



CITY OF ATLANTA

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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-24-35 for 740 Lynhurst Drive SW**

DATE: September 12, 2024

An Ordinance by Zoning Committee to rezone from R-3 (Single Family Residential) to PD-H (Planned Development Housing) for property located at **740 Lynhurst Drive SW**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 162.07 feet on the east side of Lynhurst Drive beginning at an iron pin (1/2 inch pipe) found on the northeasterly right of way of Lynhurst Drive (60 foot right of way) 300 feet southeasterly from the intersection of the northeasterly right of way of Lynhurst Drive with the southerly right of way of Lynn Drive. The property is in Land Lot 235 of the 14th District, Fulton County, Georgia in NPU-I, Council District 10.
- **Property Size and Physical Features:** The subject site is an irregularly-shaped lot with approximately 2.572 acres (approximately 112,036 square feet) of lot area. The site is currently vacant and undeveloped. Vehicular access is provided by an existing curb cut on Lynhurst Drive SW. Topography varies substantially across the site, with an elevation change of as much as 50 feet between the highest and lowest points. The site is currently covered with dense, mature vegetation and trees.
- **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 site is currently vacant and unoccupied, covered by dense vegetation. Staff is unaware of any other previous uses of the property.
- **Surrounding Zoning/Land Uses:** All of the adjacent parcels to the north, south, east, and west of the site are also zoned R-3 (Single Family Residential District) and have a Single Family Residential (SFR) future land use designation.

- **Transportation System:** Lynhurst Drive SW is considered a collector road and has sidewalks along both sides at this location. MARTA bus service operates along Lynhurst Drive SW as route #66 and there are multiple bus stops nearby.

PROPOSAL:

The applicant seeks to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing) for the development of six new single family residences.

Project Specifications:

Lot Area (total):	2.572 acres (112,036 square feet)
Maximum Residential FAR:	0.4
Number of Units Proposed:	6 units
Parking Required (Minimum):	2 space per dwelling
Maximum Building Height:	30 feet
Minimum Frontage:	85 feet
Minimum Lot Area:	10,000 square feet for Single Family Home
Proposed Setbacks	
Front:	35 feet
Side:	10 feet
Rear:	15 feet
Maximum Lot Coverage:	Not Provided
Residential Parcels	
Parcel 1	10,221 square feet
Parcel 2	10,056 square feet
Parcel 3	10,062 square feet
Parcel 4	14,213 square feet
Parcel 5	13,127 square feet
Parcel 6	10,336 square feet
Total	68,015 square feet
Non-residential Parcels	
Amenity Zone	8,988 square feet
Green Space with Pond	5,778 square feet
Total	14,776 square feet

CONCLUSIONS

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The 2021 Comprehensive Development Plan designates the subject property with a Single Family

Residential (SFR) land use; therefore, the proposed zoning district is compatible and no land use amendment is required.

- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** There has been no indication from review agencies or departments that there would not be adequate public facilities and services at the subject location. At the time of permitting, the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses. The applicant's rezoning proposal does not include a land use amendment and intends to introduce more single-family residences which is in accordance with the future land use designation for the site. NPU-I policy I-1 is to "*Preserve the single-family and low-density character of all NPU-I Neighborhoods [...] [t]he desire [is] to maintain single family homes with similar zoning requirements and building materials.*" Policy I-2 is to "*Encourage infill housing on vacant lots that are compatible with surrounding areas. [...] Residential lots should be developed with homes designed that are substantially similar with those in existing neighborhoods [...].*" The proposed rezoning satisfies both policies and would therefore have a positive impact on the balance of land uses with regard to public need.
- 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 current sites have remained undeveloped, which is not desirable. This rezoning would facilitate development of the site and provide more housing that is consistent with the surrounding area without eliminating or replacing any existing uses. The development controls proposed by the applicant do create smaller lots than what is allowed by the standard R-3 regulations, but the other controls (including setbacks, lot coverage, frontage, maximum height, and FAR) are either the same or like the R-3 requirements of the surrounding neighborhood. The shape of this lot, which has a relatively shorter frontage compared to its much-wider rear area, makes it difficult to comply with the typical R-3 zoning requirements in a way that creates a logical lot pattern. There is enough lot area to create five lots under R-3 designations, but the limited frontage of the site allows for just one single family residence. The flexibility of the PD-H zoning category allows the applicant to address the development challenges of the site while maintaining the neighborhood character and a level of density that is consistent with the existing neighborhood. The site's CDP Character Area is Traditional Neighborhood Existing, and the proposal supports policy TNE 1 "*Preserve the walkable scale and residential character of the neighborhoods.*" Therefore, Staff finds the proposed request reasonable.
- 5) **Suitability of proposed land use:** The proposal does not include a request to modify the future land use of the site. The proposal consists of detached single family homes, which is consistent with the existing future land use designation of the site as well as consistent with the development pattern of the surrounding neighborhood. The proposed land use is suitable for the parcel.

- 6) **Effect on adjacent property:** The proposed rezoning will have a positive impact on the surrounding neighborhood by eliminating an undeveloped site and increasing the overall housing supply in a manner that is consistent with the existing pattern of development.
- 7) **Economic use of current zoning:** The property has remained undeveloped in an otherwise thriving and well-developed neighborhood, indicating that the existing economic use of the current zoning is limited. The proposed rezoning would increase the economic use of the site.
- 8) **Compatibility with policies related to tree preservation:** Development of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting.
- 9) **Other Considerations:**

The following findings are in accordance with Section 16-19.005(5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:

- a. **The suitability of the tract for the general type of PD zoning proposed.** Staff is of the opinion that the subject property is a site that is suitable in location, area, and character for development on a unified basis. The proposed development is appropriate and should enhance the character of the area.
- b. **The relationship to major roads and mass transit facilities, utilities, and other facilities and services.** Lynhurst Drive SW is considered a collector street and MARTA bus service operates along its length. The site is a short drive from access to Interstate 285. Transit opportunities and major roads are readily available for use by future residents of the site.
- c. **The evidence of unified control.** The applicant will have to demonstrate unified control at the time of permitting and has indicated that agreements will be in place.
- d. **The suitability of proposed plans.** The proposed plans entitled “Astrid Estates – 740 Lynhurst Drive Atlanta, GA 30311” prepared by Dorian Bahr Design Studio dated April 1, 2024, revised June 26, 2024, and stamped received and amended by the Office of Zoning and Development on July 1, 2024 appear to be suitable for the development..
- e. **Specific modifications.** Detailed site plans have been submitted with the application.
- f. **The suitability of a maintenance program.** The applicant has indicated bylaws and covenants will include maintenance programs for shared spaces and common areas.

10) **Atlanta City Design:**

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

According to the Atlanta City Design map, **740 Lynhurst Drive SW** is located within a Conservation Area: Suburban Neighborhood. Suburban Neighborhood 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 e 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 conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled “Astrid Estates – 740 Lynhurst Drive Atlanta, GA 30311” prepared by Dorian Bahr Design Studio dated April 1, 2024, revised June 26, 2024, and stamped received and amended by the Office of Zoning and Development on July 1, 2024. Minor changes to the approved site plan may be authorized by the Director of the Office of Zoning and Development in accordance with Section 16-02.003(7).
2. The site shall be limited to 6 detached single family dwellings. No other dwelling type is permitted.
3. The development shall be governed by private covenants to provide ownership and maintenance of all future common areas.
4. The maximum floor area ratio shall not exceed 0.40 of net lot area.
5. The maximum lot coverage of each lot within this district shall not exceed 40 percent of total lot area.



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MEMORANDUM

TO: Zoning Review Board
FROM: Keyetta M. Holmes, AICP, Director *KMH*
SUBJECT: Z-24-39 for 423 Sunset Avenue NW

DATE: September 12, 2024

An Ordinance by Zoning Committee to rezone from SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 2/Westside Affordable Workforce Housing Overlay) to SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) for the property located at **423 Sunset Avenue NW**.

FINDINGS AND FACTS:

- **Property Location:** The property fronts 116.01 feet on the east side of Sunset Avenue NW beginning at the intersection of Sunset Avenue NE and John Street (aka Johns Street) NW. It is in Land Lot 111, 14th District, Fulton County, Georgia in the English Avenue Neighborhood of NPU L, Council District.
- **Property Size and Physical Features:** The subject property at **423 Sunset Avenue NW** is 12,556 square feet (.388 acre), on Sunset Avenue NW. The topography is consistent throughout the lot with a maximum difference of 5 feet. The site is currently undeveloped and there are no 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 lot was previously used as single-family residences. Staff is unaware of any other previous uses of the property.
- **Surrounding Zoning/Land Uses:** The parcels directly to the north, south, east, and west are zoned SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) with Single Family Residential (SFR) land use designations. However, there are seven parcels within 500 feet of the subject property currently zoned SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea

3/Westside Affordable Workforce Housing Overlay) with Medium Density Residential (MDR) land use designation. There are also several properties along both Sunset Avenue and Johns Street zoned SPI-3-SA2/WIZ (English Avenue Special Public District Subarea 2/Westside Affordable Housing Overlay) with Low-Density Residential (LDR) future land use designation.

- **Transportation System:** Sunset Avenue NW is classified as a local road. MARTA bus routes service the nearby area with route #51 along Joseph E. Boone Boulevard SW to the south as well as route #1 to the west along Joseph E Lowery Boulevard. Additionally, there are 3 MARTA stations within a 2-mile radius, Vine City Transit Station being the closest a mile away.

PROPOSAL:

The proposal is to rezone from SPI-3-SA1/WIZ (English Avenue Special Public District Subarea 1/Westside Affordable Housing Overlay) to SPI-3-SA3/WIZ (English Avenue Special Public District Subarea 3/Westside Affordable Housing Overlay) to allow the construction of 16 housing units.

Project Specifications:

Lot Area (total): 0.388 acres (12,556 square feet)

Maximum FAR: 1.0

Number of Units Proposed: 16 two-bedroom units

Maximum Building Height: 40 feet

Proposed Building Height: 2 stories

Maximum Lot Coverage: 70%

CONCLUSIONS:

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The proposed Medium Density Residential (MDR) land use designation is compatible with that of the adjacent parcels. Most of the surrounding parcels are designated as Single Family Residential (SFR). However, there are seven parcels with Medium Density Residential (MDR) land use designation within 500 feet of the subject property.
- 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 the property will not have a negative impact on the balance of land uses. It

would allow for additional affordable housing options and align with development patterns found in this neighborhood and previous neighborhood small plans.

- 4) **Effect on character of the neighborhood:** The parcel is in the Traditional Neighborhood Redevelopment (TNR) character area of the 2021 Comprehensive Development Plan. The TNR 4 development policy is to, “*Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated.*” This undeveloped corner lot is in the English Avenue in-town neighborhood. There are seven parcels within 500 feet of the subject property, with Medium Density Residential (MDR) land use designation. The applicant proposes a 16-unit “courtyard” style multifamily residential building, 4 of which will be rented at 80% AMI (Area Median Income), exceeding the required 15% for this Overlay District. Further, the proposed zoning is consistent with city-wide policy - CW 12 “*Encourage a variety of housing types, including “missing middle” housing, that is compatible with nearby buildings.*” As well as city-wide policy CW 10 “*Provide diverse and more affordable housing choices that are accessible by all people.*” Staff is of the opinion that the proposed future land use amendment would have a positive impact on the character of the surrounding neighborhood by facilitating the redevelopment of an unoccupied and underutilized parcel for new multi-family affordable housing. The proposed infill development will provide new and affordable housing stock to the neighborhood and will match development patterns in the community.
- 5) **Suitability of proposed land use:** The proposed Medium Density Residential (MDR) land use designation is not suitable for the proposed site and is inconsistent with the Single Family Residential (SFR) use and character of the surrounding parcels. However, the 2021 Atlanta Comprehensive Development Plan (CDP) does classify the subject property as a Traditional Neighborhood Redevelopment (TNR) Character Area, where Medium Density Residential (MDR) is a preferred future land use designation. Staff is of the opinion that the Medium Density Residential (MDR) future land use will allow the requested density, while still preserving the residential character and walkable scale of the neighborhood.
- 6) **Effect on adjacent property:** Rezoning should not have a negative effect on the adjacent property. The rezoning will allow for additional residential units in an existing neighborhood designated for redevelopment.
- 7) **Economic use of current zoning:** There is economic use under the current zoning. However, the proposal would allow for additional units, thus increasing the economic use of the subject property.
- 8) **Compatibility with policies related to tree preservation:** Any tree loss that occurs because of any proposed rezoning will have to comply with the City of Atlanta’s tree preservation policies.
- 9) **Other Considerations:** The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the

Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to Atlanta City Design **423 Sunset Avenue NW** is located within the Growth Area: Urban; areas are described as follows:

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

STAFF RECOMMENDATION: APPROVAL



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

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-41 for 392 James P. Brawley Drive NW and 396 James P. Brawley Drive NW**

DATE: September 12, 2024

An Ordinance by Zoning Committee to rezone from SPI-3 SA2/WIZ (English Avenue Special Public Interest District Subarea 2/Westside Affordable Workforce Housing Overlay) to SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) for the property located at **392 James P. Brawley Drive NW and 396 James P. Brawley Drive NW**.

FINDINGS OF FACTS:

- **Property Location:** The property fronts 74.83 feet on the west side of James P. Brawley Drive NW beginning on the west side of James P. Brawley Drive NW (former Chester Street) at a point 337.5 feet from the southwest corner of James P. Brawley Drive NW and Neal Street to a ½” rebar set and the said point of beginning. The property is in Land Lot 111, 14th District, Fulton County, Georgia in the English Avenue Neighborhood of NPU L, Council District 3.
- **Property Size and Physical Features:** The subject properties is .280 acre (12,235 sq. ft.) in lot area. The topography is consistent throughout the lot with a maximum difference of 10 feet in elevation. The site is currently an undeveloped lot with few mature trees on site.
- **CDP Land Use Map Designation:** The current land use category for the site is Medium Density Residential (MDR) within the 2021 Comprehensive Development Plan (CDP).
- **Current/Past Use of Property:** The two lots were previously used as single-family residences. Staff is unaware of any other previous uses of the property.

- **Surrounding Zoning/Land Uses:** The parcels to the north and south are zoned SPI-3 SA2/WIZ (English Avenue Special Public Interest District Subarea 2/Westside Affordable Workforce Housing Overlay) with Medium Density Residential (MDR) land use designation. To the west, the parcels are zoned SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) with Single Family Residential (SFR) land use designation. The parcels to the east are zoned SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) with Medium Density Residential (MDR) land use designation.
- **Transportation System:** James P. Brawley Drive NW is classified as a local road, and there are sidewalks found along both sides of the street. MARTA bus routes service the nearby area with route #51 along Joseph E. Boone Boulevard SW to the south as well as route #1 to the west along Joseph E Lowery Boulevard. Additionally, there are 3 MARTA stations within a 2-mile radius, Ashby Street Transit Station being the closest at .6 miles away.

PROPOSAL:

The proposal is to rezone from SPI-3 SA2/WIZ (English Avenue Special Public Interest District Subarea 2/Westside Affordable Workforce Housing Overlay) to SPI-3 SA3/WIZ (English Avenue Special Public Interest District Subarea 3/Westside Affordable Workforce Housing Overlay) to allow the construction of two multifamily dwellings for affordable housing.

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 impact on the balance of land uses. It would allow for additional affordable housing options and align with the lot's designated future land use of Medium Density Residential (MDR) as identified in the Plan A 2021 CDP.
- 4) **Effect on character of the neighborhood:** The parcel is in the Traditional Neighborhood Redevelopment Character Area of the 2021 Comprehensive Development Plan and has a Medium Density Residential (MDR) 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

undeveloped lot is in the English Avenue in-town neighborhood, Additionally, there is a newly developed multi-family residence across the street at 395 James P. Brawley. The proposed new development will be the same “courtyard-style”, which will be a compatible development. This rezoning also aligns with the Westside Revive development programs identified in the 2006 *English Avenue Redevelopment Plan*. The plan recommended the renovation of multifamily units along this corridor “*DEVELOPMENT PROGRAM P7.1, P7.2,; Existing Multifamily Renovations - Potential renovations/conversions into affordable “for sale” units with possible painted brick facades, new roofs, and new exterior lighting. Potential consolidation or expansion into larger units.*” Although the subject properties were previously single-family dwellings, staff is of the opinion the proposed development will be consistent with other multi-family residences along James P. Brawley Drive. Additionally, the proposed multi-family dwelling will respect the fabric of the community with appropriate height and scale for the neighborhood. 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 development will create new units and add to the affordable housing stock of the neighborhood.

- 5) **Suitability of proposed land use:** The current MDR (Medium Density Residential) land use designation is consistent with the use that will be allowed by the rezoning. Further, the proposed zoning is consistent with the development patterns of the neighborhood and is also allowed in the Westside Affordable Workforce Housing Overlay District.
- 6) **Effect on adjacent property:** Rezoning 392 James P. Brawley Drive NW and 396 James P. Brawley Drive NW should not have a negative effect on the adjacent property. The rezoning will allow for additional residential units in an existing neighborhood designated for redevelopment.
- 7) **Economic use of current zoning:** There is economic use under the current SPI-3 SA1/WIZ (English Avenue Special Public Interest District Subarea 1/Westside Affordable Workforce Housing Overlay) single-family zoning. The proposed rezoning to Subarea 3 would allow medium-density and additional units, thus increasing the economic use of the subject properties.
- 8) **Compatibility with policies related to tree preservation:** Any tree loss that occurs because of any proposed rezoning will have to comply with the City of Atlanta’s tree preservation policies.
- 9) **Other Considerations:** The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to Atlanta City Design **392 James P. Brawley Drive NW and 396 James P. Brawley Drive NW**, is located within the Growth Area: Urban; areas are described as follows:

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

STAFF RECOMMENDATION: APPROVAL



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Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-55 for 705 Constitution Road SE**

DATE: September 5, 2024

An Ordinance by the Zoning Committee to rezone from I-1-C to I-1 to remove the conditions on the property located at **705 Constitution Road SE**.

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

STAFF RECOMMENDATION: DEFERRAL – OCTOBER 2024



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-23 for 122 Cleveland Avenue SW, Suite C

DATE: September 12, 2024

An Ordinance by Zoning Committee for a special use permit for a personal care home pursuant to 16-07.005 (1)(E) for property located at **122 Cleveland Avenue SW, Suite C**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 209.25 feet on the south side of Cleveland Avenue SW beginning at an iron pin on the southerly right of way of Cleveland Avenue, said iron pin being 113.68 feet easterly, as measured along said right of way of Cleveland Avenue from the intersection of said right of way of Cleveland Avenue and the easterly right of way of Old Hapeville Road. The subject site is in Land Lot 68 of the 14th District, Fulton County, Georgia. It is in the Glenrose Heights neighborhood of NPU Z and in Council District 12.
- **Property size and physical features:** The property is approximately 1.047 acres (45,621 square feet). It consists of a one-story nonresidential strip mall. The parcel can be accessed through a curb cut on Cleveland Avenue. There is an asphalt driveway with approximately 55 parking spaces. There are no trees on the property, and the terrain slopes from the front property line to the rear, with a 32-foot grade change.
- **CDP Land Use and designation:** The subject property is zoned C-1 (Community Business District). The land use designation is Mixed Use Low Density in the 2021 Comprehensive Development Plan.
- **Current/past use of property:** The past and current use of the property is a strip mall with retail and nonresidential uses. Staff is not aware of any other previous uses of the site.

- **Surrounding zoning/land uses:** The subject parcel is zoned C-1 (Community Business District) with a Mixed Use Low Density land use designation. The parcels to the north have zoning designations of C-1 (Community Business District) with a Mixed Use Low Density land use designation, and R-4 (Single Family Residential) with a Community Facilities land use designation. To the east, the parcels are zoned R-4 (Single Family Residential) with a Single Family Residential land use designation. To the south, the parcels are zoned R-4 (Single Family Residential) with a Single Family Residential land use designation and R-4 (Single Family Residential) with a Mixed Use Low Density land use designation, and to the west, parcels are zoned C-1 (Community Business District) with a Mixed Use Low Density land use designation.
- **Transportation Systems:** Cleveland Avenue is an arterial street and is served by MARTA bus routes #78 and #178. The #78 bus stop is located on Cleveland Avenue SW and Old Hapeville Road SW, 499 feet from the subject site, and connects to the East Point Transit Station, which is approximately 3.2 miles away. The #178 bus stop is located on Old Hapeville Road SW and Cleveland Avenue SW, 456 feet from the subject site, and connects to Lakewood/Fort McPherson Transit Station, which is approximately 3.3 miles away. There are sidewalks on both sides of Cleveland Avenue.

PROPOSAL: The applicant is requesting a special use permit for a personal care home to be used as an adult daycare, which is not permitted in the city.

- **Ingress and egress:** Employees, clients, and emergency vehicles will enter and exit the property using the curb cut on Cleveland Avenue and will utilize the open surface parking in front of the suite. Traffic congestion will not be a problem. There is a traffic light at the nearest intersection once you make a left turn out of the parking lot. No road improvements are necessary currently.
- **Off-Street parking and loading:** Employees, clients, and emergency personnel will park their vehicles in the surface parking area in front of the suite. Emergency personnel can park their vehicles in front of the suite or in a designated parking space on the site. Products and supplies will be delivered using personal vehicles. Service personnel can park their vehicles in front of the suite.
- **Refuse and services areas:** The site uses Waste Management services for refuse removal. At the end of each shift, the owner will gather all the trash inside the facility and place it into the waste management containers. Waste Management comes every Monday through Friday to pick up and clean the waste from the parking lot.
- **Buffering and screening:** No changes will be made to the site for buffering and screening. All activities take place within the facility, and not on the outside. The walls are also soundproof.
- **Hours and manner of operation:** The facility will operate as an adult day center from 8:30 am to 2:30 pm, Monday through Friday. Each shift will have 6-7 employees servicing approximately 25 clients ranging in age from 18 to 100. Meals are provided daily during breakfast and lunchtime, and special programs will also be available at the facility. Two vans will transport clients to and from the facility each day.

- **Duration**: The applicant requests an indefinite duration.
- **Required yards and open space**: There are no proposed changes to the site, primary buildings, or accessory structures 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**: Employees, clients, and emergency vehicles will enter and exit the property using the curb cut on Cleveland Avenue and will utilize the open surface parking in front of the suite. Traffic congestion will not be a problem. There is a traffic light at the nearest intersection once you make a left turn out of the parking lot. No road improvements are necessary currently. Staff finds the ingress and egress sufficient. However, the proposed use an adult day care facility is not permitted by the Zoning Code of the City of Atlanta. It is impossible to determine the proposed use will provide for adequate ingress and egress for a use that is not permissible. Staff finds the off-street parking and loading to be insufficient.
- b) **Off-Street parking and loading**: The applicant has stated that employees, clients, and emergency personnel will be able to park their vehicles in the surface parking area in front of the suite. Emergency personnel also have the option to park in front of the suite or in a designated parking space on the site. Products and supplies are to be delivered using personal vehicles, and service personnel can park their vehicles in front of the suite. However, the proposed use an adult day care facility is not permitted by the Zoning Code of the City of Atlanta. It is impossible to determine the off-street parking requirement for a use that is not permissible. Staff finds the off-street parking and loading to be insufficient.
- c) **Refuse and services areas**: The site uses Waste Management services. At the end of each shift, the owner gathers all the trash inside the facility and puts it into the waste management containers. Waste Management comes every Monday through Friday to pick up and clean the waste from the parking lot. However, staff cannot determine the amount of refuse that may be generated by a use that is not permitted by the Zoning Code. Staff finds refuse and service areas to be insufficient.
- d) **Buffering and screening**: There are no improvements proposed to the property regarding buffering or screening.
- e) **Hours and manner of operation**: The facility will operate as an adult day center, open from 8:30 am to 2:30 pm, Monday through Friday, a use that is not permitted by the City of Atlanta Zoning Code. Each shift will have 6-7 employees servicing approximately 25 clients ranging in age from 18 to 100. Meals are provided daily during breakfast and lunchtime, and special programs will also be available at the facility. There has been no information provided that

details the special programs that will be offered. Two vans will transport clients to and from the facility each day. The State of Georgia requires that an adult day care center, “*documentation from local zoning authorities that the center is in compliance with local zoning codes*”. Documentation for this proposed use cannot be provided as the use is not allowed by the Zoning Code. Staff finds the hours and manner of operation to be insufficient for the proposed use.

- f) **Duration**: The applicant requests an indefinite duration. Staff is not supportive of this request.
- g) **Required yards and open space**: There are no proposed changes to the site or building as part of this application regarding required yards and open space. Therefore, these considerations are not applicable.
- h) **Compatibility with policies related to Tree Preservation and Replacement**: The site will be used in its current configuration. No trees will, be removed from the site.

STAFF RECOMMENDATION: DENIAL



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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: U-24-24 for 3612 Paces Ferry Road NW

DATE: September 12, 2024

An Ordinance by Zoning Committee for a special use permit for a place of worship pursuant to Section 16-03.005(1)(C) for the property located at **3612 Paces Ferry Road NW**.

Staff has requested a deferral.

STAFF RECOMMENDATION: 30 DAY DEFERRAL - OCTOBER 2024



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Jahnee R. Prince, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

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

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

DATE: September 12, 2024

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

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL – NOVEMBER 2024



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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-17 for the West Highlands Community and Rockdale Community**

DATE: September 12, 2024

An Ordinance by Councilmember Byron D. Amos to rezone certain properties in the **West Highlands Community and Rockdale Community** from R-4A/WPAHO (Single-Family Residential/Westside Park Affordable Workforce Housing Overlay) to PD-MU/WPAHO (Planned Development Mixed Use/Westside Park Affordable Workforce Housing Overlay) and RG-3/WPAHO (Residential General Sector 3/Westside Park Affordable Workforce Housing Overlay) to MRC-3/WPAHO (Mixed Residential Commercial/Westside Park Affordable Workforce Housing Overlay); and for other purposes.

FINDINGS OF FACT:

- **Property location:** The subject properties are located as follows, Parcel 1 (0 Johnson Road NW) fronts approximately 747.49 feet on the south side of Johnson Road NW beginning 200.25 feet from the Georgia Power Transmission Line and Parcel 2 (0 North Street NW) fronts 1315.5 feet on the south side of Land Lot 227 beginning at the intersection of 1981 Jones Avenue NW where the western property line intersects with the southern line of Land Lot 227. Properties are within Land Lot 226 of the 17th District of Fulton County, Georgia in the Rockdale neighborhood of NPU-G in Council District 9.
- **Property size and physical features:** According to the City of Atlanta lot boundary maps, the subject property is 2 tracts of land amounting to a total acreage of 54.28 acres (2,360,952 square feet) with a total street frontage of 747.49 feet on the south side of Johnson Road, and 1315.5 feet on the south side of Land Lot 227. Both parcels are vacant and covered with heavy foliage and mature trees.
- **CDP land use map designation:** The future land use designation for NPU-G designates the subject property as Open Space (0 North Street NW) and Medium Density Residential (0 Johnson Road NW) within the 2021 Comprehensive Development Plan.

- **Current/past use of property:** The subject properties are currently undeveloped. Staff has identified no previous uses for the property.
- **Surrounding zoning/land use:** Land use and zoning designations in the immediate area vary. West and south of 0 Johnson Road properties are zoned R-4A (Single Family Residential) with a LDR (Low Density Residential) land use designation. There are also several properties zoned R-5-C (Two Family Residential Conditional). North of the property is an Atlanta Public Schools Elementary School with a CF (Community Facilities) land use designation. East of the property is a development zoned PD-H (Planned Development Housing) with a MDR (Medium Density Residential) land use designation. East, west, and south of 0 North Street property is zoned R-4A (Single Family Residential) with a LDR (Low Density Residential) land use designation. There are also several properties zoned R-5-C (Two Family Residential Conditional). North of the property is an undeveloped lot zoned R-4A (Single Family Residential) with an OS (Open Space) land use designation.
- **Transportation system:** 0 Johnson Road NW and 0 North Street NW are both classified as local roads. Sidewalks are not present, and the areas are not serviced by public transit. The closest MARTA stop is the Bankhead Transit Station located approximately 4 miles away.

PROPOSAL:

The applicant seeks to rezone property located at 0 Johnson Road from RG-3/WPAO to MRC-3/WPAO and to rezone property located at 0 North Street from R-4/WPAO to PD-MU/WPAO to construct multifamily and residential uses.

Project Specifications:

Parcel 1

Net Lot Area	370,444 sq. ft.
Gross Lot Area	399,961 sq. ft.
Total Acres	9.18 acres

FAR

Maximum Residential FAR	3.20
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Open Space

Useable Open Space	LUI
Public Open Space	20% of Net lot area

Parcel 2

Net Lot Area	1,918,886
Gross Lot Area	1,964,563
Total Acres	45.10

FAR

Maximum FAR Residential	.38
----------------------------	-----

Non-residential .01
Open Space LUI

CONCLUSIONS:

- **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan designates the subject property as MDR (Medium Density Residential) and OP (Open Space) land use designation; therefore, an amendment to the land use map will be required. At the location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- **Availability of and affect of public facilities and services; referral to other agencies:** The location of the site and surrounding uses indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and departments there would not be adequate public facilities and services at the subject location. At time of permitting the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. There is no evidence that that there is other land in the area that is suitable for this development. There is no negative impact on the balance of land uses. The proposed development will increase the available residential dwellings in the area with compatible non-residential amenities.
- **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood's character. The proposed development will allow for the creation of single family detached and attached dwellings, and multifamily dwellings. This will improve the existing neighborhood by adding residential units, nonresidential amenities, and revitalizing the overall area by developing vacant sites in a way that preserves the character of NPU-G neighborhoods while boosting economic development.
- **Suitability of proposed land use:** A change in the land use designation is required for compatibility with the requested PD-MU and MRC-3 zoning. A public hearing was held on September 4, 2024, to change the land use designation for 0 Johnson Road from MDR (Medium Density Residential) to MUHD (Mixed Use High Density) and for 0 North Street from OS (Open Space) to MUMD (Mixed Use Medium Density).
- **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect adjacent properties. The site is located within the Rockdale neighborhood which is envisioned to provide a diverse mix of incomes and housing options that make up a thriving and sustainable community. Nonresidential uses should have a public purpose, with a preference toward café, food, or other uses that promote social gathering. Parcel 2 will provide traffic calming measures placed on routes providing direct access into the community, including but not limited to Jones Avenue and Alvin Drive. These will include speed tables, bulb outs, stop signs, and other measures.

- **Economic use of current zoning:** The subject property has certain economic use under the existing conditions. However, under the context of the redevelopment of the area, the land uses permissible by the current R-4A, and RG-3 seem to be outdated and no longer a viable solution for the future of the neighborhood and such prime tracts of land.
- **Tree Preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.

The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:

- a. **The suitability of the tract for the general type of PD zoning proposed.** Staff is of the opinion that the land is suitable for a PD-MU zoning classification. The location, the zoning of surrounding properties, and availability of public utilities are appropriate elements considered by Staff as satisfactory. Given the site location, the development would act as a buffer between the different uses. Moreover, Staff is of the opinion that the proposed project would be compatible with the neighborhood and would enhance the character of the area. Also, Staff finds that the proposal blends well into the existing and proposed developments around the area.
- b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** The site is not served by MARTA public transit bus routes. Also, vehicular traffic is satisfied by Johnson Road and North Street – both local roads. Donald Lee Hollowell Parkway is near the south. The location of the site indicates there are public facilities and services available that are satisfactory to allow for the proposed development.
- c. **The evidence of unified control.** The revised rezoning site plan submitted by the applicant does not provide for a report to regulate maintenance of all proposed common areas within the development. However, since this is a rezoning site plan and not all the details of the future development are yet in place, Staff finds that criteria can be evaluated later, during the review of the required building permits.
- d. **The suitability of proposed plans.** The site plan dated March 14, 2024, and stamped received by the Office of Zoning and Development on August 26, 2024, is suitable for a PD-MU type of development.
- e. **Specific modifications.** A revised site plan has been submitted to the Office of Zoning and Development on August 26, 2024.
- f. **The suitability of a maintenance program.** There is no information related to a maintenance program. Staff finds that the site plan identifies facilities and improvements proposed for common use. Staff will require that the development be governed by private covenants to provide for ownership/maintenance of the common areas.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. Parcel 1 shall be developed in accordance with the site plan titled, “Johnson Road Site” by TSW, dated March 14, 2024, and stamped received by the Office of Zoning and Development August 26, 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) of the Zoning Ordinance.
2. There shall be a planted 45’ buffer area in addition to the required 20’ transitional yard along the easternmost boundary of the Parcel 1 (0 Johnson Road) property.
3. Buildings within shall 100 feet of the easternmost parcel on Parcel 1 (0 Johnson Road) shall not exceed 35’ and maximum height shall not exceed 55’.
4. No multifamily buildings shall be constructed within the first 100 feet along the northernmost boundary of the Gun Club (0 North Street) property.
5. The Developer shall be responsible for upgrading and/or installing traffic signals, stop signs, or other traffic control devices and improvements at the intersection entrance at Johnson Road subject to the approval of the Atlanta Department of Transportation. These improvements are to be completed prior to the issuance of the final certificate of occupancy for any building within the development
6. The Developer shall provide pedestrian safety enhancements at all intersections and crosswalks within the development. These enhancements may include, but are not limited to high-visibility crosswalk markings, pedestrian refuge islands, and signalized pedestrian crossings where warranted subject to the approval of Atlanta Department of Transportation



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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-24-45 for 3181 Stone Road SW**

DATE: September 12, 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**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 200 feet on the north side of Stone Road SW and begins at a point on the northerly side of Stone Road, 2115 feet westerly, as measured along the northerly side of Stone Road, from the point where the northerly side of Stone Road intersects the east line of said Land Lot 227. The property is in Land Lot 215 of the 14th District, Fulton County, Georgia in the Greenbriar neighborhood of NPU R, Council District 11.
- **Property size and physical features:** The subject property is a regular shaped lot with approximately 58,356 square feet (1.36 acres) of net lot area and 162.51 feet of frontage along Stone Road SW. The lot narrows 17.78 feet from the front to the rear. The property is currently undeveloped and covered with mature trees and vegetation. The topography has a gradual decline in elevation from the southeast corner, gradually decreasing towards the northwest corner of the property, with a 30-foot grade change.
- **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:** Property is currently undeveloped with total coverage of mature trees and vegetation. Staff is not aware of a previous use of the land or the property's conditions.

- **Surrounding zoning/land uses:** Lots in the immediate area vary in size and shape. Adjacent lots are zoned R-4 (Single Family Residential), R-LC-C (Residential Limited Commercial Conditional), and RG-3 (Residential General Sector 3). Adjacent lots are either undeveloped, developed as single family homes, or developed into a large multifamily dwelling.
- **Transportation system:** The subject property has frontage on Stone Road SW, which is classified as a major collector road. The closest MARTA bus serving this property is route #93 located 0.6 miles away from the subject property by foot along Stone Road SW. Staff found incomplete sidewalk infrastructure along the block face along Stone Road SW. The closest MARTA Rail station is College Park Transit Station located 3.3 miles away.

PROPOSAL: The applicant seeks to rezone from R-4 (Single Family Residential) to PD-H (Planned Housing Development) in order to construct eleven townhomes.

Project Specifications:

Dwelling Units:	11 (2,692 sq. ft. per unit)
Net Lot Area:	59,356 square feet (1.36 acres)
Proposed FAR:	0.499
Total Open Space Required:	0.710
Total Open Space Proposed:	0.814
Usable Open Space Required:	0.41
Usable Open Space Proposed:	0.42
Max Allowable Lot Coverage:	0.55
Proposed Lot Coverage:	0.32
Parking Spaces Required:	12
Parking Spaces Provided:	22 (including 2 ADA spaces)
Front Yard Setback:	0 feet
Side Yard Setback:	0 feet
Rear Yard Setback:	0 feet

CONCLUSIONS:

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

The Comprehensive Development Plan (CDP) has designated the subject parcel as Single Family Residential (SFR). Rezoning the subject site to PD-H (Planned Housing Development) 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 with other land uses in the neighborhood. Staff believes that allowing a rezoning of this property to PD-H (Planned Housing Development) 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 of Character Areas, the subject property is classified as a Suburban Area. The site plan shows development controls that are consistent with the surrounding lots. Staff finds that the proposed development will not have a negative impact on the character of the neighborhood, instead this development will maintain the residential aspect of the immediate area.
- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed use is compatible with the Single-Family Residential land use designation. The future land use designation for this property is single family residential. The proposed layout is consistent with the low-density scale development and character of the block face, as proposed buildings are detached, smaller, and lower scale with setbacks farther from the street.
- (6) **Effect on adjacent property:** Lots in the immediate area vary in size and shape. Adjacent lots are zoned R-4 (Single Family Residential), R-LC-C (Residential Limited Commercial, Conditional), and RG-3 (Residential General Sector 3). All adjoining properties also have a Single Family Residential (SFR) land use designation. Rezoning to PD-H would not allow additional permitted principle uses and structures as the significant difference between the two designations regards lot requirements and minimum setbacks. The primary block face has an entirely residential pattern. Staff finds that the proposed rezoning and development would likely result in a consistent neighborhood character. Staff is of the opinion that rezoning to PD-H, based on the proposed site plan 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 site is vacant and undeveloped, and new development on the property will increase the economic value of the lot. It would also create additional housing stock without meaningful change to the character of the block face.
- (8) **Compatibility with policies related to tree preservation:** The applicant has submitted a Tree Plan. At the time of permitting, the development must comply with the City of Atlanta's Tree Ordinance.

- (9) **Other considerations:** The following findings are in accordance with Section 16-19.005(5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:
- a. **The suitability of the tract for the general type of PD zoning proposed** This application is a request for a rezoning to construct 11 single family attached dwellings. The location, the zoning of surrounding properties, and availability of public utilities are elements considered by Staff as satisfactory. Also, Staff is of the opinion that the proposed project would be appropriate and would enhance the character of the area.
 - b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** Stone Road SW is classified as a major collector road and there is currently not a complete sidewalk infrastructure on each side of the street. However, the applicant proposes to construct sidewalks and street trees as part of the development. The closest MARTA bus serving this property is route #93 located 0.6 miles away from the subject property by foot along Stone Road SW.
 - c. **The evidence of unified control.** The applicant will have to demonstrate unified control at the time of permitting.
 - d. **The suitability of proposed plans.** Staff finds the proposed plans titled, “Preliminary Site Plan,” stamped received by the Office of Zoning and Development August 20, 2024, suitable for development under the proposed PD-H (Planned Housing Development) zoning district.
 - e. **Specific modifications.** Detailed site plans have been submitted with the application, which includes a proposed amenity area containing a dog park, common area, and arbor with an outdoor fireplace.
 - f. **The suitability of a maintenance program.** The applicant has provided no information related to a maintenance program for any possible common areas. Staff will require that the development is governed by private covenants to provide for ownership/maintenance of future common areas.
- (10) **Atlanta City Design:** The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **3181 Stone Road SW** is located within a Suburban Neighborhood within a Conservation Area. Suburban Neighborhoods are described as follows:

“These are the peaceful post-ware subdivisions designed by the speed and easy distance of automobiles. Many, like Adamsville, Brandon and Perkerson, lack sidewalks, are not as well connected as older neighborhoods, and are often distant from retail and employment

areas. Their more generous yards and intervening floodplains, however, provide far less runoff, more habitat and host huge swaths of Atlanta's tree canopy. In this way, in addition to offering homes for families who prefer less-urban lifestyles, these neighborhoods provide enormous benefits to the city at large.”

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled “Preliminary Site Plan” prepared by JDM Consultants, LLC stamped received by the Office of Zoning and Development on August 20, 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) of the Zoning Ordinance.
2. The maximum floor area ratio shall not exceed 0.50 of net lot area.
3. The maximum lot coverage shall not exceed 50 percent of total lot area.
4. Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.
5. Amenity zone requirements: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be two feet. This zone is reserved for the placement of street trees in a manner that does not obstruct pedestrian access or motorist visibility.
6. Walk zone requirements: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of five feet. Said zone shall contain a consistent cross-slope not exceeding two percent.
7. Paving: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.
8. Street tree planting requirements: Street trees are required and shall be planted in the ground within the amenity zone and spaced a maximum of 40 feet apart from other amenity zone street trees. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.



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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-24-16 for 383 Cativo Drive SW

DATE: September 12, 2024

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

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL – NOVEMBER 2024