



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-24-51 for 831 Hargis Street SE**

DATE: September 5, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to R-4A (Single Family Residential) for property located at **831 Hargis Street SE**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 180 feet on the south side of Hargis Street SW commencing at a point where the western right of way of Waters Road intersects with the southern right of way of Baker Drive, thence running in a southwesterly direction along the western right of way of Waters Road 136 feet to a nail found and the true point of beginning. The property is in Land Lot 68 of the 14th District in Fulton County, Georgia. The property is in the Leila Valley neighborhood in NPU Z in Council District 1.
- **Property size and physical features:** The subject property is a regular shaped lot with approximately 0.79 acres (34,200 square feet). The property is currently undeveloped with ground coverage, vegetation, and some trees. There are no topographical notes of interest.
- **CDP land use map designation:** The subject property is currently zoned R-4 (Single-Family Residential). The future land use designation is Single Family Residential (SFR) in the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is currently undeveloped with ground coverage, vegetation, and some trees. Staff is not aware of a previous use of the land or the property's conditions.

- **Surrounding zoning/land uses:** Properties north, east and west of the site are zoned R-4 (Single Family Residential) with a SFR (Single Family Residential) land use designation. Property to the south is zoned I-1 (Light Industrial) and I-2 (Heavy Industrial) with an I (Industrial) land use designation.
- **Transportation system:** The subject property has frontage on Hargis Street SE, which is classified as a local road. The closest MARTA bus route #4 located 0.1 miles away from the subject property and route #55 located 0.2 miles away from the subject property by foot along Georgia State Highway 54 serve the site. Staff found no sidewalk infrastructure on either side of Hargis Street SE nor on GA-54. The closest MARTA Transit Station is Lakewood located 4.8 miles away.

PROPOSAL: The applicant seeks to rezone the property from R-4 (Single Family Residential) to R-4A (Single Family Residential).

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The Comprehensive Development Plan (CDP) has designated the subject parcel as Single Family Residential (SFR). Rezoning the subject site to R-4A (Single Family Residential) is compatible with the current land use designation, therefore an amendment to the Comprehensive Development Plan (CDP) is not required.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:**
The location of the subject property and the current use of the surrounding properties indicate that there are public facilities and services available to the subject property. Upon review by relevant agencies and departments, there has been no indications that the subject location lacks sufficient public facilities and services. When the proposed development plans are submitted for permit review, they must comply with all applicable City codes.
- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The applicant has not provided any proof that they own any other land in the vicinity that would be suitable for this development. Staff is of the opinion that the proposed development would be suitable in the neighborhood. Properties fronting Hargis Street SE have lot frontages of 60 feet which is more compatible with the R-4A lot width requirement of 50 feet. Staff believes that allowing a rezoning of this property to R-4A (Single Family Residential) will not adversely affect the balance of land uses in the neighborhood regarding public need.
- (4) **Effect on character of the neighborhood:** According to the 2021 City of Atlanta Comprehensive Development Plan's classifications on Character Areas, the subject property is classified as a Redevelopment Corridor. The site plan and applicant's intent to subdivide the property into three conforming R-4A lots will result in new single family lots that are consistent with lots fronting on Hargis Street. Staff finds that the proposed development will not have a negative impact on the character of the neighborhood, instead this development will maintain the character of the neighborhood.

- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed use is compatible with the Single-Family Residential land use designation. The proposed layout is consistent with the single family detached scale and character of the block face.
- (6) **Effect on adjacent property:** Lots in the immediate area vary in size and shape but are narrower than the subject property. Staff notes that the applicant seeks to subdivide this property into three lots, which will result in a more uniform pattern on the block in terms of lot dimensions. Staff is of the opinion that the rezoning will provide for the protection of the existing single-family community.
- (7) **Economic use of current zoning:** The site is vacant and undeveloped, and staff is of the opinion that new development on the property will increase the economic value of the lot. It would also create additional housing stock and add greater uniformity to the character of the block face.
- (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, **381 Hargis Street SE** is located within a Redevelopment Corridor within a Growth Area. Redevelopment Corridors are described as follows:

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

STAFF RECOMMENDATION: APPROVAL



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-24-52 for 2905 Waters Road SW

DATE: September 5, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single-Family Residential) to R-4A (Single-Family Residential) for property located at **2905 Waters Road SW**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 136 feet on the west side of Waters Road SW beginning at a 3/8 inch rebar found on the west side of Waters Road SW commencing at a point where the western right of way of Waters Road intersects with the southern right of way of Baker Drive, thence run in a southwesterly direction along the western right of way of Waters Road a distance of 136 feet to a nail found and the true point of beginning. The property is in Land Lot 68 of the 14th District, Fulton County, Georgia in the Glenrose Heights Neighborhood of NPU Z, Council District 12.
- **Property Size and Physical Features:** The subject property is approximately 0.948 acres (41,274 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 Waters Road SW. Topography varies across the lot, with an elevation change of approximately 30 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-4 (Single-Family Residential) with Single Family Residential (SFR) future land use designation.

- **Transportation System:** Waters Road SW is considered a local road. MARTA bus service operates nearby to the east along Hapeville Road SW.

PROPOSAL:

The applicant requests to rezone from R-4 (Single-Family Residential) to R-4A (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-4A (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 not have a negative impact on the character of the surrounding neighborhood. The property is in the Traditional Neighborhood Redevelopment Character Area, which seeks to “*encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated*”. The surrounding area is mostly developed with single family detached homes. The introduction of additional single-family dwellings on an otherwise unused parcel eliminates a vacant land use and provides more residential density to support the proposed revitalization of this area. The NPU-Z Redevelopment Plan indicates the “*conservation of single-family residential housing is the primary land use and residential development goal for NPU-Z*”. CDP Policy TNR 4 seeks to “*preserve the walkable scale and residential character of the neighborhoods*”. Additionally, NPU-Z Policy Z-1 seeks to “*conserve and preserve the historic, single family residential character of NPU-Z in [...] Glenrose Heights*”. The proposed development program results in lots that are consistent in size with those in the immediate area. Lots in the area are nonconforming and substandard in their width relative to R-4 minimum regulations. The west side of Waters Road has six existing lots ranging from 68 feet in width to 136 feet in width. Similarly, on the east side of Waters Road are 11 existing lots with a street frontage ranging from 50 feet in width to 232 feet in width. The current platting pattern aligns with the R-4A development requirements, which require a minimum 50 feet of frontage and a lot size of 7,500 square feet. The

proposed property will be subdivided to create an additional buildable lot, each containing 65.39 feet of frontage on Waters Road. The proposed rezoning to R-4A allows the applicant to create new lots that are fully compliant with the zoning requirements and consistent with the surrounding area. Therefore, staff finds 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-4A (Single-Family Residential) zoning. The proposed land use is suitable as it is consistent with the stated vision, goals, and policies of NPU-Z and the NPU-Z Redevelopment Plan to support compatible infill development and preserve the character of the area in single-family residential neighborhoods. The applicant intends to construct two new single-family homes on lots that are consistent in size with the surrounding area.
- 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. The proposed rezoning would add an additional residential lot, thus increasing the residential density and the economic use of the subject property.
- 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, **2905 Waters Road SW** is located within a Conservation Area: Suburban. Suburban areas are described as follows:

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

STAFF RECOMMENDATION: APPROVAL



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-53 for 1388 Northwest Drive NW**

DATE: September 5, 2024

An Ordinance by Zoning Committee to rezone from RG-3 (Residential General Sector 3) to MR-4A (Multi-Family Residential) for property located at **1388 Northwest Drive NW**.

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

STAFF RECOMMENDATION: FILE



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-54 for 1089 Allene Avenue SW, 1078 Biglin Street SW, 1050 Murphy Avenue SW, 0 Sylvan Road SW (14 0106 LL047) and 1100 Sylvan Road SW**

DATE: September 5, 2024

An Ordinance by Councilmember Antonio Lewis to rezone **1089 Allene Avenue SW, 1078 Biglin Street SW, 1050 Murphy Avenue SW, 0 Sylvan Road SW (14 0106 LL047) and 1100 Sylvan Road SW** from I-1-C/BL (Light Industrial Conditional/BeltLine Overlay) to I-MIX/BL (Industrial Mixed Use/BeltLine Overlay) to implement recommendations of the BeltLine Subarea 2 Masterplan for Murphy Triangle; and for other purposes.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 633 feet on the east side of Murphy Avenue SW. The property begins at the intersection formed by the eastern right-of-way of Sylvan Road and the northern right-of-way of Warner Street. The property is in Land Lot 106 in the Oakland City neighborhood in NPU S in Council District 12.
- **Property size and physical features.** The subject site is approximately 20.6 acres (897336 sq. ft.)
- **CDP land use map designation:** The current land use designation within the 2021 Comprehensive Development Plan is I (Industrial).
- **Current/past use of property:** In the 1940s, the property operated as the Georgia State Farmers Market. After an earlier purchase by the City of Atlanta, the property was then acquired by Invest Atlanta in 2014. In 2018, a 2.5-acre purchase, which included the former Georgia Archives and History Warehouse, expanded the property to just over 20 acres. A dozen warehouses and buildings occupy the fully asphalt and concrete site. Currently zoned for Light Industrial uses (I-1), the property is located within the Atlanta Beltline Tax Allocation District (TAD) in the BeltLine Overlay District. The Westside Trail borders Murphy Crossing to the north, with Warner Avenue

forming the southern border, Allene Avenue to the east, and Murphy Avenue and Sylvan Road to the west.

- **Surrounding zoning/land use:** Properties located to the north are zoned SPI-21 SA9/BL (Historic West End/Adair Park Special Public Interest District Subarea 9/BeltLine Overlay) with a mixed use land use designation and R-4/BL (Single Family Residential/BeltLine Overlay) with a single family residential land use designation.
- **Transportation system:** Murphy Avenue SW is classified as a collector and Sylvan Road is classified as an arterial and Allene Avenue SW is classified as a local street. Sidewalks exist on Murphy Avenue and Sylvan Road. The nearest public transit is the MARTA Oakland City Transit Station located 1.3 miles south of the property.

PROPOSAL: The proposal is to rezone the property to construct residential and non-residential uses including office and hotel.

CONCLUSIONS:

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

Staff finds that there are no known public projects or programs with which the timing of this development would conflict with. The proposed development is consistent with the I (Industrial) land use designation.

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. Compliance with all applicable city codes will be required when proposed development plans are submitted to other agencies for permit review.

Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need: The proposed rezoning maintains the Industrial land use designation of the existing site and therefore would not have an adverse effect on the environment or create an imbalance of land uses.

Effect on character of the neighborhood: In the 2020 BeltLine Subarea 2 Masterplan Update, Murphy Crossing is classified as a revitalization node. The Murphy Crossing node is adjacent to Murphy Avenue and includes the historic State Farmers Market site, which the Atlanta BeltLine has purchased. The area is intended to primarily focus on job production, especially jobs accessible to existing residents based on their educational attainment. This proposal to rezone properties collectively known as Murphy Crossing is consistent with the stated intent of the I-MIX zoning district. Murphy Crossing is home to several industrial businesses and historically was an industrial hub providing jobs to local and nearby residents. Preservation of these properties via the I-MIX designation will ensure that industrial and non-industrial uses in the same development are compatible and planned in a unified manner and will accommodate residential and non-residential growth without the losing land zoned for industrial uses in the process. In the past decade, there has been increasing pressure to reduce industrially zoned land in the City of Atlanta. The pressure to convert industrial acreage has come from a variety of sources led mostly by the increased demand for residential housing. The redevelopment of industrial land to other uses is creating land use conflicts between the new uses, particularly residential uses and the existing industrial uses and has resulted in the displacement of industrial businesses. In

transit rich locations with strong potential for urban, mixed-use development, implementing industrial mixed-use districts could preserve and expand urban industrial land, while taking advantage of higher densities that these sites can support.

Suitability of proposed land use: The proposed residential, eating and drinking establishments, hotel and office are suitable. The proposed uses are consistent with policy I1 *Preserve industrial land and buildings supporting 21st century industrial businesses*, and I5 *Support creative solutions to invest in Atlanta's aging industrial buildings*, and I6 *Preserve and rehabilitate potentially-historic industrial buildings, especially those 50+ years old* from the 2021 Comprehensive Development Plan.

Effect on adjacent property: Many industrial uses have an inadequate pedestrian environment, have poorly lit streets and are in deteriorating conditions. In addition, some of the older industrial parcels may also be brownfields. The I-MIX (Industrial Mixed Use) zoning district will allow a mixture of uses on the same site which will provide for balanced and sustaining uses. The industrial uses will also subsist because of other varied surrounding uses. The mix of industrial, residential and commercial uses will help to create more vibrant, walkable, and sustainable communities. Therefore, Staff believes that the proposal will have a positive effect on adjacent properties.

Economic use of current zoning: There is current economic value in the I-1 zoning district. However, in the proposed zoning district, at least 30% of the total floor area of the development must be allocated for industrial use. Industrial land uses support not only customary industrial activities but also a range of users that require industrially zoned land to conduct business such as catering businesses, doggy daycares etc. Many industrial businesses can offer a variety of jobs. They can also diversify the economic base of a neighborhood, providing resilience. Additionally, manufacturing and wholesale businesses can benefit from high visibility and proximity to urban customers. Therefore, Staff is of the opinion that the industrial mixed use zoning district will have a high economic use.

Compatibility with policies related to tree preservation: Any tree loss that occurs due to any proposed amendments will have to comply with the City of Atlanta's tree preservation policy.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. Trucks serving distribution centers shall be limited to dry freight box trucks.
2. Within a sidewalk or supplemental zone utilities shall be located below ground, provided that such utility is not in violation of the policies of utility regulated by the Public Service Commission or otherwise regulated by state law and/or franchise agreement.
3. To comply with Section 16-16A.004(1)(a)(i) the required 30% of industrial floor area shall be constructed onsite before the certificate of occupancy for the final phase of development is completed. The developer shall demonstrate that 1/3 of the required 30% of industrial area FAR is planned and will be constructed with each phase of development.



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Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-14 for 1425 Westview Drive SW

DATE: September 5, 2024

An Ordinance by zoning committee for a special use permit for a personal care home pursuant to **Section 16-06.005(1)(g)** 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 - NOVEMBER 2024



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-22 for 1196 Arkwright Place SE, 1189 Merlin Avenue SE and 1193 Merlin Avenue SE

DATE: September 5, 2024

An Ordinance by Zoning Committee for a special use permit for a day care and school pursuant to Section 16-06A.005(1)(b) for property located at **1196 Arkwright Place SE, 1189 Merlin Avenue SE and 1193 Merlin Avenue SE.**

FINDINGS OF FACT:

- **Property location:** The subject property is a collection of parcels that fronts approximately 53 feet on the north side of Arkwright Place SE and 100 feet on the south side of Merlin Avenue SE. The site is located within Land Lot 208 of the 15th District, Dekalb County, Georgia in the Edgewood neighborhood of NPU-O in Council District 5.
- **Property size and physical features:** The subject property is a collection of three parcels approximately 0.517 acres (22,537 square feet). There is a fourth parcel (1192 Arkwright Place SE, also known as the “primary location”) that is also part of the business, but its zoning designation allows the use by right. Each parcel within the property is developed with a single existing one-story building (and there is a fourth building on the fourth parcel). The parcels are contiguous and provide access to each other across rear and side property lines, as the parcels share a large backyard play area. The topography is varied and somewhat uneven across the site, especially near the property lines; There is a difference of at least 16 feet between the highest and lowest points. Vehicular access to the site is provided via one curb cut per parcel (for a total of four) on both Arkwright Place and Merlin Avenue. There are mature trees throughout site.
- **CDP land use map designation:** The subject property has multiple future land use designations. 1196 Arkwright Place SE and 1193 Merlin Avenue SE have a future land use designation of Single Family Residential (SFR) within the 2021 Comprehensive Development Plan (CDP), and 1189 Merline Avenue SE has a future land use designation of Mixed Use (MU).

- **Current/past use of property:** Each parcel is developed with an existing one-story framed building that is currently operating as a day care pursuant to 21-O-0288 and 22-O-1323. It appears that these buildings were previously utilized as single family homes. Staff is unaware of any other previous uses on the site.
- **Surrounding zoning/land uses:** The parcels to the north are zoned R-4A (Single Family Residential District) with Single Family Residential (SFR) future land use and R-4A (Single Family Residential District) with High Density Residential (HDR) future land use. The parcels to the south are zoned C-2 (Commercial Service District) with Mixed Use (MU) future land use. The parcels to the east are zoned R-4A (Single Family Residential) with Single Family Residential (SFR) future land use. The parcels to the west are zoned C-1 (Community Business District) with Mixed Use (MU) future land use and O-I (Office-Institutional District) with Mixed Use (MU) future land use.
- **Transportation system:** The site has frontage along Arkwright Place SE and Merlin Avenue SE, both classified as local streets. Moreland Avenue SE nearby is an arterial street. MARTA bus route service operates nearby along Moreland Avenue SE and Memorial Drive SE. Arkwright Place SE and Merlin Ave SE both have sidewalks along their north side, but not their south side. A protected, off-street two-way bicycle lane follows much of Arkwright Place SE.

PROPOSAL:

The applicant seeks a special use permit for a day care and school pursuant to Section 16-06A.005(1)(b). The site is currently operating as Montessori in Town, an elementary school and day care center. There are four parcels that make up the campus: 1192 Arkwright Place SE, the main building and “primary location” that is zoned C-1 (Community Business District) and does not require a special use permit; 1196 Arkwright Place SE, which is zoned R-4A (Single Family Residential) and has an existing Special Use Permit U-22-04/22-O-1323; 1189 Merlin Avenue SE, which is zoned R-4A (Single Family Residential) and has an existing Special Use Permit U-21-05/21-O-0288; and 1193 Merlin Avenue SE, which is zoned R-4A (Single Family Residential) and requires a new Special Use Permit. The intent of this proposal is to consolidate all the sites under a single Special Use Permit approval.

- **Ingress and egress:** There is existing vehicular access to the site via one curb cut per parcel on both Arkwright Place SE and Merlin Avenue SE. Emergency vehicles will continue to access the site from the street and the existing access points. Students and children attending the school are dropped off at the primary location at 1196 Arkwright Place and then escorted to their classroom internally through the site. No changes to ingress or egress to the site are proposed by this application.
- **Parking and loading:** Parking for parents is accommodated via an existing surface parking lot located at the primary location. Employees will park in the primary lot and utilize the driveways for the other classrooms. The applicant has included a loading plan that is provided to parents with detailed instructions for both carpooling as well as walking/biking to the school. School traffic circulates and forms queues on the side streets, away from regular traffic on the arterials. Deliveries are limited to the primary location. There is also ample street parking available nearby.

- **Refuse and service areas:** The applicant will use both private trash services and DeKalb county services for scheduled trash and recycling collections. The containers on site are serviced at least weekly. No changes to garbage collection are proposed.
- **Buffering and screening:** The site generates minimal light or air pollution that could impact surrounding uses, and the sound generation is minimal and will comply with standard noise ordinances. Fencing and natural landscaping separate the site from adjacent uses. The applicant has not indicated any proposal to modify outdoor lighting or screening.
- **Hours and manner of operation:** The primary location school is a full-day Montessori school serving up to 75 children between the ages of 3 and 6 years, as well as up to 24 toddlers between the ages of 18 months and 3 years. The lower elementary (1189 Merline Ave SE) serves as a full-day Montessori school for up to 24 first to third-grade students between 6 and 9 years old; this location serves 24 students. The 1193 Merlin Avenue building is being added to expand the capacity of the lower elementary program. The upper elementary (1196 Arkwright Place SE) serves as a full-day Montessori school for up to 23 fourth to sixth grade students aged 9 to 12, and a primary classroom for up to 21 students aged 3 to 6. All the classrooms operate from 7:45 a.m. to 5:30 p.m. Monday through Friday on a typical year-round school calendar that includes a summer break. The primary location has 18 staff members, the lower elementary has two primary staff members and a third late-shift staff member, and the upper elementary has five staff members. No meals are cooked on campus; students bring lunch from home, and snacks are provided for students who stay later in the afternoon. The primary location offers one special enrichment class after school, where a visiting instructor teaches a lesson.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** The applicant has indicated that any of the proposed structures shall comply with the required yards and open spaces.
- **Tree Preservation and Replacement:** Any tree removal on the property will be permitted via the City Arborist.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the plan provided by the applicant the proposal appears to provide adequate access to the site and should not create any impediments to the safety of the area and flow of traffic nearby. The existing ingress to the site is not being modified. There are multiple entrances to the site from the roadway that can provide safe access. The primary location has accommodated the school sufficiently up to this point. Staff is of the opinion that the proposed ingress and egress are sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.

- b) **Off-street parking and loading:** The site provides sufficient parking for patrons and employees. The program satisfies the parking minimums as required by C-1 and R-4A zoning. The carpool instructions and walking/biking instructions that have been provided show that the applicant has taken care to minimize any impact to the surrounding area and ensure the safety of the students. 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 generates minimal impact to surrounding uses as many activities will be contained indoors. The outdoor activities that do exist on site, such as the children's playground area, are proposed in an area that should not impact surrounding properties since it is internal to the site and screened by existing fences, permanent buildings, and existing landscaping. The school has been operating at this location for years without evidence of negative impact to the surrounding area. The buffering and screening as proposed by the applicant appears to be suitable.
- e) **Hours and manner of operation:** The primary location school is a full-day Montessori school serving up to 75 children between the ages of 3 and 6 years, as well as up to 24 toddlers between the ages of 18 months and 3 years. The lower elementary (1189 Merline Ave SE) serves as a full-day Montessori school for up to 24 first to third-grade students between 6 and 9 years old; this location serves 24 students. The 1193 Merlin Avenue building is being added to expand the capacity of the lower elementary program. The upper elementary (1196 Arkwright Place SE) serves as a full-day Montessori school for up to 23 fourth to sixth grade students aged 9 to 12, and a primary classroom for up to 21 students aged 3 to 6. All the classrooms operate from 7:45 a.m. to 5:30 p.m. Monday through Friday on a typical year-round school calendar that includes a summer break. The primary location has 18 staff members, the lower elementary has two primary staff members and a third late-shift staff member, and the upper elementary has five staff members. No meals are cooked on campus; students bring lunch from home, and snacks are provided for students who stay later in the afternoon. The primary location offers one special enrichment class after school, where a visiting instructor teaches a lesson. Staff is of the opinion that the proposed hours and manner of operation are typical of a school and daycare and will not negatively impact the surrounding properties and finds the proposed hours and manner of operation reasonable.
- f) **Duration:** The applicant requests an indefinite duration. Staff is supportive of an indefinite duration.
- g) **Required yards and open space:** The site plan complies with the required yards and open space.
- h) **Compatibility with policies related to tree preservation:** Trees impacted by the development will be reviewed by the City Arborist in accordance with the Tree Preservation Ordinance.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit for a day care center and school shall be valid as long as Montessori Intown, Inc. is the operator.
2. Enrollment at 1189 Merlin Avenue SE and 1193 Merlin Avenue SE (the lower elementary) shall not exceed twenty-four (24) children.
3. Enrollment at 1196 Arkwright Place SE (the upper elementary) shall not exceed 44 children.
4. the special use permit is not transferrable.



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-24-27 for 2910 Tejas Trail SW**

DATE: September 5, 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**.

The applicant has requested to withdraw this application. Staff is supportive of the request.

STAFF RECOMMENDATION: FILE



CITY OF ATLANTA

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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-32 for 1425 Westview Drive SW**

DATE: September 5, 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 - NOVEMBER 2024



ANDRE DICKENS
MAYOR

CITY OF ATLANTA
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: U-24-11 for 155 7th Street NE
DATE: September 5, 2024

An Ordinance by Zoning Committee granting a special use permit to sever excess development density (215,858 square feet of residential floor area) pursuant to 16-28.023(2)(d) **from 875 West Peachtree Street NW (sending parcel)** to property located at **155 7th Street NE (receiving parcel)**.

FINDINGS OF FACT:

- **Property location:** The receiving property fronts 181 feet on the south side of 7th Street NW beginning at a 5/8-inch rebar at the intersection of the southerly right of way of 7th Street with the westerly right of way Cypress Street said point being the point of beginning in Land Lot 49 of the 14th District, Fulton County, Georgia within the Midtown neighborhood of NPU-E in Council District 2.
- **Property size and physical features:** The receiving property is a rectangular corner lot that is 0.804 acres (approximately 35,016 square feet) in size and is currently occupied by a surface parking lot that services the adjacent building. Vehicular access is provided via curb cuts on 7th Street NE and Cypress Street NE. The lot topography steadily declines across the site; there is approximately a 20-foot difference between its highest and lowest points.
- **CDP land use map designation:** The receiving property is designated as High Density Commercial which is appropriate for the development contemplated by the requested transfer of development rights.
- **Current/past use of property:** The receiving parcel is currently a surface parking lot for the adjacent sending parcel. Both parcels are currently zoned SPI-16 SA1 (Midtown Special Public Interest District Subarea 1). The sending parcel is the site of the Academy of Medicine, which was the home of Atlanta's oldest medical society, the Medical Association of Atlanta (operating under many names) until the 1970s and it has a significant Neo-Classical architectural style. The building is listed on the National Register of Historic Places

and is designated as a historic building by the City of Atlanta. Since 2008 the building has been owned and maintained by Georgia Institute of Technology as an event space for the community and campus.

- **Surrounding zoning/land uses:** The subject properties are located in SPI-16 SA1 (Midtown Special Public Interest District Subarea 1) and are surrounded by a mix of uses including nonresidential, office, and residential uses with a High Density Commercial land use designation within the 2021 Atlanta Comprehensive Development Plan (CDP). All adjacent properties have the same zoning and future land use designations.
- **Transportation system:** The receiving parcel is located along 7th Street NE and Cypress Street NE which are local roads. Sidewalks are provided along both sides of both streets. MARTA bus routes operate nearby along West Peachtree Street NW and Peachtree Street NE. The MARTA Midtown Transit Station is located approximately 1000 feet (~0.2 miles) to the north and the North Avenue Transit Station is located approximately 2,500 feet (~0.5 miles) to the south.

PROPOSAL:

The applicants are requesting to transfer 215,858 square feet of residential development rights from 875 West Peachtree Street NW owned by The Board of Regents of the University System of Georgia to 155 7th Street NE owned by Core Atlanta 7th Street, LLC for use in the development of 250 14th Street within SPI-16 SA1. The proposed high-rise development on the receiving property includes approximately 295 student oriented multifamily units and sidewalk level nonresidential use with parking provided in a structured garage. In accordance with Sections 16-18P.005(3)(b) and 16-25.002 of the Zoning Ordinance, both the sending and receiving parcels are in SPI-16 and the sending parcel is on the National Register of Historic Places and designated under the city's historic preservation ordinance.

- **Ingress and egress:** Employees, tenants and guests will have vehicular ingress & egress to the building through a curb cut on Cypress Street, providing access to a structured parking facility on property. Pedestrian access to the building is also offered on both frontages. Bulk deliveries to the property shall occur at a loading area on the east side of the building. Emergency access to the building may be gained via both 7th Street and Cypress Street. Vehicular congestion is not foreseen to be caused by the way vehicles enter and exit the property, as the arrangement is typical and consistent with other developments in Midtown. Due to the residential nature of the project, vehicles will enter and exit the property at varying times as opposed to primarily during the a.m. and p.m. peaks. Furthermore, by catering to a student population, it is likely that many residents will not use cars. Routing the loading access through Cypress Street will also mitigate traffic impact, as this street is not typically utilized for through-traffic in Midtown like West Peachtree, Peachtree, Spring, and Juniper Streets.

- **Parking and loading:** There are currently approximately 80 spaces on site, and the proposed development will include 186 spaces, for a net increase of approximately 100 spaces. The parking will be in an on-site parking garage. No traffic improvements are contemplated by this project based on the scale and residential nature of the project. Most occupants in the building are expected to be 18–25-year-old students, a demographic that utilizes pedestrian and public transit facilities at a much higher rate than other populations. Bulk deliveries to the property shall occur at a loading area on the east side of the building that shall be accessed via the driveway accessible from Cypress Street. Employees and clients shall enter and leave the building through a curb cut on Cypress Street, providing access to a structured parking facility on property where they will park their vehicles. Pedestrians will have access to the building from both frontages.
- **Refuse and service areas:** Refuse and garbage will be stored in commercial containers within a fully enclosed, climate-controlled and dedicated refuse area located within the building’s interior. Dumpsters and compactors will be utilized, and a private disposal service will be operating as frequently as is necessary.
- **Buffering and screening:** The exterior of the structured parking facility on property will be screened with solid building materials and semi-perforated screening to constrain any noise and light emitted from the property.
- **Hours and manner of operation:** The property will be developed into a high-rise residential multifamily building with an accessory structured parking facility. The development will be open for residential occupancy 24 hours per day, 365 days per year. Approximately 18 employees are expected to be employed by the residential use. The facility will accommodate approximately 295 dwelling units with 1,211 beds, with no age requirements or restrictions, although the units will be marketed toward students so the typical age is expected to be 18-25 years old. No meals are offered by the residential use. There will be no special programs offered at the development. The ground floor will have a complementary commercial use (such as a coffee shop) whose hours of operation and number of employees have yet to be determined.
- **Duration:** The applicant requests that the special use permit last indefinitely.
- **Required yards and open space:** The applicant has indicated that there are no changes proposed for the sending property, and the new development on the receiving property will comply with the established required yards and open space as given by the zoning regulations.
- **Tree Preservation and replacement:** The applicant has provided a Tree Plan for the proposal that includes recompense calculations for tree removal and a landscape plan for what will be reinstalled with the development. Regardless, the applicant has indicated there are no changes proposed for the Tree Preservation rights of the sending property, and there is no proposal for the utilization of such severed rights. Therefore, these considerations are not applicable.

CONCLUSIONS:

- **Ingress and egress:** The ingress and egress point on Cypress Street is consistent with the design of similar uses in Midtown. By utilizing Cypress Street for access, which receives much less pedestrian and vehicle traffic than many surrounding streets. The proposal avoids challenges associated with introducing new vehicular conflict points. The clientele of student housing also tends to utilize pedestrian and high-capacity transit options at a greater rate than other demographic groups. Staff finds the ingress and egress for the proposed development to be sufficient.
- **Off-street parking and loading:** The maximum parking allowed for this proposal is 548 spaces and the applicant is offering just 170. This is consistent with the intent of SPI-16 to “minimize the amount of vehicular parking provided” and “encourage the use of MARTA” as well as other alternative modes of transportation. Many of the students who will reside in this development will utilize the pedestrian and high-capacity transit options that Midtown offers. Staff finds the proposed parking and loading to be sufficient.
- **Refuse and service areas:** Staff finds the proposed refuse and service areas to be sufficient.
- **Buffering and screening:** The exterior of the structured parking facility will be screened with solid building materials and semi-perforated screening to minimize any noise and light emitted from the property. The final development will be required to comply with City ordinances related to sound and lighting of any outdoor amenity areas. Staff finds the proposed buffering and screening to be sufficient.
- **Hours and manner of operation:** The property will be developed into a high-rise residential multifamily building with an accessory structured parking facility. The development will be open for residential occupancy 24 hours per day, 365 days per year. Approximately 18 employees are expected to be employed by the residential use. The facility will accommodate approximately 295 dwelling units with 1,211 beds, with no age requirements or restrictions, although the units will be marketed to students, so the typical age is expected to be 18-25 years old. No meals are offered by the residential use. There will be no special programs offered at the development. The ground floor will have a complementary nonresidential use (such as a coffee shop) whose hours of operation and number of employees have yet to be determined. Staff finds the hours and manner of operation to be sufficient.
- **Duration:** The applicant requests that the special use permit last indefinitely. Staff is supportive of a 48-month duration for issuance of the certificate of occupancy in Section 16-28.023(11). Due to the design, permitting and construction duration required for this scale of a project, the 24-month period provided in the ordinance is not sufficient.
- **Compatibility with policies related to tree preservation:** The applicant has indicated there are no changes proposed for the Tree Preservation rights of the sending property, and there is

no proposal for the utilization of such severed rights. Therefore, these considerations are not applicable.

- **Required yards and other open spaces:** All required yards and open space shall conform and be in compliance with regulations listed in Chapter 16-18P.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

- 1) All agreements, assignments and affidavits (properly executed and recorded) are to be submitted to the Director of Zoning and Development to transfer a total of 215,858 square feet of residential development rights from 875 West Peachtree Street NW (the sending property), zoned SPI-16, Subarea 1, to 155 7th Street NE (receiving parcel) zoned SPI-16, Subarea 1.