



# CITY OF ATLANTA

ANDRE DICKENS  
MAYOR

DEPARTMENT OF CITY PLANNING  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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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-23-85 for 8 Charleston Avenue SE and 10 Charleston Avenue SE**

**DATE:** March 14, 2024

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An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to MRC-1 (Mixed Residential Commercial) for property located at **8 Charleston Avenue SE and 10 Charleston Avenue SE**.

### FINDINGS OF FACT:

- **Property Location:** The property fronts 105 feet on the west side of Charleston Avenue SE commencing 144.81 feet from the intersection of the southerly right-of-way line of Livermore Street and the Westerly right-of-way line of Charleston Avenue. The property is in Land Lot 57 of the 14<sup>th</sup> District, Fulton County, Georgia in the Lakewood Heights Neighborhood of NPU-Y, Council District 1.
- **Property Size and Physical Features:** The subject property is approximately .34 acres (14,810.4 square feet) of area. Property located at 10 Charleston Avenue is currently undeveloped and planted with trees. Property located at 8 Charleston Avenue is paved and currently serves as part of a large parking lot. There is vehicular and pedestrian access to the property via two curb-cuts near the northernmost portion of subject properties. There is an incline of approximately 12 feet in topography from the Charleston right-of-way toward the southwest of the subject parcels. About half of the subject property is planted with grass and trees and the other is covered with asphalt paving.
- **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 required for the target zoning designation, and a request has been submitted concurrently with this application.
- **Current/Past Use of Property:** The site is partially vacant and partially paved. The sites 8 Charleston Avenue currently serves as a portion of a large parking lot for a former bank and 10 Charleston Avenue may have been occupied by a residential use in the past. Staff is unaware of any other previous uses of the property.

- **Surrounding Zoning/Land Uses:** The parcels to the north and west have a Mixed Use future land use designation and are zoned MRC-1-C (Mixed Residential Commercial Conditional). The adjacent parcels to the north and west are currently developed with commercial buildings. To the south and east, the adjoining parcels have a future land use designation of Single Family Residential and a zoning designation of R-4 (Single Family Residential). These parcels are generally developed as Single Family Residential with some vacant lots interspersed throughout.
- **Transportation System:** Charleston Avenue is classified as a local street. West of the subject parcels and adjacent to the proposed site as a whole, Highway 54/Jonesboro Road is classified as an arterial. Sidewalks are present on a portion of the Charleston Avenue frontage but are in disrepair. MARTA provides bus service to the area via bus route #155 and #55 with connection to the West End and Five-Points Transit Stations.

**PROPOSAL:**

The applicant seeks to rezone from R-4 (Single Family Residential) to MRC-1 (Mixed Residential Commercial) for the development of a new mixed-use multifamily development consisting of 70 affordable housing units and 7,500 square feet of commercial space.

**Project Specifications:**

**Subject Properties (8 Charleston Avenue SE and 10 Charleston Avenue SE)**

Lot Area (total):	0.34 acres
Maximum Residential FAR:	1.696 (with bonuses)
Proposed Residential FAR:	TBD
Current Zoning:	R-4 (Single Family Residential)
Proposed Zoning:	MRC-1 (Mixed Residential Commercial)
Current Future Land Use:	Single Family Residential (SFR)
Proposed Future Land Use:	Mixed Use (MU)

**Project Specifications:**

**Total Proposed Project (8 Charleston Avenue SE, 10 Charleston Avenue SE, 1700 Lakewood Avenue SE, and 1706 Lakewood Avenue SE)**

Number of Units Proposed:	70 units
Parking Required (Minimum):	78
Parking Proposed:	65
Maximum Residential FAR:	1.696 (with bonuses)
Proposed Residential FAR:	1.689
Maximum Non-Residential FAR:	1
Proposed Non- Residential FAR:	.85

Maximum Total FAR: 2.696  
Proposed Total FAR: 2.546

Bicycle Parking Required: 7  
Bicycle Parking Provided: TBD

Maximum Building Height: 35 feet (within 150-foot buffer of R-4 district)/52 feet (within 300-foot buffer of R-4 District)  
Proposed Building Height: 49.5 feet

Maximum Lot Coverage: 85%  
Proposed Lot Coverage: 60%

## 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; therefore, the proposed zoning district is not compatible. A request to amend the future land use of the site has been submitted concurrently with this application.
- 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. At the time of permitting, the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- 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 is based on the subject property's location, adjoining parcels are already zoned for the proposed use. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses. The site's CDP Character Area designation is "Traditional Neighborhood – Redevelopment", which includes the requested Medium Density Residential (MDR) future land use designation as a "Preferred Future Land Use". CDP Policy TNR-4 "*Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated*" would also be supported by this rezoning request, as these parcels are vacant and have been for an extended period. The 2013 Lakewood Livable Centers Initiative (LCI) study identifies the area as a future "activity node" with Medium Density Mixed Use land use designations along the Lakewood Avenue/Jonesboro Road corridor. The study recommends that "*vacant or underdeveloped lots should be redeveloped with appropriately scaled buildings and new uses to enliven the area,*" including apartments, live-work units and commercial space. The proposed rezoning would therefore have a positive impact on the balance of land uses regarding public need.

- 4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the character of the surrounding neighborhood. The current sites are underutilized and have been vacant for an extended period. As a result of rezoning, the proposed development will provide new and affordable housing stock to the deteriorating neighborhood, commercial uses to serve the nearby residents, and possibly serve as a catalyst for reinvestment in the area.
- 5) **Suitability of proposed land use:** Although the proposed zoning designation MRC-1 (Mixed Residential Commercial) does not comply with the existing future land use designation of Single Family Residential (SFR), a request to amend the future land use designation to Mixed Use (MU) has been submitted. The proposed multifamily development will be an increase in density relative to what has existed previously, but still complementary to the existing single family neighborhood. The 2013 Lakewood LCI Study, as well as the 1998 and 2006 Jonesboro Road Redevelopment Plan recommends infill and multifamily housing in the Lakewood Heights commercial district consistent with the proposed rezoning. The 70 apartment units included in the proposed development will be offered to households earning 80% or less AMI (area median income) thereby supporting Citywide policy CW-10 *“Provide diverse and more affordable housing choices that are accessible for all people.”* The proposed land use is suitable for the parcel.
- **Effect on adjacent property:** Based on the stated goals of the relevant small area plans and underutilization of the subject properties, Staff is of the opinion that the proposed development would have a positive impact on the adjacent properties. The redevelopment of vacant or underutilized parcels into a range of uses (including mixed-use developments) is supported by NPU Y policy as well as the 2013 Lakewood LCI Study. Increased housing choice and commercial uses along Charleston Avenue will have a positive impact on the Lakewood Heights Neighborhood as a whole. The City of Atlanta would benefit from supporting redevelopment proposals such as this one which will elevate underutilized land and create more housing opportunities for residents.
- 6) **Economic use of current zoning:** The property appears to have been vacant and underutilized for an extended period indicating that the existing economic use of the current zoning is limited. The proposed rezoning would significantly increase the economic use of the site and facilitate the redevelopment of vacant, deteriorating nonresidential buildings on the adjacent parcels included in the overall site.
- 7) **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.
- 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 the Atlanta City Design map, **8 Charleston Avenue and 10 Charleston Avenue SE** are 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: APPROVAL**



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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-23-36 for 942 Peachtree Street NE and 952 Peachtree Street NE

**DATE:** March 14, 2024

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An Ordinance by Zoning Committee for a special use permit for a park for hire surface parking lot pursuant to Section 16-18P.005 for property located at **942 Peachtree Street NE and 952 Peachtree Street NE**.

Staff has requested a deferral.

**STAFF RECOMMENDATION: 60 DAY DEFERRAL – MAY 2024**



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Office of Zoning & Development

## MEMORANDUM

**TO:** Zoning Review Board  
**FROM:** Keyetta M. Holmes, AICP, Director *KMH*  
**SUBJECT:** U-24-01 for 215 West Wieuca Road NW  
**DATE:** March 14, 2024

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An Ordinance by Zoning Committee granting a special use permit to sever excess development density (54,450 square feet of residential floor area) pursuant to 16-28.023(2)(d) from **a portion of 2400 Defoors Ferry Road NE (sending parcel)** fronting approximately 750 feet on the south side of Defoors Ferry Road to property located at **215 West Wieuca Road NW (aka Chastain Park Avenue) (receiving parcel)**.

Staff has requested this application be withdrawn.

**RECOMMENDATION: FILE**



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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:** March 14, 2024

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

### FINDINGS OF FACT:

- **Property location:** The subject property fronts 130 feet on the east side of Fairburn Road SW beginning at a point on the easterly right-of-way of Fairburn Road 105.5 feet northerly, as measured along the easterly right-of-way of Fairburn Road 130.0 to a point being all that tract or parcel of land lying and being in Land Lot 5 of the 14<sup>th</sup> District, Fulton County, Georgia in the Ben Hill neighborhood in NPU P, Council District 11.
- **Property size and physical features:** The property is a regular shaped lot of 24,044 sq. ft. (0.55 acres) with a frontage of 130 feet on the east side of Fairburn Road. The site slopes down 20 feet from the high point located along the front property line and the low point located along the southeast corner of the lot. The site is improved with a 1-story frame building with a basement. Access to the property is provided via a curb cut on Fairburn Road. The site has mature trees scattered throughout the lot.
- **CDP land use map designation:** The subject property has a Single-Family Residential future land use designation within the 2021 Comprehensive Development Plan (CDP). A change to a compatible land use designation is required.
- **Current/past use of property:** The property is currently used as a duplex. Staff is not aware of any prior uses of the site.



- **Surrounding zoning/land uses:** The abutting property to the north and east is zoned MR-4B-C (Multifamily Residential Conditional). There are two properties along the southern property line. One parcel is zoned C-2-C (Commercial Service District Conditional) and the other one is zoned R-4 (Single-Family Residential). The parcel located directly across the street is zoned R-4. The existing surrounding uses are primarily low-density neighborhood commercial businesses, except for one single-family home that abuts the site located in the Ben Hill Pines Subdivision.
- **Transportation system:** Fairburn Road is considered a collector street. Sidewalks are present along both sides of Fairburn Road. The subject property is served by MARTA via bus route #183 at the corner of Fairburn Road and Campbellton Road. The closest MARTA Station is the East Point Transit Station located 5.2 miles from the subject property.

**PROPOSAL:** The applicant requests to rezone from R-4 (Single Family Residential) to MR-4A (Multifamily Residential) to build a 40-unit multi-family development with 1,376 square feet of retail space.

**Development Specifications:**

Dwelling Units:	40
Current Zoning:	R-4
Proposed Zoning:	MR-4A
Net Lot Area:	24,044 sq. ft. (0.55 acres)
Gross Lot Area:	25,599 sq. ft. (0.58 acres)
<b>ALLOWABLE FAR BASED GLA</b>	
Max Required 1.49 FAR based on GLA:	38,143 sq. ft.
Proposed FAR:	37,520 sq. ft.
Max Required Non-residential FAR (5% of total floor area):	1,907 sq. ft.
Proposed Non-residential FAR:	1,376 sq. ft.
Proposed Total Number of Units:	40
<b>OPEN SPACE:</b>	
Minimum Required Usable Open Space Required:	11,007 sq. ft.
Proposed Usable Open Space:	12,995 sq. ft.
<b>PARKING:</b>	
Parking Spaces Required:	29
Total Parking Spaces Provided:	31
Residential Bike Parking Required:	4
Non-residential Bike Parking Required:	2
Total Bike Parking Proposed:	6

## CONCLUSIONS:

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

The current land use designation for the subject property is Single-Family Residential; therefore, the proposed MR-4A (Multifamily Residential) zoning district is not compatible. A land use amendment request has been submitted concurrently with this application to change the future land use designation from Single-Family Residential to High Density Residential.

**(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.

**(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 use. The parcels on the east side of Fairburn Road closer to Campbellton Road are zoned MRC-2-C (Mixed Residential Commercial) District, which allows medium density multifamily residential and nonresidential uses with a maximum height of 4 stories (54 feet) per Z-12-12 zoning conditions. The property located at 2440 Fairburn Road (Campbellton Road and the subject property) is zoned MRC-1-C (Mixed Residential Commercial) District and allows medium to low density multifamily residential and nonresidential uses with a 4-story (54 feet) building height maximum per Z-12-12 zoning conditions. The abutting property to the north of the subject site located at 2466 Fairburn Road is zoned MR-4B-C (Multifamily Residential Conditional), which allows medium to low density zero-lot-line single-family dwellings (townhomes). The abutting property to the south located at 2500 Fairburn Road SW is zoned C-2-C (Commercial Service Conditional), which allows medium density multifamily residential uses. On the west side of Fairburn Road parcels are primarily zoned R-4 (Single-Family Residential) but have nonresidential uses and only two parcels are zoned C-1 (Community Business District). At the intersection of Daniel Road SW, parcel is zoned I-1 (Industrial). Those parcels on the east side of Stone Road SW are single-family. Based on the existing zoning designations of the area north of the subject property, medium density multifamily residential and nonresidential uses are envisioned, which would make the subject land suitable for the proposed multifamily building on the site.

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

Staff is of the opinion that the proposed rezoning request is consistent with the character of the existing neighborhood. This project will allow a multifamily apartment in between the abutting MR-4B (Multifamily Residential) and C-2 (Commercial Service District) properties. According to the Campbellton – West Vision Statement found in the Campbellton Cascade Corridors Redevelopment Plan, it seeks to “reestablish the Fairburn and Barge Road area as “Ben Hill Village”, a mixed-used center that connects and builds upon the area’s historic and public resources.” The concept of the Ben Hill Village is to “capture the market strengths of the area and integrate them into a true mixed-use and pedestrian friendly village. These market strengths include a strong residential demand.” This project supports the housing component vision for the Ben Hill Village area, which seeks to “in addition to the retail choices, a range of housing options will be provided including townhomes and possibly a limited number of condominium units

*either clustered in a small project or as units over parts of the retail.” The proposed rezoning will meet the transitional height plane and setback required abutting R-4 Zoning District minimizing visual impact to the abutting single-family dwelling. The proposed rezoning is supported by the following NPU-P policies: P-2 “Encourage residential infill development that is compatible with the character of adjacent areas regardless of the developer is non-profit or profit entity.” P-4 “Provide landscaped and architectural buffers that are sufficient scale and depth between diverse land uses in order to minimize commercial and higher density impact on adjacent low density, single-family residential areas.” P-5 “Support unified development of Ben Hill commercial areas along Campbellton Road SW and its associated community facilities in accordance with the adopted plans such as Cascade Road-Campbellton Road Corridor Plan and the Greenbriar Livable City Initiatives. Encourage street level retail uses with sidewalks and other streetscape improvements in order to maximize pedestrian activity.”*

- (5) **Suitability of proposed land use:** The Campbellton-West Area plan recommends that the Ben Hill Village Redevelopment subarea, which is a catalyst site composed of a collection of seventeen parcels that will allow redevelopment for a mixed-use and pedestrian friendly village. This village is anticipated to include convenience retail, restaurants, and local services. Housing will include *“townhomes and possibly a limited number of condominium units either clustered in a small project or as units over parts of the retail.”* The site abuts the Ben Hill Village area, which makes the proposed land use suitable and complementary to the desired redevelopment envisioned for the area. The proposed project is supported by CDP City Wide Policy #4, which seeks to *“Encourage mixed uses along corridors and centers and provide height and density transitions to adjacent residential areas.”*
- (6) **Effect on adjacent property:** Rezoning the site to MR-4A would create a desirable effect as it will trigger new redevelopment to occur in the Ben Hill Village due to the site’s proximity. The proposed MR-4A zoning designation is consistent with the zoning categories located in the Ben Hill Village, which include MRC-2-C (Mixed Residential Commercial Conditional), MRC-1-C (Mixed Residential Commercial), and MR-4B (Multifamily Residential). Staff is of the opinion that the is in character with the multifamily housing type envisioned along the Campbellton Corridor.
- (7) **Economic use of current zoning:** The property currently has economic use as currently zoned. However, the zoning category requested would allow more economic use of the land.
- (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, **2490 Fairburn Road SW**, is located within a Suburban Neighborhood within a Conservation Area. 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 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.”

**STAFF RECOMMENDATION: APPROVAL**



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Office of Zoning and Development

## MEMORANDUM

**TO:** Zoning Review Board

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

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

**DATE:** March 14, 2024

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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** to operate a drive-through service window; and for other purposes.

### FINDINGS AND FACTS:

Drive-throughs are all about convenience. Customers can order food, pay for it, and receive it – all without leaving their cars. The convenience of restaurant drive-throughs is a primary selling point for hungry customers who want food almost instantly. Drive-through ordering systems help restaurants serve more people than could fit in their dining rooms at any given time. This factor was incredibly important during the pandemic, while indoor seating was limited or prohibited in many parts of the United States and outdoor dining was weather dependent.

### PROPOSAL:

The proposal is to waive the provisions of Section 16-18T.005 to allow a drive-through service window to be located at 2841 Greenbriar Parkway.

### CONCLUSIONS:

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The proposed waiver would not require a land use amendment to the 2021 Comprehensive Development Plan.

- 2) **Availability of and effect of public facilities and services; referral to other agencies:** 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. As the use is currently active, public facilities and services are presumed available.
- 3) **Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need:** Staff believes that waiving the requirements of Section 16-18T.005 will not have a negative impact on the balance of land uses. It would allow for the use of an existing eating and drinking establishment.
- 4) **Effect on character of the neighborhood:** The neighborhood currently has other eating and drinking establishments on nearby and adjacent properties. Waiving the requirements should not have any adverse impact on the character of the neighborhood.
- 5) **Suitability of proposed land use:** The current MU (Mixed Use) land use designation is consistent with the use that will be allowed by the waiver.
- 6) **Effect on adjacent property:** Waiving the drive-through service window prohibition for 2841 Greenbriar Parkway SW should not have a negative effect on adjacent property. The waiver will allow for reuse of an eating and drinking establishment that was constructed with a service window.
- 7) **Economic use of current zoning:** There is economic use under the current zoning, and it is presumed to continue.
- 8) **Compatibility with policies related to tree preservation:** Any tree loss that occurs because of any proposed waiver will have to comply with the City of Atlanta's tree preservation policies.

**STAFF RECOMMENDATION: APPROVAL**



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## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-23-79 for 780 Martin Luther King Jr. Drive SW**

**DATE:** March 14, 2024

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An Ordinance by Zoning Committee to rezone from SPI-4 SA4 (Ashview Heights and Atlanta University Center Special Interest District Subarea 4) to SPI-4 SA4 (Ashview Heights and Atlanta University Center Special Interest District Subarea 12) for the property located at **780 Martin Luther King Junior Drive SW**.

### FINDINGS AND FACTS:

- **Property Location:** The property fronts 107.8 feet on the south side of Martin Luther King Jr. Drive SW beginning at the point of intersection of the northwest right-of-way line of James P. Brawley Drive and the southwest right-of-way in Land Lot 109, 14<sup>th</sup> District, Fulton County, Georgia in the Atlanta University neighborhood of NPU T, Council District 4.
- **Property Size and Physical Features:** The subject property is a .121-acre (5,292 square feet) parcel bounded by Martin Luther King Jr. Drive SW and James P. Brawley Drive SW. The site is developed with a single structure currently used for nonresidential purposes. The topography is consistent throughout the lot with a maximum difference of 15 feet. There is minimal landscaping, with 2 mature trees on site.
- **CDP Land Use Map Designation:** The current land use category for the site is Mixed Use – Medium Density (MU-MD) within the 2021 Comprehensive Development Plan (CDP).
- **Current/Past Use of Property:** The property is currently developed with a singular structure used for nonresidential purposes. The site has not been redeveloped since the –SPI-4 zoning was applied. Staff is unaware of any other previous uses of the property.

- **Surrounding Zoning/Land Uses:** The parcels to the south, west, and east are also zoned SPI-4 SA12 (Ashview Heights and Atlanta University Center Special Interest District Subarea 12) with Low Density Commercial (LDC) and Office-Institutional (O-I) land use designation. To the north, the parcels are zoned SPI-19 SA1 (Vine City Special Public Interest District) with Mixed Use (MU) land use designation.
- **Transportation System:** Martin Luther King Jr. Drive SW is a major intown corridor. Sidewalks are found along both sides of the street and a dedicated bike lane on the next block leading intown. MARTA bus routes also service the nearby area along Martin Luther King Jr Drive SW to the north as well as along James P. Brawley Drive to the east. Additionally, there are 2 MARTA transit stations, Ashby Street and Vine City within a mile radius.

## PROPOSAL:

The proposal is to rezone from SPI-4 SA4 to SPI-4 SA12 to allow the construction of a 4-story 16,000 square foot mixed-use medium density building at 780 Martin Luther King Jr. Drive SW.

## CONCLUSIONS:

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The proposed rezoning would not require a land use amendment to the 2021 Comprehensive Development Plan.
- 2) **Availability of and effect of public facilities and services; referral to other agencies:** 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. As the use is currently active, public facilities and services are presumed available.
- 3) **Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need:** Staff believes that rezoning will not have a negative impact on the balance of land uses. It would allow for additional affordable housing options and align with the lot's designated future land use of Mixed-Use Medium Density (MU-MD) as identified in the Plan A 2021 CDP.
- 4) **Effect on character of the neighborhood:** There is currently student housing south of the lot and nonresidential uses directly across the street would be consistent with the mixed-use designation that will result from the rezoning. Additionally, this rezoning aligns with the Atlanta University Center neighborhood vision statement *to increase housing options and local retail* as outlined in the 2017 Westside Land Use Framework Plan. Staff is of the opinion that there should not be any adverse impact on the character of the neighborhood.
- 5) **Suitability of proposed land use:** The current MU-MD (Mixed Use- Medium Density) land use designation is consistent with the uses that will be allowed by the rezoning. The property is located along a corridor and near transit. Further, the proposed zoning category is consistent with *CW 4 Encourage mixed use along corridors and centers and provide height and density transitions to adjacent residential areas* of the 2021 Comprehensive Development Plan.



- 6) **Effect on adjacent property:** Rezoning 780 Martin Luther King Jr. Dr. SW should not have a negative effect on the adjacent property. The rezoning will allow for higher density as well as affordable student housing options. Adjacent non-residential services may benefit from the number of increased residents and current residence could possibly benefit from the proposed nonresidential intended for the ground level.
- 7) **Economic use of current zoning:** There is economic use under the current zoning. The proposed rezoning would add residential density with a street level commercial component, thus increasing the economic use of the subject property.
- 8) **Compatibility with policies related to tree preservation:** Any tree loss that occurs because of any proposed rezoning will have to comply with the City of Atlanta's tree preservation policies.
- 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 Atlanta City Design **780 Martin Luther King Jr. Drive SW** is located within Growth Area: Core. Core areas are described as follows:

This is the center of Old Atlanta. It includes the city's densest, most traditional, adaptable, and walkable districts. It has an easy capacity for growth, the best transit network and many of the top historic, cultural, and academic assets in the region. It covers Downtown, Midtown, and a larger surrounding territory made primarily of commercial and industrial property. It also includes emerging districts like West Midtown, South Downtown, West End and Castleberry, where better design can solve shortcomings that today limit the capacity for growth.

**STAFF RECOMMENDATION: APPROVAL**



# CITY OF ATLANTA

ANDRE DICKENS  
MAYOR

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JAHNEE R. PRINCE, AICP  
Commissioner  
KEYETTA M. HOLMES, AICP  
Director  
Office of Zoning & Development

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-23-81 for 2228 Pansy Street NW**

**DATE:** March 14, 2024

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An Ordinance by Zoning Committee to rezone from R-4A (Single Family Residential) to R-5 (Two Family Residential) for property located at **2228 Pansy Street NW**.

### **FINDINGS OF FACT:**

- **Property location.** The subject property fronts 65 feet on the north side of Pansy Street NW being all that tract or parcel of land lying in Land Lot 179 of the 14<sup>th</sup> District, being Lot 2, Block I Dixie Hills Extension Subdivision, as per plat recorded in Plat Book 35, Page 56 Fulton County, Georgia, located within the Dixie Hills neighborhood of NPU-J in Council District 3.
- **Property size and physical features.** The site is a rectangular-shaped interior lot of approximately 0.24 acres (7,499 square feet) in lot area. The site is currently developed with an unoccupied duplex. The site has a single curb cut located on Pansy Street NW. There is tall vegetation and mature trees located around the property. The topography of the site gradually inclines from the public right-of-way to the front yard, which contains a retaining wall.
- **CDP land use map designation:** The subject property has a future land use designation of Low Density Residential (LDR) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The structure is currently a two-family structure. The previous owner converted the structure from a single family dwelling to a two family dwelling with no permits and then sold the structure. The property was formerly single family.
- **Surrounding zoning/land use:** Parcels to the north, east, and west are zoned R-4A (Single Family Residential) with Low Density Residential (LDR) land use designation. Parcels to the south are zoned RG-3 (Residential General Sector 3) with Medium Density Residential (MDR) land use designation.

- **Transportation system:** The property is located on Pansy Street NW which is classified as a local street. MARTA serves the area via bus route #867 along Hyacinth Avenue NW and Pansy Street NW, which is 320 feet from the subject property.

### **PROPOSAL:**

The applicant seeks a rezoning from R-4A (Single Family Residential) to R-5 (Two Family Residential) to allow a two family structure.

### **CONCLUSIONS:**

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed zoning is consistent with the existing Low Density Residential (LDR) land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment is not 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 at the subject Site. Compliance with all applicable City codes will be required when the 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:** Staff finds the request to rezone the subject parcel from R-4A (Single Family Residential) to the R-5 (Two Family Residential) zoning classification compatible with the designated future land use of Low Density Residential. The rezoning to R-5 supports the Traditional Neighborhood Redevelopment policy #3 and #4 in the 2021 Comprehensive Development Plan (CDP), which states: “*TNR 3 Prioritize maintaining and rehabilitating existing housing and commercial buildings and TNR 4 Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated.*”, supports the District 3 Westside Revive Master Plan to “*redevelop vacant and underutilized properties for housing and add missing middle housing in existing neighborhoods.*”, and supports NPU-J Subarea Policies to “*increase community stability by promoting diverse housing options.*” Staff believes that allowing a rezoning to R-5 (Two Family Residential) to enable a duplex would positively affect the neighborhood with the redevelopment of this unoccupied structure and will not negatively impact the balance of land uses regarding public needs.
- (4) **Effect on character of the neighborhood:** The proposed two-family residential zoning request would have a positive effect on the low density residential character of the surrounding neighborhood because it is adding housing stock to the limited supply of Housing Choice Voucher (HCV) qualified properties. Staff is of the opinion that the rezoning of the subject property to R-5 would have a positive effect on the neighborhood with the redevelopment of this unoccupied structure while maintaining consistency with surrounding uses along Pansy Street NW. Furthermore, the proposed use will encourage future development and combat the blight in the surrounding area.
- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed use is compatible with the Low Density Residential (LDR) land use designation.

- (6) **Effect on adjacent property:** The development of R-5 (Two Family Residential) in an area zoned exclusively with R-4A (Single Family Residential) development would not have a negative effect on adjacent properties. The development supports goals and policies from Traditional Neighborhood Redevelopment in the 2021 Comprehensive Development Plan (CDP), NPU-J Subarea Policies and District 3 Westside Revive Master Plan. Thus, staff finds that allowing the R-5 zoning category on the subject property and permit the currently vacant structure into by right use would have a positive effect on the surrounding neighborhood.
- (7) **Economic use of current zoning:** There is economic use under the current zoning of the property. However, the economic opportunity of the subject property is limited under the existing R-4A zoning designation because the requirements of the existing zoning district will not allow the redevelopment of the two-family structure. The proposed zoning district would allow the parcel to have a lot that conforms to R-5 requirements. This rezoning, in turn, will allow the rehabilitation of a vacant lot into a duplex in a redeveloping neighborhood.
- (8) **Compatibility with policies related to tree preservation:** The proposed development of this 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, **2228 Pansy Street NW** 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: APPROVAL**



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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:** March 14, 2024

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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. Staff is supportive of the request.

**RECOMMENDATION: 30 DAY DEFERRAL – APRIL 2024**