



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

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

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-15 for 1101 Moreland Drive SE, 1109 Moreland Drive SE and 1721 Woodland Avenue SW**

DATE: October 3, 2024

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to MR-2 (Multifamily Residential) for property located at **1101 Moreland Drive SE, 1109 Moreland Drive SE and 1721 Woodland Avenue SE.**

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

RECOMMENDATION: 60 DAY DEFERRAL – DECEMBER 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-24-56 for 1529 and 1539 Carlisle Street NW**

DATE: October 3, 2024

An Ordinance by Zoning Committee to rezone from R-4A (Single-Family Residential) to MR-2 (Multifamily Residential) for the property located at **1529 Carlisle Street NW and 1539 Carlisle Street NW**.

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

STAFF RECOMMENDATION: 30 DAY DEFERRAL – NOVEMBER 2024



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-24-58 for 425 Chappell Road NW

DATE: October 3, 2024

An Ordinance by Zoning Committee rezoning from PD-MU/BL (Planned Development – Mixed Use/ Beltline Overlay District) to PD-MU/BL (Planned Development – Mixed Use/ Beltline Overlay District) for a major site plan amendment at **425 Chappell Road NW**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 200 feet on the west side of Chappell Road NW and commencing at a nail and disc set at the intersection of the northwesterly right of way line of CSX Transportation Inc, a 200 foot right of way as shown on CSX valuation map V07037 dated June 30, 1914, and further shown on CSX valuation map V07179 dated June 30, 1917, and the northeasterly right of way of line of Mayson Turner, a 50 foot right of way as now established, said point being the point of beginning. The property is in Land Lot 143, 14th District, Fulton County, Georgia in the Westin Heights/Bankhead Neighborhood of NPU- K in Council District 3.
- **Property Size and Physical Features:** The subject property is 34.65 acres (1,509,534 square feet) on Chappell Road. The site is mostly undeveloped with vegetation and some deteriorated pavement onsite. The topography varies across the site with a difference of 103 feet. Proctor Creek, the Proctor Creek Greenway, and the Atlanta BeltLine along with MARTA's Green Line and a CSX line run north to south along the middle of the site.
- **CDP Land Use Map Designation:** The current land use category for the site is Mixed Use (MU) within the 2021 Comprehensive Development Plan (CDP).
- **Current/Past Use of Property:** The property is currently undeveloped. The property was previously developed with multifamily residential and industrial uses. Staff is unaware of any other uses for the property.

- **Surrounding Zoning/Land Uses:** The parcels to the north and west are single-family homes zoned R-4A/WPAWH (Single Family Residential/Westside Park Affordable Workforce Housing Overlay) with a Low-Density Residential (LDR) future land use designation, and located south of the site is a multifamily development zoned RG-3/WPAWH (Residential General Sector 3/Westside Park Affordable Workforce Housing Overlay) with High-Density Residential (HDR), Mixed Use (MU), and Transportation/Communications/Utilities (TCU) future land use designations. To the east, the parcels have Open Space (OS) and Transportation/Communications/Utilities (TCU) land use designation as a part of Maddox Park and Atlanta Beltline Trail.
- **Transportation System:** Chapell Road is designated as a collector street as classified by the City of Atlanta’s Transportation Planning Division. Sidewalks are found along both sides of the street. There are MARTA bus routes, #853 and #51 that service the nearby area along Chappell Road and Joseph E. Boone Boulevard respectively. Additionally, the MARTA Green Line runs underground from north to south through the eastern portion of the subject property. Bankhead MARTA Transit Station is .7 miles away and one of the 4 proposed infill MARTA stations is designated to be on Joseph E Boone Boulevard NW which is also .7 miles away. As a Development of Regional Impact (DRI), transportation conditions from the Georgia Regional Transportation Authority (GRTA) are provided.

PROPOSAL:

The proposal is to rezone the subject property from PD-MU/BL (Planned Development – Mixed Use/ BeltLine Overlay) to PD-MU/BL (Planned Development – Mixed Use/ BeltLine Overlay) for a major site plan amendment. The applicant intends to amend the existing site plan to allow for an increase in FAR and an increase in the number of residential units to facilitate the initial phase of a larger Atlanta BeltLine Inc. development connecting the Proctor Creek Greenway, Maddox Park and the Westside Segment of the Atlanta BeltLine.

Project Details:

Residential FAR: .78 (1,177,015)
Non-Residential FAR: .0006 (8,450 SF)
Gross Land Area: 1,509,534 (34.65 ac)
Open Space: 3.2 acres
Total Units: 1,089
Commercial Space: 8,450 SF
Road Connections: (North Avenue, Chappell Road, and connection to the Beltline trail through the site
Building Height: 7 stories (6 at street)
Housing Types: Apartments, Condos, Mixed Use and Live/Work
Affordable Units: 30% or More

Project Specifications:

Subject Property (425 Chappell Road)

Lot Area (total): 1,509,534 (34.65 ac)

Proposed Residential FAR: .78

Proposed Non-residential FAR: .0006

Current Zoning: PD-MU/BL
Proposed Zoning: PD-MU/BL

Current Future Land Use: Mixed-Use (MU)
Proposed Future Land Use: Mixed-Use (MU)

Number of Residential Units Proposed: 1,089
Parking Required (Minimum): None
Parking Proposed: Plan to meet PD-MU and BL requirements

CONCLUSIONS

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The proposed rezoning is consistent with the future land use designation of Mixed-Use (MU) according to the 2021 Comprehensive Development Plan.
- 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. Additionally, the project requires further review as a Development of Regional Impact (DRI).
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The applicant has not provided any proof that they own any other land in the vicinity that would be suitable for this development. Staff believes that rezoning will not create an imbalance of land uses. It would allow for additional housing options, road connectivity, green space, and non-residential services in the area. This development will revitalize a large, underutilized property.
- 4) **Effect on character of the neighborhood:** The proposed rezoning is likely to have a positive effect on the surrounding neighborhood and environment. Currently, the site is a collection of defunct or demolished multifamily structures and industrial uses and buildings. The rezoning application presents a significant redevelopment opportunity for the Historic Westin Heights/Bankhead and Grove Park neighborhoods and aligns with small area plans for the area. The development proposes road and trail connectivity consistent with the Atlanta BeltLine Subarea 10 Masterplan goals to encourage multi-modal transportation and “*expand transportation choices, provide an interconnected network of roads, sidewalks, paths and multi-use trails to accommodate walkers, drivers, and bicyclists.*” The site plan also proposes a variety of residential unit types, which is consistent with the D3 – Westside Revive Plan recommendation for Subarea 2 of the plan to provide, “*dense mixed-use development east of Chappell Road.*” This amendment proposes to decrease its non-residential component from 10,000 square feet to 4,800 square feet to increase the

number of residential units both affordable and at market rate. The applicant has identified other developments in the area that could provide services and amenities to the expected residents of this new development. Those projects include MARTA's Bankhead Station Transit Oriented Development and the 15.5-acre project at 1060 Donald Lee Hollowell Parkway by Star Metals which will supplement the decrease of non-residential square footage. The amendment to the Planned Development will allow more affordable units in this area with access to MARTA, green space, and services provided by the expected surrounding developments and available public land nearby. NPU-J policy J-10 further prioritizes the preservation of the existing single-family housing by restricting other uses to parcels where there were preexisting non-residential uses. *"Prevent the further degradation of the residential neighborhoods in NPU-J by opposing the conversion of residential properties to non-residential uses, except in those very limited situations where such conversion is required by applicable law due to the existing, established non-residential use of all surrounding property."* Furthermore, The D3 – Westside Revive Plan specifically describes the transformation of this parcel as a catalyst project and envisions it as follows: *"At the confluence of the Atlanta BeltLine Westside Trail, MARTA Green Line, Proctor Creek, and Maddox Park sits a large area of vacant and abandoned land that is destined to be dramatically transformed in the coming years. Just as the construction of the Historic Fourth Ward Park and BeltLine Eastside Trail completely changed the North Avenue/Glen Iris area, so will growth pressure on this western equivalent radically change the kudzu-covered brownfields and abandoned landscapes in this part of the city."*

- **Suitability of proposed land use:** The proposed mixed-use development is ideally suited for the proposed site and is supported by both the *Atlanta Comprehensive Development Plan (CDP)* and multiple small area plans. The site's designated CDP Character Areas are Redevelopment Corridor and Traditional Neighborhood Redevelopment, its location at the intersection of the Proctor Creek Greenway and the Westside Beltline Trail, makes the site an optimal location for trail-based mixed-use development. In addition, the proposed use is consistent with recommendations included in the D3- Westside Revive Plan and the Atlanta BeltLine Subarea 10 Masterplan. The BeltLine Subarea 10 Master Plan recommends *"expanding the existing number of multifamily parcels and incorporate new mixed-use"* at this location to support trail connectivity and multimodal transportation along the two trails connected by this project. The proposed rezoning is consistent with the CDP land use policies to: CW 10 Provide diverse and more affordable housing choices that are accessible by all people; CW 12 Encourage a variety of housing types, including "missing middle" housing, that are compatible with nearby buildings; TNR 1 Preserve the walkable scale and residential character of the neighborhoods; TNR 4 Encourage compatible infill development on vacant lots or where existing housing and commercial buildings are deteriorated; IC/RC 2 Support the redevelopment of vacant and underutilized land and buildings; IC/RC 6 Encourage compatible infill development on vacant lots or deteriorated buildings; IC/RC 13 Support public transit and alternative transportation options; J-2 Support medium-to-high density in residential areas with an emphasis on mixed incomes, except where otherwise indicated in adopted neighborhood-specific plans.; J-14 Support the initiatives that encourage connectivity throughout all NPU-J neighborhoods, including trails, parks, and sidewalks throughout NPU-J, adding crosswalks and improving existing crosswalks. Promote equitable development by supporting public/private partnerships and public resources to improve connectivity to the Westside Park from the south and west entrance to alleviate heavy traffic and reduce neighborhood traffic; and J-18 Encourage mobility options to reduce motorized vehicles and improve walkability,

- 5) **Effect on adjacent property:** The proposed rezoning will have a positive impact on the surrounding neighborhoods by developing an underutilized site and increasing the overall housing supply, connecting the Proctor Creek Greenway and the Atlanta BeltLine, as well as connecting both Mayson Turner Road and Chappell Road to North Ave. The proposal will also increase access to green space
- 6) **Economic use of current zoning:** The subject parcel has economic use under its current zoning; however, the site is vacant and underutilized. Due to its location along both the Proctor Creek Greenway and the Atlanta Beltline, the proposed change in site conditions to increase floor area ration presents an opportunity for a sustainable and economically diverse use of the site.
- 7) **Compatibility with policies related to tree preservation:** Development of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting. The City's Arborist Division has already provided comments to the applicant regarding the preservation of three mature trees onsite.
- 8) **Other Considerations:** The *Atlanta City Design* articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, these parcels on **425 Chappell Road NW** is located within a Growth Area: Corridors. Corridors are described as follows:

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

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled “Chappell/Maddox Development” prepared by TSW dated February 29, 2024, and stamped received by the Office of Zoning and Development on August 8, 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 project at completion will contain single-family, duplex or two family dwellings, and multifamily dwellings.

3. The project at completion shall contain 8,450 square feet of non-residential uses.
4. The floor area ratio (FAR) of the total development shall not exceed .78 of gross lot area.
5. The road network system must connect to North Avenue and Chappell Road. The streets may be public or private or a combination of both. Private streets must be built to Atlanta Department of Transportation standards.
6. The project shall not be gated.



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-59 for Grand Bargain Part II**

DATE: October 3, 2024

An Ordinance by Councilmembers Matt Westmoreland, Michael Julian Bond, Amir Farokhi, Liliana Bakhtiari, Alex Wan, Andrea L. Boone, Marci Collier Overstreet and Antonio Lewis to authorize the removal of 103 privately owned billboard faces and their supporting structures, permitted under Part 16, Chapter 28A of the 1982 Zoning Ordinance of the City of Atlanta, as amended, in exchange for the right given to their owners to upgrade and/or relocate 27 billboard faces and their supporting structures; and for other purposes.

FINDINGS OF FACT:

The City of Atlanta Sign Ordinance codified at City Code Sec. 16-28A.001 et. seq. (the “Sign Ordinance”) is established to protect the health, safety and general welfare of the citizens of the City of Atlanta, and to implement the policies and objectives of the comprehensive development plan of the City of Atlanta through the enactment of a comprehensive set of regulations governing signs. Further, the “Sign Ordinance” places reasonable controls on nonconforming signs that are contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said non-conforming signs. Large signs, defined by the Sign Ordinance, as billboards measuring over 200 square feet but not greater than 672 square feet are allowed in the City in order to provide fair and reasonable opportunities for the advertisement of products, goods or services and to promote the economic vitality of businesses which are located within the city.

PROPOSAL: The legislation proposes to remove 103 billboard faces and supporting structures (the “Takedown Signs”) in exchange for the right to relocate 25 digital and 6 static billboard faces and their supporting structures (“Converted Signs”).

CONCLUSIONS:

(1) 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 text amendment would conflict. However, the Sign Ordinance regulates signage allowance based upon applicable zoning districts. As proposed the upgraded billboard relocation sites are not consistent with existing zoning districts and therefore not consistent with existing land use designations.

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

The location of the sites and current use of surrounding properties indicates there are public facilities and services available to the subject properties. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services to the subject locations. 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 land suitable for proposed use; environmental effect on balance of land uses:

The relocation sites of billboards that are subject to this amendment have been identified and the existing land uses are not proposed to be changed. Billboard signs are permitted only in the I-1 and I-2 industrial districts. Only one sign of those proposed to be upgraded is in a district that allows billboards. The upgrade sites of the billboards are in areas that are prohibited by the Sign Ordinance and existing billboards are nonconforming and are in quality-of-life districts created with the intent to improve the aesthetics of the built environment. Further, the legislation proposes to waive the requirements of the Sign Ordinance and allow for the removal of existing signs in exchange for the allowance to upgrade those signs inconsistent with the Sign Ordinance and allow for the permitting of such signs. Staff is of the opinion that waiving the code requirements will have a negative effect on the balance of land uses and the proposal is unrelated to the purposes of the Sign Ordinance to protect the public health, safety, and welfare of the residents of Atlanta.

(4) Effect on character of the neighborhood:

Billboard signs are only permitted in the I-1 (Light Industrial) and I-2 (Heavy Industrial) zoning districts. All billboards located on property not in the I-1 and I-2 zoning districts are non-conforming. Under the current proposal, staff is of the opinion that the proposed relocation sites for the various upgraded billboards do not have a clear rationale, and the approval of these relocation sites will have a negative effect on the character of the neighborhood because the signs could not be permitted under the current Sign Ordinance.

(5) Suitability of proposed land use:

The current land use of existing sign locations will not change.

- (6) **Effect on adjacent property:** Staff is of the opinion the proposed waiver of the Sign regulations would have a negative effect on adjacent properties. This proposal could not exist but for the waiver of the regulations of the Sign Ordinance.
- (7) **Economic use of current zoning:** The economic use of the current non-conforming billboards is realized by their continued allowance under the Sign Ordinance. Additional economic use may be realized, however, the economic use of the billboards existing or upgraded is unrelated to the purposes of the Sign Ordinance to protect the public health, safety, and welfare of the residents of Atlanta.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.

STAFF RECOMMENDATION: DENIAL

Z-24-59 Grand Bargain II

	NPU						
		Approved	Approval Conditional	Denied	Abstained	No Vote Taken	Comments
Z-24-59 Grand Bargain II	B			1			
	D			1			
	E			1			
	F			1			
	L	1					
	M			1			
	N	1		1			
	V	1					
	Total:	3	0	6	0	0	



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-24-61 for Flat Shoals Annexation**

DATE: October 3, 2024

An Ordinance by Councilmember Liliana Bakhtiari to zone land having frontage at Flat Shoals Road SE to the MR-1 (Multifamily Residential), R-4 (Single Family Residential) and C-1 (Community Business) Districts; and for other purposes.

FINDINGS OF FACT:

- **Property location:** The properties to be annexed are east of the City of Atlanta limits fronting Flat Shoals Road SE within close proximity to the City of Atlanta's East Atlanta neighborhood in NPU-W, Council District 5.
- **Property size and physical features:** The subject properties comprise fifty-five (55) parcels. Property on the southside of Flat Shoals Road begins 200 feet from the intersection of Fayetteville Road and Flat Shoals Road. Property on the north side of Flat Shoals Road begins 190 feet from the intersection of Fayetteville Road and Flat Shoals Road. The topography of the sites varies, with a slope decreasing from the west side to Sugar Creek, then increasing on the east side of the annexation area.
- **CDP land use map designation:** The majority of the subject parcels are currently designated as Suburban (SUB), and one parcel is designated Community Open Space (COS) in the DeKalb County 2050 Comprehensive Land Use Plan. Recommendations for compatible land use designations, in accordance with recommended zoning designations, will be presented at a public hearing conducted by the Community Development/Human Services Committee (CD/HS). The proposed land use designations for the subject lots are Single Family Residential, Low Density Residential, and Low Density Commercial. These land uses are similar to the current land use designations in the subject area in unincorporated DeKalb County.

- **Current/past use of property:** The parcels are currently used for single-family residential, multifamily residential, and nonresidential purposes, and some parcels are vacant. Staff is unaware of any previous uses of the site.
- **Surrounding zoning/land uses:** Parcels located north, east, and south of the annexation area are located in unincorporated DeKalb County and have a Suburban Character Area (SUB) land use designation in the DeKalb County 2050 Comprehensive Land Use Plan. Parcels to the north in unincorporated DeKalb County are zoned O-I (Office Institutional), R-75 (Residential Small Lot - 75), and one parcel has a land use of Conservation Open Space (COS) with R-75 (Residential Small Lot - 75) zoning district. Parcels to the east are zoned RSM (Small Lot Residential MIX) and C-1 (Local Commercial) District. Parcels to the south are zoned MR-2 (Medium Density Residential - 2), C-1 (Local Commercial), MR-2/1-20 Overlay District Tier 2 (Medium Density Residential - 2/Interstate 20 Corridor Compatible Use Overlay District), and C-1/I-20 Overlay District Tier 2 (Local Commercial/Interstate 20 Corridor Compatible Use Overlay) zoning district. The parcels to the west are in the City of Atlanta and have a Low Density Commercial (LDC) land use designation with parcels being zoned C-1 (Community Business District).
- **Transportation system:** Flat Shoals Road SE is classified as a collector street. Fayetteville Road SE is approximately 168.34 feet from the subject site and is also a collector street. There are sidewalks along Flat Shoals Road and the interior streets of the subdivision. However, sidewalks exist only on the north side of Flat Shoals Road and partially on the south sides. MARTA bus route #74 serves parcels along Flat Shoals Road with connections to MARTA Inman Park/Reynoldstown Transit Station, which is 3.5 miles from the subject site.

PROPOSAL:

The ordinance proposes to zone properties annexed from unincorporated DeKalb County to the R-4 (Single Family Residential), MR-1 (Multifamily Residential), and C-1 (Community Business) Districts.

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

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

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

and to implement the Future Development Map of the County's most current Comprehensive Plan.

The intent of the City of Atlanta MR-1 (Multifamily Residential) District includes, but is not limited to:

Creating a diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play. To provide for multifamily residential housing types that are compatible with single family neighborhoods and commercial nodes. To encourage the development of multifamily housing, with limited neighborhood serving commercial uses. To encourage a range of housing types and prices to meet different housing needs. To improve the aesthetics of the built environment. To protect existing stable single-family neighborhoods from uses and building forms which are incompatible with their scale, character and needs and to ensure pedestrian-oriented building forms.

Similarly, the intent of the RSM (Small Lot Residential Mix) District zoning in DeKalb County is to provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options. To provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods. To implement the future development map of the county's most current comprehensive plan.

The intent of the City of Atlanta C-1 (Community Business) District includes, but is not limited to:

To provide for medium-intensity retail and service activities in areas already committed to development of this character, or consistent with areas so specified on the comprehensive development plan. To encourage residential use either as single or mixed use development.

Similarly, the intent of the C-1 (Local Commercial) District zoning in DeKalb County is to provide convenient local retail shopping and service areas within the county for all residents. To provide for auto-oriented needs outside of the Neighborhood Center, Town Center and Regional Center character areas, but to focus on the pedestrian oriented development within these districts. To provide for quality control in development through materials and building placement. To assure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods. To implement the future development map of the county's most current comprehensive plan.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development: A recommendation for compatible land use designation, in line with a suggested zoning designation, will be presented at a public hearing held by the Community Development/Human Services Committee (CD/HS) of the Atlanta City Council. Land use designations proposed for the area include Single Family Residential, Low Density Residential, and Low Density Commercial. The proposed land use designation is quite similar to the current land use designation of the site in DeKalb County.

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

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

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

Since no development project is being proposed in connection with the proposal, availability of other appropriate land already zoned for the proposed use is not applicable here. The proposed zoning will not have an adverse environmental effect on the balance of land uses regarding the public need.

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

(5) Suitability of proposed land use: The requested rezoning of the property to R-4 (Single-Family Residential), MR-1 (Multifamily Residential), and C-1 (Community Business) districts is appropriate considering the current land use and the residential character of the surrounding area. The proposed land uses within these districts are consistent with the existing zoning designations in DeKalb County, which include R-75 (Residential Medium Lot), RSM (Small Lot Residential Mix), and C-1 (Local Commercial).

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

(7) Economic use of current zoning: The current zoning and the proposed zoning allow for reasonable economic use of the properties in the subject area.

STAFF RECOMMENDATION: APPROVAL



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Director
Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-26 for 889 Howell Mill Road NW Suite 8000

DATE: October 3, 2024

An Ordinance by Zoning Committee for a special use permit for a non-residential use or establishment exceeding 7,500 square feet in area in which alcoholic beverages are sold or consumed on the premises pursuant to Section 16-44.007(12)(a) for property located at **889 Howell Mill Road NW Suite 8000**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 100 feet on the east side of Howell Mill Road NW beginning at a mag nail found at the intersection of the southerly right of way of 8th Street and the westerly right of way of 3rd Street. The property is located within Land Lot 112 of the 14th District, Fulton County, Georgia in the Marietta Street Artery neighborhood of NPU-E in Council District 3.
- **Property size and physical features:** The property is approximately .8 acres (34,848 square feet). The property is developed with a multistory nonresidential building. The topography is relatively level. Vehicular access to the site is provided via a parking date on 3rd Street NW.
- **CDP land use map designation:** The property has a future land use designation of Mixed Use (MU) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is improved with a multistory nonresidential building. Staff is unaware of previous uses for the property.
- **Surrounding zoning/land uses:** The parcels to in the immediate area are zoned either I-1-C (Light Industrial Conditional), I-1 (Light Industrial), or MRC-3 (Mixed Residential Commercial) with a MU (Mixed Use) land use designation.
- **Transportation system:** The site has frontage along Howell Mill Road NW and 3rd Street NW which are classified as an arterial street and a local street, respectively. The closest MARTA bus

route operates nearby at West Marietta Street and Brady Avenue .4 miles away. Sidewalks are present along Howell Mill Road, 8th Street and 3rd Street NW.

PROPOSAL:

The applicant seeks a special use permit for a non-residential use or establishment exceeding 7,500 square feet in area in which alcoholic beverages are sold or consumed on the premises pursuant to Section 16-44.007(12)(a).

- **Ingress and egress:** There are two entrances for ingress and egress. The front entrance is located on Howell Mill Rd. This entrance will be primarily used for event attendees who are dropped off using ride sharing services as no parking is available at the front entrance. The second entrance is at the rear of the building through the parking deck off 3rd Street NW which will be used by employees, volunteers, and event attendees. The event space is located on the 8th floor of the building which is accessible by both stairs and elevator. There are three entrances into the event space: one that allows staff direct access to the kitchen staging area, one main entrance for event attendees, and one that allows for bathroom access. Ingress and egress onto the property will not cause traffic congestion because the entrances are situated on two different streets, no parking is available on Howell Mill Road, and the parking lot accommodates over 175 cars. Proof of the Pudding will offer valet services in the parking deck. Also, Proof of the Pudding will encourage ride sharing and Uber/Lyft for event attendees.
- **Parking and loading:** There is a loading dock entrance at the rear of the building. Emergency vehicles can gain access to the property through any of the two entrances (front and rear, both loading dock area and parking deck area). Employees will park their vehicles in the parking deck, which has ample parking. Event attendees will also utilize the parking deck during events. Proof of the Pudding offers valet parking and encourages ride sharing and using Uber/Lyft for events.
- **Refuse and service areas:** Proof of the Pudding will utilize large commercial-size containers which are serviced by the landlord's choice of waste management company. Garage pick up occurs daily. Proof of the Pudding will facilitate deliveries at the rear of the building, at the loading dock off 3rd Street. Deliveries will only occur before and after events. Service personnel can either park their vehicles in the rear parking deck or temporarily at the front of the building, where there are a 2-3 temporary parking spaces.
- **Buffering and screening:** No buffering or screening is provided. The event space is located on the 8th floor of a multistory building and no noise or glare is anticipated to impact any other properties in the area.
- **Hours and manner of operation:** Proof of the Pudding will use the space to host events that may offer alcohol sales during the event. Generally, Proof of the Pudding will not have any employees onsite other than the general manager, the operations supervisor, and possibly an on-site maintenance personnel. During events, Proof of the Pudding will staff employees for security, bar staff personnel, serving/cooking/catering staff (size of staff depends on size of event). The space will have a certificate of occupancy that can host up to 400 people, but the typical attendance will be around 100-150 people. Proof of the Pudding will offer catering options for events. Some events

may be plated lunches or dinner with full meals, while other events typically include heavy hors d'oeuvres. All meals will be prepared in an off-site kitchen and then brought in staged and finished at the event facility. There will there not be any other special programs offered at the facility.

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

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** There are two entrances for ingress and egress. The front entrance is located on Howell Mill Road. This entrance will be primarily used for event attendees who utilize ride sharing services as no parking is available at the front entrance. The second entrance is at the rear of the building through the parking deck off 3rd Street NW which will be used by employees, volunteers, and event attendees. The event space is located on the 8th floor of the building which is accessible by both stairs and elevator. There are three entrances into the event space -- one that allows staff direct access to the kitchen staging area, one main entrance for event attendees, and one that allows for bathroom access. Ingress and egress onto the property will not cause traffic congestion because the entrances are situated on two different streets, no parking is available on Howell Mill Road, and the parking lot accommodates over 175 cars. Proof of the Pudding will offer valet services in the parking deck. Also, Proof of the Pudding will encourage ride sharing and Uber/Lyft for event attendees.
- b) **Off-street parking and loading:** There are 125 parking spaces in a structured parking deck and a loading dock in the deck for deliveries for the event. Event patrons will either use ride share services or utilize valet parking offered in the deck. Emergency vehicles can gain access to the property through any of the two entrances (front and rear, both loading dock area and parking deck area). Employees will park their vehicles in the parking deck, which has ample parking. Staff find the proposed off-street parking and loading to be sufficient.
- c) **Refuse and service areas:** Large commercial-size containers which are serviced by the landlord's choice of waste management company will be used for refuse disposal and pick up occurs daily. Proof of the Pudding will facilitate deliveries at the rear of the building, at the loading dock off 3rd Street. Staff finds that the proposed refuse and service areas are sufficient.
- d) **Buffering and screening:** No buffering or screening is provided. The event space is located on the 8th floor of a multistory building and no noise or glare is anticipated to impact any other properties in the area. Staff finds buffering and screening to be sufficient.

- e) **Hours and manner of operation:** Proof of the Pudding will use the space to host events that may offer alcohol sales during the event. Generally, Proof of the Pudding will not have any employees onsite other than the general manager, the operations supervisor, and possibly an on-site maintenance personnel. During events, Proof of the Pudding will staff employees for security, bar staff personnel, serving/cooking/catering staff (size of staff depends on size of event). The space will have a certificate of occupancy that can host up to 400 people, but the typical attendance will be around 100-150 people. Proof of the Pudding will offer catering options for events. Some events may be plated lunches or dinner with full meals, while other events typically include heavy hors d'oeuvres. All meals will be prepared in an off-site kitchen and then brought in staged and finished at the event facility. There will there not be any other special programs offered at the facility.
- f) **Duration:** The applicant requests an indefinite duration. Staff is supportive of a 3-year 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 shall be valid for 3 years from the date of adoption by the Atlanta City Council.
2. The special use permit shall be valid as long as Proof of the Pudding by MGR, LLC d/b/a Proof of the Pudding is the operator.
3. The special use permit is not transferable.
4. All events held at 889 Howell Mill Road NW Suite 8000 shall conclude at 11:00 p.m.



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

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-24-27 for 650 Montgomery Ferry Road NW

DATE: October 3, 2024

An Ordinance by Zoning Committee for a private school pursuant to Section 16-06.005(1)(l) for property located at **650 Montgomery Ferry Road NW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 126 feet on the west side of Montgomery Ferry Road NW being a point located on the western varied right of way of Piedmont Avenue, 206.51 feet from the intersection of the southern varied right of way Rock Springs Road and the western varied right of way of Piedmont Avenue the true point of beginning. The property is located within Land Lot 56 of the 17th District, Fulton County, Georgia in the Piedmont Heights neighborhood of NPU-F in Council District 6.
- **Property size and physical features:** The property is approximately 1.91 acres (83,200 square feet). The property is developed with three single family residences and two non-residential structures. The topography varies across the lot, with approximately 40 feet between its highest and lowest points. Vehicular access to the site is provided by a curb cut on Montgomery Ferry Road. There are mature trees on the property.
- **CDP land use map designation:** The property has a future land use designation of Single-Family Residential (SFR) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is developed with three single family residences and two non-residential structures. Staff is unaware of any other previous uses on the site.
- **Surrounding zoning/land uses:** The parcels to the north, south, and west are zoned R-4 (Single-Family Residential) with Single-Family Residential (SFR) future land use designation. The parcels

to the east are zoned C-2 (Commercial Service District) with Low-Density Commercial (LDC) future land use designation.

- **Transportation system:** The site has frontage along Montgomery Ferry Road and Piedmont Avenue which is classified as a collector street and an arterial street, respectively. MARTA bus service operates nearby along Piedmont Avenue. There are sidewalks along Montgomery Ferry Road and Piedmont Avenue.

PROPOSAL:

The applicant seeks a special use permit for a private school pursuant to Section 16-06.005(1)(l). The SUP will allow for the addition of a two-story, non-residential academic building to the site.

- **Ingress and egress:** Ingress and egress to the site will be provided via Montgomery Ferry Road.
- **Parking and loading:** Parking is accommodated within an existing surface parking lot on the site. The existing loading areas at 650 Montgomery Ferry Road will be maintained and made available for the subject properties.
- **Refuse and service areas:** The applicant will use private trash services for weekly scheduled trash collections.
- **Buffering and screening:** Existing landscaping of trees and shrubbery provide buffering and screening from surrounding residential dwellings.
- **Hours and manner of operation:** The school currently operates Monday through Friday from 7:30 a.m. to 4:00 p.m., and some evenings and weekends for extracurricular activities. The school has a maximum enrollment of 150 students.
- **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:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Ingress and egress for all vehicles will continue to be provided by the existing curb cut on Montgomery Ferry Road. Staff finds the ingress and egress sufficient.

- b) **Off-Street parking and loading:** Parking will be accommodated within a surface parking lot on the site. There are 47 parking spaces provided on site. A prior approved special exception (V-20-132) reduced the off-street parking requirement to 47 spaces, or a ratio of 4 spaces per classrooms. The proposal will introduce 4 new classrooms to the site, thus increasing the off-street parking requirement to approximately 60 spaces. The applicant proposes adding 13 additional spaces to the site. Staff finds the proposed off-street parking and loading to be sufficient.
- c) **Refuse and service areas:** The established private refuse and garbage service should be adequate for the proposed private school expansion. Delivery vehicles and service personnel will utilize the existing surface lot on site. Therefore, Staff is of the opinion that the refuse and service areas are adequate.
- d) **Buffering and screening:** Staff is of the opinion that the existing landscaping of trees and shrubbery provide buffering and screening from surrounding residential dwellings and should be adequate for the proposed private school use.
- e) **Hours and manner of operation:** The private school will operate between the hours of 7:30 a.m. and 4:00 p.m. with a maximum enrollment of 150 students. As this application represents an expansion of the campus, but not number of students, Staff finds the hours and manner of operation to be adequate.
- f) **Duration:** The applicant requests an indefinite duration. Staff is supportive of the request.
- g) **Required yards and open space:** No changes to the required yards and open space have been proposed. Staff is of the opinion that the current site plan, proposed use and current open spaces are sufficient for the proposed use.
- h) **Compatibility with policies related to tree preservation:** There will be no trees removed, damaged, or cut down.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit for a private school shall be valid only if, Heritage Preparatory School of Georgia is the owner and operator.
2. The special use permit is not transferable.
3. The maximum number of 150 children shall be the enrolled. Evidence of the enrollment shall be demonstrated at the beginning of the school year by delivery from Heritage Preparatory School of Georgia to the City's Office of Zoning and Development.



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

MEMORANDUM

TO: Zoning Review Board
FROM: Keyetta M. Holmes, AICP, Director *KMH*
SUBJECT: U-24-28 for 1183 6th Street NW
DATE: October 3, 2024

An Ordinance by Zoning Committee for a special use permit for a personal care home pursuant to Section 16-06A.005(1)(g) for property located at **1183 6th Street NW**.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 45 feet on the east side of 6th Street NW commencing at the intersection of the easterly right of way line of Sixth Street and the southerly right of way line of Etheridge Drive. The property is located within Land Lot 249 of the 17th District, Fulton County, Georgia in the Carey Park neighborhood of NPU-G in Council District 9.
- **Property size and physical features:** The property is approximately 0.237 acres (10,349 square feet). The property is developed with a two-story single-family structure and a non-conforming two-family accessory dwelling unit. The topography varies across the lot, with approximately 5 feet between its highest and lowest points. Vehicular access to the site is provided by a curb cut on 6th Street. There are no mature trees on the property.
- **CDP land use map designation:** The property has a future land use designation of Single-Family Residential (SFR) within the 2021 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is developed with a two-story single-family structure and a non-conforming two-family accessory dwelling. Staff is unaware of any other previous uses on the site.
- **Surrounding zoning/land uses:** The parcels to the north, east, south, and west are zoned R-4A/WPAHO (Single-Family Residential/Westside Park Affordable Workforce Housing Overlay) with Low-Density Residential (LDR) future land use designation.

- **Transportation system:** The site has frontage along 6th Street NW which is classified as a local road. MARTA bus service operates nearby along Hightower Road NW. There are sidewalks along 6th Street NW.

PROPOSAL:

The applicant seeks a special use permit to operate a personal care home for 6 adults aged 65 and older.

- **Ingress and egress:** There is vehicular access provided to the site via a driveway off 6th Street and a shared alley accessible from the rear of the site from Hightower Road. Emergency vehicles can easily access the property via street parking or driveway.
- **Parking and loading:** Employees will park their vehicles in the driveway, on the street, or on the parking pad at the rear of the property. Products and supplies will be delivered once a week. Vehicles can be parked on either the driveway, street, or parking pad and can be used to access the property through the front or back.
- **Refuse and service areas:** Refuse will be disposed of using city provided garbage cans that are picked up weekly. Service areas are inside the dwelling. Service personnel can access the service areas by parking on the street, in the driveway, or on the parking pad.
- **Buffering and screening:** The property is screened to the north, east, and west by an 8-foot privacy fence in the front yard, rear yard, and north side yard. A 6-foot privacy fence in the south side yard provides screening from surrounding properties to the south. There is no permit to allow the existing fence. The applicant intends to apply for a special exception to bring the fence height into compliance with the Zoning Ordinance. The site generates virtually no light or air pollution that could impact surrounding uses, and the sound generation is minimal and will comply with standard noise ordinances. No changes to the buffering and screening are proposed.
- **Hours and manner of operation:** The intended use of the property is to care for older citizens who need home care. This will serve as a personal care home. The facility will house residents around the clock but will be open to visitors from 9am to 5pm Monday through Sunday. There will be 3 meals a day for breakfast, lunch, and dinner, and snacks provided throughout the day. The facility will contract with a van service to transport clients to activities. The facility will use one vehicle to transport clients to appointments and activities. There will be no special programs. The applicant anticipates serving six clients, ages 65 and up. The Zoning Ordinance and the State of Georgia require that personal care homes provide at least 80 square feet of personal living space per resident, whichever is greater. Based on that calculation, the bedrooms can accommodate seven residents in the primary house.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** There are no proposed changes to the site or primary building as part of this application.

- **Tree Preservation and Replacement:** The applicant has indicated that no trees will be impacted on the site for this facility.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Employees' and clients' vehicles will enter and exit the property from the driveway off 6th Street NW or the alley off Hightower Road NW. Emergency vehicles will enter the site via the driveway or park on 6th Street NW. The applicant has not described how they will mitigate any conflicts that may arise if emergency personnel and service personnel is onsite at the same time. Staff finds ingress and egress to be insufficient.
- b) **Off-Street parking and loading:** The subject site has a driveway that is approximately 102 feet in length off 6th Street NW that terminates at the nonconforming accessory dwelling that will be used for off-street parking. The subject site also has a 1225 square foot parking pad in the rear of the property that will be used for off-street parking. The parking requirement is 1 space per 300 square feet or 10 off-street spaces. Atlanta Department of Transportation (ATLDOT) recommends that the maximum of three cars be allowed to the park on premises at a time to provide for safe egress and ingress. The existing conditions onsite cannot accommodate 10 vehicles. Additionally, there are concerns that if cars are parked in the driveway and the parking pad at the same time, there may be a conflict should emergency and service personnel be on site at the same time as employees and visitors. Staff finds the off-street loading and parking to be insufficient for the proposed use.
- c) **Refuse and service areas:** The site will utilize the City of Atlanta's solid waste services. The city-issued solid waste and recycle bins on-site will be placed on the street for weekly collection by the City of Atlanta Department of Public Works - Solid Waste Services. Staff finds this to be sufficient.
- d) **Buffering and screening:** The site is buffered by an unpermitted privacy fence that surrounds the property. The site generates minimal impact to surrounding uses, and the applicant has not proposed any changes to the buffering and screening provided. The existing buffering and screening appear to be suitable; however, the applicant has been made aware that a fence permit is required.

Hours and manner of operation: The intended use of the property is to care for older citizens who need home care. Per State of Georgia regulations, *a personal care home is a facility licensed as a personal care home in accordance with the applicable licensing statutes and associated rules. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating; and may include but are not limited to proper nutrition, home management, housekeeping tasks, ambulation and transfer, and medically related activities, including the taking of vital signs only in conjunction with the above task.* The facility will house senior citizens around the clock but will be open to visitors from 9am to 5pm Monday through Sunday. The facility will employ three certified nursing assistants (CNAs), three companions, a president, and a registered nurse (RN) to manage the operations.

The facility will be maintained in three shifts that operate from 7am to 3pm, 3pm to 11pm, and 11pm to 7am. One CNA and one companion will work each 8-hour shift. The president will be onsite 10 hours per week. An RN will visit the site quarterly to assess each resident's physical and mental stability. Personal care homes must provide at least 80 square feet of personal living space per resident, or the amount required by the State of Georgia for the licensing of personal care homes, whichever is greater. The floor plans for the primary structure show 6 bedrooms ranging from 110 square feet to 224 square feet in the principal structure. Five bedrooms in the house are large enough for one person per room and one bedroom is large enough for two persons per room. The applicant is requesting 6 clients. Based on the requirements of 80 square feet of private personal space, the maximum capacity of 6 residents is permitted. The applicant proposes to use the illegally constructed two-family accessory dwelling onsite for office space and lodging for visitors. However, no plans have been submitted to permit the structure nor to bring it into compliance with the accessory dwelling regulations of the Zoning Ordinance. The applicant will use one vehicle to transport residents to various needs, services, and activities. Staff will develop an off-site activity schedule to include trips to the zoo, the park, the mall, the nail salon, the Botanical Gardens and other local attractions. The site will also host 2 activities per week that will be led by external service providers. There will be 3 meals a day for breakfast, lunch, and dinner. Staff and residents will prepare breakfast and lunch. A local caterer will provide dinner. There will be no special programs. However, the applicant has not provided information that staff can care for medically frail or medically compromised clients, defined as a client whose health status, as determined by appropriate provider staff in accordance with accepted standards of practice, is likely to change or has changed because of a disease process, injury, disability or advanced age and underlying disease process(es). Staff finds the hours and manner of operation to be insufficient for the proposed use.

- e) **Duration:** The applicant requests an indefinite duration. Staff is not supportive of the request.
- f) **Required yards and open space:** There are no proposed changes to the site or dwelling as part of this application regarding required yards and open space. Therefore, these considerations are not applicable.
- g) **Compatibility with policies related to tree preservation:** The site will be used in its current configuration. This program will impact no trees. Should there be any tree loss it shall follow the Tree Preservation Ordinance. Staff finds this acceptable.

STAFF RECOMMENDATION: DENIAL



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Commissioner

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

MEMORANDUM

TO: Zoning Review Board

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

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

DATE: October 3, 2024

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

Staff has requested that this application be withdrawn.

STAFF RECOMMENDATION: FILE



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-23-26 for 1492 Piedmont Avenue NE Suite B

DATE: October 3, 2024

An Ordinance by Zoning Committee for a special use permit for outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 District, or that is used as a residential property pursuant to Section 16-11.005(1)(l) for property located at **1492 Piedmont Avenue NE Suite B**.

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

STAFF RECOMMENDATION: 60 DAY DEFERRAL – DECEMBER 2024



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board
FROM: Keyetta M. Holmes, AICP, Director *KMH*
SUBJECT: U-24-24 for 3612 Paces Ferry Road NW
DATE: October 3, 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**.

FINDINGS OF FACT:

- **Property Location:** The property fronts 368 feet on the south side of Paces Ferry Road and begins at a point 150 feet from the southwest intersection of Ridgewood Road NW and Paces Ferry Road NW. The property is in Land Lot 216 of the 17th District, Fulton County, Georgia within the Paces Neighborhood of NPU A in Council District 8.
- **Property Size and Physical Features:** The subject property is a parcel with approximately 368 feet of frontage and 1.38 acres (60,256 square feet) of total land area. The parcel is improved with a one-story 1,150 square-foot church building and a separate one-story 1,783 square-foot classroom building. The site also contains 0.55 acres (24,008 square feet) of cemetery area. Access to the site is provided via a concrete driveway and the site has gravel and pavement areas that serve for vehicle circulation and parking. The site has mature trees and vegetation throughout the lot.
- **CDP Land Use Map Designation:** The current land use category for the site is Single-Family Residential within the 2021 Comprehensive Development Plan (CDP).
- **Current/Past Use of Property:** The parcel is currently developed with a one-story 1,150 square-foot church building and a separate one-story 1,783 square-foot classroom building. The building was previously used for a place of worship. Staff is unaware of any other previous uses of the property.
- **Surrounding Zoning/Land Uses:** The parcels to the north, west, east, and south are zoned R-1 (Single-family Residential District) and have large-lot single-family land uses with a Single-Family Residential future land use designation.

- **Transportation System:** The parcel is located at the intersection of Paces Ferry Road and Mount Paran Road, which are considered collector streets and do not have sidewalks on both sides of the street. The subject property is within 2.6 miles from the closest MARTA bus stop at Northside Parkway and West Paces Ferry Road.

PROPOSAL:

The applicant seeks a special use permit for a place of worship at 3612 Paces Ferry Road NW. The property was previously used for a place of worship. The applicant seeks to lease the property to operate a youth ministry as the principal use.

- **Ingress and egress:** Vehicular access is provided via the existing concrete driveway on Paces Ferry Road, which will remain unchanged. There is no pedestrian and/or bike access. Emergency vehicles will gain access to the property via the existing access point.
- **Parking and loading:** The site has a gravel and concrete parking area that fits 18 vehicles, meeting the minimum parking capacity required by the Zoning Ordinance. The applicant articulated that a maximum of 10 vehicles are anticipated to park during the hours of operation. The use will serve a maximum of 40 teenagers, ages 12 to 18 and will be dropped off by their parents. The use anticipates having 6 full time staff, which will work during shifts. Deliveries are expected to be minimal and will arrive by vehicle if they occur. All employees and clients will park on the site using the existing parking spaces.
- **Refuse and service areas:** The applicant will use the existing onsite trash receptables provided by the City of Atlanta. The subject site will utilize City of Atlanta services for weekly pick-up. No increase of refuse generation is expected.
- **Buffering and screening:** The applicant stated that the activities will take place indoors within the classroom and/or worship building. Occasional outdoor events may take place. No new buffering and/or screening is proposed. No changes to the existing landscaping/vegetation is proposed.
- **Hours and manner of operation:** The applicant indicated the following hours of operation: 6:45 a.m. to 9:00 p.m. from Monday through Friday. The applicant indicated an average attendance of 40 individuals per day. The applicant stated that during the weekends there will be minimal use of the facility, except for occasional sport activities. The property will have a total of 6 full time staff members and will be organized in shifts.
- **Duration:** The applicant requests a 3-year duration for the special use permit and wishes to increase the duration to indefinitely, if supported by the neighborhood, within 6 months of the special use permit expiration date.
- **Required yards and open space:** No changes to the required yard and open space are proposed.
- **Tree Preservation and Replacement:** Trees will conform to the City of Atlanta Tree Ordinance for public property.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The proposal includes no changes for the existing ingress and egress points. Staff finds the existing conditions of the site sufficient for its continued use.
- b) **Off-street parking and loading:** The proposed parking appears to be adequate for the use. No loading spaces are expected to be provided for the proposed use. Staff finds the existing conditions sufficient for the required parking.
- c) **Refuse and service areas:** Refuse is currently collected and disposed of by City of Atlanta. The applicant will use the existing onsite trash receptacles provided by the City of Atlanta and no increase of refuse generation is expected. Staff finds the existing refuse collection method as acceptable.
- d) **Buffering and screening:** The applicant proposes no changes to the existing vegetation and landscaping on the site. Additionally, there are no buffering and screening requirements. Staff finds the existing landscaping and vegetation sufficient.
- e) **Hours and manner of operation:** Staff is of the opinion that the proposed hours of operation will not have a negative impact on surrounding properties. The property will be mainly used during the week with occasional uses of the property during the weekend.
- f) **Duration:** The applicant seeks to have a 3-year duration for the special use permit. Staff is supportive of the request.
- g) **Required yards and open space:** The applicant does not propose to make improvements to the buildings only to the parking area to accommodate the total parking requirement. This will not affect the existing open space already on site.
- h) **Compatibility with policies related to tree preservation:** Trees will conform to the City of Atlanta Tree Ordinance for public property. Staff finds this acceptable.
- i) **Other Considerations:**

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

According to the Atlanta City Design map, **3612 Paces Ferry Road NW**, is located within a Growth Area: Rural. The Rural Growth Area is described as follows:

“These are the least dense, least-walkable parts of Atlanta. They are not quite-rural communities of reasonable large suburban estates that have big lots and narrow, winding and often curb-less streets. They include neighborhoods like Mount Paran and Cascade Heights, where seclusion and nature are prioritized over any interest in city life”

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit shall be issued to Klife Atlanta and shall be valid for 3 years form the date of adoption by Atlanta City Council.
2. The special use permit is not transferrable.