SFR) land use which is compatible with the proposed R-4A (Single-Family Residential) zoning. The proposed rezoning will not require a CDP land use amendment.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** There has been no indication from review agencies or departments that there would not be adequate public facilities and services at the subject location. 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. Compliance with all applicable City codes will be required when proposed development plans are submitted to other agencies for permit review.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses. The proposed development would create infill development by replacing the existing vacant lot with single family dwellings without changing the existing low density residential land use. Staff believes the proposed rezoning would maintain the existing balance of land uses in the area.
- 4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a negative impact on the character of the surrounding neighborhood. The 2021 Comprehensive Development Plan places the location within the Traditional Neighborhood Redevelopment Character Area. Policies for this character area encourage compatible infill development on vacant lots to preserve the residential character of the neighborhood and encourage reinvestment into the community. The surrounding area is mostly developed single family detached homes. The Donald Lee Hollowell Parkway Redevelopment Plan supports creating a compatible mixture of residential uses, reserving the interior neighborhoods for single family and low-density

residential development, and identifies the objective to “*Promote infill housing opportunities, reinvestment and new housing construction*” in the area. The introduction of additional single-family and accessory dwelling units on an otherwise unused parcel eliminates a vacant land use and provides more residential density to support the proposed revitalization of this area. However, immediately adjacent lots along the block face have at least 100 feet frontage except. The lot character is not consistent with the 50-foot lot frontage requirement of the R-4A zoning district. Further there are 10 lots fronting the west side of North Evelyn Place. Of those lots, 4 lots, including 750 North Evelyn Place NW have a lot of frontages of 100 ft., 1 lot has a lot frontage of 128 feet, and 1 lot has a lot frontage of 75 feet. All these lots exceed the 50-foot lot frontage in the R-4A zoning district, rendering the proposal to create two 50-foot lots inconsistent with the lot pattern of the block. Therefore, staff does not find the proposed request reasonable.

- 5) **Suitability of proposed land use:** The applicant does not propose to change the existing single-family residential land use, which is compatible with the proposed R-4A (Single-Family Residential) zoning. This proposal does not support the CDP Policy TNR 4 “*Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated*”. The proposal intends to subdivide the existing lot to create two lots that are not consistent with the lot pattern on the North Evelyn block face. All existing lots are 75 feet or more which is more consistent with the existing R-4 lot frontage of 70 feet.
- 6) **Effect on adjacent property:** Based on the stated goals of the Donald Lee Hollowell Parkway Redevelopment Plan and the 2021 Comprehensive Development Plan the existing vacancy in this area, Staff is of the opinion that the proposed development would have a negative impact on adjacent properties.
- 7) **Economic use of current zoning:** There is economic use under the current zoning designation. As currently zoned a single family detached dwelling and an accessory structure may be constructed.
- 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.
- 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, **750 North Evelyn Place NW** is located within a Conservation Area: Urban Neighborhood. Urban Neighborhood areas are described as follows:

These are small-scale, historic, walkable neighborhoods where growth capacity is limited mostly by our desire to keep them the way they are. They are traditional intown communities that were built by the expansion of streetcars a century ago, such as Westview, Grant Park, and Brookwood Park. Most have some form of commercial district within walking distance from

homes, and many include small apartment buildings, townhouses, or two- and three-family homes. Their inherent walkability, historic charm and proximity to downtown make them highly desirable under today's market pressures, and therefore, threatened by even denser development.

STAFF RECOMMENDATION: DENIAL



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-23-75 for 2178 Bicknell Street SW, 0 Bicknell Street SW rear (14 00700001035), 2194 Bicknell Street SW, 2216 Bicknell Street SW, 2228 Bicknell Street SW, 2250 Bicknell Street SW**

DATE: February 8, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing) for property located at **2178 Bicknell Street SW, 0 Bicknell Street SW rear (14 00700001035), 2194 Bicknell Street SW, 2216 Bicknell Street SW, 2228 Bicknell Street SW, 2250 Bicknell Street SW.**

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL – APRIL 2024



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-23-83 for Chapter 18P (SPI 16 Midtown Special Public Interest District)

DATE: February 8, 2024

An Ordinance by Zoning Committee to amend **Chapter 18P (SPI 16 Midtown Special Public Interest District)** of the Atlanta Zoning Ordinance; and for other purposes.

Staff has requested a deferral.

STAFF RECOMMENDATION: 60 DAY DEFERRAL – APRIL 2024



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Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-23-26 for 1492 Piedmont Avenue NE Suite B

DATE: February 8, 2024

An Ordinance by Zoning Committee for a special use permit for outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 District, or that is used as a residential property pursuant to Section 16-11.005(1)(l) for property located at **1492 Piedmont Avenue NE Suite B**.

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL – APRIL 2024



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-23-46 for 1036 Linam Street SE**

DATE: February 8, 2024

An Ordinance by Zoning Committee to rezone from R-5-C (Two-Family Residential Conditional) to MR-2 (Multifamily Residential) for property located at **1036 Linam Street SE**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 40 feet on the south side of Linam Street SE beginning at the intersection formed by the eastern side of Linman Street and the southern side of a ten-foot alley being all that tract or parcel of land lying and being in Land Lot 55 of the 14th District, Fulton County, Georgia in the Peopletown Neighborhood in NPU V, Council District 1.
- **Property size and physical features:** The property is a rectangular-shaped corner lot of 4,813 sq. ft. (0.11 acres). The site is relatively flat, with a wooden fence along the perimeter and a chain link gate closing off the driveway entrance. The site is currently developed with an unoccupied two-family dwelling. The site has mature trees scattered at the perimeter of the lot.
- **CDP land use map designation:** The future land use designation for this property in the 2016 Comprehensive Development Plan is Low Density Residential (LDR) which is compatible with the proposed MR-2 (Multifamily Residential) zoning district.
- **Current/past use of property:** The site is currently developed with an unoccupied two-family dwelling. Staff is not aware of any additional previous activities or other prior uses of the site.

- **Surrounding zoning/land uses:** The surrounding zoning in the area includes R-5-C (Two Family Residential Conditional) to the east, west, south, and north. Only single-family uses are found in immediate vicinity to the site. All adjoining properties have a Low-Density Residential future land use designation.
- **Transportation system:** The subject property has 40 feet of frontage on Linam Street. It is classified as local street. The subject property is served by MARTA via bus route #55 along Hank Aaron Drive located 0.1 miles away from the subject property. There is a sidewalk connection along the west portion of Linam Street SE.

PROPOSAL: The applicant requests to rezone from R-5-C (Two-Family Residential Conditional) to MR-2 (Multifamily Residential) to build a three story, multifamily development.

Development Specifications:

| | |
|--------------------------|---------|
| Dwelling Units: | 4 |
| Current Zoning: | R-5-C |
| Proposed Zoning: | MR-2 |
| | |
| Building Height: | 35 feet |
| | |
| Max FAR: | 0.348 |
| Proposed FAR: | 0.337 |
| | |
| Parking Spaces Provided: | 4 |

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The subject property is designated Low Density Residential (LDR) in the 2021 Comprehensive Development Plan (CDP). The proposed rezoning to MR-2 (Multifamily Residential) for is compatible with the 2021 Comprehensive Development Plan designation of Low Density Residential; thus, a land use amendment will not be required to accommodate the proposed development.
- (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 have 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 assumed available to serve the property.

- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The applicant has not provided any proof that they own any other land in the vicinity that would be suitable for this development. The subject property abuts R-5-C (Two-Family Residential Conditional) to zoning to the east, west, south, and north. The proposed zoning designation is not suitable as it is inconsistent with the stated vision, goals, and policies of NPU V, the Peoplestown Community Redevelopment Plan, Atlanta BeltLine Subarea 2 Plan, and Turner Field Stadium Neighborhoods LCI to support compatible infill development and preserve the character of the area in residential single-family neighborhoods. It would be more appropriate for this parcel to maintain its current zoning designation to remain consistent with the other parcels that front Linam Street SE.
- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have an undesirable effect on the surrounding neighborhood. The immediate abutting and surrounding properties are single family dwellings zoned R-5-C. The property is in the Traditional Neighborhood Redevelopment Character Area, which seeks to “*encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated*”. Additionally, NPU V “*supports initiatives and incentives [...] that aid in the retention of seniors and that support existing and legacy residents remaining in their homes and in the community.*” The MR-2 zoning designation is intended to promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks and to provide appropriately scaled, continuous pedestrian-oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs. The 2006 Peoplestown Community Redevelopment Plan indicates the “*intention in the single-family and low-density residential district is to ensure quality design of houses, which means the new houses need to be built in a manner that is consistent with the traditional characteristics of the neighborhood*”. A guiding principle of the Atlanta BeltLine Subarea 2 plan is to “*preserve and protect single-family and low-rise residential areas*”. One of the community visions in the Turner Field Stadium Neighborhoods LCI seeks to “*cluster density towards the highways and the main corridors while transitioning down towards the neighborhoods*”. Based on the proposed use of the land, density, and proposed zoning category, Staff is of the opinion that the request is not compatible with the character of the neighborhood as well as the adopted City and Neighborhood plans.
- (5) **Suitability of proposed land use:** The subject property is currently built with an unoccupied two-family dwelling. The proposed land use is not suitable as it is inconsistent with the stated vision, goals, and policies of NPU V, the Peoplestown Community Redevelopment Plan, Atlanta BeltLine Subarea 2 Plan, and Turner Field Stadium Neighborhoods LCI to support compatible infill development and preserve the character of the area in residential single-family neighborhoods. It would be more appropriate for this parcel to maintain its current R-5-C (Two Family Residential Conditional) zoning designation to remain consistent with the other parcels that front Linam Street.
- (6) **Effect on adjacent property:** Based on the stated goals of NPU V, the Peoplestown Community Redevelopment Plan, Atlanta BeltLine Subarea 2 Plan, and Turner Field Stadium Neighborhoods LCI, Staff is of the opinion that the proposed development would have a negative impact on adjacent properties. The surrounding parcels and those along the same street frontage are primarily single-family homes. The proposed change would make the site inconsistent with the parcels nearby.

- (7) **Economic use of current zoning:** The property currently has economic use as it can be redeveloped as a two-family dwelling. Maintaining the parcel as two family residential will continue the economic use of the property and the surrounding properties.
- (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) **Atlanta City Design:**

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, **1036 Linam Street SE** is located within an Urban Neighborhood within a Conservation Area. Urban Neighborhoods are described as follows:

“These are small-scale, historic, walkable neighborhoods where growth capacity is limited mostly by our desire to keep them the way they are the traditional intown communities that were built by the expansion of streetcars a century ago, such as Westview, Grant Park and Brookwood Park. Most have some form of commercial district within walking distance from homes, and many include small apartment buildings, townhouses, or two- and three-family homes. Their inherent walkability, historic charm and proximity to downtown make them highly desirable under today's market pressures, and therefore, threatened by even denser development.”

STAFF RECOMMENDATION: DENIAL



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Director
Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board
FROM: Keyetta M. Holmes, AICP, Director *KMH*
SUBJECT: U-23-32 for 215 West Wieuca Road NW
DATE: February 8, 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 to continue working with the NPU. Staff is supportive of the request.

RECOMMENDATION: 30 DAY DEFERRAL – MARCH 2024



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

MEMORANDUM

TO: Zoning Review Board

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

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

DATE: February 8, 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**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 1,572 feet on the south side of Stone Road SW beginning at an iron pin on the southwestern line of the 50-foot right-of-way of Stone Road at the western line of the proposed circumferential highway, said pin being 547.7 feet northwesterly along the southwestern side of said Stone Road from the eastern line of said Land Lot 254. The property is in Land Lot 254, 14th District Fulton County, Georgia NPU-P, Council District 11.
- **Property size and physical features:** The subject property is an irregularly shaped lot with 31.68 (1,379,981 square feet) of acreage. The subject property is currently vacant, undeveloped, and covered in trees and vegetation. The topography varies throughout the site.
- **CDP land use map designation:** The 2021 Comprehensive Development Plan's Future Land Use designation for this property is Single Family Residential and Medium Density Residential. An amendment to the Comprehensive Development Plan will not be needed to accommodate the proposed rezoning and development.
- **Current/past use of property:** The subject property was previously used as a place of worship; however, it is currently vacant and undeveloped. Staff is unaware of any other previous uses on the site.

- **Surrounding zoning/land uses:** The current land use of the subject property is Single Family Residential and Medium Density Residential. The zoning designation is R-4 (Single Family Residential) and RG-3 (Residential General Sector 3). The properties located to the immediate North of the site have an open space land use designation and are zoned R-4 (Single Family Residential) and RG-3 (Residential General Sector 3). To the east, the properties are zoned R-LC (Residential Limited Commercial) and C-1-C (Community Business District Conditional) with a land use designation of low density commercial. To the south and west, the properties have an open space land use designation and are zoned R-4 (Single Family Residential) and RG-2 (Residential General Sector 2) with Single Family Residential land use designation. The land situated to the south and southwest of the subject property is currently occupied by multifamily buildings. Additionally, the subject property and the multifamily complex are surrounded by open space land owned by the City of Atlanta and others. This land stretches to the south, west, and north, across North Camp Creek Parkway.
- **Transportation system:** The property is situated between two local streets - Stone Road and North Camp Creek Parkway, with Interstate 285 to the east. There are two MARTA bus routes - #93 and #66 - that operate near the property. Route #93 runs along North Camp Creek Parkway SW and Stone Road SW, which is 351 feet away from the property, and connects to the MARTA College Park Station. Route #66 operates along Stone Road SW and North Camp Creek Parkway SW, which is 430 feet away from the property, and connects to the Hamilton E. Holmes Transit Station. The College Park Transit Station is approximately 4.6 miles away from the property, while the Hamilton E. Holmes Transit Station is approximately 7.8 miles away. There are no sidewalks along Stone Road and North Camp Creek Parkway.

PROPOSAL: The applicant requests to rezone a 31.68 acre from R-4 (Single Family Residential) and RG-3 (Residential General Sector 3) to MR-2 (Multifamily Residential) for a townhome development with 221 units. The units will be 2 story townhomes with 2 car garages.

Development Specifications

SITE SUMMARY

Site Area 1,379,981 square feet (31.68 acres)

FLOOR AREA RATIO

Maximum Allowable Residential Floor Area Ratio 76,087 square feet/ 1.747 acres

Proposed Townhome Unit Count: 221 Units (20'X45', 1408 Square feet)

Provided FAR 0.225 (311,168 Square feet)

Minimum Required Usable Open Space*: 16.16 AC (0.51* NLA) Per LUI Table Using FAR = 0.230

PARKING SPACES*

Residential – 221 units

Residential Required Spaces: 332 parking spaces (1.5/ Unit) Per LUI Table using FAR = 0.230

Residential Provided Spaces:

| | |
|--------------------------------|-----------------------------|
| Townhome Garage: | 442 parking spaces (2/Unit) |
| Guest Parking | 75 parking spaces |
| Total | |
| Total Required Parking Spaces: | 332 parking spaces |
| Total Proved Parking Spaces | 517 parking spaces |

*Minimum required usable open space shall be provided as further site design is completed.

CONCLUSIONS:

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

The 2021 Comprehensive Development Plan (CDP) indicates that the property in question is designated as single-family residential and medium-density residential. The proposed rezoning of the property to MR-2 (Multifamily Residential) District is consistent with one of the existing land uses, which is Medium Density Residential. However, the proposed rezoning of the site to MR-2 is not consistent with the Comprehensive Development Plan's designation of the land use as Single Family Residential. After careful consideration, Staff believes that Low Density Residential would be more suitable for this development. Therefore, to facilitate the rezoning process, it will be necessary to apply for a land use amendment.

(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. 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 land suitable for proposed use; environmental effect on balance of land uses:

The zoning regulation indicates that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. Staff believes that the proposal to develop the subject property with a townhome development consisting of 221 units and 517 parking spaces would not have an adverse environmental effect on the balance of land uses as the property is in an area with a mix of single-family homes and multifamily dwellings. The intent of the MR-2 zoning district is to provide for multifamily residential housing types that are compatible with single-family neighborhoods and commercial nodes.

- (4) **Effect on character of the neighborhood:** The proposal to rezone the subject property to MR-2 would have a positive impact on the surrounding neighborhood. It would allow for a large, underutilized split-zoned lot to be used for a denser townhome residential development. The purpose of the MR district is *to safeguard existing and developing pedestrian-oriented multi-family residential areas and building forms from incompatible building forms. It also aims to preserve and restore existing, traditional, and pedestrian-scale buildings in established, historic multifamily residential districts.* Additionally, it seeks to create new pedestrian-oriented multifamily residential areas. The subject property, along with the surrounding properties, is within the Suburban Area Character Area of the 2021 Comprehensive Development Plan (CDP). As per CDP policies for this area, *the residential character of the neighborhoods must be preserved.* The proposed development would encourage the development of the 31.5-acre property with 270 townhouse units. These units would be 2-story townhomes with 2-car garages, which will add to the diversity of the housing types in the neighborhood. This development aligns with Policy 2 in the NPU P policy in the 2021 Comprehensive Development Plan, which *encourages residential infill development that is compatible with the character of adjacent areas regardless of whether the developer is a non-profit or profit entity. It also discourages rezoning of existing residential property into commercial zoning except for areas identified for commercial development.*
- (5) **Suitability of proposed land use:** Staff is of the opinion that the property owner's request to rezone the subject property to build a townhome development with 221 units would be appropriate for the neighborhood. However, the current zoning of the property is not compatible with the 2021 Comprehensive Development Plan land use designation for the subject property as Single Family Residential and Medium Density Residential. Staff believes that the applicant's proposed land use amendment to Low Density Residential is more suitable for the surrounding land uses and aligns with the character of the neighborhood. The proposed development is consistent with Low Density Residential, which *primarily consists of detached single-family homes, duplexes, triplexes, quadruplexes, townhomes, and small multi-family developments.* This development is also consistent with the surrounding mix of land uses, including single-family, low-density, open space, and medium-density residential land uses. Policy 1 in the NPU P policy of the 2021 Comprehensive Development Plan aims to preserve the single-family and low-density residential character of existing neighborhoods in NPU-P. The policy also seeks to *protect the existing single-family land use designations throughout NPU-P by maintaining the current ratio (70%) of single-family units to multi-family units as identified in the 2010 Community Assessment Population 20-Year forecast for NPU-P as the minimum threshold.* The staff believes that the proposed development will not diminish the minimum threshold and will maintain the existing character of the neighborhood.
- (6) **Effect on adjacent property:** Staff is of the opinion that the rezoning of the subject property's zoning designation to MR-2 (Multifamily Residential) will not have any negative impacts on neighboring properties. The subject property is surrounded by a mix of uses and intensities, including single-family residences near multifamily residences to the northeast, and immediate west and south, as well as open space to the northwest, west, and south. The proposed development will complement the character of the adjacent properties. The staff believes that the proposed rezoning will contribute to the diversity and density of housing and support a lively and walkable neighborhood.

(7) **Economic use of current zoning:** The property in question currently has two zoning designations, R-4 and RG-3, which allow for economic use. While the current zoning allows for some economic use of the land, a change to the MR-2 (Multifamily Residential) District would allow a more effective economic use of the subject property. The site remains undeveloped indicating that the economic use of the current zoning is not consistent with current development trends. Nevertheless, the proposed rezoning would not have any negative impact on economic use and could potentially have a positive impact on neighboring properties. The new zoning designation would allow for a more effective use of the property while following zoning regulations. Staff believes that the request to rezone the property is reasonable and beneficial. It would encourage development on a vacant lot, improve the quality of life on the property, and enhance the surrounding properties. This, in turn, would promote future development along the street.

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

(8) **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 Atlanta City Design **3340 Stone Road SW**, is located within Conservation Suburban Neighborhoods. Conservation area is the more natural part of the city that we want to protect from radical change. These are composed mostly of single-family homes. Suburban Neighborhoods are described as follows:

“These are 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 for 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”

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. Buildings shall be constructed of the following materials Hardieboard (plank lap siding or vertical siding), or LP Smartside (lap siding or shakes), or Boral TruExterior.



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

DEPARTMENT OF CITY PLANNING
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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-23-74 for 780 Martin Luther King Jr. Drive SW**

DATE: February 8, 2024

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

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

RECOMMENDATION: 30 DAY DEFERRAL - MARCH 2024



CITY OF ATLANTA

ANDRE DICKENS
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JAHNEE R. PRINCE, AICP
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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-23-21 for 826 Juniper Street NE
DATE: February 8, 2024

An Ordinance by Zoning Committee for a special use permit for an eating and drinking establishment that is 5000 sq. ft. or more pursuant to Section 16-18P.005 for property located at **826 Juniper Street NE**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 50 feet on the west side of Juniper Street SW beginning at the intersection of the south right of way of Sixth Street and the west right of way of Juniper Street. The property is located within Land Lot 49 of the 14th District, Fulton County, Georgia in the Midtown neighborhood of NPU-E in Council District 2.
- **Property size and physical features:** The property is approximately 0.1217 acres (5,335 square feet). The property is developed with an existing two-story brick and frame structure. The topography is relatively consistent across the lot since the lot is almost entirely built out. Vehicular access to the site is provided via a rear alleyway that is accessible from Sixth Street. There are no mature trees on site, but there is minor landscaping along the front of the property.
- **CDP land use map designation:** The property has a future land use designation of High Density Commercial (HDC) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is developed with an existing two-story brick and frame structure that previously operated as a massage service and health spa. The site also previously operated as a professional office. 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 SPI-16 SA1 (Midtown Special Public Interest District Subarea 1) with High Density Commercial (HDC) future

land use designation. The parcels to the west are zoned SPI-16 SA3 (Midtown Special Public Interest District Subarea 3) with High Density Commercial (HDC) future land use.

- **Transportation system:** The site has frontage along Juniper Street NE which is classified as an arterial street as well as Sixth Street which is considered a local road. MARTA bus route service operates nearby along Peachtree Street. There are sidewalks along both sides of Juniper Street and Sixth Street.

PROPOSAL:

The applicant seeks a special use permit for an eating and drinking establishment that is 5000 sq. ft. or more pursuant to Section 16-18P.005. The site and the adjacent property to the south (824 Juniper Street), which currently operates as an eating and drinking establishment called 26 Thai, are both owned by the applicant. The building will receive minor additions and then be converted from an existing health spa to an eating and drinking establishment.

- **Ingress and egress:** There is vehicular access provided to the site via a shared alley accessible from the rear of the site at Sixth Street. Emergency vehicles will continue to access the site from the street.
- **Parking and loading:** Parking for restaurant patrons will be accommodated via nearby on-street parking and parking facilities throughout Midtown, as is typical for the neighborhood. Employees will park in the rear area behind the site accessible from Sixth Street.
- **Refuse and service areas:** The applicant will use private trash services for scheduled trash collections. The dumpsters are located off of the rear alley.
- **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. Most of the business activity is conducted indoors or on the front patio area. There are minimal improvements proposed for buffering and screening.
- **Hours and manner of operation:** The site previously operated as a health spa and will be converted to an eating and drinking establishment. The restaurant is expected to operate from 12:00 p.m. to 11:00 p.m. seven days a week. There is expected to be a maximum of sixteen (16) employees at any one time with overlapping shifts. Approximately 150 patrons per day are expected, and no special programs will be offered.
- **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.
- **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 that is typical of the Midtown 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 site does not accommodate any off-street parking for patrons, but does have access for employees in the rear. There are no minimum off-street parking requirements for this use in this zoning designation. The loading areas are located to the rear of the site and will therefore be appropriately screened from the right of way. 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 or on the front patio. Lighting that has been proposed will be designed to minimize impact to adjacent sites. New landscaping is proposed along the front of the site. The buffering and screening as proposed by the applicant appears to be suitable.
- e) **Hours and manner of operation:** Staff is of the opinion that the proposed hours and manner of operation are typical of an eating and drinking establishment and will not negatively impact the surrounding properties. Many similar uses are located directly nearby and function without any indications of incompatibility. Staff finds the proposed hours and manner of operation reasonable.
- f) **Duration:** The applicant requests an indefinite duration. Staff is supportive of an infinite 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 site shall be developed in accordance with the site plan titled "826 Juniper Restaurant" dated November 6, 2023, and stamped received by the Office of Zoning and Development November 28, 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).
2. The special use permit shall be issued to the current operator **Juniper Restaurants LLC** and is non transferrable.

3. The special use permit is limited to the operation of an eating and drinking establishment by the current tenant. The conditional approval granted here is no longer valid if there is a change of tenant.