



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

DEPARTMENT OF CITY PLANNING
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Jahnee R. Prince, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-22-88 for 1640 Flat Shoals Road SE**

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing) for property located at **1640 Flat Shoals Road SE**.

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL – SEPTEMBER 2024



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-24-27 for 2910 Tejas Trail SW

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from R-3 (Single Family Residential) to R-4B (Single Family Residential) for property located at **2910 Tejas Trail SW**.

FINDINGS OF FACT:

- **Property location.** The subject property fronts 280.39 feet on the east side of Tejas Trail starting at a point located at the intersection of the southeasterly right of way of Tejas Trail and the southerly right-of-way of Hogan Road. The parcel is in Land Lot 228, 14th District, Fulton County, Georgia within the Greenbriar neighborhood of NPU-R in Council District 11.
- **Property size and physical features.** The subject property is located on Tejas Trail and Hogan Road and is a corner lot with an area of approximately 1.227 acres (53,458 square feet). The property is heavily vegetated, consisting mainly of grass and trees.
- **CDP land use map designation:** The parcel is currently zoned R-3 (Single Family Residential). The land use designation is Single Family Residential in the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is currently undeveloped. Staff is not aware of any previous uses of the property.
- **Surrounding zoning/land use:** The neighboring parcels to the north are zoned as R-4 (Single Family Residential), while those to the east, south, and west are zoned as R-3 (Single Family Residential) with a land use designation of Single Family Residential (SFR).

- **Transportation system:** The parcel is bordered by two roads: Hogan Road to the north and Tejas Trail to the west. Tejas Trail is classified as a local street, while Hogan Road is classified as a collector road. MARTA provides service via bus route #66 along Hogan Road SW and Continental Colony Parkway SW. The nearest MARTA Transit Station is Hamilton E. Holmes Transit Station.

PROPOSAL:

The applicant seeks a rezoning from R-3 (Single Family Residential) to R-4B (Single Family Residential) to subdivide the subject property into four lots.

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed zoning is consistent with the existing Single Family Residential (SFR) land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment is not required.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. When the proposed development plans are submitted to other agencies for permit review, compliance with all applicable City and County codes will be required.
- (3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Staff believes that the requested rezoning of the subject parcel from R-3 (Single Family Residential) to R-4B (Single Family Residential) zoning classification does not align with the existing development pattern of the area. The lot is a corner lot, adjacent to the right of way of Tejas Trail and Hogan Road. Frontages of lots on Tejas Trail in the vicinity range from 50 feet to 145.5 feet wide, while those across the street range from 100 feet to 176.6 feet. Most lots have a width of more than 100 feet, with one exception of one lot with 50 feet of frontage, which is more consistent with the R-4 development standards. Along Hogan Road, lot frontages range from 50 feet to 200 feet, with two lots having widths of less than 100 feet, at 50 feet and 70 feet. Staff is of the opinion that allowing a rezoning to subdivide the subject property, creating lot sizes and frontages inconsistent with most in the immediate area, may negatively impact the overall balance of land uses regarding the public need.
- (4) **Effect on character of the neighborhood:** Staff finds the proposed rezoning to be incompatible with the character of the surrounding neighborhood. Lots surrounding the subject property are larger than the R-4B development standard. Therefore, Staff is of the opinion that allowing the R-4B zoning district in an established neighborhood of R-3 lots is not compatible with the existing lot pattern or character of the neighborhood where lot sizes exceed the current zoning designation.
- (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. However, Staff is of the opinion that the proposed request to rezone the property to the R-4B (Single Family Residential) zoning district is not suitable given the current pattern of the street, block face and R-3 and R-4 lots in the surrounding area.

- (6) **Effect on adjacent property:** The proposed development of R-4B (Single Family Residential) in an area designated for R-3 (Single Family Residential) does not align with the vision of the Comprehensive Development Plan. The area in question is classified as a Traditional Neighborhood Redevelopment character area. According to the CDP, the Traditional Neighborhood Redevelopment Policy #1 aims to "Preserve the walkable scale and residential character of the neighborhoods." Additionally, the NPU R policies #1 and #2 in the Comprehensive Development Plan states to, "*Preserve the single-family residential areas and multi-family communities of NPU-R, including all parks, and construct residential and commercial infill development that is compatible with adjacent development*". Staff has concluded that allowing the R-4B zoning district on the subject property would be incompatible in scale and character of the existing neighborhood, the existing platting pattern of the neighborhood, the subject streets, and the subject block faces.
- (7) **Economic use of current zoning:** The economic use of the subject property could be increased by the proposed rezoning however it may have a detrimental effect on adjacent properties and the neighborhood.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.
- (9) **Other Considerations:** The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to Atlanta City Design **2910 Tejas Trail SW** is located within Conservation Area: Urban Neighborhoods. Urban Neighborhoods are described as follows:

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

STAFF RECOMMENDATION: DENIAL



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Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-28 for 3750 Peachtree Road NE, 3717 Vermont Road NE, 3727 Vermont Road NE and 3741 Vermont Road NE**

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from RG-3-C (Residential General Sector 3 Conditional) and R-3 (Single Family Residential) to RG-3-C (Residential General Sector 3 Conditional) and R-3 (Single Family Residential) for a major site plan amendment for property located at **3750 Peachtree Road NE and 3717 Vermont Road NE, 3727 Vermont Road NE and 3741 Vermont Road NE.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 599.53 feet on the north side of Vermont Road NE beginning at a 3\4" iron rod found at the intersection of the northerly right-of-way line of Peachtree Road and the easterly right-of-way line of Vermont Road. The property is in Land Lot 10, 17th District in the Buckhead Village neighborhood in NPU B Council District 7.
- **Property size and physical features:** The subject property is approximately 13.57 acres (591,109.2 square feet) and is located on the north side of Vermont Road NE with approximately 1,367 feet of Peachtree Road frontage spanning the block between Vermont Road and Club Drive. The property is currently developed with Canterbury Court, a nine-story assisted living facility with 50 healthcare units and 192 independent living units, and two adjacent two-story multi-family developments. The topography slopes from the south to the north across the Canterbury Court property and the two adjacent multifamily developments are on a high point with topography sloping away from the center of the site in all directions. The subject site is landscaped with mature trees and shrubs along Peachtree Road and in the open space at the rear of the property. Access to the site on Peachtree Road is currently via two curb cuts on the Canterbury Court site and three curb cuts to the existing residential buildings adjacent to Club Drive.

- **CDP land use map designation:** The subject properties have future land use designations of MDR (Medium Density Residential) and SFR (Single Family Residential) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The subject property is currently developed with Canterbury Court, a nine-story assisted living facility with 50 healthcare units and 192 independent living units, and two adjacent two-story multi-family developments. The recently acquired R-3 lots on Vermont Road previously were single-family dwellings that will be demolished and will be used as additional greenspace for residents of Canterbury Court. Staff is unaware of any other previous uses on the site.
- **Surrounding zoning/land uses:** The subject properties are currently zoned RG-3-C (Residential General Sector 3 Conditional) and R-3 (Single-Family Residential). The surrounding zoning includes a mix of residential zoning including R-3 (Single Family Residential) along the entire northwest rear and northeast side property boundaries, RG-3-C (Residential General Sector 3 Conditional) to the southwest across Vermont Road, and RG-3-C (Residential General Sector 3 Conditional), PD-H (Planned Development Housing), RG-4-C (Residential General Sector 4 Conditional), and RG-5 (Residential General Sector 5) to the southeast across Peachtree Road. The surrounding uses include single family residential to the northwest rear and northeast side property boundaries, and across Peachtree Road to the south there are a mix of predominantly high-rise and low-rise multifamily residential uses with a few single family residential uses.
- **Transportation:** Peachtree Road NE is classified as an arterial street and Club Drive and Vermont Road are classified as local roads. Currently, MARTA serves the area via the Buckhead Transit Station on Peachtree Road NE above GA 400. MARTA bus service is provided via bus route #110 along Peachtree Street. A MARTA bus stop is located on Peachtree Road NE between Club Drive and Kingsboro Road.

PROPOSAL:

The applicant requests to amend zoning of an assemblage of properties from RG-3-C (Residential General Sector 3 Conditional) and R-3 (Single-Family Residential) to RG-3-C (Residential General Sector 3 Conditional) and R-3-C (Single Family Residential Conditional) to adopt existing conditions to recently acquired properties on Vermont Road (3717, 3727, and 3741) to allow for the expansion of Canterbury Court, an assisted living facility. The requested amendment will allow for the expansion of green space to the existing Canterbury Court campus for residents' enjoyment.

Project Specifications:

Total Independent Living Units:	364 units
Total Healthcare Units:	106 units
Net Lot Area:	591,109.2 sq. ft. (13.57 acres)
Gross land Area:	670,326 sq. ft. (15.39 acres)
Proposed F.A.R. (residential):	754,800 sq. ft / 670,326 sq. ft. = 1.126
Parking Required: (470 units x 1.25 BR)	0 spaces min.- 587 spaces max
Parking Provided:	522 spaces
Loading Provided:	4-12'x35' and 2-12'x55' spaces
Transitional Height Plane applies in rear where subject site abuts R-3 zoning.	

CONCLUSIONS:

- **Compatibility with comprehensive development plan (CDP):** The subject property is designated MDR (Medium Density Residential) and LDR (Low Density Residential) in the 2021 Comprehensive Development Plan (CDP). The proposed rezoning to RG-3-C (Residential General Sector 3 Conditional) and R-3-C (Single-Family Residential Conditional) is compatible with the 2021 CDP designation of SFR (Single Family Residential) along Vermont Road and MDR (Medium Density Residential) along Peachtree Street, thus a land use amendment is not required to accommodate the proposed development.
- **Availability of and effect on public facilities and services; referrals to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
- **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The zoning regulation indicates that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development, in fact, the applicant is expanding an existing use. The proposed amendment would not have an adverse effect on the environment or create an imbalance of land uses. This proposed amendment would allow for an appropriate type of development within the Peachtree Road corridor at a scale that is comparable to adjacent development along the Peachtree Road corridor and along Vermont Road.
- **Effect on character of the neighborhood:** The subject property is in the Buckhead Village Neighborhood within the Peachtree Road corridor. The 2021 CDP places the site within the Intown Corridor Character Area which targets redevelopment along corridors such as Peachtree Road with high-density multifamily development, including senior-oriented housing. The Intown Corridor Character Area recommends development with a pedestrian oriented urban form with buildings oriented to the sidewalk. The CDP states, “*Sidewalks should be wide, free of obstructions and in good repair with street trees to serve as buffers between travel lanes and pedestrians.*” The CDP also states, “*Parking lots should be located to the side and or rear of buildings, and when adjacent to the sidewalk should be screened with vegetation.*” Staff is of the opinion the proposed amendment will not have a negative effect on the character of the neighborhood but will allow for appropriate green space for the existing assisted living facility along the corridor. Staff encourages that sidewalks be provided along Vermont Road and Club Drive to increase accessibility for pedestrians.
- **Suitability of proposed land use:** Staff finds that the proposed expansion of green space to the existing assisted living facility complements the abutting single-family low-density developments along Vermont Road with an additional vegetative buffer from the higher density portion of the existing campus. The use and scale of the proposed development is compatible with the surrounding uses.

- **Effect on adjacent property:** Staff is of the opinion if this property is amended to RG-3-C (Residential General Sector 3 Conditional) and R-3-C (Single-Family Residential District Conditional) the proposed expansion of green space to existing assisted living facility, should have minimal to no negative effect on the adjacent properties. Given that there are no changes to the existing zoning categories but just a request to amend and adopt existing conditions associated with Canterbury Court to newly acquired R-3 properties on Vermont Road (3717, 3727, and 3741); therefore, minimizing the impacts on abutting single family residential uses.
- **Economic use of current zoning:** Staff finds that the current zoning has a reasonable economic use. However, the amendment would not have a negative effect on the economic use and would have a positive effect on neighboring properties as the proposed zoning is compatible with existing conditions and reinforces densities that activate a pedestrian oriented district as envisioned for the Peachtree Road corridor.
- **Compatibility with policies related to tree preservation:** Any development done on the property must comply with the City of Atlanta Tree Ordinance at time of permitting.
- **Other Considerations:** The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to Atlanta City Design **3750 Peachtree Road NE** is located within a Growth Area Corridor. Growth Area Corridors are described as follows:

“These are the connecting issues of the city; the major streets that flow out of the Core in every direction. They stitch Old and New Atlanta together and most of them are commercially developed. Streets like Hollowell, Peachtree, and Jonesboro wind along the contours of the city while streets like Metropolitan, Memorial and Northside, slice straight lines across hills and valleys. In either case, we find commercial sites, civic buildings, and anchor institutions along the way. With better design, these corridors can become *Main Streets* for every community, accommodating a reasonable amount of growth that will spur commercial vitality and a vibrant public life out beyond the Core of the city.”

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled “Vermont Gardens Canterbury Court” prepared by Georgia Civil dated July 11, 2024, and stamped received by the Office of Zoning and Development on July 11, 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. Parcels fronting Vermont Road NE, known as Vermont Gardens, and shown as providing a walking trail shall be used for passive recreation.
3. Sidewalks shall be installed on Vermont Road and Club Drive.
4. The FAR associated with 3717, 3727, and 3741 shall not be used on the existing campus at 3750 Peachtree Road NE.
5. All conditions approved via 18-O-1699/Z-18-120 are applicable.



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-24-29 for 1407 Beecher Street SW

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to R-4B (Single Family Residential) for the property located at **1407 Beecher Street SW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 100 feet on the north side of Beecher Street and 214 feet on Rochelle Drive beginning at a half inch rebar set at the intersection of the northern right of way of Beecher Street and eastern right of way line of Rochelle Drive and being Land Lot 139 of the 14th District, Fulton County, Georgia in the West End Neighborhood in NPU T, Council District 4.
- **Property size and physical features:** The property is an L-shaped corner lot of 28,016 sq. ft. (0.643 acres). The site slopes down 26 feet from the high point located along the property line on Rochelle Drive and the low point at the northeast corner. The site is currently undeveloped and partially cleared. The site has mature trees scattered at the perimeter of the lot.
- **CDP land use map designation:** The subject property has a Single-Family Residential future land use designation within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property was previously used for a single-family dwelling; however the house was demolished in 2020. Staff is not aware of any additional previous uses of the site.
- **Surrounding zoning/land uses:** The surrounding zoning in the area includes R-4 (Single-Family Residential) to the east, west, south, and north. Only single-family uses are found in immediate vicinity of the site. All adjoining properties have a Single-Family Residential future land use designation.

- **Transportation system:** Rochelle Drive and Beecher Street SW are classified as local streets. The subject property is served by MARTA via bus route #71 along Cascade Avenue located 0.2 miles away from the subject property. There is a sidewalk connection on both sides of Beecher Street SW.

PROPOSAL: The applicant requests to rezone from R-4 (Single Family Residential) to R-4B (Single-family Residential) to subdivide the lot into three single-family residential lots.

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. The requested R-4B zoning classification is compatible with the Single-Family Residential future land use designation.
- (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 existing and surrounding properties indicate that there are public facilities and services available to the subject property. Future improvements to the site will require plans to be submitted for permit review, that 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. The subject property abuts R-4 (Single-Family Residential) property to the east, west, south, and north. Staff is of the opinion the proposed use will not have a negative effect on the balance of uses in the neighborhood.
- (4) **Effect on character of the neighborhood:** The proposed rezoning will have a desirable effect on the surroundings as it will add new housing preserving the character of the neighborhood. This project is supported by NPU T-1.a policy, which says, *“the character of each of the neighborhoods shall be preserved.”*
- (5) **Suitability of proposed land use:** The proposed rezoning request is suitable considering the surrounding single-family uses and lot sizes, widths and shapes. The applicant intends to create three lots that have a minimum lot areas of no less than 7,482 square feet and a lot width of no less than 50 feet. The proposed lot sizes and widths are consistent with the abutting properties; therefore, staff finds the proposed development and zoning request suitable for the site.
- (6) **Effect on adjacent property:** Staff does not anticipate negative effects from the rezoning request on adjacent properties. The proposed use is consistent and proposed lot sizes are substantially like the abutting properties. The project is consistent with the West End LCI, which seeks to *“to protect the neighborhood’s unique qualities and vitality, West End must be able to accommodate new growth, while making sure it happens in appropriate locations and with good design.”*

(7) **Economic use of current zoning:** The property will have more economic use under the requested R-4B zoning district, as it will allow three single-family homes instead of one.

(8) **Compatibility with policies related to tree preservation:** At the time of permitting the development must comply with the City of Atlanta's Tree Ordinance.

(9) **Atlanta City Design:**

The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **1407 Beecher Street SW** is located within a Suburban Neighborhood within a Conservation Area. Urban Neighborhoods are described as follows:

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

STAFF RECOMMENDATION: APPROVAL conditional based on the following:

1. No more than 3 lots shall be allowed.
2. All lots must have a minimum area of not less than 7,482 square feet and a minimum lot width of not less than 50 feet.
3. Two lots must have frontage on Beecher Street and one lot must have frontage on Rochelle Drive.
4. Lots having frontage on Beecher Street must have houses oriented towards Beecher Street.
5. All lots shall have a 35-foot front yard setback, 7-foot side setbacks on each side (except for the corner lot which shall have a 10-foot half-depth front yard setback), and 15-foot rear setback.
6. All lots shall have a maximum floor area ratio (FAR) of 0.50
7. Maximum lot coverage shall not exceed .50 of the net lot area.



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-24-30 for 421 Connell Avenue SW

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from RG-2 (Residential General Sector 2) to MR-3 (Multifamily Residential) for property located at **421 Connell Avenue SW**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 100 feet on the north side of Connell Avenue SW commencing at a 1 inch open top pipe found at the point of intersection of the westerly right of way line of Beeler Drive and the northerly right of way line of Connell Avenue. The property is in Land Lot 92 of the 14th District, Fulton County, Georgia in the Perkerson Neighborhood of NPU-X, Council District 12.
- **Property Size and Physical Features:** The subject property is approximately .688 acres (29,969.28 square feet) of area. The parcel is currently fenced and undeveloped. Vehicular access is provided via a driveway located on Connell Avenue. The topography of the site inclines approximately 28 feet to the northeast. A variety of trees and vegetation cover the greater part of the site.
- **CDP Land Use Map Designation:** The current land use category for the site is Medium Density Residential (MDR) within the 2021 Comprehensive Development Plan (CDP).
- **Current/Past Use of Property:** The parcel appears to have been previously developed with a single family home. Staff is unaware of any other previous uses of the property.

- **Surrounding Zoning/Land Uses:** The proposed site is in a primarily residential area east of the Metropolitan Parkway commercial corridor. The neighboring parcel to the east and north is currently zoned MR-3-C (Multifamily Residential Conditional) with a future land use designation of Medium Density Residential (MDR). The adjoining parcel to the west is currently zoned RG-2 (Residential General Sector 2) and has a future land use designation of Medium Density Residential (MDR). Both adjacent parcels are included in the site plan for the proposed affordable housing development. A concurrent rezoning application from RG-2 (Residential General Sector 2) to MR-3 (Multifamily Residential) has been submitted (case Z-24-31).
- **Transportation System:** Connell Avenue SW is designated as a local street by the City of Atlanta Transportation Planning Division. Nearby Metropolitan Parkway is classified as an arterial street. No sidewalks are present on either side of Connell Avenue SW. MARTA bus service operates south and west of the site along Metropolitan Parkway and Cleveland Avenue SW with connecting services to the East Point and West End Transit Stations.

PROPOSAL:

The applicant seeks to rezone from RG-2 (Residential General Sector 2) to MR-3 (Multifamily Residential) for the purpose of developing a new residential development consisting of 144 new affordable dwelling units.

Project Specifications:

Subject Property (421 Connell Avenue SW)

Lot Area (total):	.68 acres (28620.8 square feet)
Current Zoning:	RG-2 (Residential General Sector 2)
Proposed Zoning:	MR-3 (Multifamily Residential Sector 3)
Maximum Residential FAR (MR-3):	.696
Proposed Residential FAR (MR-3):	.559 (total proposed development)
Current Future Land Use:	Medium Density Residential (MDR)
Proposed Future Land Use:	Medium Density Residential (MDR)
Off-street parking required:	143 spaces
Off-street parking provided:	175 spaces
Proposed total units:	144 units (total proposed development)

CONCLUSIONS

1) Compatibility with Comprehensive Development Plan (CDP); timing of development:

The 2021 Comprehensive Development Plan designates the subject property as Medium Density Residential (MDR); therefore, the proposed zoning district is compatible with proposed zoning district.

- 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. Staff is of the opinion that the proposed rezoning would not have an adverse effect on the environment or create an inappropriate imbalance of land uses.
- 4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the character of the surrounding neighborhood by facilitating the redevelopment of vacant and underutilized parcels for multifamily affordable housing and increased housing choice. As a result of rezoning, the proposed development will provide new and affordable housing stock to the deteriorating neighborhood, and possibly serve as a catalyst for reinvestment in the area.
- 5) **Suitability of proposed land use:** The proposed zoning designation of MR-3 (Multifamily Residential) is compatible with the existing future land use designation of Medium Family Residential (MDR). This designation supports a mix of single family and multifamily housing types with commercial uses sometimes permitted as an accessory use. The proposed development along the Langston Avenue frontage of the property will provide a complementary development pattern to the housing currently located and northwest and more consistent with current policy than the development located to the east. The subject property is included within an area identified as a “Catalyst Site” in the 2005 Cleveland Avenue Corridor Study. The study identifies the area surrounding the intersection of Metropolitan Parkway and Cleveland Avenue as crucial to the revitalization of the entire corridor. The study recommends increased density and mixed-use development in the northeast quadrant of this area where the subject property is located. The 2020 Council District 12 Neighborhood Blueprint Plan states that the “Connell District” east of Metropolitan Parkway between Cleveland Avenue and I-85, is underutilized with future potential to develop with greater density, mixed use developments and increased housing. The proposed rezoning to MR-3 (Multifamily Residential) is consistent with the following CDP land use policies:
 - CW 10 Provide diverse and more affordable housing choices that are accessible by all people.
 - CW 12 Encourage a variety of housing types, including “missing middle” housing, that are compatible with nearby buildings.
 - IC/RC 1 Elevate the distinct character of each Corridor while encouraging density, growth, revitalization, and vibrancy.
 - IC/RC 2 Support the redevelopment of vacant and underutilized land and buildings.
 - IC/RC 6 Encourage compatible infill development on vacant lots or deteriorated buildings.

- 6) **Effect on adjacent property:** Based on the stated goals of the relevant small area plans and underutilization of the subject property, Staff is of the opinion that the proposed development will have a positive impact on adjacent properties. The rezoning of the subject parcel will facilitate the redevelopment of the neighboring parcel to the west as well as the larger undeveloped parcel to the north and east which is already zoned MR-3-C (Multifamily Residential Conditional). The proposed affordable housing development will help elevate the character of the surrounding neighborhood, which is designated as a Redevelopment Corridor in the 2021 Comprehensive Development Plan Character Area Map.
- 7) **Economic use of current zoning:** Although the parcel can be developed as currently zoned, it appears to have been vacant/underutilized for an extended period indicating that the existing economic use of the current zoning is limited. The proposed rezoning would significantly increase the economic use of the site.
- 8) **Compatibility with policies related to tree preservation:** Development of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting.

9) **Other Considerations:**

The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **421 Connell Avenue SW** site is located within a Growth Area: Corridor. Corridor areas are described as follows:

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

STAFF RECOMMENDATION: APPROVAL



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

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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-24-31 for 431 Connell Avenue SW

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from RG-2 (Residential General Sector 2) to MR-3 (Multifamily Residential) for property located at **431 Connell Avenue SW**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 100 feet on the north side of Connell Avenue SW commencing at a 1 inch open top pipe found at the point of intersection of the westerly right of way line of Beeler Drive and the northerly right of way line of Connell Avenue. The property is in Land Lot 92 of the 14th District, Fulton County, Georgia in the Perkerson Neighborhood of NPU-X, Council District 12.
- **Property Size and Physical Features:** The subject property is approximately .688 acres (29,969.28 square feet) of area. The parcel is currently fenced and developed with a brick, ranch style single family home. Vehicular access is provided via a driveway located on Connell Avenue. The parcel is bound by the unopened Cleveland Circle right-of-way to the east. The topography of the site inclines approximately 19 feet to the northeast. A variety of trees and vegetation are planted on the site.
- **CDP Land Use Map Designation:** The current land use category for the site is Medium Density Residential (MDR) within the 2021 Comprehensive Development Plan (CDP). This future land use designation is compatible with the proposed rezoning to MR-3 (Multifamily Residential).
- **Current/Past Use of Property:** The parcel is currently developed with a single family home. Staff is unaware of any other previous uses of the property.

- **Surrounding Zoning/Land Uses:** The proposed site is in a primarily residential area east of the Metropolitan Parkway commercial corridor. The adjoining parcel to the north is currently zoned MR-3-C (Multifamily Residential Conditional) with a future land use designation of Medium Density Residential (MDR). The adjoining parcel to the east is currently zoned RG-2 (Residential General Sector 2) with a future land use designation of Medium Density Residential (MDR). Both the adjoining parcels to the north and to the east are included in the proposed development site plan. A concurrent rezoning application from RG-2 (Residential General Sector 2) to MR-3 (Multifamily Residential) has been submitted for the neighboring parcel located at 421 Connell Avenue SW (case Z-24-30).
- **Transportation System:** Connell Avenue SW is designated as a local street by the City of Atlanta Transportation Planning Division. Nearby Metropolitan Parkway is classified as an arterial street. No sidewalks are present on either side of Connell Avenue SW. MARTA bus service operates south and west of the site along Metropolitan Parkway and Cleveland Avenue SW with connecting services to the East Point and West End Transit Stations.

PROPOSAL:

The applicant seeks to rezone from RG-2 (Residential General Sector 2) to MR-3 (Multifamily Residential) for the purpose of developing a new residential development consisting of 144 new affordable dwelling units.

Project Specifications:

Subject Property (431 Connell Avenue SW)

Lot Area (total):	.68 acres (28620.8 square feet)
Current Zoning:	RG-2 (Residential General Sector 2)
Proposed Zoning:	MR-3 (Multifamily Residential Sector 3)
Maximum Residential FAR (MR-3):	.696
Proposed Residential FAR (MR-3):	.559 (total proposed development)
Current Future Land Use:	Medium Density Residential (MDR)
Proposed Future Land Use:	Medium Density Residential (MDR)
Off-street parking required:	143 spaces
Off-street parking provided:	175 spaces
Proposed total units:	144 units (total proposed development)

CONCLUSIONS

1) Compatibility with Comprehensive Development Plan (CDP); timing of development:

The 2021 Comprehensive Development Plan designates the subject property as Medium Density Residential (MDR); therefore, the proposed zoning district is compatible with the proposed zoning district.

- 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. Staff is of the opinion that the proposed rezoning would not have an adverse effect on the environment or create an inappropriate imbalance of land uses.
- 4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the character of the surrounding neighborhood by facilitating the redevelopment of vacant and underutilized parcels for multifamily affordable housing and increased housing choice. As a result of rezoning, the proposed development will provide new and affordable housing stock to the deteriorating neighborhood, and possibly serve as a catalyst for reinvestment in the area.
- 5) **Suitability of proposed land use:** The proposed zoning designation of MR-3 (Multifamily Residential) complies with the existing future land use designation of Medium Family Residential (MDR). These areas support a mix of single family and multifamily housing types with commercial uses sometimes permitted as an accessory use. The proposed development along the Langston Avenue frontage of the property will provide a complementary development pattern to the housing currently located and northwest of the site and more consistent with current policy than the development located to the east. The subject property is included within an area identified as a “Catalyst Site” in the 2005 Cleveland Avenue Corridor Study. The study identifies the area surrounding the intersection of Metropolitan Parkway and Cleveland Avenue as crucial to the revitalization of the entire corridor. The study recommends increased density and mixed-use development in the northeast quadrant of this area where the subject property is located. The 2020 Council District 12 Neighborhood Blueprint Plan states that the “Connell District” east of metropolitan parkway between Cleveland Avenue and I-85, is underutilized with future potential to develop with greater density, mixed use developments and increased housing. The proposed rezoning to MR-3 (Multifamily Residential) is consistent with the following CDP land use policies:
 - CW 10 Provide diverse and more affordable housing choices that are accessible by all people.
 - CW 12 Encourage a variety of housing types, including “missing middle” housing, that are compatible with nearby buildings.
 - IC/RC 1 Elevate the distinct character of each Corridor while encouraging density, growth, revitalization, and vibrancy.
 - IC/RC 2 Support the redevelopment of vacant and underutilized land and buildings.
 - IC/RC 6 Encourage compatible infill development on vacant lots or deteriorated buildings.

- 6) **Effect on adjacent property:** Based on the stated goals of the relevant small area plans and underutilization of the subject property, Staff is of the opinion that the proposed development will have a positive impact on adjacent properties. The rezoning of the subject parcel will facilitate the redevelopment of the neighboring parcel to the east as well as the larger undeveloped parcel to the north and east which is already zoned MR-3-C (Multifamily Residential Conditional). The proposed affordable housing development will help elevate the character of the surrounding neighborhood, which is designated as a Redevelopment Corridor in the 2021 Comprehensive Development Plan Character Area Map.
- 7) **Economic use of current zoning:** Although the parcel is developed as currently zoned, the existing economic use of the current zoning is limited. The proposed rezoning would significantly increase the economic 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.

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, **431 Connell Avenue SW** site is located within a Growth Area: Corridor. Corridor areas are described as follows:

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

STAFF RECOMMENDATION: APPROVAL



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

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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-24-32 for 1425 Westview Drive SW**

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from R-4/BL (Single Family Residential/BeltLine Overlay) to R-4A/BL (Single Family Residential/BeltLine Overlay) for property located at **1425 Westview Drive SW**.

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL- SEPTEMBER 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: Z-24-36 for 718 East Avenue NE

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from R-4/BL (Single Family Residential/Beltline Overlay) to R-4B/BL (Single Family Residential/Beltline Overlay) for property located at **718 East Avenue NE**.

FINDINGS OF FACT:

- **Property location.** The subject property fronts 49.97 feet on the south side of East Avenue beginning at a point on the north side of East Avenue, which beginning point is 840.0 feet east of the intersection of the north side of East Avenue with the east side of Fortune Street. The parcel is in Land Lot 18, 14th District, Fulton County, Georgia within the Old Fourth Ward neighborhood of NPU-M in Council District 2.
- **Property size and physical features.** The subject property is located on East Avenue and is an interior lot with an area of approximately 0.126 acres (5,487 square feet). It currently features a one-story frame, a front porch, a wood deck in the rear of the house, a garage, and a shed in the rear. Access to the property is via a curb cut on East Avenue, leading to a driveway that ends in the side yard. The property has minimal vegetation, mainly manicured grass and a tree. The property's topography is relatively flat with a 4-foot grade change throughout.
- **CDP land use map designation:** The parcel is currently zoned R-4/BL (Single Family Residential/BeltLine Overlay). The land use designation is Low-Density Residential in the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is currently developed with a single family house. Staff is not aware of any previous uses of the property.

- **Surrounding zoning/land use:** The properties to the north and west are zoned as R-4/BL (Single Family Residential/BeltLine Overlay) with a Low Density Residential (LDR) land use designation. To the immediate east, the property is zoned as R-4B-C/BL (Single Family Residential Conditional/BeltLine Overlay) with a Low-Density Residential (LDR) land use, and to the south, there is Freedom Park and Freedom Parkway, designated as Open Space (OS). Next to Freedom Parkway, there is a parcel zoned as R-5/BL (Two Family Residential) with a land use designation Low-Density Residential (LDR) and Open Space (OS).
- **Transportation system:** The subject parcel abuts East Avenue. East Avenue is classified as a local street. MARTA provides service via bus route #816 at Ralph McGill Boulevard and Fortune Street NE which is 0.2 Miles from the subject site with connection to the MARTA Five Points Transit Station which is approximately 2.7 miles from the subject property. Sidewalks are present on one side of East Avenue.

PROPOSAL:

The applicant seeks a rezoning from R-4/BL (Single Family Residential/Beltline Overlay) to R-4B/BL (Single Family Residential/Beltline Overlay) to allow for the construction of a new single family residence with an attached two-car garage.

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed zoning is consistent with the existing Single Family Residential (SFR) land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment is not required.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. When the proposed development plans are submitted to other agencies for permit review, compliance with all applicable City and County codes will be required.
- (3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Staff believes that the proposed rezoning of the subject parcel from R-4 (Single Family Residential) to R-4B (Single Family Residential) is not consistent with the existing development pattern of the area. The lots on the block face range from 50 to 80 feet wide. Across East Avenue, the lot frontages range from 36 to 54 feet, with two lots at 36 feet wide. Although the parcels in this area are zoned as R-4, most of the lots are consistent with R-4A or R-5 development standards. Most lots exceed a width of 40 feet except for two. Staff believes that allowing a rezoning to subdivide the subject property, creating lot sizes and frontages that are inconsistent with most in the immediate area, may have a negative impact on the balance of land use with regard to public need.

- (4) **Effect on character of the neighborhood:** Staff finds the proposed rezoning to be incompatible with the character of the surrounding neighborhood. Lots surrounding the subject property are larger than the R-4B development standard. Therefore, Staff is of the opinion that allowing the R-4B zoning district in an established neighborhood of R-4 lots is not compatible with the existing lot pattern or character of the neighborhood where lot sizes exceed the current zoning.
- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed use is compatible with the Low Density Residential land use designation. However, Staff is of the opinion that the proposed request to rezone the property to the R-4B (Single Family Residential) zoning district is not suitable given the current pattern of the subject street, block face and R-4 lots in the surrounding area.
- (6) **Effect on adjacent property:** The development of R-4B (Single Family Residential) in an area platted for R-4 (Single Family Residential) development is not consistent with the Comprehensive Development Plan. The Comprehensive Development Plan characterizes the subject property area as a Traditional Neighborhood Existing character area. According to the plan, the Traditional Neighborhood Existing Policy #1 aims to *"Preserve the walkable scale and residential character of the neighborhoods."* Staff finds that allowing the R-4B zoning district on the subject property would be incompatible in scale and character with the existing neighborhood, the existing platting pattern of the neighborhood, the subject streets, and the subject block faces.
- (7) **Economic use of current zoning:** The economic use of the subject property could be increased by the proposed rezoning however it may have a detrimental effect on adjacent properties and the neighborhood.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.
- (9) **Other Considerations:** The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to Atlanta City Design **718 East Avenue NE** is located within a Conservation Suburban Neighborhood. Conservation area is the more natural part of the city that we want to protect from radical change. These are composed mostly of single-family homes. Suburban Neighborhoods are described as follows:

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

Z-24-36 for 718 East Avenue NE

July 11, 2024

Page 4 of 4

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 M. Holmes, AICP, Director KMH

SUBJECT: **Z-24-40 for 89 Williams H Borders Drive SE, 126 Hilliard Street SE, 380 Decatur Street SE**

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from RG-5 (Residential General District) and I-1 (Light Industrial District) to MRC-3 (Mixed Residential Commercial District) for the properties located at **89 Williams H Borders Drive SE, 126 Hilliard Street SE, 380 Decatur Street SE**

FINDINGS OF FACT:

- **Property location:** The property fronts 110.5 feet on the north side of Decatur Street, fronts 260.5 feet on the east side of Hilliard Street SE, and fronts 335.4 feet on the west side of Williams Holmes Borders Drive SE and commences at the undisturbed ½” rebar previously found in 2007 at the intersection of westerly right of way of Williams Holmes Borders Drive and the northerly right of way line of Decatur Street being Land Lot 45 of the 14th District, Fulton County, Georgia, in the Sweet Auburn Neighborhood in NPU M, Council District 5.
- **Property size and physical features:** The properties consist of a total of 3.91 acres (170,913 square feet) in net lot area. The property located at 380 Decatur Street SE and 126 Hilliard Street SE are currently undeveloped. The property at 89 Williams H Borders Drive is currently used as a parking lot. The topography varies throughout the three sites. There is no vehicular access to 380 Decatur Street SE and 126 Hilliard Street SE. Vehicular access is provided for 89 Williams H. Border Drive along Williams H. Borders Dr. There are existing trees in the perimeter of 89 Williams H. Borders Drive and 126 Hilliard Street SE.
- **CDP land use map designation:** The property located at 380 Decatur Street SE has a Low Density Commercial future land use designation, whereas the other two properties have a High Density Residential future land use designation. The proposed MRC-3 zoning district is not compatible with the future land use designations. An amendment to the Comprehensive Development Plan is required. The applicant seeks a land use amendment from High Density Residential and Low Density Commercial to High Density Mixed Use.

- **Current/past use of property:** Based on aerial and street view from 2007, the property located at 380 Decatur Street SE was previously used as a retail store and the property located at 126 Hilliard Street SE was used for what appears to be a residential building. Both buildings were demolished before 2010.
- **Surrounding zoning/land uses:** The surrounding zoning in the area includes multifamily uses zoned RG-4 (Residential General Sector 4) to the west with High Density Residential future land use. Properties located to the south of the subject property have recreational uses such as the Martin Luther King Natatorium zoned RG-5 (Residential General Sector 5) with High Density Residential future land use designation and Butler Park zoned RG-4 (Residential General Sector 4) to the south with Open Space future land use designation. Properties located to the east are used for medical and office uses zoned MRC-3-C (Mixed Residential Commercial Conditional) having Mixed Use High Density future land use designation. The properties located to the south are zoned I-1 (Light Industrial) and I-2 (Heavy Industrial) with Low Density Commercial future land use designation currently used for office space and the MARTA King Memorial Transit Station.
- **Transportation system:** Decatur Street is classified as an arterial street and Hilliard Street and Williams H. Borders Drive are classified as local streets. The sites are within walking distance of the MARTA King Memorial Transit Station.

PROPOSAL: The applicant request to rezone from RG-5 (Residential General Sector 5) and I-1 (Light Industrial District) to MRC-3 (Mixed Residential Commercial District) to allow the construction of a 433-unit multifamily development with 44 affordable units available for households meeting 80% of the Area Media Income (AIM).

Project Specifications:

Net lot area:	3.91 acres (170,319 sf)
Required Max FAR:	3.20 FAR
Proposed Residential FAR:	2.1 FAR
Proposed total number of units:	433 units
Proposed market rate units:	389 units
Proposed Affordable units:	44 units @ 80% AMI
Proposed Parking count:	459 spaces
Number of stories:	5 stories + basement

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The properties 126 Hilliard Street SE and 89 Williams Holmes Border have a High-Density Residential (HDR) future land use designation whereas 380 Decatur Street have a Low Density Commercial (LDC) future land use designation. The proposed rezoning to MRC-3 is not compatible with the CDP. The applicant has filed for a land use amendment to change the future land use designation to Mixed Use High Density (MUHD).

- (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 existing and surrounding properties indicate that there are public facilities and services available to the subject property. Future improvements to the site will require plans to be 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. The subject properties are underutilized as two of the sites are currently undeveloped and another one is used as a parking lot. Developing the sites for a multifamily dwelling will not negatively affect the balance of uses in the area as the development will allow more housing in the Sweet Auburn neighborhood. The proposed ground-floor 2,600 square foot of retail space is also supported by NPU-M Policy M-6, which seeks to *“encourage street-level retail uses in order to maximize pedestrian activity and to facilitate vibrant and active public spaces that link neighborhoods with Downtown.”*
- (4) **Effect on character of the neighborhood:** The proposed rezoning will have a desirable effect on the surroundings and will complement nearby land uses and provide more housing options in proximity to jobs, schools, and hospitals in the area. This rezoning request is supported Objective #2 found in the Butler – Auburn Redevelopment Plan Update which seeks to *“support the construction of new housing units on vacant/under-utilized sites, including multi-family housing to meet campus-related housing needs of Georgia State University, Grady Hospital, and others desiring to live in the unique ambiance of Auburn Avenue.”*
- (5) **Suitability of proposed land use:** The proposed multifamily use is suitable for the site given its proximity to downtown Atlanta, which has a high employment concentration, and high-capacity transit. The proposed land use is supported by Goal #5 of the Butler-Auburn Redevelopment Plan Update which seeks *“housing Improvements- Strengthen the socio-economic diversity, home ownership patterns, unit design choices and affordability of existing and new housing in the Butler Street/Auburn Avenue community through historic preservation, housing rehabilitation, infill housing construction, financial assistance, and management improvements.”*
- (6) **Effect on adjacent property:** The proposed request would rezone the properties to a designation that complements the existing conditions of the community, and thus, should not have a negative effect on adjacent properties. The request is supported by NPU-M policy M-8 *“Encourage the reuse or redevelopment of vacant, under-utilized, obsolescent, and/ or structurally deteriorated industrial and commercial properties that are associated with the historic railroad corridors bordering the Butler Street/Auburn Avenue and Old Fourth Ward neighborhoods. Promote mixed-use developments that would increase compatibility with the surrounding residential land uses while generating modern industries, businesses, and employment opportunities for center-city residents.”*

- (7) **Economic use of current zoning:** The existing zoning categories RG-5 and MRC-3 of the sites allow for some economic use, however, rezoning the property to MRC-3 will allow more residential density in proximity to high-capacity transit.
- (8) **Compatibility with policies related to tree preservation:** At the time of permitting the development must comply with the City of Atlanta’s Tree Ordinance.
- (9) **Atlanta City Design:**

The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **89 Williams H. Borders Drive SE, 126 Hilliard Street SE, 380 Decatur Street SE**, are in an Urban Neighborhood. Urban Neighborhoods are described as follows:

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

STAFF RECOMMENDATION: APPROVAL



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Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-16 for 383 Cativo Drive SW

DATE: July 11, 2024

An Ordinance by Zoning Committee for a special use permit for a personal care home pursuant to Section 16-34.007(1)(k) for property located at **383 Cativo Drive SW**.

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL – SEPTEMBER 2024



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

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

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-17 for 1042 Northside Drive NW

DATE: July 11, 2024

An Ordinance by Zoning Committee for a special use permit for a non-residential use or establishment exceeding 7,500 square feet in area in which alcoholic beverages are sold or consumed on the premises pursuant to **Section 16-44.007(12)(a)** for property located at **1042 Northside Drive NW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 410 feet on the west side of Northside Drive, and fronts 308 feet on the south of Ethel Street and begins at the southwest intersection of Northside Drive and Ethel Street. The property is in Land Lots 149 & 150 of the 17th District, Fulton County, Georgia within the Marietta Street Artery neighborhood of NPU-E, Council District 3.
- **Property size and physical features:** The subject property is approximately 4.364 acres (190,095 square feet). It is located on the west side of Northside Drive with approximately 336.47 feet of frontage on the north side of 11th Street. The topography varies throughout but generally inclines approximately 47 feet in an easterly to westerly direction. Curb cuts can be found along Northside Drive NW, 11th Street NW, and Ethel Street NW.
- **CDP Land Use and designation:** The subject property has a future land use designation of Mixed Use (MU) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property has been recently redeveloped with a large mixed-use structure named, “Interlock Phase II.” The property was previously the site of a few one and two-story nonresidential structures hosting multiple businesses.

- **Surrounding zoning/land uses:** The subject property is currently zoned MRC-3/MSA/UPW (Mixed Residential Commercial/Marietta Street Artery Overlay/Upper Westside Overlay). Some properties adjacent to the subject property are also zoned MRC-3/MSA/UPW (Mixed Residential Commercial/Marietta Street Artery Overlay/Upper Westside Overlay), there is also MR-3-C/SPI-8 (Multifamily Residential Conditional/Home Park Special Public Interest District) and PD-MU/MSA/UPW (Planned Development Mixed Use/ Marietta Street Artery Overlay/Upper Westside Overlay). Each surrounding property is used either as multistory residential developments or multistory mixed-use developments.
- **Transportation system:** Northside Drive NW is categorized as an arterial street, with sidewalks along both sides of the road. MARTA bus routes #94 and #12 have stops nearby; both are located approximately 0.1 miles away.

PROPOSAL: The applicant seeks a special use permit to operate an eating and drinking establishment exceeding 7,500 square feet in area where alcoholic beverages are sold or consumed on premises pursuant to Section 16-44.007(12)(a).

- **Ingress and egress:** Access to the subject property is via three curb cuts; one each on 11th Street NW, Vidalia Lane NW, and Ethel Street NW. The subject property is located on the 15th floor of a 15-story building located at the northwest corner of the intersection of 11th Street NW and Northside Drive NW in a development known as, “Interlock Phase II.” Pedestrians will access the property by public sidewalks on 11th Street that lead to the lobby of the development. From the lobby, pedestrians will enter one of five elevators to the 15th floor of the building and the restaurant. The proposed restaurant is the only currently proposed occupant on the 15th Floor. The main vehicle access will be from 11th Street NW. A traffic light was added to the intersection of Northside Drive NW and 11th Street NW for easier access to the development.
- **Emergency Service Access:** Emergency vehicles will access the property using the existing curb cuts and driveway on 11th Street.
- **Off-Street Parking and loading:** The development has multiple parking garages with a total of 760 parking spaces for retail uses within the development, including the proposed restaurant. Guests who park their vehicles in the parking garages will follow wayfinding signs to the elevators. The elevators stop on each floor of the building, including the parking garages.
- **Refuse and services areas:** A communal dumpster for the property is located at the loading dock on the west side of the building and managed by the landlord. This loading dock will also be used to bring in any supplies for the restaurant. Wagyu House Atlanta will dispose of its garbage daily into that dumpster. The dumpster is currently emptied 3 times weekly by a third-party trash service, but as more establishments open at the Interlock Phase II development, the dumpster will be emptied 4-5 times weekly. The dumpster is emptied during daytime hours only. A trash compacter is planned to be installed in 2025.

- **Buffering and screening:** Adjoining properties will be buffered by the nature of the building and its position in the development. The lighting within the restaurant is self-contained and will not bleed out. The restaurant's patio will have LED lighting on the floor and will also have outdoor speakers. All the lighting is static. Outdoor amplified music is limited to soft, welcoming, ambient music. Speakers are contained in six fixed planters and are located to keep sound contained within the restaurant patio.

Hours and manner of operation: All employee shifts will be coordinated with managers to ensure carpooling individuals and individuals using public transportation can overlap at reasonable times. The presently anticipated shifts are listed; however, hours are subject to change: Monday – Friday: 4:00 pm – 11:00 pm, Saturday: 10:00 am – 7:00 pm and 5:00 pm – 1:00 am, and Sunday: 10:00 am – 6:00 pm and 4:00 pm – 11:00 pm.

- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** The subject property is tenant contained within a high-rise structure.
- **Tree Preservation and Replacement:** Trees impacted by the property's development will be reviewed and must comply with the City Arborist in accordance with the Tree Preservation Ordinance.

CONCLUSIONS:

- **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:** Pedestrian access to the facility is through the building's stairs and elevators accessed via entrances fronting Northside Drive NW, 11th Street NW, and Vidalia Lane NW. Automotive and bicycle access to the facility is through a shared parking deck via four curb cuts; one each on Northside Drive NW, 11th Street NW, Vidalia Lane NW, and Ethel Street NW. Bicycle access is through four bike racks on the sidewalk of Northside Drive NW and at least 42 bicycle spaces located within the parking deck. Rideshare access is directed towards the approximately 10 short-term parking spaces located within the main plaza of the development. During the week, the restaurant will not open until 4:00 PM and the applicant anticipates that its peak business during the week will be after traditional work hours of office and retail workers in the development. The applicant predicts approximately 100-200 cars to use the property during weekdays and 400-600 during weekends. Staff finds ingress and egress conditions to be sufficient regarding pedestrian safety and convenience, traffic flow and control, and emergency access.
- **Off-Street Parking and loading:** There is a curb cut each on 11th Street, Ethel Street NW and Vidalia Lane NW serving the 760-spot parking garage where all employee and guest vehicles will park. The facility is gated, employees will use access control badges, and clients will use the gate call box to be granted access. Staff finds off-street parking and loading to be sufficient.

- **Refuse and services areas:** A communal dumpster for the entire property is located at the loading dock on the west side of the building, managed by the landlord. Wagyu House Atlanta will dispose of its garbage daily into that dumpster. The dumpster is currently emptied 3 times weekly by a third-party trash service, but as more establishments open at the Interlock Phase II development, the dumpster will be emptied 4-5 times weekly. The dumpster is emptied during daytime hours only. The applicant's landlord advises that a trash compacter will be installed in 2025. Staff finds the applicant's proposed conditions to be sufficient.
- **Buffering and screening:** The applicant will comply with all regulations regarding the proposed use, including but not limited to; The Upper Westside Overlay District regulation per Sec. 16-44.007(7)(b) "*No outdoor dining and/or any amplified sound shall be allowed to operate outside enclosed permanent structures between the hours 11:00 p.m. to 6:30 a.m.*" Staff finds the applicant's proposed conditions to be sufficient.
- **Hours and manner of operation:** The proposed operation is a full-service steak and seafood-centric restaurant including the sale of alcoholic beverages for consumption on premises. The restaurant will employ approximately twenty to thirty people per shift on weekdays and approximately forty to sixty people per shift on weekends. The operational hours of the restaurant are Monday through Thursday 4:00pm – 10:00pm; Friday 4:00pm – 12:00am; Saturday 11:00am – 12:00am, and Sunday 11:00am – 10:00pm. Meals and beverages will be offered for sale during all hours of operation. Staff finds the applicant's proposed conditions to be sufficient.
- **Duration:** The applicant requests an indefinite duration. Staff is supportive of a 3-year duration.
- **Required yards and open space:** Staff finds that no required yards or open space are impacted by this proposed use.
- **Compatibility with policies related to tree preservation:** Trees impacted by the property's development will be reviewed and must comply with the City Arborist in accordance with the Tree Preservation Ordinance. Staff finds the applicant's proposed conditions to be sufficient.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit shall be valid for three years from the date of adoption by the Atlanta City Council.
2. The special use permit shall be valid for so long as the operator of the business is "Chubby Cattle the Interlock Atlanta, LLC c/o Sard & Leff, LLC."
3. The special use permit is not transferable.



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-18 for 556-560 Saint Charles Avenue NE and 573 Saint Charles Way (rear)

DATE: July 11, 2024

An Ordinance by Councilmember Alex Wan to revoke the special use permit approved pursuant to Ordinance 05-O-1942 for a nursing home for property located at **556-560 Saint Charles Avenue NE and 573 Saint Charles Way (rear)**; and for other purposes.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 112 feet on the north side of Saint Charles Avenue NE beginning approximately 236.5 feet from the northwesterly intersection of Lakeview Avenue and Saint Charles Avenue NE. The property is located within Land Lot 48 of the 14th District, Fulton County, Georgia in the Midtown neighborhood of NPU-E in Council District 6.
- **Property size and physical features:** The property is approximately .514 acres (22,400 square feet). The property is developed with a multistory nonresidential structure. The topography varies across the lot, with approximately 6 feet between its highest and lowest points. Vehicular access to the site is provided by a curb cut on Saint Charles Avenue NE. There are mature trees and landscaping throughout the property.
- **CDP land use map designation:** The property has a future land use designation of LDR (Low Density Residential) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is developed with a multistory nonresidential structure operating as a nursing home pursuant special use permit 05-O-1942 approved by City Council December 5, 2005. Staff is unaware of any other previous uses on the site.

- **Surrounding zoning/land uses:** Parcels located north, south, east and west of the subject parcel are zoned R-5/BL (Two Family Residential/BeltLine Overlay) with LDR (Low Density Residential) land use designation.
- **Transportation system:** The property fronts Saint Charles Avenue NW which is classified as a local road. MARTA bus route service operates nearby along Monroe Drive NE, .1 miles from the site. Sidewalks are present along both sides of Monroe Drive NE.

PROPOSAL:

The request is to revoke the special use permit (05-O-1942) approved by City Council on December 5, 2005, and allowed to pass into law on December 14, 2005, to operate a 90-bed nursing home facility. Westminster Commons operates a nursing home and has been found to be violating the special use permit and the approved conditions of zoning.

- **Ingress and egress:** Vehicular access is provided from St. Charles Avenue by an existing driveway that leads to a small parking pad.
- **Parking and loading:** There is very limited parking capacity along the existing driveway.
- **Refuse and service areas:** The refuse area is in the rear of the site.
- **Buffering and screening:** There are trees along the west property line. However, there are no provisions for buffering and screening along the north and east property line due to the location of the existing building on the lot.
- **Hours and manner of operation:** The special use permit approved Facility Investment, LLC d/b/a Westminster Commons to operate a nursing home subject to the following zoning conditions: *The special use permit shall be valid only as long as Facility Investment, LLC d/b/a Westminster Commons is the operator of the nursing home on the subject property; Facility Investment, LLC d/b/a Westminster Commons will provide transportation via a shuttle to and from the offsite parking lot/facility prior to and after shift changes for employees; Facility Investment, LLC d/b/a Westminster Commons will impose a work rule that designates the area in front of the building (including the driveway in front of the building) as a no-smoking area; That the City council hereby waives the onsite parking requirement for this property on the condition that Facility Investment, LLC d/b/a Westminster Commons maintains a valid lease for 43 offsite parking spaces in addition to the five (5) onsite spaces, to be used by employees and visitors. Facility Investment, LLC d/b/a Westminster Commons must maintain a valid parking lease for the 43 spaces at all times during the life of the special use permit and shall require the use of the offsite spaces by employees. Failure to maintain a valid parking lease or the use of the offsite parking will be a violation of this condition and may result in the revocation of the special use permit by the City Council if a new lease for an equal or greater number of spaces cannot be obtained within fifteen (15) days of the lapse of the lease; Ingress/egress - Facility Investment, LLC d/b/a Westminster Commons shall insure that all none emergency deliveries will take place between 10am and 2pm. Delivery vehicles are prohibited from parking on the street and must use the driveway for all delivery. It will be the applicant's responsibility to*

insure that no delivery vehicle parks on the street. Zoning inspectors are authorized to issue citations to the applicant for violation of these requirements without first issuing a correction notice. These citations shall not be considered traffic citations and the issuance of zoning citations for the failure to enforce this condition shall be in addition to any citations for illegal parking. Failure to comply with these requirements on more than two (2) occasions will be deemed a violation of this condition and may be cause for the revocation of the special use permit; and Facility Investment, LLC d/b/a Westminster Commons, will require that all deliveries are made in vehicles 30 feet in length or less.

- **Duration:** The duration of the special use permit is indefinite conditioned on Facility Investment, LLC d/b/a Westminster Commons being the operator.
- **Required yards and open space:** No changes to the required yard are anticipated.
- **Tree Preservation and Replacement:** Any tree removal on the property will be permitted via the City Arborist.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Pursuant to the zoning conditions approved in Ordinance 05-O-1942, Facility Investment, LLC d/b/a Westminster Commons, “*shall insure that all none emergency deliveries will take place between 10am and 2pm. Delivery vehicles are prohibited from parking on the street and must use the driveway for all delivery. It will be the applicant's responsibility to ensure that no delivery vehicle parks on the street*”. The following violations have been reported: 5/8/24 – illegal delivery on street, 5/9/24 – illegal delivery on street, 5/21/24 – illegal delivery on street, 5/22/24 – illegal delivery on street, 5/28/24 – illegal delivery on street, and 5/30/24 – illegal delivery on street. Further, the conditions of zoning require, “*Failure to comply with these requirements on more than two (2) occasions will be deemed a violation of this condition and may be cause for the revocation of the special use permit; and Facility Investment, LLC d/b/a Westminster Commons.*” Staff finds Facility Investment, LLC d/b/a Westminster Commons in violation of the adopted conditions and recommends revocation of the special use permit.
- b) **Off-street parking and loading:** Pursuant to the zoning conditions approved in Ordinance 05-O-1942, Facility Investment, LLC d/b/a Westminster Commons was to provide 43 off-site parking spaces via a shared parking agreement and require all employee parking in said location. Currently, Facility Investment, LLC d/b/a Westminster Commons does not have a shared parking agreement and employees routinely park in St. Charles Avenue impeding traffic. Per the conditions of the special use permit, “*Failure to maintain a valid parking lease or the use of the offsite parking will be a violation of this condition and may result in the revocation of the special use permit by the City Council if a new lease for an equal or greater number of spaces cannot be obtained within fifteen (15) days of the lapse of the lease*”. Staff finds Facility Investment, LLC d/b/a Westminster Commons in violation of the adopted conditions and recommends revocation of the special use permit.

- c) **Refuse and service areas:** Pursuant to the zoning conditions approved in Ordinance 05-O-1942, Facility Investment, LLC d/b/a Westminster Commons, “*shall insure that all nonemergency deliveries will take place between 10am and 2pm.*” Deliveries are made by vehicles that park on the street and impede the flow of traffic, and some deliveries are made outside the required delivery timeframe. Delivery trucks park on the street or stop in the street impeding the passage of school buses and other vehicular traffic. On some occasions, Westminster Commons’ managers have asked their employees to move their vehicles so their delivery trucks can get by. Despite numerous attempts by residents and Sergeant Cooper from the Midtown-Ponce Security Alliance to engage Westminster Commons’ management to abide by the terms of the permit Westminster Commons continuously violates the conditions of the special use permit; therefore, staff recommends revocation.
- d) **Buffering and screening:** The site has several large trees on the western side of the lot and there are several large trees and other shrubs and grasses in the rear. No changes to buffer or screening are anticipated.
- e) **Hours and manner of operation:** Facility Investment, LLC d/b/a Westminster Commons is a facility that offers clinical care, rehabilitation care, and specialty care. At the facility residents pain management, dementia management, wound care management, hospice care, dialysis treatments, physical therapy, occupational therapy and speech therapy. Westminster Commons was granted a special use permit in 2001 and was renewed in 2005. With the support of the Midtown Neighborhood Association, the special use permit was approved with six conditions: operational governance, exterior smoking, deliveries– to prevent blockage of street for regular residential use, and street parking – to address limited on-street parking needed by residents. Westminster Commons was to maintain an off-street parking lot for employees with a shuttle service. *Failure to maintain a valid parking lease or the use of the offsite parking will be a violation of this condition and may result in the revocation of the special use permit by the City Council if a new lease for an equal or greater number of spaces cannot be obtained within fifteen (15) days of the lapse of the lease.* There is no indication that there is an active lease for off-site parking. Westminster Commons has been found in violation of several conditions despite numerous meetings with several stakeholders. Recent violations include 5/8/24 – illegal delivery on street, 5/9/24 – illegal delivery on street, 5/21/24 – illegal delivery on street, 5/22/24 – illegal delivery on street, 5/28/24 – illegal delivery on street, and 5/30/24 – illegal delivery on street. Previous violations include: Summer 2011: Nursing home built a large shed without a permit along the fence-line of an adjacent property—when reported to the City the nursing home was forced to tear it down; November 2011: nursing home began construction of a sidewalk and driveway on neighbor’s property without prior discussion, permit or permission of neighbor; Neighbor forced resolution of issue with nursing home; and nursing home employees, emergency vehicles, delivery drivers and others constantly use the driveway of residents at 568 St. Charles blocking access. Property owners have been registering blocked driveway access to the police. Staff finds the hours and manner of operation to be in violation of the approved conditions and recommends revocation of the special use permit.

- f) **Duration:** Staff recommends revocation of the special use permit.
- g) **Required yards and open space:** There are no changes to required yards and open space.
- h) **Compatibility with policies related to tree preservation:** Trees impacted by the development will be reviewed by the City Arborist in accordance with the Tree Preservation Ordinance.

STAFF RECOMMENDATION: APPROVAL



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-23-18 for 1855 Delowe Drive SW

DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from R-3 (Single Family Residential) to R-5 (Two Family Residential) for property located at **1855 Delowe Drive SW**.

FINDINGS OF FACT:

- **Property location.** The subject property fronts approximately 103.8 feet on the west side of Delowe Drive SW beginning at the intersection of Delowe Place and Delowe Drive. The property is in Land Lot 186 of the 14th District, Fulton County, Georgia within the Campbellton Road neighborhood of NPU-R in Council District 11.
- **Property size and physical features.** The subject property is approximately .31 acres (13503.6 sq. ft.) and is currently undeveloped. There are several large trees located onsite. The topography of the property is relatively level.
- **CDP land use map designation:** The current land use category for the site is Single-Family Residential within the 2021 Comprehensive Development Plan. A land use amendment is required to LDR (Low Density Residential).
- **Current/past use of property:** The property is currently vacant. Staff is unaware of any previous uses on the property.
- **Surrounding zoning/land use:** The parcels to the north and to the east are zoned MRC-2-C (Mixed Residential Commercial Conditional) and MRC-3-C (Mixed Residential Commercial Conditional) with a MU (Mixed Use) land use designation. Properties to the south and zoned are zoned R-3 (Single-family Residential) District with a single family residential land use designation and MR-4A-C (Multifamily Residential Conditional) with a MDR (Medium

Density Residential) land use designation. Property to the west is zoned R-3 (Single Family Residential) with a SFR (Single Family Residential) land use designation.

- **Transportation system:** Delowe Drive is classified as a local street. MARTA provides service via bus Route #81 within 100 feet of the site along Delowe Drive SW. Sidewalks are present along the east side of Delowe Drive SW. Per Section 16-07.011 a 2-foot amenity zone and a 5-foot walk zone shall be installed.

PROPOSAL:

The applicant requests a rezoning from R-3 (Single Family Residential) to R-5 (Two Family Residential) to construct a duplex.

Project Specifications:

Net Lot Area:	13503.6 sq. ft. (.31 acres)
Maximum FAR allowed:	0.60 x 13503 sq. ft. = 8,102.16 sq. ft.
Proposed FAR:	5,470 square feet (0.39)
Maximum lot coverage:	7,426.98 (.55) of net lot area
Front Yard	30'
Side Yard	7'
Rear Yard	7'

CONCLUSIONS:

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

The proposed zoning is not consistent with the existing Single Family Residential land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment is required.

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

The location of the subject property and the current use of the existing and 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. Future improvements to the site will require plans to be submitted for permit review, they must comply with all 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 provided any proof that they own any other land in the vicinity that would be suitable for this use. Rezoning the subject property to R-5 (Two Family Residential) is consistent with the low density residential future land use designation proposed which is found along local streets with some transit access but more reliance on cars. Additionally, this property is immediately adjacent to property zoned MRC-2-C and a change to a low density residential land use designation with a consistent zoning district will serve as a buffer from the more intense mixed residential commercial to the single family residential located south of the property on Delowe Drive.

- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning has the potential to add value to the character of the neighborhood. The low density residential designation consists primarily of detached single-family houses, duplexes with properties zoned R-1 through R-5, RG-1, RG-2, MR-1, MR-2, MR-MU, PD-H and PD-CS. The proposed development is consistent with CW12, “*Encourage a variety of housing types, including “missing middle” housing, that are compatible with nearby buildings*”. In addition, new infill housing may increase the economic value of nearby and adjacent properties.
- (5) **Suitability of proposed land use:** A change in land use is necessary as the proposed use is not permitted by the Single Family residential land use designation. The construction of a two family dwelling will serve as a transition from the higher intensity development permitted by property north of the site zoned MRC-2-C which permits buildings that are between 150 feet and 300 feet from the site to be 52 feet (approximately 5 stories). Properties immediately adjacent cannot exceed 35 feet, the same height as properties that are zoned R-3 (Single Family Residential) or R-5 (Two Family Residential).
- (6) **Effect on adjacent property:** Rezoning the subject property to R-5 will have a positive effect on the neighborhood as it will allow the construction of a two family dwelling that will increase the available housing stock and increase the number of residents living along Delowe Drive. Increasing the number of residents will increase the number of patrons that might utilize nearby Delowe Plaza and that will utilize the planned Campbellton Road BRT.
- (7) **Economic use of current zoning:** The economic opportunity of the subject property is limited under the existing R-3 zoning designation. While the R-3 classification allows for the development of one single-family detached home that is 5,401 square feet. The R-5 zoning, however, will allow the construction of a dwelling of approximately the same size but will serve as the residents of two families.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta’s Tree Ordinance and construction plans will be reviewed for compliance upon submittal.
- (9) **Atlanta City Design:** The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, the property located at **1855 Delowe Drive SW** is within a Conservation Area: Urban Neighborhoods. Urban Neighborhoods are described as follows:

“These are small-scale, historic, walkable neighborhoods where growth capacity is limited mostly by our desire to keep them the way they are. 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 includes small apartment buildings, townhouses, or two and three-family homes. Their inherent walkability, historic charm, and proximity to Downtown make them highly desirable under today’s market pressures, and therefore, threatened by even denser development.”

STAFF RECOMMENDATION: APPROVAL



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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 Junior Drive SW**
DATE: July 11, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing District) for the property located at **2194 Martin Luther King Jr SW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 212.32 feet on the east side of Florida Avenue and 372.61 feet on the south side of Martin Luther King Junior being all that tract or parcel of land lying and being in Land Lot 180 of the 14th District, Fulton County, Georgia in the Florida Heights Neighborhood of NPU-I, Council District 10.
- **Property size and physical features:** The property is a regular shaped lot with a frontage of 212.32 feet on the east side of Florida Avenue and 372.61 feet on the south side of Martin Luther King Jr. Drive. It is approximately 1.81 acres (78,844 square feet) and has a depth of 328 feet. The site is developed with a one-story 870 square foot structure and a concrete driveway. The site has mature trees and vegetation. The site has a steep topography with a difference of 40 feet between the highest and lowest elevation point. The high point on the site is located at the southeast corner of the lot while the lowest point is located along Martin Luther King Drive.
- **CDP land use map designation:** The subject property has a SFR (Single Family Residential) future land use designation within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is currently improved with a one-story structure of 870 square feet and a concrete driveway. The property appears to have been previously

used as a residence, however staff is unaware of any previous activities or other prior uses of the site.

- **Surrounding zoning/land uses:** Abutting zoning includes R-4 (Single Family Residential) zoning to the south and east of the site. The properties located across the street on Martin Luther King Jr. Drive are zoned C-2 (Commercial Service District) and RG-3 (Residential General Sector 3). The properties across the street on Florida Avenue SW are zoned R-4 (Single Family Residential). The uses on the west, south, and east of the south are single-family residential uses, while the properties north of the site are used for small commercial businesses.
- **Transportation system:** The subject property has frontage on Florida Avenue which is a local road and Martin Luther King Jr. Drive which is an arterial street. The subject property is served by MARTA via bus route #3 and #867 located across the street at the southwest corner of Florida Avenue and Martin Luther King Jr. Drive. The Hamilton E. Holmes MARTA Station is located 0.5 miles from the subject property. There are sidewalks on both sides of Martin Luther King Jr. Drive and no sidewalks on Florida Avenue.

PROPOSAL: The applicant requests to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing District) to allow the construction of 7 single-family homes.

Current Zoning:	R-4
Proposed Zoning:	PD-H
Net Lot Area:	78,844 sq. ft. (1.81 AC)
Gross Floor Area:	95,619 sq. ft. (2.20 AC)
Total number of lots:	7
Total number of single-family dwellings:	7
Unit size:	3,000 sq. f.t
Lot sizes:	5,507 sq. ft. to 12,090 sq. ft.
Perimeter Building Setbacks	
Front along Florida Avenue:	65 Feet
Half Depth Setback along MLK Jr Drive:	35 feet
Rear:	40 feet
Side:	60 feet
Lot Building Setbacks:	
Front:	35 feet
Side:	0
Rear for lots 1-4:	60 feet
Rear for lots 5-7:	40 feet
Proposed Height:	45 feet (3 stories)
Parking:	28 spaces (4 per unit)
Proposed FAR:	0.22 FAR (7 units x 3,000 square feet) = 21,000/

95,619 sq. ft. GFA= 0.22 FAR.

Total Open Space:	81,619 sq. ft. (85%)
Total Useable Open Space:	41,000 sq. ft. (45%)
Lot coverage:	50% of entire parcel

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. Rezoning the subject site to PD-H (Planned Development Housing) is compatible with the future land use designation.

(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 existing and surrounding properties indicate that there are public facilities and services available to the subject property. Future improvements to the site will require plans to be submitted for permit review that 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. Rezoning the existing 1.8-acre single-family zoned parcel will allow the creation of 7 new single-family homes under the proposed PD-H zoning district. The subject property is located right outside the perimeter of the H.E. Holmes LCI, within a 10-minute walk of the H.E. Holmes Transit Station, which seeks the creation of a Town Center by allowing a mix of land uses as stated in the adopted H.E. Holmes LCI Study and Concept Plan, which says "*the mixed-use core of the LCI Study Area is proposed for the area around the H.E. Holmes MARTA Station and MLK Drive within the vicinity of the station and generally within a ten-minute walk of the MARTA station.*" The proposed land use will provide a transition from mix-use zoned properties found within the H.E. Holmes LCI core as well as the medium density residential land uses found on the north side of Martin Luther King Jr. Drive, across from the subject property.

(4) Effect on character of the neighborhood:

The proposed PD-H zoning district will have a positive effect on the character of the neighborhood. The site has frontage on Martin Luther King Jr. Drive, which is an arterial street, where medium density residential uses are desired due to its proximity to transit access. However, the subject site also has frontage on Florida Avenue, which is a gateway into the Florida Heights neighborhood, where properties with one dwelling per 9,000 square feet single-family uses are found. Given the location of the site fronting both an arterial street and local street, Staff is of the opinion that the proposed 7 single-family homes will provide a reasonable transition as well as complement the existing and desired land uses on Martin Luther King Jr. Drive. The character of this portion of Martin Luther King Jr. Drive is low density residential, with structures aged 50 years or over, used first for residential purposes and then for limited commercial uses. This entrance to the Florida Heights neighborhood is via a local street, where access for this development will be where a single-family community exists and where the development of new communities on lots of medium size is appropriate. Staff is of the opinion that there will be a positive effect on the character of the neighborhood.

- (5) **Suitability of proposed land use:** The proposed land use is suitable for the site considering the adjacent and nearby uses. The proposed land use will preserve the single-family nature of the Florida Heights neighborhood and will provide infill housing that will support commercial businesses and complement future medium residential housing envisioned on the north side of Martin Luther King Jr. Drive. The proposed rezoning is supported by NPU I-4 Policy, which states *“The greatest opportunity to increase population density within NPU-I is along our commercial corridors. These include Martin Luther King Jr. Drive, Donald Lee Hollowell Parkway, and a portion of Cascade Road near I-285. On Martin Luther King Jr.”*
- (6) **Effect on adjacent property:** The proposed PD-H zoning district does not anticipate causing negative effects on adjacent property. The southeast and southwest corners of the intersection of Martin Luther King Jr. Drive and Florida Avenue have been vacant for a while. Staff is of the opinion that this infill development may spur development on the adjacent corner adding to the population density in NPU I or the non-residential uses or both.
- (7) **Economic use of current zoning:** There is economic use under the current zoning, allowing the construction of approximately 3 single-family detached homes fronting Florida Avenue SW. The proposed zoning district considers the general housing needs in the city, the need for types of housing, and if located within defined, established neighborhoods, that such proposed housing be of a character and type suitable to and compatible with the neighborhood. Therefore, Staff is of the opinion that the property has may have more economic use under the proposed PD-H Zoning District.
- (8) **Compatibility with policies related to tree preservation:** At the time of permitting the development must comply with the City of Atlanta's Tree Ordinance.
- (9) **Other considerations:**

The 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.** The proposed PD-H zoning will allow the creation of 7 single-family homes. The subject site has single-family uses adjacent to the south, east, and west, however, it has commercial uses and multi-family uses to the north. The proposed land use and density shown on the site plan will help provide a transition from higher density uses on Martin Luther King Jr. Drive to single-family uses in the Florida Heights neighborhood. The site plan helps achieve the preservation of the single-family neighborhood in terms of scale, density, height, parking, and setbacks.
- b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** Florida Avenue is a local street, and no sidewalks are located on either side of the street. Martin Luther King Jr. Drive is an arterial street. Complete sidewalks are found on both sides of the street. The applicant proposes internal sidewalks on one side of the proposed subdivision, a private driveway as well as sidewalks along the property frontage along Florida Avenue, which will connect pedestrians to Martin Luther King Jr. Drive.

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 “Site Concept Infrastructure Plan for 2194 Martin Luther King Drive” prepared by JVG Civil Engineering dated last revised June 21, 2024, and stamped received amended by Office of Zoning and Development on June 24, 2024, appear complete for rezoning purposes.

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, **2194 Martin Luther King Jr. Drive SW** is located within the Corridor Growth Area Conservation Area. 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 vibrant public life out beyond the core of the city.”

STAFF RECOMMENDATION: APPROVAL conditional upon the following:

1. The site shall be developed in accordance with the site plan entitled “Site Concept Infrastructure Plan for 2194 Martin Luther King Drive” prepared by JVG Civil Engineering dated June 21, 2024, and stamped received by Office of Zoning and Development on June 24, 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. Access and maintenance easements shall be in place for the gazebo/mailbox kiosk and amenity area.

- 3.** A 5' sidewalk zone shall be constructed along Florida Avenue SW. Said sidewalk shall contain a consistent cross-slope not exceeding two percent.