



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: **Z-24-26 for 3074 Margaret Mitchell Drive NW**

DATE: August 1, 2024

An Ordinance by Zoning Committee to rezone from R-3 (Single Family Residential) to O-I (Office Institutional) for property located at **3074 Margaret Mitchell Drive NW**.

The applicant has withdrawn the application. Staff is supportive of this request.

RECOMMENDATION: FILE



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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-24-42 for 883 Dale Drive SE

DATE: August 1, 2024

An Ordinance by Zoning Committee to rezone from R-4 to R-4A for the property located at **883 Dale Drive SE**.

FINDINGS AND FACTS:

- **Property Location:** The property fronts 100 feet on the south side of Dale Drive SE beginning at the northeast corner of Lot No. 10, a stake on the south side of Dale Drive, it being 200 feet east of the intersection of the south side of Dale Drive and the east side of Ellaby Road. The property is in Land Lot 25, 14th District, Fulton County, Georgia in the Benteen Park Neighborhood of NPU-W, Council District 1.
- **Property Size and Physical Features:** The subject property is on a .522-acre (22,750 square feet) parcel on Dale Drive. The site is undeveloped with a gravel drive. The topography is inconsistent throughout the lot with a maximum difference of 16 feet. The site currently has minimal landscaping, but there are mature trees on site.
- **CDP Land Use Map Designation:** The current land use category for the site is Single Family Residential (SFR) within the 2021 Comprehensive Development Plan (CDP).
- **Current/Past Use of Property:** The property is currently an undeveloped lot with a gravel drive. Staff is unaware of any other previous uses of the property.
- **Surrounding Zoning/Land Uses:** The parcels to the north, west, and east are zoned R-4 with Single Family Residential (SFR) land use designation. To the south, the parcels are zoned C-1-C (Community Business District Conditional) with Light Density Commercial (LDC) land use designation.

- **Transportation System:** Dale Drive SE is a local road. Sidewalks are not found along this street, but the major artery for this area, McDonough Boulevard, has sidewalks available on both sides of the street. There is a MARTA bus route, #49, that services the nearby area along McDonough Boulevard.

PROPOSAL: The applicant seeks to rezone from R-4 to R-4A to allow the subdivision of the parcel at 883 Dale Drive SE.

CONCLUSIONS:

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The proposed rezoning would not require a land use amendment to the 2021 Comprehensive Development Plan.
- 2) **Availability of and effect of public facilities and services; referral to other agencies:** The location of the subject property and the current use of the surrounding properties indicate that there are public facilities and services available to the subject property. Upon review by relevant agencies and departments, there has been no indication that the subject location lacks sufficient public facilities and services. When the proposed development plans are submitted for permit review, they must comply with all applicable City codes.
- 3) **Availability of other land suitable for proposed use; 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 development. Staff believes that rezoning will not have a negative effect on the balance of land uses. It would allow for additional housing options and align with the lot's designated future land use of Single Family Residential as set identified in the Plan A 2021 CDP.
- 4) **Effect on character of the neighborhood:** Along the Dale Drive block face there are existing single family dwellings with lot widths ranging from 50 feet to 100 feet. The parcel is in the Traditional Neighborhood Redevelopment character area of the 2021 Comprehensive Development Plan and has a Single Family Residential (SFR) future land use designation. The TNR 4 development policy is to, "Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated." The property is in the Benteen Park neighborhood in southeast Atlanta, an area with renewed interest in residential living. The request to rezone this lot to R-4A is consistent with the existing lot pattern on the street with lots on the street having widths that are consistent with the development requirement for the R-4A zoning district. Staff is of the opinion that if the property is rezoned the proposed district will have a positive effect on the neighborhood and the subsequent subdivision will create lots and add to the housing stock of the neighborhood.
- 5) **Suitability of proposed land use:** The current SFR (Single Family Residential) land use designation is consistent with the use that will be allowed by the rezoning, increasing the

stock of single-family lots in the established closed-in neighborhood. This vacant lot with the proposed subdivision is consistent with the intent of the R-4A zoning and will aesthetically match some of the adjacent homes in frontage.

- 6) **Effect on adjacent property:** Staff is of the opinion that rezoning 883 Dale Drive SE should not have a negative effect on the adjacent property. The rezoning will allow for an additional single-family lot in an existing neighborhood designated for redevelopment.
- 7) **Economic use of current zoning:** There is economic use under the current R-4 zoning. The proposed rezoning would allow an additional residential lot, thus increasing the economic use of the subject property.
- 8) **Compatibility with policies related to tree preservation:** Any tree loss that occurs because of any proposed rezoning will have to comply with the City of Atlanta's tree preservation policies.

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-23-22 for Prohibit Data Centers on BeltLine**

DATE: August 1, 2024

An Ordinance by Councilmembers Matt Westmoreland, Jason Dozier, Antonio Lewis, Andrea L. Boone, Alex Wan, Amir Farokhi, Byron Amos, Dustin Hillis, Howard Shook, Jason Winston, Liliana Bakhtiari, Marci Collier Overstreet, Mary Norwood, and Michael Julian Bond **to amend the 1982 Atlanta Zoning Ordinance, as amended, by amending Chapter 36 “BeltLine Overlay District Regulations”, Section 16-36.008 “Permitted and prohibited uses and structures” so as to prohibit data centers within the BeltLine Overlay District; and for other purposes.**

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

To promote pedestrian-oriented communities and to encourage future transit ridership around the Atlanta BeltLine, it is vital that principles from the Master Plan are implemented. Principles, such as, reducing the type of uses that are not compatible to pedestrian corridors, like data centers. Data centers on the BeltLine corridor and in the BeltLine Overlay would not support urban design or pedestrian safety, therefore the proposed text amendment prohibit the use. By doing so, it would promote the best practices for mixing uses along the BeltLine corridor. It has

become evident that prohibiting the use within Chapter 36 BeltLine Overlay District Regulations of the Zoning Ordinance of the city as amended will ensure that the Atlanta BeltLine and adjacent development and uses fully align with the vision and intention of the system when initially created and as it further develops.

PROPOSAL: This text amendment amends Chapter 36 entitled “BeltLine Overlay District Regulations” **Section 16-36.008 “Permitted and prohibited uses and structures” so as to prohibit data centers within the BeltLine Overlay District.** The scope of these regulations are as follows:

That the Zoning Ordinance of the City of Atlanta, Chapter 36 “Beltline Overlay and District Regulations” Section 16-36.008(2) be amended to add the following language:

- c. Data Centers (either as a principal or accessory use) are prohibited.

CONCLUSIONS:

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

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

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

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

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

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

4) Effect on character of the neighborhood:

Since no development project is being proposed, these considerations are not applicable. However, this text amendment is expected to improve the character of the district and surrounding neighborhoods. The reasons for this include prohibiting a use that has been found to not create a safe pedestrian environment, and while data centers require some staff for maintenance and operations, they typically do not yield a significant number of local jobs in comparison to other sectors, resulting in limited economic benefits for neighboring communities, and cooling systems in data centers consume substantial quantities of water, potentially stressing local water resources, especially in areas susceptible to drought, and exacerbating water scarcity problems in urban regions, all of which are not supportive of enhancing the character of a neighborhood.

- 5) **Suitability of proposed land use:** Since no development project is being proposed, this consideration is not applicable. The proposed text amendment would not change land uses either existing or proposed in the district.

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

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

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

STAFF RECOMMENDATION: APPROVAL

Z-24-43 Prohibit Data Centers

	NPU						Comments
		Approved	Approval Conditional	Denied	Abstained	No Vote Taken	
Z-24-43 Prohibit Data Centers	A	1					
	B	1					
	C	1					
	D	1					
	E			1			
	F	1					
	G	1					
	H		1				
	I	1					
	J	1					
	K	1					
	L	1					
	M	1					
	N	1					
	O	1					
	P	1					
	Q	1					
	R	1					
	S	1					
	T	1					
	V	1					
	W			1			
	X	1					
	Y	1					
Z	1						
UDC							
Total:		22	1	2	0	0	



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-23-44 for Prohibit Data Centers within Half Mile of High Capacity Transit

DATE: August 1, 2024

An Ordinance by Councilmembers Jason Dozier, Matt Westmoreland, Antonio Lewis, Marci Collier Overstreet, Jason Winston, Amir Farokhi, Andrea L. Boone, Mary Norwood, Alex Wan, Dustin Hillis, Byron Amos, Howard Shook, and Michael Julian Bond to amend the 1982 Atlanta Zoning Ordinance, as amended, **by amending various provisions of the text, including creating a definition for “data center” by amending Chapter 29; and by amending the regulations of various districts to prohibit data centers within half of a mile of high-capacity transit stops; and for other purposes.**

In 2019, in Quick Fixes Phase II, the City Council adopted a definition for high capacity transit. As part of the zoning reforms the city has undertaken since 2016, it is necessary to limit uses that are not supportive of transit oriented development and uses that are designed to support an internal user with no or limited interface with the pedestrian or the public at large. It is the desire of the city to promote developments near high capacity transit that have the elements of quality urban design principles including offering an enhanced pedestrian environment and a mix of uses at a density that supports transit.

The implementation of approved design principles around high capacity transit will ensure appropriate urban form and provide a balanced mix of compatible land uses. Data centers within close proximity of high capacity transit would not support urban design or pedestrian safety, therefore the proposed text amendment would offer a technical correction by prohibiting data centers within 2,640 feet of the high capacity. The proposed is not a citywide prohibition but a proposal to limit the use in proximity to the city’s arterials.

PROPOSAL: This text amendment creates a definition for data centers and prohibits the use within ½ mile of high capacity transit.

New definition to Atlanta City Code Sec. 16-29.001 entitled “Data Centers.” Section 16-29.001 is hereby amended to add:

(91) *Data Center:* A facility engaged in the storage, management, processing, or transmission of digital data, which houses computer or network equipment, systems, servers, or appliances, and other associated components related to digital data operations.

The use would be prohibited in the following Zoning Districts if located within 2,640 feet of a high capacity transit stop.

CONCLUSIONS:

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

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

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

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

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

Since no development project is being proposed, these considerations are not applicable. The proposed text amendment would not change zoning, allowed density or balance of uses of any district. In fact, the text amendment is part of an effort of many zoning reforms promoted by the city to prohibit uses that are not designed with elements that maximize the use of land by encouraging a dense, compact urban form. Therefore, Staff is of the opinion that this amendment could only improve the balance of land uses in the area.

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

Since no development project is being proposed, these considerations are not applicable. However, this text amendment is expected to improve the character of areas in proximity or immediately adjacent to high capacity transit. Data centers have been around since the 1940’s. As the need for faster output and 24-hour response for data has increased the number of data centers in cities has increased, however, the building design in urban areas has not changed. A data center or data center is a building, or a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems. Data centers are relatively large, have very limited if any building to street relationship, and have very limited staff. In Atlanta along major corridors and in proximity to high capacity transit has sought to reserve the space between the building and the sidewalk for pedestrian related uses, provide appropriately scaled, continuous pedestrian oriented uses and activities adjacent

to sidewalks along streets with identified pedestrian needs, and ensure residents have convenient pedestrian access to nearby commercial uses. The character of neighborhoods are changed by uses that has uses that does not incorporate a design that is safe for the pedestrian.

- 5) **Suitability of proposed land use:** Since no development project is being proposed, this consideration is not applicable. The proposed text amendment would not change land uses either existing or proposed in the district.
- 6) **Effect on adjacent property:** Since no development project is being proposed, this consideration is not applicable. Staff does not anticipate any negative effects on adjacent properties from the proposed text amendment. In fact, the expected improved balance of uses with higher urban design standards should enhance and protect the character of the surrounding community.
- 7) **Economic use of current zoning:** Since no development project is being proposed, this consideration is not applicable. Although Staff is aware the current zoning has substantial economic uses, this ordinance allows for a more unified pedestrian-oriented built environment. Therefore, it is expected that the market value of properties in the district would only increase because of the additional requirements and the opportunity for convenient and accessible goods and services.
- 8) **Compatibility with policies related to tree preservation:** Since no development project is being proposed, this consideration is not applicable.

STAFF RECOMMENDATION: APPROVAL

Z-24-44 Define Data Centers

	NPU						Comments
		Approved	Approval Conditional	Denied	Abstained	No Vote Taken	
Z-24-44 Define Data Centers	A	1					
	B	1					
	C	1					
	D	1					
	E			1			
	F	1					
	G	1					
	H		1				
	I	1					
	J	1					
	K	1					
	L	1					
	M	1					
	N	1					
	O	1					
	P	1					
	Q	1					
	R	1					
	S	1					
	T	1					
	V	1					
	W				1		
	X	1					
	Y	1					
	Z	1					
	UDC						
Total:		22	1	2	0	0	



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-45 for 3181 Stone Road SW**

DATE: August 1, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to PD-H (Planned Housing Development) for property located at 3181 Stone Road SW.

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

STAFF RECOMMENDATION: 30 DAY DEFERRAL - SEPTEMBER 2024



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Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-24-47 for 1672 Carroll Drive NW

DATE: August 1, 2024

An Ordinance by Zoning Committee to rezone from R-4A (Single-Family Residential) to R-4B (Single-Family Residential) for property located at **1672 Carroll Drive NW**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 100 feet on the south side of Carroll Drive NW beginning at a 3/8 inch rebar found on the south side of Carroll Drive 50 feet east as measured along the south side of Carroll Drive, from a point formed by the intersection of the south side of Carroll Drive with the east side of Anne Street. The property is in Land Lot 223 of the 17th District, Fulton County, Georgia in the Hills Park Neighborhood of NPU D, Council District 9.
- **Property Size and Physical Features:** The subject property is approximately 0.345 acres (15,014 square feet). The site is currently developed with a one-story single-family home. Vehicular access to the site is provided via a curb cut along Carroll Drive NW. Topography varies across the lot, with an elevation change of approximately 22 feet between the highest and lowest points on the site. There are currently mature trees and shrubs throughout the parcel.
- **CDP Land Use Map Designation:** The current land use category for the site is SFR (Single-Family Residential) within the 2021 Comprehensive Development Plan (CDP). A land use amendment is not required.
- **Current/Past Use of Property:** The site is currently developed with a one-story single-family structure. Staff is unaware of any other previous uses of the property.
- **Surrounding Zoning/Land Uses:** The parcels to the north, east, south, and west are zoned R-4A (Single-Family Residential) with a Single Family Residential (SFR) future land use designation.
- **Transportation System:** Carroll Drive NW is considered a collector street. MARTA bus service operates nearby to the east along Marietta Boulevard NW.

PROPOSAL:

The applicant requests to rezone from R-4A (Single-Family Residential) to R-4B (Single-Family Residential) to facilitate a land subdivision. The proposal will create one new lot, which will be developed with a new single-family home.

CONCLUSIONS

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The 2021 Comprehensive Development Plan designates the subject property as Single-Family Residential (SFR) which is compatible with the proposed R-4B (Single Family Residential) zoning. The proposed rezoning will not require a land use amendment.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** There has been no indication from review agencies or departments that there would not be adequate public facilities and services at the subject location. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. Compliance with all applicable City codes will be required when proposed development plans are submitted to other agencies for permit review.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The proposed rezoning maintains the Single Family Residential land use of the existing site and therefore would not have an adverse effect on the environment or create an imbalance of land uses.
- 4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a negative impact on the character of the surrounding neighborhood. The 2021 Comprehensive Development Plan places the location within the Traditional Neighborhood Existing Character Area. Policies for this character area encourage the maintenance and rehabilitation of existing housing to preserve the residential character of neighborhoods. The immediate abutting and surrounding properties are single family dwellings zoned R-4A. NPU-D Policy D-1 seeks to “*Preserve all existing R-4 and R-4A zoned property and all R-4 and R-4A zoning strictures*”. The proposed zoning district introduces increased density and other development controls that are different from R-4 and R-4A districts, including significantly smaller lots, shorter setbacks, and higher lot coverage. Additionally, the proposed development results in a lot that is inconsistent in size with those in the immediate area. Immediately adjacent lots along the block face have at least 50 feet of frontage. The lot character is not consistent with the 40-foot lot frontage requirement of the R-4B zoning district. Further, there are 19 lots fronting the south side of Carroll Drive. Of those lots, 11 lots have lot frontages of 50 feet, 4 lots have lot frontages of 75 feet, and 3 lots, including 1672 Carroll Drive NW, have lot frontages of 100 feet. All these lots exceed the 40-foot lot frontage in the R-4B zoning district, rendering the proposal to create a 60-foot lot and a 40-foot lot inconsistent with the lot pattern of the block. Therefore, staff does not find the proposed request reasonable.
- 5) **Suitability of proposed land use:** The applicant does not propose to change the existing single-family residential land use designation, which is compatible with the proposed R-4B (Single-

Family Residential) zoning. This proposal does not support the CDP Policy TNE 1 “*Preserve the walkable scale and residential character of the neighborhoods*”. The proposal intends to subdivide the existing lot to create one lot that is not consistent with the lot pattern on the Carroll Drive block face. All existing lots are 50 feet or more, which is more consistent with the existing R-4A lot frontage of 50 feet.

- 6) **Effect on adjacent property:** Based on the stated goals of the 2021 Comprehensive Development Plan, Staff is of the opinion that the proposed development would have a negative impact on adjacent properties.
- 7) **Economic use of current zoning:** There is economic use under the current zoning designation. As currently zoned an accessory dwelling unit and an accessory structure may be constructed.
- 8) **Compatibility with policies related to tree preservation:** Development of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting.

9) **Other Considerations:**

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

According to the Atlanta City Design map, **1672 Carroll Drive NW** is located within a Conservation Area: Urban Neighborhood. Urban Neighborhood areas are described as follows:

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

STAFF RECOMMENDATION: DENIAL



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-24-048 for 580 Paines Avenue NW

DATE: August 1, 2024

An Ordinance by Zoning Committee to rezone from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) to SPI3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) for property located at **580 Paines Avenue NW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 50 feet on the west side of Paines Avenue NW being all that tract or parcel of land lying and being in the City of Atlanta, Land Lot 111, of the 14th District, Fulton County, Georgia, being lots 19 and 20, Block A, Western Heights, as per plat recorded in Plat Book 1, page 123, Fulton County, Georgia records. The property is in Land Lot 111 of the 14th District, Fulton County, Georgia within the English Avenue Neighborhood of NPU L, Council District 3.
- **Property size and physical features:** The property is a regular shaped lot with a frontage of 50 feet on the east side of Paines Avenue. It spans approximately 0.1458 acres (6,351 sq. ft.). The site is currently vacant, with heavy vegetation in the rear. The site slopes down approximately 15 feet from the front to rear. There is no curb cut or driveway onsite for access to the property.
- **CDP land use map designation:** The subject property has a Low-Density Residential (LDR) future land use designation within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is currently undeveloped. Staff is not aware of any previous activities or other prior uses of the site.
- **Surrounding zoning/land uses:** The property is currently undeveloped but allows for single-family residential uses under the existing SPI-3 SA1/WIZ (English Avenue Special Public

Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) zoning district. The properties to the north and south are zoned from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay). The properties to the east and west are zoned SPI3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay). The property to the north and south has a Low-Density Residential land use designation. The properties to the east and west have a Medium-Density Residential land use designation.

- **Transportation system:** The subject property has frontage on Paines Avenue NW, which is classified as a local road. The subject property is served by MARTA via bus route #50 along English Avenue NW and Pelham Street NW located 0.1 mi away from the subject property. There are sidewalks along both sides of Paines Avenue NW. The subject property is located 1 mile away from the Bankhead MARTA Transit Station.

PROPOSAL: The applicant requests to rezone from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) to SPI3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) to build 141 residential units. The subject property will be consolidated with adjacent lots for this proposed development.

Current Zoning:	SPI-3 SA1/WIZ
Proposed Zoning:	SPI-3 SA3/WIZ
Current Future Land Use:	Low-Density Residential
Proposed Future Land Use:	Medium-Density Residential
Lot Area (total):	156,413 sq. ft.
Proposed Building Setbacks	
Front:	15 ft
Side:	5 ft
Rear:	10 ft
Number of Buildings	4 (residential); 1 (non-residential)
Proposed Height:	48 ft (4 stories)
Parking Minimum (no minimum)	77 parking spaces provided
Bicycle Parking Minimum (15 spaces)	16 parking spaces provided
Proposed Residential FAR:	0.68
Proposed Non-Residential FAR:	0.19
Total Open Space:	122,073 sq. ft. (73%)
Proposed Usable Open Space:	78,432 sq. ft. (45%)
Proposed total units:	141 units

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) has designated the subject parcel as Low-Density Residential (LDR); therefore, the proposed zoning district is not consistent with the existing land use designation. A request to amend the future land use designation of the site has been submitted concurrently with this application.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:** The location of the subject property and the current use of the surrounding properties indicate that there are public facilities and services available to the subject property. Upon review by relevant agencies and departments, there has been no indication that the subject location lacks sufficient public facilities and services. When the proposed development plans are submitted for permit review, they must comply with all applicable City codes.
- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The applicant has not provided any proof that they own any other land in the vicinity that would be suitable for this development. The property is adjacent to SPI-3 SA3 zoned parcels to the west, with the intent to be consolidated with these adjacent parcels to create the proposed development. Staff finds that the proposed rezoning would have a positive effect on the environment and not create an imbalance of land uses.
- (4) **Effect on character of the neighborhood:** Small area plans prioritize strengthening neighborhood assets and improving residents' quality of life by expanding housing choice. The site plan proposed will meet the 2017 Westside Land Use Framework's policy to "*approve existing vacant multifamily buildings be retained for redevelopment and use as multifamily on the condition that units target households with very low incomes*", and the 2006 English Avenue Redevelopment Plan to "*promote diverse and quality housing types for existing and new residents*". The proposed development is owned by the non-profit Westside Future Fund and will offer for rent apartments priced from 30% to 70% AMI. The development will add affordable housing stock and increase the quality of life and community stability of the English Avenue neighborhood.
- (5) **Suitability of proposed land use:** Staff finds the proposed land use suitable as the proposed use reflects the overall goals and recommendations from the 2021 Comprehensive Development Plan. The subject property is in the Traditional Neighborhood Redevelopment Character Area in the 2021 Comprehensive Plan, which supports the following policies to "*encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated.*", and "*provide diverse and more affordable housing choices that are accessible by all people*". The proposed SPI-3 SA-3 zoning would allow the construction of the proposed 114 residential units.
- (6) **Effect on adjacent property:** The subject property would positively impact the adjacent properties by redeveloping the current vacant apartment buildings and activating adjacent abandoned buildings. The proposed development is a multi-family development and will replace existing vacant multifamily apartments. There are additional vacant multifamily apartments located north of the subject property that are not a part of this proposed

development. Staff is of the opinion that there will be no negative effects on adjacent property as the proposed scale and design is compatible with the existing scale and uses on the block.

- (7) **Economic use of current zoning:** The subject property is vacant and undeveloped, and new development on the property will increase the economic value of the lot.
- (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, **580 Paines Ave NW** is located within 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 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



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-24-49 for 596 Paines Avenue NW**

DATE: August 1, 2024

An Ordinance by Zoning Committee to rezone from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) to SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) for property located at **596 Paines Avenue NW**.

FINDINGS OF FACT:

- **Property Location:** The property fronts approximately 50 feet on the west side of Paines Avenue NW. The property is in Land Lot 111 of the 14th District, Fulton County, Georgia in the English Avenue Neighborhood of NPU-L, Council District 3.
- **Property Size and Physical Features:** The subject property is approximately .145 acres (6316.2 square feet) of area. The parcel is currently developed with a single family home that appears to have been unoccupied for some time. Vehicular access is currently provided via a shared driveway located on Paines Avenue. The topography of the site is relatively flat, inclining approximately 12 feet toward the rear of the parcel. A variety of trees and vegetation cover much of the site.
- **CDP Land Use Map Designation:** The current land use category for the site is Single Family Residential according to the 2021 Comprehensive Development Plan (CDP). This future land use designation is not compatible with the proposed rezoning to SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) at this time; however, the applicant has filed a concurrent application to amend the land use designation to Medium Density Residential (MDR).
- **Current/Past Use of Property:** The parcel is currently developed with a dilapidated single family home that appears to have been unoccupied for some time. Staff is unaware of any other previous uses of the property.

- **Surrounding Zoning/Land Uses:** The proposed site is in a primarily residential area. The neighboring parcel to the north is currently zoned SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) with a future land use designation of Single Family Residential. The adjoining parcels to the east, west, and south are currently zoned SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) and has a future land use designation of Medium Density Residential (MDR). The adjoining parcels to the west across the abandoned 10' alley are included in the site plan for the proposed affordable housing development. Concurrent rezoning applications have been submitted for these parcels.
- **Transportation System:** Paines Avenue NW is designated as a local street by the City of Atlanta Transportation Planning Division. MARTA bus service operates within proximity of the site along English Avenue, Joseph E. Lowry Boulevard, and Fox Street, with connecting service to several MARTA Transit stations.

PROPOSAL: The applicant seeks a rezoning from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) to SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) to developing a linear passive park and three accessory parking spaces as part of a new multifamily residential development consisting of 114 new affordable dwelling units which will be available to households earning 30% - 70% AMI.

Project Specifications:

Subject Property (596 Paines Avenue NW)

Lot Area :	.145 acres (6316.2 square feet) of area.
Current Zoning:	SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay)
Proposed Zoning:	SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay)
Current Future Land Use:	Single Family Residential (SFR)
Proposed Future Land Use:	Medium Density Residential (MDR)

Project Specifications:

Total Development: Oliver and North Apartments

Land Area:	3.6 acres (156,413 square feet) of area
Current Zoning:	SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay)

Proposed Zoning:	SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay)
Maximum FAR (non-residential):	N/A
Maximum FAR (residential):	1.15
Proposed FAR (non-residential):	0.19
Proposed FAR (residential):	0.68
Required Parking	N/A
Proposed Parking	77 Spaces
Proposed total units:	114 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 Single Family Residential (SFR) land use. The proposed zoning district is not compatible with the current land use designation at this time, however, a concurrent land use amendment request from Single Family Residential (SFR) to Medium Density Residential (MDR) has been submitted.
- 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:** The applicant proposes a linear, open park space featuring 4-foot-wide sidewalks, shade trees, benches, lighting and trash receptacles that will be accessible to the broader community. 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 an unoccupied and underutilized parcel for community greenspace in conjunction with new multi-family affordable housing. The proposed rezoning of 596 Paines Avenue SW will permit the creation of a new passive park space, blight reduction, and the overall development will provide new and affordable housing stock to the neighborhood.

- 5) **Suitability of proposed land use:** The proposed zoning designation of SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3 (Gardens Medium Density Residential)/Westside Affordable Workforce Housing Overlay) complies with the surrounding (and proposed) 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. Though the subject parcel is not proposed to be developed directly as housing, the proposed linear park is an accompanying amenity to a proposed affordable housing development which is supported by the 2021 Comprehensive Development Plan, 2006 English Avenue Redevelopment Plan, and 2017 Westside Framework Plan. The proposed rezoning to SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) is consistent with the following CDP land use policies and small area plan goals:
- 2017 Westside Framework Plan Goal 4: "Propose improvements to quality of life by increasing access to parks and open spaces".
 - 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.
 - CW 16 Provide for recreation, retreat, and health, in dense areas by encouraging permanent and temporary outdoor parks, plazas, courtyards, and other private and public open spaces that are safe, well-designed, environmentally sensitive, and activated.
 - TNR 4 Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated.
- 6) **Effect on adjacent property:** Based on the stated goals of the relevant small area plans and current condition 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 neighboring parcels to the west and will provide a passive park area accessible to the community, not exclusively for the residents of the proposed affordable multifamily development. The proposed affordable housing development will help elevate the character of the surrounding neighborhood, which is designated as “Traditional Neighborhood Redevelopment” in the 2021 Comprehensive Development Plan Character Area Map.
- 7) **Economic use of current zoning:** Although the parcel can be redeveloped as currently zoned, it appears to have been unoccupied and underutilized for an extended period indicating that the existing economic use of the current zoning is limited. The proposed rezoning would not only add economic value to the subject parcel and surrounding residential properties, but also help make the overall proposed affordable housing project economically feasible.
- 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, the majority of the proposed site is located 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 conditioned upon the following:

1. The site shall be developed in accordance with the site plans entitled “Oliver and North Apartments Tree Preservation and Replacement Plan”, prepared by Winter Design, dated July 29, 2024, and marked received by the Office of Zoning and Development on July 29, 2024 as well as the site plans entitled “Oliver and North Apartments Tree Preservation and Replacement Plan”, prepared by Winter Design, dated July 23, 2024, marked received by the Office of Zoning and Development on July 29, 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).



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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-24-50 for 616 Oliver Street NW**

DATE: August 1, 2024

An Ordinance by Zoning Committee to rezone from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) to SPI3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) for property located at **616 Oliver Street NW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 135 feet on the west side of Oliver Street NW beginning at a point on the northwest corner of the intersection of the north side of Pelham Street and the west side of Oliver Street and running thence north along the west side of Oliver Street 136 feet to a point 130 feet south of Fox Street. The property is in Land Lot 112 of the 14th District, Fulton County, Georgia within the English Avenue Neighborhood of NPU L, Council District 3.
- **Property size and physical features:** The property is a regular shaped lot with a frontage of 135 feet on the west side of Oliver Street. It spans approximately 0.409 acres (17,816 sq. ft.). The site is currently vacant, with heavy vegetation. The site slopes down approximately 12 feet from the front to the rear. There is no curb cut or driveway located for access to the property.
- **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 is currently undeveloped. Staff is not aware of any previous activities or other prior uses of the site.

- **Surrounding zoning/land uses:** The property is currently undeveloped but allows for single-family residential uses under the existing SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) zoning district. The properties to the north and west are zoned from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay). The properties to the east and west have a Single-Family Residential land use designation. The properties to the east and south are zoned SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay). The property to the north and south has a Low-Density Residential land use designation. The properties to the east and west have a Medium-Density Residential land use designation.
- **Transportation system:** The subject property has frontage on Paines Avenue NW, which is classified as a local road. The subject property is served by MARTA via bus route #50 along Joseph E. Lowery Boulevard NW and Fox Street NW located 0.1 mi away from the subject property. There are no sidewalks along Oliver Street. The subject property is located 1 mile away from the Bankhead MARTA Transit station.

PROPOSAL: The applicant requests to rezone from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) to SPI3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) to build 141 residential units.

Current Zoning:	SPI-3 SA1/WIZ
Proposed Zoning:	SPI-3 SA3/WIZ
Current Future Land Use:	Single-Family Residential
Proposed Future Land Use:	Medium-Density Residential
Lot Area (total):	156,413 sq. ft.
Proposed Building Setbacks	
Front:	15 ft
Side:	5 ft
Rear:	10 ft
Number of Buildings	4 (residential); 1 (non-residential)
Proposed Height:	48 ft (4 stories)
Parking Minimum (no minimum)	77 parking spaces provided
Bicycle Parking Minimum (15 spaces)	16 parking spaces provided
Proposed Residential FAR:	0.68
Proposed Non-Residential FAR:	0.19
Proposed Open Space:	122,073 sq. ft. (73%)
Proposed Usable Open Space:	78,432 sq. ft. (45%)

Proposed total units:

141 units

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) has designated the subject parcel as Single-Family Residential (SFR); therefore, the proposed zoning district is not currently compatible. A request to amend the future land use designation of the site has been submitted concurrently with this application.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:** The location of the subject property and the current use of the surrounding properties indicate that there are public facilities and services available to the subject property. Upon review by relevant agencies and departments, there has been no indications that the subject location lacks sufficient public facilities and services. When the proposed development plans are submitted for permit review, they must comply with all applicable City codes.
- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The applicant has not provided any proof that they own any other land in the vicinity that would be suitable for this development. The property is adjacent to SPI-3 SA3 zoned parcels to the south and east, with the intent to be consolidated with these adjacent parcels to create the proposed development. Staff finds that the proposed rezoning would have a positive effect on the environment and not create an imbalance of land uses.
- (4) **Effect on character of the neighborhood:** Small area plans prioritize strengthening neighborhood assets and improving residents' quality of life by expanding housing choice. The site plan proposed will meet the 2017 Westside Land Use Framework's policy to "*approve existing vacant multifamily buildings be retained for redevelopment and use as multifamily on the condition that units target households with very low incomes*", and the 2006 English Avenue Redevelopment Plan to "*promote diverse and quality housing types for existing and new residents*". The proposed development is owned by the non-profit Westside Future Fund, and will offer apartments for rent priced from 30% to 70% AMI. The development will add affordable housing stock and increase the quality of life and community stability in the English Avenue neighborhood.
- (5) **Suitability of proposed land use:** Staff finds the proposed land use suitable as the proposed use reflects the overall goals and recommendations from the 2021 Comprehensive Development Plan. The subject property is in the Traditional Neighborhood Redevelopment Character Area in the 2021 Comprehensive Plan, which supports the following policies to "*encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated.*", and "*provide diverse and more affordable housing choices that are accessible by all people*". The proposed SPI-3 SA-3 zoning would allow the construction of the proposed 114 residential units.

- (6) **Effect on adjacent property:** The subject property would positively impact the adjacent properties by redeveloping the current vacant apartment buildings and activating adjacent abandoned buildings. The proposed development is a multifamily development and will replace existing vacant multifamily apartments. There are additional vacant multifamily apartments located north of the subject property that are not a part of this proposed development. Staff is of the opinion that there will be no negative effects on adjacent property as the proposed scale and design is compatible with the existing scale and uses on the block.
- (7) **Economic use of current zoning:** The subject property is vacant and undeveloped, and new development on the property will increase the economic value of the lot.
- (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, **616 Oliver Street NW** is located within 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 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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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM *amended*

TO: Zoning Review Board

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

SUBJECT: U-24-015 for 3717 Vermont Road NE, 3727 Vermont Road NE and 3741 Vermont Road NE

DATE: August 1, 2024

An Ordinance by Zoning Committee for a special use permit for a garden pursuant to Section 16-05.005(1)(d) for property located at **3717 Vermont Road NE, 3727 Vermont Road NE and 3741 Vermont Road NE.**

FINDINGS OF FACT

- **Property location:** The properties front 300 feet on the east side of Vermont Road NE and begin 380 feet from the northeast intersection of Vermont Road NE and Peachtree Road NE. The properties are in Land Lot 10, 17th District, Fulton County, Georgia the Brookhaven neighborhood in NPU B Council District 10.
- **Property size and physical features:** The subject property is approximately 1.33 acres (57,934.8 square feet) and is located on the east side of Vermont Road NE. The property is currently developed with three single-family dwellings pending demolition. Ingress and egress to the property is gained via three curbs cut along Vermont Road. Topography gradually rises from the street and levels out as you approach the homes. The subject site is landscaped with mature trees and vegetation along Vermont Road.
- **CDP Land Use and designation:** **CDP land use map designation:** The subject properties have future land use designations of Single Family Residential within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The subject property is currently developed with three single-family dwellings pending demolition. Staff is not aware of any previous uses on this property.

- **Surrounding zoning/land uses:** The subject properties are currently zoned 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 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 a mix of predominantly high-rise and low-rise multi-family residential uses with a few single family residential uses.

PROPOSAL:

- **Proposed use:** The applicant requests a special use permit for the addition of open green space adjacent to the existing Canterbury Court Campus at 3750 Peachtree Road NE. To facilitate this, Canterbury Court has acquired ownership of neighboring properties at 3717 Vermont Road, 3727 Vermont Road, and 3741 Vermont Road NE. The organization is currently in the process of seeking lot consolidation and rezoning in conjunction with this special use permit. Upon completion, these properties will be incorporated into the original address of Canterbury Court. The only planned construction is a small structure within the green space, serving as a facility for possible restroom amenities, seating, and limited storage. The remaining area will be dedicated to green space designed for walking. It is essential to note that this alteration pertains solely to the current residential property site; the Canterbury Court Campus will remain unchanged.
- **Ingress and egress:** Access to the garden is provided through two curb cuts along Peachtree Road. Emergency vehicles will gain access to the property utilizing the entrances on Peachtree Road. Gated fire access for fire emergency personnel only will be provided on both Vermont Road and Club Drive.
- **Off-Street Parking and loading:** The garden will not need parking as it is a private garden (green space) intended for residents of Canterbury Court. However, existing parking onsite at Canterbury Court is sufficient. Products and supplies will be delivered to the facility through use of the existing screened service/loading dock area located on the west end of Tower B.
- **Refuse and services areas:** Garbage will be contained in dumpsters and a compactor located in the existing screened service area. The garbage disposal will be handled by a private contractor. The service will pick up garbage once per week at a minimum and more frequently as needed.
- **Buffering and screening:** Proposed fencing, landscaping and directional lighting will be used to buffer and screen the development and adjacent properties.

- **Hours and manner of operation:** The proposed use involves creating a private garden (green space) for the Canterbury Court campus, intended for residents to enjoy walks and the natural landscaped environment. The development will feature the installation of paved sidewalks, a variety of indigenous plants and a small pavilion, for restroom facilities and limited storage. Hours of operations will be 7 days a week, daylight hours only. Existing staff at the Canterbury Court Campus will monitor the garden.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** No encroachment into required yards or open space is considered
- **Tree Preservation and Replacement:** The applicant states identified deteriorating trees will be removed and replaced. A tree replacement plan has been submitted with the application and the applicant will comply with the tree ordinance regulations.

CONCLUSIONS:

1. **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the site plan submitted by the applicant and an on-site review conducted by staff, ingress and egress onsite are sufficient. Additionally, this property has a pending a lot consolidation with 3750 Peachtree Road, the Canterbury Court Campus, and will use exiting ingress and egress provided along Peachtree Road.
2. **Off-Street Parking and loading:** Employees, residents and guests will park in the existing 522 parking spaces provided between surface parking lots and structured parking below Buildings D and F. Staff is of the opinion that existing parking is adequate given there is no additional development to be erected onsite that will require increased parking.
3. **Refuse and services areas:** Garbage will be collected in a dumpster and disposed of by a private company at scheduled times. Supplies and deliveries will be delivered through the existing Canterbury Court loading area. Staff is of the opinion that existing refuse and services are adequate for site.
4. **Buffering and screening:** Staff finds the proposed site plan for the addition of the garden (green space) provides sufficient screening and buffering to adjacent property owners. Additionally, the proposed 6-foot wooden privacy fence along Vermont Road connecting to an existing wall will provide additional screening for the residents of Canterbury Court and neighboring properties.

5. **Hours and manner of operation:** The proposed use involves creating a private garden (green space) for the Canterbury Court campus, intended for residents to enjoy walks and the natural landscaped environment. The development will feature the installation of paved sidewalks, a variety of indigenous plants and a small pavilion, for restroom facilities and limited storage. The hours of operations will be 7 days a week, daylight hours only. The existing staff at the Canterbury Court Campus will monitor the garden. Staff finds the proposed hours and manner of operation sufficient for the proposed garden. As this will function within the existing use and manner of the assisted living facility (Canterbury Court).
6. **Duration:** The applicant requests an indefinite duration. Staff is supportive of an indefinite duration request.
7. **Required yards and open space:** No encroachment into required yards or open space is considered.
8. **Compatibility with policies related to tree preservation:** Applicant shall adhere to and comply with the City of Atlanta tree ordinance for removal and replacement of any trees on site. Staff approves of such measures.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled “Vermont Gardens at Canterbury Court Site Plan, prepared by Georgia civil. dated March 1, 2024, and marked received by the Office of Zoning and Development on April 10, 2024. As well as Vermont Road Gardens Landscape Concept Plan prepared by David Sacks Landscape Architecture dated November 1, 2023, and marked received by the Office of Zoning and Development on April 10, 2024. Minor changes to the approved site plan may be authorized by the Director, of the Office of Zoning and Development in accordance with Section 16-02.003(7).



CITY OF ATLANTA

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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-19 for 131 Whitefoord Avenue SE

DATE: August 1, 2024

An Ordinance by Zoning Committee for a special use permit for outdoor dining at an eating and drinking establishment when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, or R-5 District or that is used as a residential property pursuant to 16-11.005(1)(L) for property located at **131 Whitefoord Avenue SE**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 59 feet on the west side of Whitefoord Avenue and begins at the southwest intersection of Leslie Street and Whitefoord Avenue. The property is in Land Lot 205 of the 15th District, DeKalb County, Georgia. It is in the Edgewood Neighborhood of NPU-O, Council District 5.
- **Property size and physical features:** The property is a regularly shaped parcel with an area of approximately 0.203 acres (8,850 square feet). The property is developed with an existing single-story non-residential structure that is currently vacant but was previously used as an auto repair shop. The topography is relatively level. Vehicular access to the site is currently provided via curb cuts along Whitefoord Avenue and Leslie Street. There are a few trees on site.
- **CDP land use map designation:** The property has a future land use designation of Mixed-Use Low Density (MULD) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The subject property is developed with a one-story non-residential building that is currently vacant. It previously operated as an auto repair shop. Staff is unaware of any other previous uses on the site.
- **Surrounding zoning/land uses:** To the south and east parcels are zoned C-1 (Community Business District) with Mixed Use Low Density (MULD) future land use designation. To the north and west parcels are zoned R-4A (Single Family Residential -) with Single Family Residential (SFR) future land use designation.

- **Transportation system:** Whitefoord Avenue is classified as a collector street at this location. MARTA bus service can be found nearby on Memorial Drive SE. Whitefoord Avenue lacks complete sidewalks on both sides, but there is a dedicated pedestrian and bike path near the site that extends eastward toward Coan Park. This trail is currently planned to be extended westward directly along Arkwright Place to the Eastside BeltLine Trail as part of the proposed Trolley Trail.

PROPOSAL: The applicant seeks a special use permit for outdoor dining at an eating and drinking establishment when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-4B, or R-5 District, or that is used as a residential property pursuant to 16-11.005(1)(L).

- **Ingress and egress:** Ingress and egress are provided via curb cuts along Leslie Street.
- **Parking and loading:** Parking and loading will be accommodated to the west of the building. There is a special exception request that has been submitted concurrently with this application to reduce the total parking required and the applicant is negotiating a shared agreement nearby. There are 9 proposed spaces provided on-site, with ample street parking along Leslie Street and the applicant expects most patrons to walk. Loading will continue to be via the door west of the building along Leslie Street and deliveries are scheduled to not conflict with customer service hours.
- **Refuse and service areas:** The applicant intends to use private waste management services that will dispose of refuse, garbage, and recycling.
- **Buffering and screening:** The proposed outdoor seating area will be located on the northeast side of the subject parcel. Although the parcel directly to the north is zoned R-4, it is buffered by fences on both sides of the street and currently street parking in between. The nearest active residential structures are on the other side of a vacant parcel to the rear of the lot, so there is a significant buffer. Additionally, the entire outdoor dining area will be covered.

Hours and manner of operation: The proposed use is the operation of a new restaurant with outdoor dining. This outdoor dining area was 578 square feet but was recently decreased to approximately 300 square feet and is located on the northeast corner of the parcel. The restaurant will provide deliveries to the community utilizing the alleyway and parking as its base for delivery. Currently, there is no dedicated space for the delivery vehicle, but the applicant expects deliveries to be in the morning. The restaurant will employ a total of 6 staff members and serve patrons of all ages. The outdoor dining area hours are Monday through Sunday – 7:00 a.m. to 11:00 p.m.

- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** There are no additions proposed to the existing structure. The outdoor dining area will be in the west side transitional yard, and there is a variance request submitted concurrently with this application to allow this encroachment.
- **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:** The applicant proposes that vehicular traffic enter Leslie Street SE. Employees, service personnel, and customers will utilize onsite parking. In addition to the 9 spaces proposed on site, there is also on-street parking available nearby. Emergency personnel may access the site via curb cuts on Lelsie Street SE. Staff finds pedestrian safety and convenience to be adequate for the proposed use and traffic flow and control to be adequate based upon the parking plan provided.
- b) **Off-street parking and loading:** Parking and loading will be accommodated via curb cuts on Leslie Street SE and in the rear alleyway. There are 9 proposed parking spaces provided on-site and street parking is available as well. The applicant currently has a special exception application pending to reduce the required parking for this development. The reduced outdoor dining space will help reduce the current parking constraints. Staff finds the proposed off-street parking and loading to be sufficient.
- c) **Refuse and service areas:** The applicant intends to use private waste management services that will dispose of refuse, garbage, and recycling. Staff finds that the proposed refuse and service areas are sufficient.
- d) **Buffering and screening:** The parcel to the west of the site is a residentially zoned parcel located in the floodplain that is currently vacant. Due to the development constraints on the parcel, it is unlikely to be developed for residential use. The other sides of the property are bounded by the street or other non-residential uses. The outdoor dining area will be covered and dimly lit to reduce disturbance to the surrounding neighbors. Staff finds the proposed buffering and screening to be sufficient.
- e) **Hours and manner of operation:** The restaurant will offer a full-service menu with the following hours and days of operation, Monday through Sunday 7:00 am to 10:00 pm for pizza and Monday through Sunday from 7:00 am to 11:00 pm for the neighborhood market. Approximately 6 staff members work on site.
- f) **Duration:** The applicant requests an indefinite duration. Staff is supportive of a 3-year duration.
- g) **Required yards and open space:** The proposed site plan meets the yard and open space requirements.
- h) **Compatibility with policies related to tree preservation:** Trees impacted by the development will be reviewed by the City Arborist in accordance with the Tree Preservation Ordinance.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit shall be valid for three (3) years from the date of adoption by the City Council.
2. The special use permit shall be issued to the owner **Rudy's Eats LLC** and is not transferrable.
3. There shall be 6 bike parking spaces installed onsite in accordance with Section 16-28.014(6)(b).



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

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-20 for 950 West Marietta Street NW Suite B140

DATE: August 1, 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 **950 West Marietta Street NW Suite B140**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 553.68 feet on the west side of West Marietta Street NW beginning at a nail found at the intersection of the existing westerly right-of-way of Northside Drive with the northerly right-of-way of 11th Street. The property is located within Land Lot 189 of the 17th District, Fulton County, Georgia in the Knight Park/Howell Station neighborhood of NPU-K in Council District 3.
- **Property size and physical features:** The property is approximately 11.4 acres (496,865 square feet). The property is developed with a two-story masonry building, two one-story masonry buildings, and surface parking facilities. The topography varies across the lot, with approximately 47 feet between its highest and lowest points. Vehicular access to the site is provided via two curb cuts on West Marietta Street. There are mature trees and shrubs on the property.
- **CDP land use map designation:** The 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 mixed-use development, “Westside Paper.” The property was previously the site of a one-story warehousing facility.

- **Surrounding zoning/land uses:** The parcels to the north are zoned I-2/BL/UPW (Heavy Industrial/BeltLine Overlay/Upper Westside Overlay) with Mixed Use (MU) and Transportation/Communications/Utilities (TCU) future land use designations. The parcels to the east are zoned I-2/BL/UPW (Heavy Industrial/BeltLine Overlay/Upper Westside Overlay) and C-2/BL/UPW (Commercial Service District/BeltLine Overlay/Upper Westside Overlay) with Mixed Use (MU) future land use designation. The parcels to the south are zoned I-1/BL/UPW (Light Industrial/BeltLine Overlay/Upper Westside Overlay) with Mixed Use (MU) future land use designation. The parcels to the west are zoned MRC-3-C/BL/UPW (Mixed Residential Commercial Conditional/BeltLine Overlay/Upper Westside Overlay) with Mixed-Use High-Density (MUHD) future land use designation.
- **Transportation system:** The site has frontage along West Marietta Street NW and Joseph E. Lowery Boulevard NW which are classified as an arterial street and a collector street, respectively. MARTA bus route service operates nearby along West Marietta Street NW and Joseph E. Lowery Boulevard NW. There are sidewalks along West Marietta Street NW and Joseph E. Lowery Boulevard NW.

PROPOSAL:

The applicant seeks 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).

- **Ingress and egress:** Employees, patrons, and emergency and service vehicles will access the property from the existing curb cuts along West Marietta Street.

Parking and loading: Parking will be accommodated within the shared surface lot and structured parking area on the property. There are currently 528 parking spaces provided onsite. The Westside Paper facility offers valet parking and has a dedicated ride share drop-off area on the property. The applicant encourages ride sharing and using Uber/Lyft for events. Supplies will be delivered in a designated loading area onsite.

- **Refuse and service areas:** Garbage and refuse will be picked up daily by a private garbage service.
- **Buffering and screening:** The site generates minimal light or air pollution that could impact surrounding residential and nonresidential property owners, and the sound generation is minimal and will comply with standard noise ordinances. The applicant will utilize an internal sound buffering system to minimize sound from inside the facility.
- **Hours and manner of operation:** The applicant proposes to use the suite to host events that may offer alcohol sales. All events will finish before 11 p.m. on weekend and weekday nights. Per the Certificate of Occupancy, the building can accommodate 628 people. However, the applicant anticipates serving 150-200 guests per event. A general manager, operations supervisor, and maintenance personnel will manage the facility daily. The applicant will hire additional staff for security, catering, and serving during events. The average event requires one security guard, eight

servers, three bartenders, one barback, and two stewards. The applicant will offer catering options for events. Some events may include plated lunches or dinner with full meals, while other events typically include heavy hors d'oeuvres. There will be no special programs offered onsite.

- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** There are no proposed changes to the site or primary building as part of this application.
- **Tree Preservation and Replacement:** The applicant has indicated that no trees will be impacted on the site for this facility.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the site plan provided by the applicant the proposal appears to provide adequate access to the site and will not detract from the surrounding area. Staff is of the opinion that the proposed ingress and egress are sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- b) **Off-street parking and loading:** There are 528 parking spaces and 52 bicycle parking spaces provided onsite. The applicant has submitted a special administrative permit application for a new development that will increase onsite parking to 754 spaces. The applicant maintains a shared parking agreement that grants them access to the site's off-street parking. During events the expected attendance maximum is 200 patrons, however, the use of rideshare is highly encouraged. Rideshare users will be dropped off and picked up in the roundabout near the entrance of Suite B140. Valet services will be operated near the first entrance of Suite A110. Staff finds the proposed parking and loading to be sufficient.
- c) **Refuse and service areas:** Staff finds that the proposed refuse and service areas are sufficient.
- d) **Buffering and screening:** The site is surrounded by nonresidential uses that will not be negatively impacted by the operations on this site. 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 business expects to operate seven days a week. Events may begin as early as 9 a.m. and will conclude by 11 p.m. Nearby uses include several restaurants, a brewery, and a variety of nonresidential uses. These surrounding uses are of a relatively similar intensity and operate during similar timeframes. Some events may include prepared food. Food will be prepared off-site then staged and finished in a catering kitchen onsite. Staff finds the proposed hours and manner of operation reasonable.

- a) **Duration:** The applicant requests an indefinite duration. Staff is supportive of a 3-year duration.
- b) **Required yards and open space:** The site plan complies with the required yards and open space.
- c) **Compatibility with policies related to tree preservation:** Trees impacted by the development will be reviewed by the City Arborist in accordance with the Tree Preservation Ordinance.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit shall be valid for 3 years from the date of adoption by the Atlanta City Council.
2. The special use permit shall be valid as long as Proof of the Pudding by MGR, LLC d/b/a Proof of the Pudding is the operator.
3. The special use permit is not transferable.
4. All events held at 950 West Marietta Street NW Suite B140 shall conclude at 11:00 p.m.



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-21 for 889 Howell Mill Road NW Suite 8000

DATE: August 1, 2024

An Ordinance by Zoning Committee for a special use permit 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 **889 Howell Mill Road NE Suite 8000**.

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

STAFF RECOMMENDATION: FILE