



CITY OF ATLANTA

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

MEMORANDUM *amended*

TO: Zoning Review Board

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

SUBJECT: **Z-23-63 for 501 Amsterdam Avenue NE, 500 Park Drive (portion), 530 Worcester Avenue, and 538 Orme Circle NE (rear)**

DATE: June 13, 2024

An Ordinance by Zoning Committee to rezone from R-4/BL (Single Family Residential/BeltLine Overlay) and C-1/BL (Community Business District/BeltLine Overlay) to PD-MU/BL (Planned Development/BeltLine Overlay) for property located at **501 Amsterdam Avenue NE (aka 500) and 549 Amsterdam Avenue, 538 Orme Circle NE rear, a portion of 530 Worcester Drive NE and a portion of 500 Park Drive NE.**

FINDINGS OF FACT:

- **Property Location:** The subject property is located at the western terminus of Amsterdam Avenue (500 Amsterdam Avenue) and is bounded by the Atlanta BeltLine and Piedmont Park to the west and Evelyn Street to the north. The property is in Land Lots 54 and 55 of the 17th District of Fulton County, Georgia in the Morningside/Lenox Park, and Virginia Highland neighborhoods of NPU F, in Council District 6.
- **Property Size and Physical Features:** The subject property is approximately 10.91 acres (475,239.6 square feet) of land area. It is currently developed as the Amsterdam Walk shopping center. Vehicular access is provided via Amsterdam Avenue. There is an increase in topography east and south of the proposed site, as well as a significant incline to the west along the Atlanta BeltLine. The subject property is planted with some trees, but mainly consists of retail/former warehouse buildings and surface parking lots.
- **CDP Land Use Map Designation:** The current land use categories for the site are Transportation Communications and Utilities (TCU), Mixed Use High Density (MU-HD), Low Density Commercial (LDC), Open Space (OS), and Medium Density Residential (MDR) within the 2021 Comprehensive Development Plan (CDP). A land use amendment is required for the requested zoning designation, and a request has been submitted concurrently with this application.

- **Current/Past Use of Property:** The property is currently developed as a retail and entertainment complex known as Amsterdam Walk. The structures previously served as warehousing for multiple tenants. Staff is unaware of any previous uses on the site.
- **Surrounding Zoning/Land Uses:** The subject properties are surrounded by several future land use designations and uses including Single Family Residential (SFR), Low Density Commercial (LDC), Open Space (OS), and Transportation/Communications/ Utilities (TCU). The parcels to the south are designated as Single Family Residential (SFR) and zoned R-4/BL (Single Family Residential/BeltLine Overlay) and are developed with single family residential uses. To the east, the adjoining Highland Park residential development is designated as Low Density Commercial (LDC) future land use and zoned C-1/BL (Community Business District/BeltLine Overlay). The property to the north of the proposed site is designated as Open Space (OS), zoned R-4/BL (Single Family Residential/ BeltLine Overlay) and is currently developed to serve as access and facilities to Piedmont Park. The parcel to the west has an Open Space land use designation, zoned R-4/BL (Single Family Residential/BeltLine Overlay) and is currently developed with Piedmont Park.
- **Transportation System:** Amsterdam Avenue is classified as a local street by the City of Atlanta Department of Transportation. Nearby Monroe Drive is classified as a collector street. Sidewalks extend from Monroe Drive to the existing development along Amsterdam Avenue. West of the site, the Atlanta BeltLine provides pedestrian and cyclist connectivity to the subject property as well as plans for future light rail transit. Current estimates anticipate this portion of light rail will be completed in 2035 or later. MARTA provides bus service along Monroe Drive via bus route #809 with connection to the King-Memorial and Lindbergh transit stations. As a Development of Regional Impact (DRI), transportation conditions from the Georgia Regional Transportation Authority (GRTA) are provided.

PROPOSAL:

The applicant seeks to rezone from R-4/BL (Single Family Residential/BeltLine Overlay) and C-1/BL (Community Business District/BeltLine Overlay) to PD-MU/BL (Planned Development/BeltLine Overlay) for the development of a new mixed-use development including 840 residential units, 90,000 square feet of commercial space, and 150,000 square feet of office space. Twenty percent (20%) of the housing units will be available to households earning 80% AMI or less. The applicant also states that 12.5% of the available commercial space will be designated as affordable space for local businesses. Concurrently with this rezoning request, the applicant has applied to amend the CDP Future Land Use designation of the site from Transportation Communications and Utilities (TCU), Mixed Use High Density (MU-HD), Low Density Commercial (LDC), Open Space (OS), and Medium Density Residential (MDR) to Mixed-Use Medium Density (MU-MD).

Project Specifications:

Subject Property (666 Smith Street SW)

Lot Area (total): 10.91 acres (475,239.6 square feet)

Proposed Residential FAR: 1.83

Proposed Non-residential FAR: .50

Current Zoning:	R-4/BL (Single Family Residential/BeltLine Overlay) and C-1/BL (Community Business District/BeltLine Overlay)
Proposed Zoning:	PD-MU/BL (Planned Development/BeltLine Overlay)
Current Future Land Use:	Transportation Communications and Utilities (TCU), Mixed Use High Density (MU-HD), Low Density Commercial (LDC), Open Space (OS), and Medium Density Residential (MDR)
Proposed Future Land Use:	Mixed-Use Medium Density (MU-MD)
Number of Residential Units Proposed:	840
Parking Required (Minimum):	None
Parking Proposed:	1435 Spaces Total

CONCLUSIONS

- 1) Compatibility with Comprehensive Development Plan (CDP); timing of development:** The 2021 Comprehensive Development Plan designates the subject property as Transportation Communications and Utilities (TCU), Mixed Use High Density (MU-HD), Low Density Commercial (LDC), Open Space (OS), and Medium Density Residential (MDR) land use; therefore, the proposed zoning district is not compatible currently. A request to amend the future land use designation 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 will not create an imbalance of uses as the project does not encroach into the surrounding residential area. Much of the site's current zoning allows for commercial, office, and multifamily uses. The property is primarily used for commercial/retail uses at this time.
- 4) Effect on character of the neighborhood:** The subject properties are abutting two neighborhoods: Morningside Lenox Park and Virginia Highlands. Both neighborhood plans prioritize the preservation of existing single-family housing while promoting new residential and commercial development along the Atlanta BeltLine. The 2018 Morningside Lenox Park Master Plan envisions *"The emergence of a broader offering of housing options in and around the neighborhood will strengthen the social connection to the neighborhood by ensuring that various stages of life will be able to find a home in the community"*. The Morningside Lenox Park Master Plan also specifically

recommends Mixed Residential Commercial for this site with specific requirements including a “*Transition height and density so that it is lower where adjacent to single-family residences and higher along the Piedmont Park edges of the properties*”. The 2019 Virginia Highland Master Plan Update references the area’s historic precedent of denser, smaller, and more affordable housing. The plan states that the neighborhood “*supports the adoption of the Inclusionary Zoning Ordinance by the City of Atlanta which will ensure a minimum level of new affordable housing inventory as part of future multifamily residential developed along the BeltLine*”. This plan also supports development along the Atlanta BeltLine that is transit and trails oriented and matches the context of the neighborhood/area. The Virginia Highland Master Plan Update also identifies the portion of the Atlanta BeltLine south of Amsterdam Avenue as particularly sensitive to development due to the abutting rear yards of the historic single-family neighborhood. The subject properties are included in the BeltLine Subarea 6 Master Plan which calls for “*pocket development*” at Amsterdam Avenue and recommends increased density in the area to support a future transit station. The plan describes the vision for the Amsterdam Walk site as follows:

“Amsterdam Walk, like Ansley Mall, remains a successful retail and entertainment development. However, in the long term, it provides an excellent opportunity to capitalize on its adjacency to the BeltLine. The future land use plan for this area is 1-4 story mixed use buildings along the southern and western edge, 5-9 story buildings at the interior of the development and lower density residential buildings along the northern and eastern edges as it transitions back into the existing neighborhood”.

5) **Suitability of proposed land use:** The proposed Mixed-Use development is ideally suited for the proposed site and is supported by both the *Atlanta Comprehensive Development Plan (CDP)* and multiple small area plans. The site’s designated CDP Character Area of Intown Corridor and its location on the Atlanta BeltLine, make the site an optimal location for transit-based mixed-use development. In addition, the proposed use is consistent with recommendations included in the Morningside Lenox Park Master Plan, Virginia Highland Master Plan Update, and the BeltLine Subarea 6 Master Plan. The BeltLine Subarea 6 Master Plan calls for “*pocket development*” at Amsterdam Avenue and recommends increased density in the area to support a future transit station. The topography of the site itself may also help to mitigate nearby residents’ concerns regarding the development’s height, as the site sits below the grade of the surrounding neighborhood. The proposed rezoning is consistent with the CDP land use policies to:

- CW 3 Promote a balance of uses, particularly between jobs and housing, and between retail and housing.
- CW 4 Encourage mixed use along corridors and centers and provide height and density transitions to adjacent residential areas.
- CW 10 Provide diverse and more affordable housing choices that are accessible by all people.
- CW 16 Provide for recreation, retreat, and health, in dense areas by encouraging permanent and temporary outdoor parks, plazas, courtyards, and other private and public open spaces that are safe, well-designed, environmentally sensitive, and activated.
- OS 1 Provide opportunities and greater access to active and passive recreation.
- IC/RC 1 Elevate the distinct character of each Corridor while encouraging density, growth, revitalization, and vibrancy.

- IC/RC 4 Manage the levels of densities along the Corridors so the densest development happens near major intersections, centers, or transit stations.
- IC/RC 13 Support public transit and alternative transportation options.

The proposed rezoning is also consistent with the following NPU F policies to:

- F-2 Discourage further strip development. Encourage consolidation and redevelopment of existing strip retail centers to be compatible with adjacent neighborhoods using neighborhood commercial zoning principles.
 - F-4 Promote individual mobility and provide improved and safer conditions and facilities for pedestrians and cyclists.
- 6) **Effect on adjacent property:** Based on the proposed amended site plan, Staff is of the opinion that any possible negative impacts the proposed development may have on the surrounding neighborhood have been thoroughly addressed and mitigated through vigorous community meetings and the resulting proposed zoning conditions.
- 7) **Economic use of current zoning:** The site is a successful retail development, but is not used to its highest potential, given both its current zoning designation and location along the Atlanta BeltLine. The proposed rezoning presents an opportunity for more sustainable and economically diverse use of the site.
- 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. The City's Arborist Division has already provided comments to the applicant regarding the preservation of three mature trees onsite.
- 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, these parcels on **500 Park Drive NE (portion), 530 Worcester Avenue NE, 501 Amsterdam Avenue NE, and 538 Orme Circle NE (portion)** are located within a Growth Area: Corridors. Corridors 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:

GENERAL

1. The property shall be developed in accordance with the site plan entitled Rezoning Site Plan prepared by Kimley-Horn dated May 8, 2024, and stamped received by the Office of Zoning and Development on May 10, 2024 (the "Site Plan"). Minor changes to the Site Plan may be authorized by the Director of the Office of Zoning and Development in accordance with Section 16-02.003(7).
2. Subject to written approval by Atlanta BeltLine, Inc., the affordable housing requirement in Section 16-36A.004 shall be modified to allow the required affordable units to be unequally distributed among the proposed residential buildings. The number and type of units required shall not be impacted.

CONSTRUCTION

3. During construction, construction staging shall occur on site.
4. Subject to approval by the City of Atlanta Department of Watershed, during construction, the developer shall make the proposed Evelyn Street access to the project the main construction entrance and prioritize use of Evelyn Street for construction access through signage and direction to their contractor(s).

USES

5. Self-storage use is prohibited.
6. Drive-through uses are prohibited; provided, however, drive-throughs located completely within buildings or structures shall be permitted.
7. Eating and drinking establishment exhaust hood ventilation shall include scrubbers on grease ducts if discharged through a sidewall.
8. Service stations as defined by the Zoning Code which includes locations that dispense gasoline are prohibited.

PARKING

9. Parking provided for the project shall not exceed the lesser of (a) 1435 spaces or (b) the sum of (i) 0.85 spaces per bedroom for residential uses and (ii) 0.85 spaces per 300 square feet for nonresidential uses. Parking may be shared among the uses via a shared parking agreement. To minimize parking provided, a portion of the residential parking shall be shared with a portion of the office parking.
10. The project shall provide a minimum of 150 publicly accessible bike parking spaces in addition to the bike parking required for the project pursuant to Section 16-28.014(6). Provision of the required bike parking may be phased to align with phased construction. Bike parking shall conform to industry best practices on bike parking.
11. The project shall provide a minimum of 100 electric vehicle parking spaces. Provision of the required electric vehicle parking spaces may be phased to align with construction.
12. The facade of an above ground parking structure directly abutting the residential lots fronting

- Highland Park Lane shall be wrapped with an intervening building along the abutting façade.
13. The façade of an above ground parking structure directly abutting the residential lots fronting on Orme Circle shall be wrapped with architectural screening along the abutting façade for portions of the parking structure façade located at or below a finished floor elevation of 888 feet.
 14. All other portions of the parking structure façade directly abutting the Orme Circle fronting lots shall be wrapped with an intervening building along the abutting façade. Architectural parking deck screening shall include durable, architecturally finished materials designed to cover a minimum of 55% of the exposed frontage to obstruct views of the structure and vehicles. Screening design shall be part of a holistic design approach for each building.
 15. Parking deck lighting shall be designed to reduce light spillage onto adjacent properties by providing cutoff luminaires which have a maximum 90-degree illumination.
 16. Any mechanical ventilation exhaust from a parking structure shall be directed up and away from residential uses exterior to the project.
 17. Clearly designated pedestrian paths with visibility shall be provided through parking areas to the public sidewalk or building entrance to provide a safe pedestrian crossing. Paths shall be designated with materials such as paint, elevated crosswalks, or changes in materials.

OPEN SPACE, TREES, LANDSCAPE

18. A minimum of 20% of the net lot area of the project shall be provided as usable open space. As used herein, useable open space shall be defined as set forth in Section 16-28.010(5)(a) except those balconies for residential units above sidewalk level, patios located above the ground level that are not accessible to the public and outdoor dining shall not count as useable open space.
19. The transitional yard buffers identified on the Site Plan shall not be utilized for parking, paving, loading, servicing or any activity except for private alleys or drives up to ten feet in width. Such yards shall be planted as approved by the Arborist and maintained as a landscape strip planted with midstory or overstory trees, subject to approval by the City of Atlanta Arborist. A minimum eight-foot permanent opaque fence/wall shall be provided where a transitional yard buffer is required and shall have a flat top.
20. A streetscape consisting of a minimum five-foot landscape buffer zone, a minimum six-foot clear zone and trees planted a maximum of 30 feet on center shall be provided on both sides of the internal private street located on the property connecting Amsterdam Avenue to Evelyn Street; provided, however, the minimum streetscape may be modified to the extent needed to accommodate a pedestrian plaza design. Subject to approval by the City of Atlanta Arborist, only midstory or overstory trees shall be utilized in the landscape buffer zone for the required tree plantings.
21. Subject to approval of the City of Atlanta Department of Watershed Management and ATLDOT, a minimum five-foot landscape buffer, a minimum 10-foot multi-use path and trees planted a maximum of 30 feet on center shall be provided on one side of Evelyn Street between the Atlanta BeltLine and Monroe Drive. Subject to approval by the City of Atlanta Arborist and City of Atlanta Department of Watershed Management, only midstory or overstory trees shall be utilized in the landscape buffer zone for the required tree plantings.

22. Subject to approval by ATLDOT, the streetscape along the northern side of Amsterdam Avenue shall be revised to provide a minimum six-foot multi-use path. Subject to approval by ATLDOT, where the existing right-of-way width permits, the multi-use path shall be widened to a minimum of 14 feet.
23. Subject to approval by the City of Atlanta Arborist, the developer shall satisfy tree recompense requirements through replanting rather than payment of recompense.

DENSITY, HEIGHT

24. The maximum residential building square footage developed on the property shall not exceed 940,000 square feet.
25. The maximum nonresidential building square footage developed on the property shall not exceed 240,000 square feet.
26. In the event the 1.9018-acre portion of the property located on the western property boundary and identified as “BeltLine Tract” on the Site Plan is developed separately from the balance of the property included in this application, the density allowed to be developed on the property shall be allocated as follows:
 - a. The BeltLine Tract shall be allocated no residential square footage and 50,000 nonresidential square footage; and
 - b. The 8.2303-acre property identified as “Main Parcel” on the Site Plan shall be allocated 940,000 residential square feet and 190,000 nonresidential square feet.
27. The building height shall be restricted between 85 feet and 180 feet. A building with more than 50 percent of the building square footage utilized as office use shall not exceed 140 feet in building height measured from finished grade in accordance with Section 16-29.001(27).
28. No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the required 20-foot setback/transitional yard on the property where the property abuts the protected properties and extending inward over the property zoned PDMU at an angle of 45 degrees. As used herein, “protected properties” shall mean (i) lots abutting the property with frontage on Orme Circle, NE or Highland Park Lane NE and 520 Park Drive NE (See diagram at Section 16-29.001(62) – Transitional height plane diagram 1).
29. No portion of any structure shall protrude through a height limiting plane beginning 15 feet above the western lot line of 569 Amsterdam Avenue NE and extending inward over the property zoned PDMU at an angle of 45 degrees, provided this transitional height plane shall not extend more than 150 linear feet (measured along the ground) from the western lot line of 569 Amsterdam Avenue NE up to and into the subject property (See diagram at Section 16-29.001(62) – Transitional height plane diagram 2).

URBAN DESIGN

30. The following standards shall be applicable to all buildings in the project:
 - a. Unfinished concrete, concrete masonry units, plywood, hard coat stucco and vinyl siding shall be prohibited as exterior façade materials on buildings.
 - b. Due to the proximity of the park and its potential attraction to migratory birds, the developer shall follow the construction guidelines in U.S. Green Building Council Credit: Bird Collision Deterrence. As a part of the special administrative permit application, developer shall submit to the Office of Zoning and Development

- documentation prepared by a certified professional that the buildings, if constructed as proposed, achieve the U.S. Green Building Council standard. The actual certification from the U.S. Green Building Council shall not be required.
- c. The developer shall follow the construction guidelines in U.S. Green Building Council Credit: Light Pollution Reduction. As a part of the special administrative permit application, developer shall submit to the Office of Zoning and Development documentation prepared by a certified professional that the buildings, if constructed as proposed, achieve the U.S. Green Building Council standard. The actual certification from shall the U.S. Green Building Council not be required.
 - d. Building service areas shall be screened from view from any adjoining residential use and the BeltLine.
 - e. Rooftop equipment shall be screened from view from any adjacent properties. If rooftop condensing units are implemented on the roofs of multi-family buildings, a screen to deflect noise away from adjacent residential areas shall be implemented.
 - f. Dumpsters for buildings adjacent to adjoining residential properties shall be located entirely within the building or parking structure.
31. The following standards shall be applicable to buildings in the project with office use as more than 50 percent of the building square footage:
- a. Active commercial uses such as retail or eating and drinking establishments shall be provided on the ground floor of the building.
 - b. To create visual interest, the sidewalk level exterior building façade for nonresidential uses shall (i) be differentiated architecturally from the upper levels of the building, (ii) vary along the building elevation, (iii) not be homogenous, (iv) include changes in texture and (v) vary in depth, height and change of plane.
 - c. The building shall incorporate a variety of materials, such as, but not limited to, glass, metal, stone and masonry.
 - d. Exterior patios or balconies shall be provided for office use.
 - e. If any building has more than six floors above sidewalk level, then starting above the sidewalk level the building floor plates shall be stepped back and/or forward so that no more five floors are the same plane on the building facades abutting the public right-of-way.
 - f. At sidewalk level the building façade shall not exceed 60 feet in length without interruption by at least one of the following architectural features: (a) projection or recess in the wall plane of at least six inches in depth; (b) change in material, texture or pattern; or (c) change in the fenestration pattern.
 - g. A minimum of 50 percent of the portion of the building façade containing office use shall be vision glazing on the stories above sidewalk level.
32. The following standards shall be applicable to the residential buildings in the project:
- a. A minimum of 40 percent of the portion of the building façade containing residential use shall be glazing on the stories above sidewalk level.
 - b. A minimum of 50 percent of residential dwellings shall have balconies.
 - c. Provide individual unit entrances for sidewalk level residential uses.
 - d. Building facades shall incorporate a variety of articulation techniques to reduce visual mass such as vertical and horizontal banding, material changes, façade plane changes, vertical and horizontal recesses, window composition and design, balconies, or terraces.

- e. Exterior Insulation and Finish Systems (EIFS) shall not be used for the first 25 feet of building height above grade on any façade facing either a public right-of-way or a publicly accessible area.
- f. Simulated internally divided lite windows shall be prohibited.
- g. The eastern façade of the building abutting the adjacent lots fronting on Highland Park Lane shall incorporate the following design standards:
 - i. The facade massing shall be broken into no fewer than two massings.
 - ii. Each massing shall be broken up by (1) varying along the building elevations, (2) not being homogenous, (3) including changes in texture and (4) varying in depth, height and change of plane.
 - iii. At a minimum, the top story shall be set back a minimum of five feet and delineated with a differing material or texture to break the height visually.
 - iv. Balconies on this side of the building shall not protrude past the exterior face of the building except for Juliette balconies.

TRAFFIC CALMING, EXTERNAL SITE IMPROVEMENTS

- 33. The developer shall support legislation requiring all transportation impact fees generated from this development will be allocated to measures to mitigate traffic and promote pedestrian and bicyclist safety within the vicinity of the project as recommended by the Morningside-Lenox Park Association and the Virginia-Highland Civic Association
- 34. Granite curbs shall be provided along both sides of Amsterdam Avenue, west of Monroe Drive.
- 35. The project will have at least two points of vehicular access, one from Amsterdam Avenue and one from Evelyn Street.
- 36. Developer will advocate to the Atlanta City Council to have transportation impact fees generated by the project directed to the following transportation improvements:
 - a. Cumberland Road and Monroe Drive Intersection. Raised, repainted, or just generally more prominent crosswalks and designated bike lanes leading up to the intersection.
 - b. Monroe Drive Intersection With:
 - i. Hillpine Drive– Pedestrian bulbout (as identified on page 105 of the Morningside-Lenox Park Master Plan dated October 2018 and incorporated in the Atlanta 2016 Comprehensive Development Plan pursuant to City of Atlanta Ordinance 18-O-1591 (“the MLPA Master Plan”));
 - ii. Sherwood Road – Pedestrian bulbout (page 105 of the MLPA Master Plan); and
 - iii. Yorkshire Road – Pedestrian bulbout (page 105 of the MLPA Master Plan).
- 37. Subject to approval by ATLDOT and existing right-of-way to accommodate the improvements, developer shall implement the following improvements located outside of the project site.
 - a. Ensure safe and convenient bicycle access to the BeltLine from Amsterdam Avenue and, subject to approval by the Department of Watershed Management, Evelyn Street, without use of stairs. Any ramps should be designed to ensure usability from a wide range of mobility devices including double-wide strollers, cargo bicycles, or other larger mobility devices.
 - b. Subject to approval by the BeltLine, at least two bicycle accessible connection points shall be provided from the property to the BeltLine.
 - c. Subject to the approval of the Department of Watershed Management, car queuing stack space shall be maximized on Evelyn Street/Worcester Street.

- d. Subject to the approval of the Department of Watershed Management, Piedmont Park Conservancy and the Atlanta Botanical Gardens, and to the extent a gated ticket booth is utilized, the developer shall relocate the existing gated ticket booth on the adjacent Evelyn Street as far west as commercially reasonable.
- e. The development shall not have a vehicular connection to Orme Circle or Park Drive.
- f. Amsterdam Avenue and Monroe Drive Intersection. Install raised, repainted, or just generally more prominent crosswalks + designated bike lanes leading up to the intersection., with a “Don’t Block the Box” treatment included.
- g. Evelyn Street and Monroe Drive Intersection. Install raised, repainted, or just generally more prominent crosswalks + designated bike lanes leading up to the intersection.
- h. Monroe Drive and Orme Circle Intersection. Install Rapid Flashing Beacon
- i. The following MLPA Master Plan traffic calming projects shall be installed:
 - i. Amsterdam Avenue – Install the following MLPA Way Infrastructure
 1. Bike markings (page 83);
 2. Wayfinding signs (page 83);
 3. Pedestrian bulbouts (page 105).
 - ii. Cumberland Road– Install the following MLPA Way Infrastructure
 1. Bike markings (page 83);
 2. Wayfinding signs (page 83); and
 3. Pedestrian bulbouts (page 105).

Installation of paver crosswalks shall not be required as part of this condition.

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

38. Provide pedestrian connectivity between all buildings, uses, existing and future pedestrian access points.
39. To the maximum extent possible, new driveways and intersection corners where pedestrians and cyclists will cross should be constructed with minimal curb radii to reduce speeds of turning vehicles and decrease crossing distance for pedestrians.
40. Coordinate with the City of Atlanta to improve bicycle and pedestrian connectivity along Amsterdam Avenue.
41. Coordinate with private property owner (City of Atlanta Watershed) to improve bicycle and pedestrian connectivity along Evelyn Street (private road).
42. Coordinate with the Atlanta BeltLine to provide direct connectivity between the site and the BeltLine.
43. Coordinate with MARTA to consider improvements and/or relocation of bus stops along Monroe Drive routes.
44. Coordinate with MARTA to consider design elements that could support bus route and long-range planned Atlanta Streetcar connectivity in the vicinity of the project site.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Amsterdam Walk Development

45. The proposed development is to provide vehicular access via two (2) access points.

Driveway A (Evelyn Street)

46. Coordinate with the City of Atlanta Watershed Department to determine the exact geometry, control, and connection between Amsterdam Walk site and Evelyn Street.
47. Driveway A is to be full movement and provide access to the entire site.

Driveway B (Amsterdam Avenue)

48. Amsterdam Avenue exists and is to remain full-movement access to continue to provide access to the entire site.

Atlanta BeltLine Connectivity

49. Coordinate with the Atlanta BeltLine to provide direct connections to the Atlanta BeltLine and Piedmont Park along the west frontage of the site.

Atlanta Streetcar Connectivity

50. The development is to provide an access point to the long-range future Atlanta Streetcar.



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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-24-12 for Security Video Technology**

DATE: June 13, 2024

An Ordinance by Councilmember Andrea L. Boone to waive the City of Atlanta's Sign Ordinance to allow **security video technology** to be integrated with **suspended signs** to encourage service stations to install surveillance cameras by helping to offset any costs that any such businesses may incur related to the installation thereof; and for other purposes.

FINDINGS AND FACTS:

There are a significant number of violent crimes that occur at convenience stores and service stations. Video surveillance cameras have proven to be an effective tool for law enforcement officers in apprehending criminal offenders. monitoring services and artificial intelligence technology exists to make security video even more beneficial for purposes of public safety. Such technology will be provided to high-traffic service stations without charge to the service station when integrated with a suspended sign that can be used for public safety and public service messaging in addition to commercial advertising.

The system contemplated by the legislation is expensive to purchase, operate and manage. The component of the system that allows advertising subsidizes the total cost of the system and supporting program. The LED messaging contemplated is not just advertising. The messaging can include amber alerts, public safety announcements and other community information messaging. The cameras associated with the system proposed by the legislation have AI capabilities. The cameras associated with the system proposed will provide Flock Safety. (already in use by the City of Atlanta). The cameras associated with the system proposed by the legislation will be linked to the VIC program as well. The cameras associated with the system will be monitored 24 hours per day for real-time, electronic reports to the Atlanta Police Department and other local law enforcement agencies as determined appropriate by the Atlanta Police Department. The 24-hour monitoring is a critical distinction from the camera legislation already adopted by the City of Atlanta. In this regard, real-time reporting of crimes while they are happening provides law enforcement to use the cameras as a preventive tool, instead of only

when law enforcement can use the camera footage as an investigative tool after the fact. The cost for the city to monitor cameras at all service stations 24 hours per day would be cost-prohibitive without a camera program like the one contemplated by the foregoing legislation. There is no cost to the City of Atlanta residents, or service station owners for the camera system contemplated by this legislation to be implemented.

PROPOSAL:

The proposal is to waive the provisions of Chapter 28A to waive the requirements in Sections 16-28A.010(1)(a), 16-28A.010(2)(a), and 16-28A.010(3)(a) of one sign per each street frontage, to waive the requirement in Sections 16-28A.010(5)(a), 16-28A.010(6)(a), 16-28A.010(7)(a), 16-28A.010(8)(a), 16-28A.010(9)(a), 16-28A.010(10)(a), 16-28A.010(11)(a), 16-28A.010(22)(a), 16-28A.010(23)(a), and 16-28A.010(31)(f) of three total building signs permitted per building establishment, to waive the requirements of Sections 16-28A.010(5)(a); 16-28A.010(6)(a), 16-28A.010(7)(a), 16-28A.010(8)(a), 16-28A.010(9)(a), 16-28A.010(10)(a), 16-28A.010(11)(a), 16-28A.010(22)(a), 16-28A.010(23)(a), and 16-28A.010(31)(f) that a suspended sign authorized pursuant to this ordinance will not be included in the calculation of ten percent of the total area of the front wall of each business, to waive Sections 16-28A.010(8)(a), 16-28A.010(9)(a), 16-28A.010(10)(a), 16-28A.010(11)(a), 16-28A.010(12)(b), and 16-28A.010(13)(d) that a suspended sign authorized pursuant to this ordinance will not count towards the limitation of only one of the building signs being a suspended or projected sign, to waive Sections 16-28A.010(19)(c)(iii) and 16-28A.010(24)(a) that a suspended sign authorized pursuant to this ordinance will not count towards the allowable number of signs and to waive Sections 16-28A.010(61)(c) and 16-28A.010(51)(c) that a suspended sign will be permitted in the district.

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. The intent of the Sign Ordinance is to protect the health, safety and general welfare of the citizens of the City of Atlanta, and to implement the policies and objectives of the comprehensive development plan of the City of Atlanta through the enactment of a comprehensive set of regulations governing signs in the City of Atlanta.
- 3) **Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need:** No land is being proposed to be rezoned and no land use amendments are being considered. The effect on the balance of land uses with regard to the public need is unaffected as the use that is being affected is permitted in several zoning districts subject to a distance requirement or prohibited subject to zoning conditions or to an adopted zoning overlay.

- 4) **Effect on character of the neighborhood:** The character of the neighborhood may be affected by an increased number of signs that would be allowed per the waiver. Given the proximity of service stations to residential neighborhoods and to neighborhood aesthetics should the waivers be granted. Staff is of the opinion that the increased number of signs proposed will negatively impact the use patterns of established zoning districts and permit specific types of signs in zoning districts inconsistent with the uses, intent and aesthetic characteristics of those districts. Staff will support the erection of a suspended sign that is a part of the allowed building signage per the respective zoning district.
- 5) **Suitability of proposed land use:** Service stations are permitted in non-residential and mixed residential districts subject to a 1500 ft distance requirement in the city. The land use is unchanged. There would be no change in land use pertaining to the waiver from regulations of the Sign Ordinance. Therefore, Staff notes that it is not applicable regarding the proposed legislation.
- 6) **Effect on adjacent property:** Staff does not anticipate any negative effect on adjacent property. The city already allows video messaging above fuel pumps at gas stations. The use of cameras would be increased with the proposed allowance should the legislation be adopted to increase public health and safety by allowing cameras that monitor service stations 24-hours per day for real-time, electronic reports to the Atlanta Police Department to assist with law enforcement.
- 7) **Economic use of current zoning:** There is economic use under the current zoning, and it is presumed to continue. The allowed use is not changing only signage allowances, therefore any economic use currently assumed will 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 OF SUBSTITUTE ORDINANCE

Z-24-12 Surveillance Cameras

	NPU	Approved	Approval Conditional	Denied	Abstained	No Vote Taken	Comments
		Z-24-12 Surveillance Cameras	A			1	
	B			1			
	C			1			
	D			1			
	E			1			
	F			1			
	G			1			
	H		1				
	I	1					
	J						
	K		1				Condition: No financial benefit should come to the gas station owners from the video footage captured of patrons.
	L	1					
	M	1					
	N						
	O			1			
	P	1					
	Q			1			
	R	1					
	S			1			
	T	1					
	V	1					
	W			1			
	X	1					
	Y			1			
	Z	1					
	UDC						
	Total:	9	2	12	0	0	



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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-24-25 for 3265 Argonne Drive NW

DATE: June 13, 2024

An Ordinance by Zoning Committee to rezone from R-2 (Single Family Residential) to R-3 (Single Family Residential) for property located at **3265 Argonne Drive NW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 100 feet on the east side of Argonne Drive NW beginning at a point on the northeasterly side of Argonne Drive NW 173 feet southeasterly from the intersection of the northeast side of Argonne Drive with the southeast side of Moores Mill Road, being all that tract or parcel of land lying and being in Land Lot 142 of the 17th District of Fulton County, Georgia in the Argonne Forest Neighborhood of NPU A, Council District 8.
- **Property size and physical features:** The property is a regular, nonconforming lot with a frontage of 100 feet on the east side of Argonne Drive NW. It is approximately 0.457 acres (19,917 sq. ft.) and has a depth of 198 feet. The property currently contains a mostly demolished remnant of the previous 1950s ranch-style single-family home, with only the basement foundation and basement cinderblock walls remaining in addition to the driveway and curb cut. Topography varies across the lot, with an approximately 18-foot difference between the highest and lowest point on the site, with the highest point at the northwest corner of the parcel and the lowest point at a section near the midpoint of the southern property line. The lot has vegetation, trees, and grass. There is a curb cut and driveway located on Argonne Drive NW for access to the property. The lot currently does not conform to R-2 lot requirements by its minimum street frontage, which is 100 ft when the code states that R-2 lots be 150 ft, or its minimum lot area, which is 19,916 sq ft when the code states that R-2 lots should be 1 acre (43,560 sq ft).

- **CDP land use map designation:** The subject property is currently zoned R-2 (Single-Family Residential). The future land use designation is Single Family Residential (SFR) in the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** Staff is not aware of a previous use of the land or the property's conditions before this time.
- **Surrounding zoning/land uses:** The surrounding properties to the west, north, and east are currently zoned to R-2 (Single-Family Residential) and contain single family homes. The surrounding properties to the south are currently zoned to R-3 (Single-Family Residential) and contain single family homes. All adjoining properties also have a Single Family Residential (SFR) land use designation.
- **Transportation system:** The subject property has frontage on Argonne Drive NW, which is classified as a local road. The closest MARTA bus serving this property is route #12 at the intersection of Northside Drive NW and Moores Mill Road NW located 2.8 miles away from the subject property. There are no sidewalks found along the entire block face of Argonne Drive NW.

PROPOSAL: The applicant requests to rezone from R-2 (Single-Family Residential) to R-3 (Single-Family Residential) to allow for increased floor area ratio to perform proposed renovations to a single-family house at **3265 Argonne Drive NW**.

Project Specifications:

Dwelling units:	1
Net lot area:	19,916 square feet (0.457 acres)
Proposed FAR:	0.40
Lot coverage:	0.35
Front setback:	35 feet
Side setback:	7 feet
Rear setback:	15 feet

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) has designated the subject parcel as Single Family Residential (SFR). Rezoning the subject site to R-3 (Single Family Residential) is compatible with the current land use designation, therefore an amendment to the Comprehensive Development Plan (CDP) 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.

- (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. Staff is of the opinion that the proposed zoning district is not suitable and will have a negative effect on the balance of land uses. In this area of the Argonne Forest neighborhood all properties on the north side of Chateau Drive NW are zoned R-3. NPU-C policy C-2 states, “Protect and preserve existing single-family land uses throughout NPU C”. The balance of land uses may be negatively affected by changing the zoning of the property to allow a smaller lot and and increase the allowable FAR next to other homes. The applicant requested a variance (V-23-50) that was approved by the BZA. This approval granted the reduction in both side yards for the construction of an addition under the .30 FAR allowed by the R-2 (Single Family Residential District). Staff found the lot to be deficient in lot width by 50 feet and lot size by 23,644 square feet. Staff also found the with the construction of a second story addition to the existing home within the building footprint the degree of nonconformity would not increase. Per Section 16-24.004(2)(a) *One- and two-family residential structures:* Should such nonconforming one- or two-family residential structure or nonconforming portion of structure be destroyed, by any means, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided said reconstruction does not increase the previously existing degree of nonconformity and further provided that said reconstructed structure is used for a permitted use. The home has been demolished, however, there is no demolition permit that has been issued for this property. The current R-2 zoning district is suitable for the reconstruction of this property and is consistent with the stated intent of the district per 16-04.002(2) *To encourage growth in a manner compatible with existing development.*
- (4) **Effect on character of the neighborhood:** The subject property is in the Traditional Existing Neighborhood Redevelopment Character Area in the 2021 Comprehensive Plan, which supports the following policy: “*Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated.*” The property was purchased by the current owners in March 2023 with the single-family home intact with the intent to begin a series of renovations. The scope of work for V-23-50 stamped submitted in March 2023 stated, “*Renovate and install first- and second-floor additions to existing single-family dwelling.*” At the time, the house had encroachments into the north side setback with the edge of the garage 1.6 ft from the northern property line and the south side setback with the edge of the house 9.5 ft from the southern property line. The building permit application submitted in August is for a second-floor addition, kitchen and family room addition and renovation to the main floor and basement of an existing house with the pool permit to be submitted separately by the pool contractor. The applicant changed the scope of work after the variance was approved by the BZA. The building plans were approved with all new interior and exterior framing on the first and second floors (as there was no second floor on the house at the time) and most of the walls in the basement would be retained. If the rezoning were approved the dwelling with increased FAR would not be consistent with the character of the other homes on the north side of Chateau Drive or those fronting Argonne and would not be supportive of NPU C policy to “*Protect and preserve existing single-family land uses throughout NPU C*”.

- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed use is compatible with the Single-Family Residential land use designation. The future land use designation for this property is single family residential. Staff is of the opinion that the applicant's Building Permit (BB-202306356) and current site conditions do not constitute the consideration of the house as being demolished as there is no demolition permit that was issued by the city. The applicant has been given relief to hardships imposed by the lot and can construct a home that is consistent with the R-2 zoning regulations and the state intent of the district.
- (6) **Effect on adjacent property:** All surrounding properties to the west, north, and east are currently zoned to R-2 (Single-Family Residential) and contain single family homes. The properties to the south are currently zoned to R-3 (Single-Family Residential) and contain single family homes. All adjoining properties also have a Single Family Residential (SFR) land use designation. However, properties immediately adjacent to the subject lot on three sides are the same zoning district and have the same residential character. Rezoning to R-3 would not allow additional permitted principle uses and structures but will be regulated by different development controls and may make other properties on the north side of Chateau Drive vulnerable to an incompatible character.
- (7) **Economic use of current zoning:** The property was previously used for a single-family dwelling, but the building has been demolished. Under the current residential zoning district economic uses are retained.
- (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: 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, **3265 Argonne Drive NW** is located within a Suburban Neighborhood within a Conservation Area. Suburban Neighborhoods are described as follows:

“These are the peaceful post-ware 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: DENIAL



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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 *RMA*

SUBJECT: Z-24-33 for 1181 Howell Mill Road NW

DATE: June 13, 2024

An Ordinance by Councilmember Dustin Hillis to waive certain provisions of Chapter 28A (Sign Ordinance) of Part 16 (Zoning) of the City of Atlanta Code of Ordinances to authorize erection of a freestanding sign at 1181 Howell Mill Road; and for other purposes.

FINDINGS OF FACT:

A sign permit application was submitted to the Office of Buildings (OOB) requesting to erect a freestanding sign on vacant property located at 1181 Howell Mill Road. Section 16-28A.013(b)(2)(b) of the Sign Ordinance, requires all applications for sign permits shall either be issued or denied within thirty days of their submission. Application number BS-202300054 to erect a freestanding sign was submitted on January 19, 2023. OOB reviewed application number BS-202300054 and determined the sign was not authorized pursuant to Section 16-28A.010(11)(c) of the Sign Ordinance, which prohibits the erection of a freestanding sign on a vacant parcel. OOB did not provide a formal denial of application number BS-202300054 until outside of the thirty-day window required under Section 16-28A.013(b)(2)(b) of the Sign Ordinance. The applicant filed a timely Board of Zoning Adjustment appeal (V-23-132) of OOB's denial of application number BS-202300054. Because of the delay in administering a decision on application number BS-202300054 within the statutory time frame, OOB desires to issue a permit to the applicant to erect a freestanding sign. To do so Section 16-28A.010(11)(c) must be waived.

PROPOSAL:

The proposal is to waive Section 16-28A.010(11)(c) of the Sign Ordinance to allow the Office of Buildings to issue a sign permit for the construction of a billboard located at 1181 Howell Mill Road NW.

CONCLUSIONS:

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.

Availability of and effect on public facilities and services; referrals 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.

Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need: Staff believes that waiving the requirements of Section 16-28A.010(11)(c) will not have a negative impact on the balance of land uses.

Effect on character of the neighborhood: The neighborhood currently has other signage on nearby and adjacent properties. Waiving the requirements should not have any adverse impact on the character of the neighborhood.

Suitability of proposed land use: The current MU (Mixed Use) land use designation will allow permitted principal uses and accessory uses for zoning districts it is compatible with. The proposed use will ensure the protection of free speech rights under the State and United States Constitutions within the City of Atlanta.

Effect on adjacent property: The waiver will allow the construction of a sign that would not otherwise be permitted. The proposed sign will be located on vacant property.

Economic use of current zoning: Staff does not anticipate that the approval will have any negative economic impacts on the economic use of the land.

Compatibility with policies related to tree preservation: Should any trees be impacted; it will have to comply with the Tree Ordinance of the City.

STAFF RECOMMENDATION: APPROVAL



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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-24-34 for 1230 Beechview Drive SE and 1234 Beechview Drive SE**

DATE: June 13, 2024

An Ordinance by Councilmember Liliana Bakhtiari to zone property located at **1230 Beechview Drive, SE, and 1234 Beechview Drive, SE, Atlanta, GA 30316** to the R-4 (Single Family Residential) zoning district; and for other purposes.

FINDINGS OF FACT:

- **Property location:** The property to be annexed is east of the City of Atlanta limits fronting Beechview Drive. The subject property is located southwest of single-family lots zoned R-4 (Single Family Residential) in the City of Atlanta. The property is near the East Atlanta Neighborhood of the City of Atlanta, which is located within NPU W, Council District 5.
- **Property size and physical features:** The subject parcels are approximately .63 acres (27,007.2sq. ft.) and are developed with single-family residential structures. The topography of the subject site is relatively level with a few shrubs and grasses and mature trees located throughout.
- **CDP land use map designation:** Recommendations for compatible land use designation in accordance with recommended zoning designation will be presented at a public hearing conducted by the Community Development/Human Services Committee (CD/HS) of the Atlanta City Council. Land use designation proposed for the subject lot is Single-Family Residential. The land use is substantially comparable to the subject area's current land use designation in DeKalb County.
- **Current/past use of property:** The parcels are currently developed with single-family residential structures and have a Traditional Neighborhood Character Area land use designation and Residential Medium Lot (R-75) zoning in DeKalb County. Staff is not aware of any previous uses of the site.

- **Surrounding zoning/land uses:** In DeKalb County, the surrounding parcels have Traditional Neighborhood Character Area land use designation and residential zoning R-75 (Residential Medium Lot) District. The parcels are located east of the City of Atlanta boundary. Parcels west of the subject site within the City of Atlanta are zoned R-4 (Single Family Residential) District and have a land use designation of SFR (Single Family Residential).
- **Transportation system:** Beechview Drive is a two-lane local street without sidewalks. MARTA service is provided by bus route #4 along Moreland Avenue, S.E. with connection to the Inman Park Transit Station.

PROPOSAL:

The ordinance proposes to zone property upon annexation into the corporate limits of the City of Atlanta to the R-4 (Single Family Residential) zoning district.

The intent of the City of Atlanta R-4 (Single-Family Residential) District follows:

To provide for the protection of existing single-family communities and the development of new communities on lots of medium size at a density of not more than one dwelling unit per 9,000 square feet. To provide for the development of recreational, educational and religious facilities as basic elements of a balanced community.

Similar to the R-4 (Single-Family Residential) zoning district, the DeKalb County R-75 (Residential Medium Lot 75) District is intended to provide for the protection of neighborhoods within the county where lots have a minimum area of 10,000 square feet. To provide for compatible infill development in neighborhoods. To provide protections for existing development as new subdivisions are created. To provide flexibility in design on the interior of new development while protecting surrounding development. To assure that the uses and structures authorized in the R-75 (Residential Medium Lot 75) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for county residents and to implement the Future Development Map of the County's most current Comprehensive Plan.

CONCLUSIONS:

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

A recommendation for compatible land use designation in accordance with a recommended zoning designation will be presented at a public hearing conducted by the Community Development/Human Services Committee (CD/HS) of the Atlanta City Council. The Land Use Designation proposed for the subject property is Single-Family Residential. The proposed land use designation is substantially comparable to the subject sites current land use designation in DeKalb County.

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

There are available public facilities and services (i.e. water supply, sewerage, drainage, transportation, schools, fire and police protection and solid waste collection and disposal) for the proposed annexation area.

(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 annexation, availability of other appropriate land already zoned for the proposed use is not applicable here. Because the property owners seek annexation, the City of Atlanta must zone the property upon annexation. The proposed zoning will not have an adverse environmental effect on the balance of land uses because it will retain the current zoning and use as in DeKalb County.

(4) Effect on character of the neighborhood: The uses permitted by the proposed zoning will have a positive impact on the surrounding neighborhoods because they are materially the same as the ones currently permitted in DeKalb County.

(5) Suitability of proposed land use: The proposed request to zone the property to R-4 (Single-Family Residential) District is suitable given the current use of the land and residential nature of the surrounding area. The uses within this proposed district are compatible to the current zoning designation in DeKalb County.

(6) Effect on adjacent property: The proposed zoning district will have a positive impact on the surrounding neighborhoods because it is materially the same as the one currently permitted in DeKalb County.

(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.

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-24-12 for 2071 Hosea L Williams Drive SE

DATE: June 13, 2024

An Ordinance by Zoning Committee for a special use permit for a day care center and playground pursuant to Section 16-06.005(1)(b) for church property located at **2071 Hosea Williams Drive SE**.

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

RECOMMENDATION: 60 DAY DEFERRAL – AUGUST 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: U-24-13 for 499 Broyles Street SE

DATE: June 13, 2024

An Ordinance by Zoning Committee for a special use permit for a private school pursuant to Section 16-06.005 for property located at **499 Broyles Street SE**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 47.53 feet on the west side of Broyles Street SE beginning at the southwest corner of Broyles Street and Sidney Street. The property is in Land Lot 53, 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 a corner parcel with approximately 47.53 feet of frontage and .163 acres (7100.28 square feet). The parcel is currently developed with a 2-story brick and frame building with a footprint of approximately 4,082 sq. ft and a finished basement. There is a side door entrance via Sydney Street SE to the basement which along with the ground floor, is being used for classroom space. The top floor is reserved for the administrative office, teacher's break room, and supplies. The site is also improved with a rear patio and a gravel driveway at the existing wide curb cut abutting an alley. There is ample street parking available along both Broyles and Sydney Street.
- **CDP Land Use Map Designation:** The current land use category for the site is Low Density Residential within the 2021 Comprehensive Development Plan (CDP).
- **Current/Past Use of Property:** The parcel is currently developed with a 4,082 square-foot two-story building, with a basement, that was previously used as a single-family dwelling but has been operating as a "homeschool co-op" since 2022. Staff is unaware of any other previous uses of the property.
- **Surrounding Zoning/Land Uses:** The parcels to the north, south, east, and west are zoned R-5 (Two-Family Residential) with a Low-Density Residential future land use designation.

- **Transportation System:** Broyles Street is considered a local road, while Sydney Street is considered a collector street. Both streets have sidewalks on both sides of the street and on-street parking. The nearest MARTA bus routes are #9 on Boulevard and #832 near Grant Park.

PROPOSAL:

The applicant proposes a special use permit for a private school pursuant to 16-18C.006 to operate a private school.

- **Ingress and egress:** No vehicles are expected to enter or leave the property due to the location and nature of the school. Main access is on Sydney Street, currently, there is a wide curb cut and gravel pad in the rear to allow minimal access to the property. The micro nature of this academy requires minimal vehicular access as the teachers and learners live in the community, also the school encourages carpooling, walking, and bikes as alternative commuting options. The limited vehicular access will not cause traffic congestion or impede normal traffic flow as this neighborhood's school hours are outside peak traffic times.
- **Parking and loading:** On-street parking is available on both Sydney Street and Broyles Street, and due to the nature of the school, clients don't stay onsite long to impede traffic or street parking for neighbors. Additionally, the school encourages alternate forms of transportation which further limits the vehicular impact to the surrounding properties.
- **Refuse and service areas:** The school has a low waste/sustainability program that produces minimal refuse. Currently, waste produced by the school is disposed of in the normal city garbage services, requiring no need for private garbage disposal. Supplies are currently delivered off-site and will continue. Service personnel will have access to the property on foot by parking their vehicles on the street or via a curb cut on Sydney Street.
- **Buffering and screening:** A soundproofing membrane was installed onsite to buffer noise from adjoining properties and the use of natural/low lights, will not have a negative affect on its neighbors. There is also a fence in the rear of the lot to buffer vehicles coming from the rear alley onto Sydney Street.
- **Hours and manner of operation:** Wythe Academy, which has been operating as a "homeschool co-op" since , will be open 5 days a week Monday through Friday from 8:30 am to 3:30 pm. There will be two full-time employees (teachers) on-site during operating hours, with another employee (director) on a hybrid schedule. There is an expectation of 20 clients (students) of ages ranging from 4-10 years old.
- **Duration:** The applicant requests a duration of two years for the special use permit.
- **Required yards and open space:** No changes to the required yard and open space are proposed.
- **Tree Preservation and Replacement:** Trees will conform to the City of Atlanta Tree Ordinance for public property.

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:** Emergency vehicles and service personnel will access the site via the curb cut available on Sydney Street. There is ample street parking available on both Sydney and Broyles Streets for parents and employees. Wythe Academy also encourages alternate forms of commuting to their campus including carpooling, cycling, and walking which further limits the negative impact on the traffic flow for this neighborhood.
- b) **Off-street parking and loading:** The student's parents are not expected to stay onsite for an extended time as drop off and pick up are set outside of peak traffic times. There is no off-street parking available, and supplies are delivered offsite. There is a curb cut available on Sydney Street that would allow service vehicles access to the property. Staff believes the proposed parking and loading are sufficient for the proposed use.
- c) **Refuse and service areas:** There is no plan to request private trash disposal. The academy currently has a sustainability plan that limits the waste produced onsite. The micro nature of the school and the sustainability plan allow the school to continue using the regular city refuse pick-up.
- d) **Buffering and screening:** The academy installed soundproofing material on site to create a noise barrier and installed low lighting to limit the impact on adjoining properties. The fence in the rear of the property also creates a barrier between the site and vehicles using the alley. Staff finds buffering and screening adequate.
- e) **Hours and manner of operation:** Wythe Academy will operate Monday – Friday from 8:30 am to 3:30 pm. There will be three employees onsite, two of which will work full-time during operating hours and the other will operate on a hybrid schedule. Staff finds the hours and manner of operation sufficient for the proposed use.
- f) **Duration:** The applicant seeks a two-year duration for the special use permit. Staff is supportive of the request but recommends a three-year duration.
- g) **Required yards and open space:** There are no yard or open space requirements.
- h) **Compatibility with policies related to tree preservation:** There are no trees on site.
- i) **Other Considerations:**

Consistency with 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, **499 Broyles Street SE**, is located within a Growth Area: Urban. The Urban Grown Area is 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 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 conditioned upon the following:

1. The special use permit shall be valid for 3 years from the date of adoption by the Atlanta City Council.
2. The special use permit shall be valid as long as Wythe Academy is the operator.
3. The special use permit is not transferable.



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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: June 13, 2024

An Ordinance by Zoning Committee to rezone from R-4/WPAHO (Single-Family Residential/Westside Park Affordable Workforce Housing Overlay) to PD-H/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 in 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 an 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 R-4 (Single-Family Residential) 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. 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 PD-H/WPAHO (Planned Development Housing/Westside Park Affordable Workforce Housing Overlay) for the development of two new single-family homes and two new ADUs.

Project Specifications:

Dwelling units:	4
Net lot area:	15,775 square feet (0.362 acres)
Gross land area:	15,950 square feet
Proposed FAR:	0.23
Lot Coverage:	0.43
Parking spaces required:	2
Parking spaces provided:	6
Front setback:	35 feet
Side setback:	7 feet
Rear setback:	15 feet

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 PD-H (Planned Development Housing) 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. NPU J Policy J-1 in the 2021 Comprehensive Development Plan seeks to “*preserve the culture and character of the neighborhoods of NPU-J... encouraging infill development compatible with surrounding uses,*” which this development achieves by creating two additional single-family structures on a site that does not exceed the .50 density of the current R-4 zoning district. 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 not 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. 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. Additionally, CDP Policy TNR 4 seeks to “*Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated.*” The introduction of an additional single-family home provides more infill housing to support the proposed revitalization of this area.
- 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 PD-H (Planned Development Housing) zoning district. This proposal supports the NPU-J Policy J-1 to “*Preserve the culture and character of the neighborhoods of NPU-J... encouraging infill development compatible with surrounding uses.*” Thus, the proposed land use is suitable for the parcel.
- 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 vacancies in this area, Staff is of the opinion that the proposed development would not have a negative impact on adjacent properties. The proposed development will promote economical and efficient land use, an improved level of amenities, of an appropriate and harmonious variety, with a creative design and provide a better environment for adjacent properties and property owners.
- 7) **Economic use of current zoning:** Staff finds that the current zoning has some economic use, however the proposed rezoning and development may increase the economic use of the property. The proposed development is supportive of the goals of NPU J and the Comprehensive Development Plan.
- 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 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.** Staff is of the opinion that the subject property is a site that is suitable in location, area, and character for development on a unified basis. The proposed development is appropriate and should enhance the character of the area.
- b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** North Evelyn Place NW is considered a local road. MARTA bus service operates nearby to the south along Donald Lee Hollowell Parkway NW. The Bankhead MARTA Transit Station is approximately a mile away.
- 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 “Rezoning 750 North Evelyn PL NW Atlanta, GA” prepared by Civil Ace Engineering dated April 4, 2024, and stamped received and amended by the Office of Zoning and Development on April 10, 2024, 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.

10) 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, **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: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled "Rezoning 750 North Evelyn Pl NW Atlanta, GA" prepared by Civil Ace Engineering dated April 4, 2024, and stamped received and amended by the Office of Zoning and Development on April 10, 2024. 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 FAR Shall not exceed .50 of net lot area.



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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-23-90 for 1425 Piedmont Avenue NE, 1433 Piedmont Avenue NE, 1439 Piedmont Avenue NE, 1447 Piedmont Avenue NE, 1451 Piedmont Avenue NE, 1461 Piedmont Avenue NE, and 1475 Piedmont Avenue NE and 240 Westminster Drive NE, 244 Westminster Drive NE, 250 Westminster Drive NE, and 268 Westminster Drive NE**

DATE: June 13, 2024

An Ordinance by Zoning Committee to rezone from RG-3/BL (Residential General Sector 3/BeltLine Overlay), C-1/BL (Community Business District/BeltLine Overlay), C-2/BL (Commercial Service District/BeltLine Overlay) and I-1 (Light Industrial/BeltLine Overlay) to R-4 (Single Family Residential/BeltLine Overlay) for properties located at **1425 Piedmont Avenue NE, 1433 Piedmont Avenue NE, 1439 Piedmont Avenue NE, 1447 Piedmont Avenue NE, 1451 Piedmont Avenue NE, 1461 Piedmont Avenue NE, and 1475 Piedmont Avenue NE and 240 Westminster Drive NE, 244 Westminster Drive NE, 250 Westminster Drive NE, and 268 Westminster Drive NE.**

FINDINGS OF FACT:

- **Property location.** The subject property fronts 806 feet on the southeast side of Piedmont Avenue NE beginning at a pk nail found at the intersection of the southerly right of way line of Piedmont Avenue and the northern right of way line of Westminster Drive. The property is in Land Lot 55, 17th District, Fulton County, Georgia within the Midtown neighborhood of NPU-E in Council District 6.
- **Property size and physical features.** The property is an irregularly shaped corner lot situated at the intersection of Piedmont Avenue and Westminster Drive. It is approximately 4.13 acres (179,903 square feet) and is bordered by Piedmont Avenue, Westminster Drive, and the BeltLine. The property has approximately 814.25 feet of frontage on Piedmont Avenue, 665.16 feet of frontage on Westminster Drive, and 446.16 feet of frontage on the Atlanta BeltLine. On the property, there is a one-story block building, 2 two-story block buildings with a connected wooden deck in the rear, a two-story block building, a four-story block building, and a one-story brick

storage building connected with a covered breezeway. Additionally, there are a few trees and a pond on the site. The property is covered with concrete parking pads, gravel, and asphalt, as well as concrete and block walls, and concrete walkways. There are curb cuts along both frontages. The topography of the property slopes downward from the west to the east with an approximately 50-foot grade change. There is a minor topographical increase from the middle of the lot to the south property line abutting Westminster Drive.

- **CDP land use map designation:** The property is currently zoned RG-3/BL (Residential General Sector 3/BeltLine Overlay), C-1/BL (Community Business District/BeltLine Overlay), C-2/BL (Commercial Service District/BeltLine Overlay) and I-1 (Light Industrial/BeltLine Overlay). The land use designation is Medium Density Residential (MDR) 0-16 units per acre (0-16 u/a) in the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property was formerly a nonresidential plaza with retail, dining, laundry, personal service, and other retail establishments. Staff is not aware of any previous uses of the site.
- **Surrounding zoning/land use:** The properties located to the immediate north of the site have a zoning of C-1/BL (Community Business District/BeltLine Overlay) and R-4/BL (Single Family Residential/BeltLine Overlay) with a land use designation of Transportation/Communications/Utilities (TCU). To the east, the properties have a zoning of R-4/BL (Single Family Residential/BeltLine Overlay) with a land use designation of Transportation/Communications/Utilities (TCU). To the south, the properties are zoned R-4/BL (Single Family Residential/BeltLine Overlay) with an Open Space land use designation. To the west, the properties have a zoning of RG-3/BL (Residential General Sector 3/BeltLine Overlay) with a Medium Density Residential land use designation, a zoning of R-4/BL (Single Family Residential/BeltLine Overlay) with a Single Family Residential land use designation and zoned C-1 (Community Business District/BeltLine Overlay) with Transportation/Communications/Utilities (TCU) land use designation. The land to the north and the east is the Atlanta BeltLine, and to the south is currently the Atlanta Botanical Gardens. Diverse housing options, such as apartment buildings and condominiums are west of the subject property.
- **Transportation system:** The property is located between two roads – Piedmont Avenue NE to the west and Westminster Drive NE to the south. Piedmont Avenue NE is an arterial street, and Westminster Drive NE is a local road. MARTA bus route #27 operates near the property, running along Piedmont Avenue NE and Avery Drive NE, which is 469 feet away from the property and connects to MARTA Lenox Transit Station. The Lenox Transit Station is about 4.1 miles away from the property, while the MARTA Arts Center Transit Station and the MARTA Midtown Transit Station are in close proximity to the site, with the MARTA Arts Center Transit Station being approximately 1.1 miles away and the MARTA Midtown Transit Station approximately 1.5 miles away. There are sidewalks along both sides of Piedmont Avenue and a partial sidewalk exists on one side of Westminster Drive NE.

PROPOSAL: The applicant is seeking a rezoning from RG-3/BL (Residential General Sector 3/BeltLine Overlay), C-1/BL (Community Business District/BeltLine Overlay), C-2/BL (Commercial Service District/BeltLine Overlay), and I-1 (Light Industrial/BeltLine Overlay) to R-4 (Single Family Residential) to facilitate the expansion of the Atlanta Botanical Garden. The expansion will cover parcels bounded by Piedmont Avenue, Westminster Drive, and the Atlanta Beltline Eastside Trail. The improvements include scenic horticultural and water features, and a Visitor's Center. The goal is to create a cohesive development and vision that complements the neighboring Piedmont Park and the existing Botanical Garden.

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The is designated as Medium Density Residential (MDR) 0-16 units per acre (0-16 u/a) in the 2021 Comprehensive Development Plan. The proposed rezoning of the property to the R-4 (Single Family Residential) zoning district is consistent with the existing land uses, which is Medium Density Residential. However, the proposed use as Atlanta Botanical Garden's requires a change in the land use designation to Open Space. Therefore, a concurrent request has been submitted with this application to change the land use 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 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 has found that the request to rezone the subject parcels from RG-3/BL (Residential General Sector 3/BeltLine Overlay), C-1/BL (Community Business District/BeltLine Overlay), C-2/BL (Commercial Service District/BeltLine Overlay) and I-1 (Light Industrial/BeltLine Overlay) to R-4 (Single Family Residential) zoning classification for a garden is consistent with the existing zoning designations of Piedmont Park and Atlanta Botanical Gardens, which are south of the site. The proposal to rezone the subject property would have a positive impact on the surrounding neighborhood. It would allow for an expansion of the garden in an area where a public park and garden already exist. The purpose of the R district is *to provide for the development of recreational, educational, and religious facilities as basic elements of a balanced community*. The public need will be served by the expansion of this use in operation since 1976.
- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the expansion will have a positive effect on the character of the neighborhood. Since the garden opened in 1976 it has become a part of Atlanta culture, serving as the backdrop to many momentous occasions for Atlanta residents and visitors. The garden is in the heart of Midtown, an includes 30 acres of outdoor gardens, an award-winning Children's Garden, the serene Storza Woods highlighted by a

unique Canopy Walk, and the picturesque Skyline Garden. The proposed expansion of the park and the creation of a Visitor's Center will only add to the essence of the Midtown neighborhood.

- (5) **Suitability of proposed land use:** The Atlanta Botanical Garden is an urban garden. Staff believes that the Private Open Space designation is an appropriate land use designation for the property. The property is in the Midtown neighborhood near other land designated open space such as Piedmont Park and the existing Atlanta Botanical Gardens. The open space land use designation ranges from parks and recreation centers to conservation areas, golf courses, and cemeteries. Often these are the areas for nature in the city and places for wildness, retreat and recreation, and comfort.
- (6) **Effect on adjacent property:** Staff has thoroughly evaluated the potential rezoning of the property to R-4 (Single Family Residential) and has determined that it will not have any adverse effects on the neighboring properties. The property is situated within a diverse area, surrounded by single-family homes, multifamily residences, a park, and a garden. The proposed development is anticipated to blend well with the existing properties and contribute positively to the neighborhood. The staff firmly believes that the proposed rezoning will promote the enhancement of the neighborhood and will be in harmony with the current scale and character of the area.
- (7) **Economic use of current zoning:** There is current economic use of the existing zoning. The proposed expansion of the Atlanta Botanical Gardens may increase the use of the property because of its proximity to Piedmont Park and the existing garden. Rezoning the property would not negatively impact its economic use and would positively affect neighboring properties by increasing desired amenities.
- (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:** Consistency with 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, **1425 Piedmont Avenue NE, 1433 Piedmont Avenue NE, 1439 Piedmont Avenue NE, 1447 Piedmont Avenue NE, 1451 Piedmont Avenue NE, 1461 Piedmont Avenue NE, and 1475 Piedmont Avenue NE and 240 Westminster Drive NE, 244 Westminster Drive NE, 250 Westminster Drive NE, and 268 Westminster Drive NE** are located within a Growth Area Corridor. Growth Area Corridors are described as follows:

“These are 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

Z-23-90 for 1425 Piedmont Avenue NE, 1433 Piedmont Avenue NE, 1439 Piedmont Avenue NE, 1447 Piedmont Avenue NE, 1451 Piedmont Avenue NE, 1461 Piedmont Avenue NE, and 1475 Piedmont Avenue NE and 240 Westminster Drive NE, 244 Westminster Drive NE, 250 Westminster Drive NE, and 268 Westminster Drive NE
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like Metropolitan 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



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ANDRE DICKENS
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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: **U-23-41 for 1425 Piedmont Avenue NE, 1433 Piedmont Avenue NE, 1439 Piedmont Avenue NE, 1447 Piedmont Avenue NE, 1451 Piedmont Avenue NE, 1461 Piedmont Avenue NE, and 1475 Piedmont Avenue NE and 240 Westminster Drive NE, 244 Westminster Drive NE, 250 Westminster Drive NE, and 268 Westminster Drive NE.**

DATE: June 13, 2024

An Ordinance by Zoning Committee for a special use permit for a garden pursuant to 16-06.005(1)(d) for property located at **1425 Piedmont Avenue NE, 1433 Piedmont Avenue NE, 1439 Piedmont Avenue NE, 1447 Piedmont Avenue NE, 1451 Piedmont Avenue NE, 1461 Piedmont Avenue NE, and 1475 Piedmont Avenue NE and 240 Westminster Drive NE, 244 Westminster Drive NE, 250 Westminster Drive NE, and 268 Westminster Drive NE.**

FINDINGS OF FACT:

- **Property location:** The subject properties fronts 806 feet on the southeast side of Piedmont Avenue NE beginning at a pk nail found at the intersection of the southerly right of way line of Piedmont Avenue and the northern right of way line of Westminster Drive. The properties are in the Midtown neighborhood of NPU E in Council District 6.
- **Property size and physical features:** The property is an irregularly shaped corner lot situated at the intersection of Piedmont Avenue and Westminster Drive. It is approximately 4.13 acres (179,903 square feet) and is bordered by Piedmont Avenue NE, Westminster Drive NE, and the Atlanta BeltLine. The property has approximately 814.25 feet of frontage on Piedmont Avenue, 665.16 feet of frontage on Westminster Drive, and 446.16 feet of frontage on the Atlanta BeltLine. On the property, there is a one-story block building, 2 two-story block buildings with a connected wooden deck in the rear, a two-story block building, a four-story block building, and a one-story brick storage building connected with a covered breezeway. Additionally, there are a few trees and a pond on the site. The property is covered with concrete parking pads, gravel, and asphalt, as well as concrete and block walls, and

concrete walkways. There are curb cuts along both frontages. The topography of the property slopes downward from the west to the east with an approximately 50-foot grade change. There is a minor topographical increase from the middle of the lot to the south property line abutting Westminister Drive.

- **Current/past use of property** The property used to be a multi-use plaza with retail, dining, laundry, personal service, and other retail establishments. Staff is not aware of any previous uses of the site.
- **Surrounding zoning/land uses:** The current land use of the subject property is Medium Density Residential (MDR 0-16 units). The zoning designation is RG-3/BL (Residential General Sector 3/BeltLine Overlay), C-1/BL (Community Business District/BeltLine Overlay), and I-1 (Light Industrial/BeltLine Overlay). The properties located to the immediate north of the site have a zoning of C-1/BL (Community Business District/BeltLine Overlay) and R-4/BL (Single Family Residential/BeltLine Overlay with a land use of Transportation/Communications/Utilities (TCU)). To the east, the properties have a zoning of R-4/BL (Single Family Residential/BeltLine Overlay) with a land use of Transportation/Communications/Utilities (TCU). To the south, the properties are zoned R-4/BL (Single Family Residential/BeltLine Overlay) with an Open Space Land use designation. To the west, the properties have a zoning of RG-3/BL (Residential General Sector 3/BeltLine Overlay) with a Medium Density Residential land use designation, a zoning of R-4/BL (Single Family Residential/BeltLine Overlay) with a Single Family Residential land use designation and are zoned C-1/BL (Community Business District/BeltLine Overlay) with Transportation/Communications/Utilities (TCU) land use designation. The land to the north and the east is the Atlanta BeltLine, and to the south is the Atlanta Botanical Gardens. Diverse housing options, such as multifamily apartments, and condominiums are west of the subject property.
- **Transportation system:** The property is located between two roads – Piedmont Avenue NE to the west and Westminister Drive NE to the south. Piedmont Avenue NE is an arterial street, and Westminister Drive NE is a local road. MARTA bus route #27 operates near the property, running along Piedmont Avenue NE and Avery Drive NE, which is 469 feet away from the property and connects to the Lenox Station Transit Station. Lenox Station is about 4.1 miles away from the property, while the MARTA Arts Center Transit Station and the MARTA Midtown Transit Station are near the site, with the MARTA Arts Center Transit Station approximately 1.1 miles away and the MARTA Midtown Station approximately 1.5 miles away. There are sidewalks along both sides of Piedmont Avenue and a partial sidewalk exists on one side of Westminister Drive NE.

PROPOSAL:

The applicant seeks a Special Use Permit to operate a garden. This application is concurrent with V-23-213 for a front yard setback reduction and Z-23-90 which is an application to rezone from RG-3/BL (Residential General Sector 3/BeltLine Overlay), C-1/BL (Community Business District/BeltLine Overlay), C-2/BL (Commercial Service District/BeltLine Overlay), and I-1 (Light Industrial/BeltLine Overlay) to R-4 (Single Family Residential) in order to facilitate the expansion of the Atlanta Botanical Garden. The expansion will cover parcels bounded by

Piedmont Avenue, Westminster Drive, and the Atlanta BeltLine Eastside Trail. The improvements include horticultural and water features, and a Visitor's Center.

- **Ingress and egress:** The extension of the Atlanta Botanical Gardens will have controlled access for employee and client vehicles at Piedmont Avenue. This access point is for vehicle drop off only and does not provide parking. A shuttle route will be available from the existing Garden to the new Garden, cutting through Northwoods Trail. Walkers and bikers can access the extension from the Atlanta BeltLine through the Visitor Center. Employee vehicles can enter via a proposed bridge crossing at Dutch Valley Way, but this access point is for service only. Emergency vehicles can enter and dock at the vehicle drop-off at Piedmont Avenue, and using Dutch Valley Way and the proposed bridge crossing. Congestion is not expected as access is controlled at all points. Visitors will not have parking at the extension, but primary parking will be available at the existing Garden parking deck.
- **Parking and loading:** The new extension of the Atlanta Botanical Gardens will not have off-street parking. Trash and garbage will be disposed of in an 8-cubic yard container. Trash service will be provided by a private entity with a frequency of two times per week. Deliveries will be made at the service drive. Access to the service drive and dock will be via a proposed bridge crossing and Dutch Valley Road. Service personnel and vehicles can use Dutch Valley Road and the bridge crossing to enter the site. Service vehicles may dock on Westminster Drive once the right-of-way is abandoned. Parking for clients and employees will still be at the existing Garden parking deck.
- **Refuse and service areas:** Trash and garbage will be placed in an 8-cubic yard container. Trash will be collected by a private company twice a week. Deliveries will be made at the service drive. Access to the service drive and dock will be through a proposed bridge crossing over Dutch Valley Road. Service personnel and vehicles can enter the site via Dutch Valley Road and the bridge crossing. Once the right-of-way is abandoned, service vehicles can dock on Westminster Drive. However, primary parking for clients and employees will continue to be at the existing Garden parking deck.
- **Buffering and screening:** A 20-foot buffer is provided next to the Visitor Center to screen mechanical equipment, loading spaces, and dumpsters from the Atlanta BeltLine corridor and Piedmont Avenue right-of-way.
- **Hours and manner of operation:** The Atlanta Botanical Garden first opened its doors in 1976. The Garden is constantly evolving, showcasing its renowned plant collections, displays, and exhibitions. The current garden spans 30 acres and features outdoor gardens, a Children's Garden, the Storza Woods with a unique Canopy Walk, and a Skyline Garden. The plan for the site consists of an expansion of the existing Atlanta Botanical Gardens. This will involve the demolition of existing structures and pavement to make way for extensive landscaping, a proposed visitor center, and future buildings. The Atlanta Botanical Gardens is open daily from early morning into the evening, with 24/7 security on the premises. However, the hours and manner of operation may vary depending on the type of event. The new facility will operate on the same schedule as the existing garden: 9 AM – 4 PM Tuesday through Sunday, closed on Mondays, and will require at least 6 employees working in shifts. The facility is open to the

public without any age restrictions. There will also be special events at the facility, and parking will be available at the existing Garden parking deck.

- **Duration:** Applicant requests that the use permit be allowed indefinitely.
- **Required yards and open space:** The construction meets the necessary setbacks and lot coverage requirements for the R-4 zoning district, except for the front yard setback. No additional structures will be added, and all current buildings will be replaced as part of the new construction. The new garden will fulfill the minimum open space requirement after Westminister Drive is abandoned, the Atlanta Botanical Gardens will comply with the minimum requirements for the R-4 zoning district.
- **Tree Preservation and Replacement:** Trees will be cut down to make room for new construction. To compensate for this, substantial plantings will be done throughout the entire property. The redevelopment of the property will comply with the City of Atlanta Tree Ordinance at the time of permitting.

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:** After reviewing the surveys and site plans submitted by the applicant and conducting an on-site review, Staff has determined that there is adequate access to the sites. Along Piedmont Avenue, there are sidewalks on both sides, and there is a partial sidewalk on one side of Westminister Drive NE. Pedestrian access to the extended Atlanta Botanical Gardens is through the main entrance along Piedmont Avenue. Walkers and bikers can access the extension from the Atlanta BeltLine through the Visitor Center. Employee and client vehicles have controlled access at Piedmont Avenue for drop-off only; no parking is available. A shuttle route will be available from the existing Garden to the new Garden, cutting through Northwoods Trail, with shuttle service operating on 15-minute intervals. Employee vehicles can enter via a proposed bridge crossing at Dutch Valley Way, but this access point is for service only. Emergency vehicles can access the site at the vehicle drop-off at Piedmont Avenue and via Dutch Valley Way and the proposed bridge crossing. Congestion is not expected as access is controlled at all points. Visitors will not have parking at the extension, but primary parking will be available at the existing Garden parking deck. As a result, staff believes that the existing ingress and egress are sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- b) **Off-street parking and loading:** The new extension of the Atlanta Botanical Gardens will not have off-street parking. According to the R-4 zoning district regulations, one parking space is required for every 300 square feet of floor area for other uses. With approximately 20,000 square feet of floor area, the Atlanta Botanical Gardens is obligated to provide seventy on-site parking spaces. Visitors will be able to use the existing parking deck shared by Piedmont Park and the Atlanta Botanical Gardens. While there are no specific loading requirements for the R-4 zoning district there will be adequate loading for the proposed uses. Trash and garbage will be disposed of in an 8-cubic yard container, and trash service will be provided by a private entity twice a week. Deliveries will take place at the service drive, with

access via a proposed bridge crossing and Dutch Valley Road. Service personnel and vehicles can use Dutch Valley Road and the bridge crossing to enter the site. Once the right-of-way is abandoned, service vehicles may dock on Westminister Drive, with an expected frequency of 3 trucks a day early in the morning. Despite these arrangements, the primary parking for clients and employees will still be at the existing Garden parking deck. Therefore, staff believes that the applicant has met the off-street parking and loading requirements.

- c) **Refuse and service areas:** Trash and garbage will be placed in an 8-cubic yard container. Trash will be collected by a private company twice a week. Deliveries will be made at the service drive. Access to the service drive and dock will be through a proposed bridge crossing over Dutch Valley Road. Service personnel and vehicles can enter the site via Dutch Valley Road and the bridge crossing. Staff finds the refuse and service areas request to be reasonable.
- d) **Buffering and screening:** Staff is of the opinion that the 20-foot buffer that is provided next to the Visitor Center to screen mechanical equipment, loading spaces, and dumpsters from the Atlanta BeltLine corridor and Piedmont Avenue right-of-way is reasonable. Before the applicant receives a Certificate of Occupancy, this development must comply with all City codes for noise, light, screening, and buffering.
- e) **Hours and manner of operation:** The Atlanta Botanical Gardens is open daily from early morning into the evening, with 24/7 security on the premises. However, the hours and manner of operation may vary depending on the type of event. The new facility will operate on the same schedule as the existing garden: 9 AM – 4 PM Tuesday through Sunday, closed on Mondays, and will require at least 6 employees working in shifts. The facility is open to the public without any age restrictions. There will also be special events at the facility, and parking will be available at the existing Garden parking deck. Staff is of the opinion that the hours of operation will not have a negative impact on surrounding properties.
- f) **Duration:** The applicant requests an indefinite duration. Staff is supportive of the indefinite duration.
- g) **Required yards and open space:** The construction meets the necessary setbacks and lot coverage requirements for the R-4 zoning district, except for the front yard setback. To address this, the applicant is requesting a variance from the Board of Zoning Adjustments per V-23-207. No additional structures will be added, and all current buildings will be replaced as part of the new construction. The new garden will fulfill the minimum open space requirement. Upon approval of the variance by the Board of Zoning and Adjustment, and the consolidation of Atlanta Botanical Gardens parcels after Westminister Drive is abandoned, the Atlanta Botanical Gardens will comply with the minimum requirements for the R-4 zoning district. Staff finds this reasonable. Additionally, the property must receive its remaining entitlements, such as an approved special administrative permit, followed by reviews from other agencies to ensure compliance with all applicable City codes.
- h) **Compatibility with policies related to tree preservation:** Redevelopment of the property must adhere to the City of Atlanta Tree Ordinance during the permit process.

U-23-41 for 1425 Piedmont Avenue NE, 1433 Piedmont Avenue NE, 1439 Piedmont Avenue NE, 1447 Piedmont Avenue NE, 1451 Piedmont Avenue NE, 1461 Piedmont Avenue NE, and 1475 Piedmont Avenue NE and 240 Westminster Drive NE, 244 Westminster Drive NE, 250 Westminster Drive NE, and 268 Westminster Drive NE

June 13, 2024

Page 6 of 6

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit for a garden shall be valid as long as the Atlanta Botanical Gardens is the owner and operator.



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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-24-05 for 2036 Phillips Drive SE**

DATE: June 13, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to R-4A (Single Family Residential) for property located at **2036 Phillips Drive SE**.

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL – AUGUST 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

SUBJECT: **Z-24-11 for Thomasville Heights Proactive Rezoning**

DATE: June 13, 2024

An Ordinance by Councilmember Jason Winston to rezone certain properties in Thomasville Heights Neighborhood from R-4 (Single Family Residential) to MR-2 (Multifamily Residential), from R-4 (Single Family Residential) to MR-3 (Multifamily Residential) and from R-4 (Single Family Residential) to MRC-2 (Mixed Residential Commercial), PD-H (Planned Development Housing) to MR-3 (Multifamily Residential), RG-2 (Residential General Sector 2) to MRC-2 (Mixed Residential Commercial), MR-3-C (Multifamily Residential Conditional) to MRC-2 (Mixed Residential Commercial), MRC-1-C (Mixed Residential Commercial Conditional) to MRC-2 (Mixed Residential Commercial), and from C-2 (Commercial Service District) to MRC-2 (Mixed Residential Commercial) in which to implement certain recommendations of the Thomasville Heights Neighborhood Plan; and for other purposes.

FINDINGS OF FACT:

The Thomasville Heights neighborhood, located in southeast Atlanta, is bound by Moreland Avenue to the east, Norfolk Southern rail line to the south, New Town Circle SE to the west and McDonough Boulevard SE and the former Atlanta Housing Authority Thomasville Heights housing development to the north. It is in Neighborhood Planning Unit Z in Council District 1. Like other neighborhoods of this era, Thomasville Heights was shaped in the 1950's by urban renewal. The core of the neighborhood is primarily single-family detached housing units with the subsequent introduction of several multifamily developments like the Forest Cove Apartments, and Thomasville Heights public housing. Today, the Forest Cove Apartments are vacant, with demolition recently started, while the Thomasville Heights public housing has been demolished and is now a large vacant property. There are also large areas of vacant land owned by private and public entities all of which are prime for development. The population of Thomasville Heights is 2,840. Residents have a median income of

\$17,176, with 50% renters. The largest age cohorts are represented by those that are under 18 and those that are over 65 years of age. The neighborhood is represented by the Thomasville Heights Civic League which is actively involved with advocating for the improved quality of life for current and future community members. The homeownership rate decreased over the last decade and is now 50%, down from 57% in 2010 and at least 50 homeowners do not currently have a homestead exemption, thereby exposing them to increasing property taxes. The average resident in Thomasville Heights can no longer afford sale prices in the neighborhood. The low number of sales also supports the information provided by residents that the neighborhood consists of a significant number of long-term residents. The proposed rezoning is intended to change the balance of uses in the area that currently define the area to allow a mixed-use commercial district, and more multifamily housing within the neighborhood in accordance with the 2023 Thomasville Heights Neighborhood Plan.

PROPOSAL:

The rezoning proposal is to create a vibrant, pedestrian-oriented, mixed use district with residential densities to support affordable housing and retail uses. The zoning districts proposed are intended to support an urban form with sustainable design standards for future development in the Thomasville Heights neighborhood.

CONCLUSIONS:

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The proposed zoning districts will require and change in the land designation to MUMD (Mixed-Use Medium Density), MDR (Medium Density Residential), and LDR (Low Density Residential).
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** Since no development projects are being proposed as part of the rezoning, these considerations are not applicable, however, public facilities and services appear to exist to support development according to the proposed rezoning.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The proposed rezoning is specifically targeted to improve the existing conditions of the Thomasville Heights neighborhood. Portions of Thomasville Heights have the potential to be redeveloped and filled with quality retail and commercial uses. Since 2008 residents of Thomasville Heights neighborhood have been desirous of development that focuses on creating a range of housing types that cater to a mix of incomes, along with neighborhood servicing retail, and a mixed-income residential neighborhood that includes single-family and multifamily housing types. Therefore, Staff is of the opinion that the effect on the balance of land uses will not be negatively affected.
- 4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would not have a negative effect on the character of the neighborhoods. In fact, the intent of the MRC-2 district is to *“protect existing and developing neighborhood areas and building forms from the incompatible uses resulting from intense highway-oriented development and to preserve and restore existing, traditional and pedestrian scale buildings in established, historic neighborhood districts, as well as create new pedestrian oriented commercial nodes, to encourage a balanced mix of uses to include proportionately significant residential uses and to facilitate safe, attractive*

and convenient pedestrian circulation”. Therefore, the proposed change will encourage a compatible mixture of residential, commercial, cultural, and recreational uses. Zoning districts MR-2 and MR-3 (Multifamily Residential) are proposed in areas with infill potential to provide opportunities for housing with higher densities to activate streets for use by pedestrians safely and provide for affordable housing opportunities. These changes in combination have the potential to enhance the character of the Thomasville Heights neighborhood as proposed in the 2023 Thomasville Heights Neighborhood Plan.

- 5) **Suitability of proposed land use:** The allowable and permitted uses for proposed MRC-2-, MR-2, and MR-3 zoning districts within the Thomasville Heights neighborhood, were recommended by the community to support the vision and goals of the neighborhood. They are also supported by the recommendations of the 2023 Thomasville Heights Neighborhood Plan that was adopted by City Council after a yearlong (May 2022 to May 2023) community engagement. Therefore, Staff believes that the proposed rezoning combined with the recommended uses would be suitable for the community.
- 6) **Effect on adjacent property:** The intent of the proposed MRC zoning district is to protect existing neighborhoods from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods. The proposed rezoning allows the residents to condition the regulations to prohibit certain uses and set parking maximums, develop architectural design guidelines. The proposed MR-2 and MR-3 (Multifamily Residential) zoning district is proposed in areas with infill potential, or areas that are adjacent to proposed mixed-uses to allow for an increase in density that is appropriate for adjacent residential property. Therefore, Staff believes that the rezoning will have a positive effect on adjacent property.
- 7) **Economic use of current zoning:** Although no development projects are being proposed as part of this rezoning, the economic use of the proposed zoning is supported by the market analysis of the 2023 Thomasville Heights Neighborhood Plan.
- 8) **Compatibility with policies related to tree preservation:** Since no development projects are being proposed as part of this rezoning, these considerations are not applicable, however, any tree loss that occurs because of any proposed development must comply with the City of Atlanta Tree Ordinance at the time of permitting.
- 9) **Other Considerations:** Staff believes that the proposed legislation supports the stated purpose and goals of the Thomasville Heights Neighborhood Plan therefore, staff supports the proposed amendment.

STAFF RECOMMENDATION: APPROVAL



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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-24-15 for 1101 Moreland Drive SE and 1721 Woodland Avenue SW**

DATE: June 13, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to MR-2 (Multifamily Residential) for property located at **1101 Moreland Drive SE** and **1721 Woodland Avenue SE**.

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

RECOMMENDATION: 120 DAY DEFERRAL – OCTOBER 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-24-16 for 2194 Martin Luther King Jr SW**

DATE: June 13, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to RG-3 (Residential General District) for the property located at **2194 Martin Luther King Jr SW**.

The applicant requested to continue working with the NPU. Staff is supportive of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL - JULY 2024



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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: U-24-06 for 1140 Euclid Avenue NE, 1150 Euclid Avenue NE, 1152 Euclid Avenue NE, 1160 Euclid Avenue NE, 1166 Euclid Avenue NE, and 432 Seminole Avenue NE

DATE: June 13, 2024

An Ordinance by Zoning Committee for a special use permit for a parking lot within 200 feet of primary use pursuant to Section 16-32.005(2) and for a special use permit for a park-for-hire facility pursuant to 16-32.007(1)(i) for property located at **1140 Euclid Avenue NE, 1150 Euclid Avenue NE, 1152 Euclid Avenue NE, 1160 Euclid Avenue NE, 1166 Euclid Avenue NE, and 432 Seminole Avenue NE.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 298.94 feet on the northwest side of Euclid Avenue commencing from a point on the northeasterly right-of-way line of Colquitt Avenue; said point being 165.20 feet northwest of the intersection with the right-of-way line of Euclid Avenue. The parcel is in Land Lot 15 of the 14th District in Fulton County, Georgia within the Inman Park Neighborhood, NPU N, Council District 2.
- **Property size and physical features:** The subject property is approximately 0.28 (12,261.24 square feet) acres. The parcel is currently developed with a paved parking lot. Vehicular access is provided via a curb cut on Colquitt Avenue and Seminole Avenue. The site has forty-five (45) off-street parking spaces. Sidewalks are present on Colquitt Avenue and Seminole Avenue. The topography is relatively level. There are mature trees and a few shrubs surrounding the existing parking lot.
- **CDP land use map designation:** The property has a future land use designation of Low Density Commercial (LDC) within the 2021 Comprehensive Development Plan (CDP).

- **Current/past use of property:** The property is developed and currently utilized as a nonresidential development with a shared surface parking lot. Staff is not aware of any other previous uses on the site.
- **Surrounding zoning/land uses:** The parcels to the north and west are zoned RG-2/HC20LSA1 (Residential General Sector 2/Inman Park Historic District Subarea 1) and R-5/HC20LSA1 (Two Family Residential /Inman Park Historic District Subarea 1) with Low Density Residential (LDR) future land use designation. The parcels to the east and south are zoned NC-1 (Little Five Points Neighborhood Commercial District) with Low Density Commercial (LDC) future land use designation. One parcel to the east is zoned NC-1 (Little Five Points Neighborhood Commercial District) with Open Space (OS) future land use designation. Two adjacent parcels to the west are zoned R-5/HC20LSA1/ (Two Family Residential /Inman Park Historic District Subarea 1) with Low Density Commercial (LDC) future land use designation.
- **Transportation system:** Euclid Avenue and Seminole Avenue are classified as local roads. MARTA bus route service operates nearby along Moreland Avenue. There are sidewalks along Euclid Avenue and Seminole Avenue.

PROPOSAL: The applicant requests a special use permit to operate a parking lot within 200 feet of a primary use pursuant to Section 16-32.005(2) and a special use permit for a park-for-hire facility pursuant to 16-32.007(1)(i).

- **Ingress and egress:** Ingress and egress is provided via two curb cuts along Seminole Avenue. Additional vehicular ingress is provided via a curb cut along Colquitt Avenue.
- **Parking and loading:** The applicant proposes to operate a park-for-hire facility for nonresidential uses along Euclid Avenue. There are currently 59 parking spaces provided on site, and the applicant proposes to operate 45 spaces Monday through Sunday, 24 hours per day. Supplies will be delivered to the rear of the parking lot.
- **Refuse and service areas:** Garbage and refuse will be picked up three times per week by a private garbage service.
- **Buffering and screening:** The site is surrounded to the south by nonresidential uses that will not be negatively impacted by the operations on this site. An existing retaining wall and the topography of the residential property to the northeast of the site will provide effective screening of car headlights. The residential properties to the southwest of the site will be screened by an existing fence and retaining wall.
- **Hours and manner of operation:** The subject property is a nonresidential development with businesses of varying uses and varying hours and manner of operation. The applicant intends to convert the surface parking lot located in the rear into park-for-hire. The applicant anticipates serving 45 clients per day of varying ages. The park-for-hire will operate 24 hours a day, 7 days a week. The park-for-hire will use 45 spaces out of the 59 spaces provided on

the lot. The park-for-hire plans to charge \$5 before 4:00 p.m., \$10 for under 3 hours after 4:00 p.m., and \$15 for over 3 hours after 4:00 p.m. from Monday through Friday. The park-for-hire plans to charge \$10 before noon and \$15 after noon on Saturday and Sunday. The applicant will install a pay machine and signage indicating the one-way entrance to the site along Colquitt Avenue. There will be four part-time employees maintaining the facility. Typical staff include maintenance workers, managers, and enforcement.

- **Duration:** The applicant seeks an indefinite duration.
- **Required yards and open space:** There are no additions or modifications proposed for the planned scope of work.
- **Tree Preservation and Replacement:** There will be no trees removed, damaged, or cut down.

CONCLUSIONS:

- (1) **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:** Ingress and egress is provided via two curb cuts along Seminole Avenue. Additional vehicular ingress is provided via a curb cut along Colquitt Avenue. 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.
- (2) **Off-street parking and loading:** The subject property has an existing surface parking lot for commercial uses located on the site. The applicant proposes to operate 45 of the 59 parking spaces provided on site. Staff finds the proposed parking and loading to be sufficient.
- (3) **Refuse and service areas:** Staff finds that the proposed refuse and service areas are sufficient.
- (4) **Buffering and Screening:** The site is surrounded to the south by nonresidential uses that will not be negatively impacted by the operations on this site. Screening of car headlights to adjacent residential properties will be provided by existing topography, fencing, and retaining walls. Based on the submitted site plan, Staff is of the opinion that the existing screening and buffering remains sufficient.
- (5) **Hours and manner of operation:** The park-for-hire will be open 24/7 and operated by four part-time employees. The park-for-hire will serve patrons of the nonresidential businesses adjacent to the site. The applicant anticipates serving 45 clients per day varying in age from 21-75. The park-for-hire will use 45 spaces out of the 59 spaces provided on the lot to charge varying parking rates based on the day, time, and length of time spent parking. Staff finds the proposed hours and manner of operation sufficient for the proposed use.

- (6) **Duration:** The applicant has requested an indefinite duration. Staff is supportive of a 3-year duration.
- (7) **Required yards and open space:** The applicant has indicated there are no structural changes proposed for the subject property. Therefore, these considerations are not applicable.
- (8) **Compatibility with policies related to tree preservation:** The applicant has indicated that no trees will be removed. Therefore, these considerations are not applicable.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled “Euclid Avenue Parking Plan” prepared by Planners & Engineers Collaborative + and bearing no date and stamped received by the Office of Zoning and Development on April 17, 2024. 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. There shall be a maximum of 45 spaces provided for the purposes of paid parking for Park Place Operations, Inc.
3. The special use permit shall be valid for 3 years after adoption by the Atlanta City Council.
4. The special use permit for a park-for-hire surface parking lot shall be valid only as long as Park Place Operations, Inc. is the owner and operator.
5. The special use permit is not transferable.
6. All parking spaces shall be clearly marked and bear signs as reserved during specified hours.
7. All parking spaces that are not included in the park-for-hire shall be clearly marked and signed as not included.