CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **Z-14-076 for 655, 685 Lambert Drive, N.E.**

DATE: March 12, 2015

The applicant seeks a rezoning of the property, from **MRC-2-C** to **PD-MU**, in view of a new development composed of 40 single-family detached units, 20 single-family attached units and 18 live-work units for the property located at **655, 685 Lambert Drive, N.E.**

FINDINGS OF FACT:

- **Property location**. The subject property is located in land lot 50 of the 17th land district of Fulton County, Georgia at the south-east corner of Piedmont Road and Lambert Drive and at the west dead end of Bismark Road. It is located in Morningside/Lenox Park neighborhood of NPU-F and within Council District 6. The site is also located within the Cheshire Bridge Road Corridor and Community Development Impact Areas.

- **Property size and physical features.** According to the City of Atlanta lot boundary maps, the subject property consists of four tracts of land amounting to a total acreage of 4.70 acres (circa 204,709 sqft) and it has an irregular boundary.
  The site is currently developed with two commercial use buildings and their associated surface parking lots. The majority of the site is covered by hard surface and there are very few existing trees. The site is not impacted by a special flood hazard area or by a stream buffer.

- **CDP land use map designation:** Future land use maps indicate a land use designation of Medium-Density Mixed-Use.

- **Current/past use of property**: Historically, the property has been known as 655, 685 and 0 Lambert Drive. Currently, the property is improved with two commercial buildings and their associated surface parking lots.

- **Surrounding zoning/land use**: At the north and east (along Manchester Street) the subject site is adjacent to I-1 zoned property with Industrial land use designation. At the south-east it abuts land zoned NC-5 with a Low Density Commercial land use designation. At the south-west and across Lambert Street there is property zoned MRC-2-C having a land use designation of Medium-Density Mixed-Use.

- **Transportation system**: Although Lambert Drive, Manchester Street and Bismark Road are all classified as local streets, the site is located in close proximity to Piedmont Road and Cheshire Bridge Road which are both categorized as arterial streets. On Piedmont Road, MARTA provides service via Bus Route 27. Sidewalks are not present along Lambert Drive, Manchester Street or Bismarck Road.

PROPOSAL:

This application seeks to create a development of 40 detached single-family units, 20 attached single-family units and 18 live-work units served by an interior private street and private driveway. The live-work units will front on Lambert Drive and will have on-street parking. The attached units will be arranged along the east property line on both sides of Bismark Road. Detached units are laid out in the middle of the site and at south-west and north-east and serviced by private driveways.

Project Specifications:

Net Lot Area: 204,709 sqft
Gross Land Area: 231,939 sqft
Maximum Floor Area allowed (non-residential): 3 x 204,709 = 614,127 sqft
Proposed Floor Area (non-residential): 57,600 sqft
Maximum F.A.R. allowed (residential): RG-3 Sector 5 max = 3.2
Proposed F.A.R. (residential): 192,000 sqft
Total Open Space: 231,939 – 74,196 = 157,743 sqft
Useable Open Space: 55,647 sqft
Parking Required: 73 spaces
Parking Provided: 176 spaces

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:
The comprehensive development plan designates the subject property as Medium-Density Mixed - Use land use; therefore no amendment to the 15-year land use map will be required. At the site location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.

(2) **Availability of and affect of public facilities and services; referral to other agencies:** There has been no indication from reviewing agencies that there would not be adequate public utilities/services at the subject location.
There is existing public sanitary sewer, water available at Lambert Drive and Bismark Road.
The capacity of the sanitary sewer system will be determined by the Department of Watershed Management as well as any required improvements for the sewer connection during the stage of the development permits.

(3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development.
There is no negative impact on the balance of land uses.

(4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood's character. The proposed development will allow for the creation of an urban residential land use which may benefit the already existing neighborhood commercial use in the vicinity. The development would also improve the overall visual appearance of the area and improve pedestrian and vehicular infrastructure. Additionally, Staff considers this proposal as an improvement over the existing conditions.

(5) **Suitability of proposed land use:** A change in the 15-year land use map is not required due to the compatibility between the requested PD-MU zoning and the future land use designation of Medium-Density Mixed-Use.

(6) **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties. The site is surrounded by land zoned for multi-family residential and limited commercial as well as by property zoned neighborhood commercial which allow for very similar type of developments.

(7) **Economic use of current zoning:** The subject property has certain economic use under the existing conditions. The proposed development of 78 new housing units would certainly represent an economic improvement and would still be in concert with the provisions of the Cheshire Bridge Road Study adopted by the city in 1999.

(8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.

(9) 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. Staff is of the opinion that the request is suitable for a PD-MU zoning classification. Location, the zoning of surrounding properties, future land use

designation, and availability of public utilities are appropriate elements considered by Staff as satisfactory. Also, Staff is of the opinion that the proposed project would be compatible with the general area and neighborhoods and would enhance the character of the area.

b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.**
The site is in the immediate proximity of MARTA Bus Route 27 and several arterial streets such as Piedmont Road and Cheshire Bridge Road and therefore public transit and mobility would be available.
The Connect Atlanta Plan, the city comprehensive transportation plan, adopted by the city in 2008, identifies that existing dead end Bismark Road must be extended to connect to Lambert Drive. The extension would increase vehicular connectivity and reduce the size of urban blocks. The rezoning site plan proposes to connect Bismark Road to Lambert Drive.

c. **The evidence of unified control.**
The revised site plan submitted by the applicant identifies several elements of unified control in the future development. The proposed extension of Bismark Road, although required to function as a fully publicly accessible street, is intended to remain privately owned and maintained. As such, all future residents will have a share towards maintaining it. Also, according to the applicant, there are two areas located at either side of the Bismark connection which will be developed and used as common areas, grassed and utilized for a range of outdoor events.
All the common areas will be privately owned and maintained in common by the future residents and the legal details/maintenance program will be stipulated in certain private covenants.

d. **The suitability of proposed plans.**
The proposed revised site plan (stamped received by the Office of Planning on March 5th, 2015) does not provide for enough level of detail and relevant information in that it is more of a general/conceptual site plan. Although the site plan may be acceptable in its current form, Staff will require the applicant to comply with a list of specific conditions with regards to actual design/development/use of the site.

e. **Specific modifications.**
Revised site plan has been submitted to the Office of Planning on March 5th, 2015.

f. **The suitability of a maintenance program.**
The applicant has provided no information related to a maintenance program for the common areas. Staff finds that the site plan identifies certain elements 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 CONDITIONAL upon the following:

1. Subject to the revised site plan titled "Lambert Drive" by TSW, dated 03/04/2015 and stamped received by the Office of Planning on March 5th, 2015. Additionally, because of the conceptual nature of the site plan, the developer shall comply with all the conditions shown below.

2. Developer shall obtain Final Plat or Final Plan approval from Office of Planning before making application for building permit for the housing units.

3. According to provisions in the Connect Atlanta Plan, the extension of Bismark Road to connect to Lambert Drive shall be designed and constructed to function as a fully accessible public street. As a condition of the Land Development Permit and the Final Plat/Plan permit, the developer shall provide the Office of Planning with written approval from City of Atlanta Fire Department regarding the design/construction of Bismark Road connection. There shall be no gate or vehicular entry restriction at either end of Bismark Road. The driveway apron at the intersection of Bismark Road and Lambert Drive as indicated on the proposed site plan shall be removed and replaced with a standard design as for a public street.

4. Developer shall provide the Office of Planning with recorded private covenants as a condition of the approval of the final plat/plan. The document must contain details about ownership and maintenance program for the private street and all other common areas. Developer shall provide additional details regarding the two common areas located on either side of Bismark Road and marked with double-hatch on the site plan (size, type, use etc.).

5. Sidewalk of minimum 5 feet wide shall be constructed on both sides of Bismark Road as well as along the entire property street frontage at Lambert Drive and Manchester Street.

6. All work to be undertaken by the applicant within the City of Atlanta right-of-way shall be permitted by the Department of Public Works prior to construction.

7. Development of the property shall be subject to all City of Atlanta development regulations including but not limited to, Office of Site Development, Fire Safety Engineer, Public Works Department as well as City of Atlanta Tree Ordinance.

The following are conditions from the Neighborhood Planning Unit F and are also applicable:

8. Residential floor area ratio shall not exceed 1.1
9. Non-residential floor area ratio shall not exceed 0.5
10. Non-residential floor area may be used as residential floor area
11. The building setbacks are as indicated on the site.
12. The following uses and structures are prohibited:
    - Adult businesses;
    - Security storage centers and;

- Eating and drinking establishment greater than 8,000 square feet in area.

13. Building heights shall not exceed 52 feet above average finished grade.

cc: Charletta Wilson Jacks, Director, Office of Planning

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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **Z-14-79 for 2108 Bolton Drive, N.W., (a portion of)**

DATE: March 12, 2015

The applicant seeks to rezone the property from the **RG-3 (Residential General-Sector 3)** to the **MRC-2 (Mixed Residential Commercial)** district to construct a new mixed use development.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 713 feet on the northeast side of Marietta Boulevard, beginning approximately 1500 feet from the northeast side of Bolton Drive. It is located within Land Lot 221 of the 17th District of Fulton County, Georgia in the Bolton Neighborhood of NPU-D in Council District 9. The property is located within the Bolton/Moores Mill Livable Center Initiative (LCI).

- **Property size and physical features:** The subject property consists of a 14.19 acre (617,966 square feet) irregular shape parcel that includes sections of Bolton Drive and Bolton Place. The land is vacant. The topography drops along the Marietta Boulevard right-of-way approximately 30 feet. In the remaining of the land, the topography gradually decreases from the north to the south approximately 80 feet. There are a number of mature trees which screen the site from most of Marietta Boulevard. There are also mature trees throughout the property.

- **CDP land use map designation:** The Land Use Map for NPU-D designates the subject property as High Density Residential. The applicant has applied for a land use amendment to the CDP for a designation appropriate for the proposed MRC-2 zoning to Mixed Use.

- **Current/past use of property:** The subject property is currently vacant. The land was formerly occupied by the Midtown West residential development which was demolished in 2014.

- **Surrounding zoning/land uses:** Land Use and Zoning designations in the immediate area varies and includes a RG-3 (Residential General Sector 3) district to the North with a land use designation of High Density Residential, an I-1 (Light Industrial) district to the west and south with a land use designation of Industrial, and an I-2 (Heavy Industrial) district to the east with a land use designation of Medium Density Residential. A multifamily residential development and vacant land abut the subject property to the north. Other properties in the area are occupied by mixture of industrial and commercial uses.

- **Transportation:** Marietta Boulevard is a defined arterial street having 150' of right-of way but a narrow sidewalk near the street. All other streets are defined as local. The subject property is currently served by MARTA bus line #1 along Marietta Boulevard.

PROPOSAL:

The applicant seeks to rezone the property to construct approximately 386 residential units with 45,870 square feet of commercial space and 798 parking spaces (residential/commercial). The residential units and commercial square footage will be distributed among several buildings. The structures would be between one and five stories and not to exceed an overall height of 55 feet.

Project Specifications:

Net Lot Area:	617,966 square feet (14.19 acres)
Maximum F.A.R. allowed (non-residential):	2.5 times net (1,544,915 s.f.)
Proposed F.A.R. (non-residential):	0.074 (45,870 s.f.)
Maximum F.A.R. allowed (residential):	0.696 (430,104 s.f.)
Proposed F.A.R. (residential):	0.696 (430,104 s.f.)
Parking Required:	382/residential, varies/nonresidential
Parking Provided:	580/residential, 218/non-residential

CONCLUSIONS:

1) **Compatibility with comprehensive development plan (CDP); timing of development**: The proposed rezoning for the subject property to MRC-2 (Mixed Residential Commercial) zoning district is not compatible with the Comprehensive Development Plan High Density Residential designation for the property. Staff notes that the applicant has applied for an amendment to the 15-Year Land Use Map for a designation consistent with the requested rezoning. There are no known public projects or programs with which the timing of the project would conflict.

2) **Availability of and effect on public facilities and services; referrals 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.

3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Although Staff finds that there might be other nearby sites available for the proposed use this location is reasonable in that it is vacant. Further, Staff feels the proposed mixed use would be a compliment to the area. Therefore, this proposed development is expected to only positively impact the balance of land uses in the surrounding area.

4) **Effect on character of the neighborhood:** The proposed rezoning from RG-3 to the MRC-2 for the purpose of redevelopment the site into mixed use allows for an improved and reasonable transition from industrial to residential uses in the Bolton neighborhood and would continue in diversifying the character of the area with a greater mix of uses. Therefore, Staff determines the proposal to have a positive effect on the character of the neighborhood.

5) **Suitability of proposed land use:** Although the proposed rezoning and uses are not consistent with the current Comprehensive Development Plan the applicant has applied for a land use amendment to the CDP for a designation appropriate for the proposed to MRC-2 zoning. Staff is supportive of the proposed mixed use as a reasonable transition from industrial to residential uses in the Bolton neighborhood. The Bolton/Moores Mill Livable Center Initiative study calls for the subject property to be designated High Density Residential; however, Staff is of the opinion that a mixed use development is more in agreement with the current development trend in the area.

6) **Effect on adjacent property:** The redevelopment of the property with compatible residential and non-residential uses would have a positive impact on adjacent properties. Currently the subject site is adjacent to a multifamily development and industrial/commercial sites. The proposed redevelopment of the parcel would only compliment an area where development is prevalent and needed. The proposed development does not share the height, scale, or nonresidential density with adjacent properties, but it does share a similar residential density with townhouses to the north.

7) **Economic use of current zoning:** The subject property has economic value as currently zoned. However, approval of the requested rezoning and the subsequent redevelopment of the property for mixed-use with a combination of residential and commercial uses will likely increase its economic value.

8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1) The Property shall be developed in accordance with the conceptual Site Plan prepared by HGOR dated October 29, 2014 and stamped "received" by the Office of Planning on December 29, 2014.
2) The following uses shall be prohibited on the property:
    a. Automobile service stations, carwashes;
    b. Commercial greenhouse;
    c. Mortuary and funeral homes;

d. New and used car sales, including other motorized vehicles such as mopeds or motorcycles;
e. Nursing homes and convalescent centers;
f. Repair garages, paint and body shops;
g. Mixed use storage facilities; and
h. Supportive housing.

cc: Charletta Wilson Jacks, Director, Office of Planning

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KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **Z-15-01 for 1195 Ralph David Abernathy Boulevard, S.W.**

DATE: March 12, 2015

An ordinance to rezone from the **R-LC (Residential-Light Commercial)** and **Beltline Overlay District** to the **C-1 (Commercial Business)** and **Beltline Overlay District** for property located at 1195 Ralph David Abernathy Boulevard, S.W.

FINDINGS OF FACT:

- Property location: The subject property sits at the northeast corner of Ralph David Abernathy Boulevard and Holderness Street. The property fronts approximately 97 feet on the north side of Ralph David Abernathy Boulevard and fronts approximately 184 feet along Holderness Street. It is located in the West End neighborhood of NPU-T, Council District 4.

- Property size and physical features: The subject property of approximately 0.42 acres is currently developed with a single-story brick façade office building. Topography relatively flat throughout the site and there are several mature trees located around the rear of the site. An off-street parking lot with approximately 15 parking spaces located at the rear of property. Access to the lot is provided from Holderness Street.

- CDP land use map designation: Low Density Commercial.

- Current/past use of property: The property has been used for commercial uses including a nail salon.

- Surrounding zoning/land uses: The subject properties are adjacent to property zoned for commercial and residential purposes and are categorized as follows: R-LC (Residential-Limited Commercial) to the west and south, and C-1-C (Commercial Business) to the east, R-4A (Single Family Residential) to the north.

- Transportation system: Ralph David Abernathy Boulevard is an arterial and Holderness Street is a local street. MARTA bus routes services the area.

PROPOSAL

The applicant has proposed to rezone the subject property for the purpose of developing a veterinarian clinic. The applicant will utilize existing structure.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed rezoning does not impact the current land use designation of Low Density Commercial. Therefore, a Comprehensive Development Plan (CDP) amendment is not required.

(2) **Availability of and effect of public facilities and services; referral to other agencies:** Since the area has been an established residential and commercial corridor, water and sewage facilities serving the property are assumed to be adequate.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** Staff is of the opinion that the request to rezone the subject property would not create any issues that would negatively affect the balance of land uses in the area. The subject property has historically been used as a commercial site and the proposal will not alter the use.

(4) **Effect on character of the neighborhood:** The development would have a positive effect on the surrounding neighborhood by converting the vacant office building into a veterinarian clinic. It would undergo proposed renovations of its interior and minor improvements to enhance the exterior aesthetics including replacement exterior building materials, removal of burglar mesh on exterior windows, top-coat and restriping of the existing off-street parking lot, replacement and repairing of existing chain-link fence and exterior lighting, and constructing a new building entrance at the rear of the building. Only positive effects can result from improvements to the property.

(5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property for the purpose of a veterinarian clinic would be compatible with surrounding zoning, land uses, and CDP. Due to the nature of the C-1 zoning being an antiquated category, Staff recommends instead the substitution of the MRC-1 category for the subject property.

(6) **Effect on adjacent property:** Staff is of the opinion that the rezoning of the subject property to the C-1 zoning designation would not pose negative impacts to the adjacent properties. Although the applicant proposed the C-1 zoning category, the MRC-1 zoning category would be more appropriate transitional zoning category between the subject property and adjacent properties. The C-1 zoning category is a suburban type of zoning that does not provide as much transition between the property and residential zoning districts in the surrounding neighborhoods. The MRC-1 category improves the aesthetics of the built environment by promoting walkable communities with street furniture and trees, building frontage constructed closer to the street, and promotes an appropriate balance and scale of

lower density commercial uses for the nearby residential area. The MRC-1 zoning is a low-density mixed use category which would not require the amending of the CDP.

The parcels to the north of the subject properties are currently zoned R-4A, the properties to the west and south are currently zoned R-LC and R-5, the properties to the east are currently zoned C-1-C. Therefore, the rezoning of the subject property to MRC-1 would provide an appropriate transition from commercial to residential.

(7) **Economic use of current zoning:** While the current zoning conditions allow for economic use of the land, a change to the MRC-1 district would allow a more effective economic use of the subject property for the purpose of redeveloping into a low-density mixed use development.

STAFF RECOMMENDATION: APPROVAL of a substitute ordinance to MRC-1 conditioned upon the following:

1. The substitute ordinance of approval for the site would be MRC-1 and the full application of its regulations for the site.

2. The conceptual site plan dated December 17, 2014 and marked received by the Office of Planning on January 5, 2015. This site plan is not meant to prohibit the application of the Beltline regulations.

3. The barbed wiring on the existing 6-foot fencing surrounding the rear parking and the rear portion of the property must be removed.

4. The dumpster area shall be paved with impervious materials and shall be screened so as not to be visible from any public sidewalk or public right-of-way. In addition, dumpsters shall be enclosed with opaque walls six feet in height.

cc: Charletta Wilson Jacks, Director, Office of Planning

KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
DIRECTOR, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim BNC

SUBJECT: **Z-15-02 for 434 (aka 432) Trabert Avenue, N.W.**

DATE: March 12, 2015

The applicant seeks to rezone the subject property **from I-1/BL (Light Industrial/BeltLine Overlay) district to MR-4B/BL (Multi-Family Residential/BeltLine Overlay) district** for development of 18 townhomes on a private drive.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 200 feet on the south side of Trabert Avenue 600 feet west of the southwest intersection of Trabert Avenue and Mecaslin Street in the Loring Heights neighborhood of NPU-E, Council District 8.

- property size and physical features: The subject property consists of 1.036 acres. Two large containers are found within the eastern area of the site and a concrete slab foundation is found at the rear where an industrial building once stood. Several trucks are parked throughout the site and it appears the site is being used as an overflow lot for trucks and storage. A 6 foot chain link fence with bare wire along the top surrounds the property.

- CDP land use map designation: The subject property has a land use designation of Industrial and is within an area of the City where industrial uses are found and successfully operating.

- current/past use of property: To Staff's knowledge the property has always been used for industrial purposes.

- surrounding zoning/land uses: Properties adjacent on the west and north, across Trabert Avenue, are zoned R-4 (Single Family Residential) with a Single Family land use designation. Properties adjacent on the east and south, fronting on Bishop Street, are zoned I-1 (Light Industrial) with an Industrial land use designation.

- transportation system: Northside Drive, more than a quarter of a mile west of the site is a major north/south arterial and is served by MARTA Bus Route 37. Trabert Avenue is a local street and Bishop Street, south of the site is classified as a collector. Sidewalks are not present in the area.

PROPOSAL

The applicant proposes to rezone the property to enable the development of eighteen (18) townhomes. Ten units would front on a lawn area with sidewalks to Trabert Avenue and back up to a private drive. The remaining eight units would front on the private drive:

FAR	Permitted 1.49	Proposed 1.067	Approx. 2,700 SF per unit
Useable Open Space	Required 0.41	Proposed 0.47	
Parking	Required 0.81 per unit	Proposed 2 per unit or 36	

Each unit will have a two car garage and have the ability to park in the driveway.

The site plan does not provide for any loading spaces. The requested zoning district requires 2 on site loading spaces for developments over 50,000SF in size. The applicant has applied for a special exception to reduce the number of loading spaces from 2 to 0. The application is scheduled to be heard by the Board of Zoning Adjustment in May 2015.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The comprehensive development plan designates the subject property as Industrial therefore an amendment to the 15-year land use map would be required to facilitate this proposal. Although the applicant has applied for a change in the land use designation Staff is not supportive of the request.

The Industrial sector is an important part of Atlanta's economy and needs to be encouraged to continue. In 2012, Industrial jobs (transportation and warehousing, wholesale trade and manufacturing) accounted for 50,094 jobs (or 12%) in the City of Atlanta. Industrial jobs are also relatively well paying. The average monthly salary ranges between $4,114 and $6,289, which are competitive in relation to the citywide average of $6,125. In addition, many of the businesses that provide goods and services that the City's residents and businesses rely on and need on a day to day basis require industrial land use and zoning. In the 20 acre area along Trabert Avenue, Bishop Street and Northside Drive that is mostly zoned industrial, there are 751 jobs. Of these 222 jobs are industrial jobs that require Industrial zoning.

There are no public projects or programs with which the timing of the project would conflict.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**
Since the area has been a long established developed area, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

(3) **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 are not limited sites available for this type of infill development in the City. The subject site has an Industrial Character Area Designation in the 2011 Comprehensive Development Plan and has had this

designation for several years. The 2011 CDP policies that do not support this land use change are:

- Maintain industrial land uses by discouraging encroachment of incompatible land uses in industrial areas, particularly residential uses, and encouraging redevelopment of obsolete industrial buildings to new industrial uses instead of non-industrial uses.
- Discourage the conversion of industrial land uses to non-industrial land uses (except for buildings over 50 years old).
- Encourage light industrial and office parks uses in industrial areas in close proximity to residential uses

Furthermore, the BeltLine Subarea 8 Master Plan and the Loring Heights Master Plan both adopted by City Council also indicate this property should remain industrial. Should the land use be changed it would have a negative impact on the balance of land uses in the area.

(4) **Effect on character of the neighborhood**: The development as proposed would have a negative effect of the character of the neighborhood. A healthy mix of industrial and non-residential users is needed in this area in order for it to stay a viable and competitive industrial and employment district. The redevelopment of industrially zoned land to non-industrial uses will create instability in industrial land uses and increase pressure to redevelop industrially used and zoned land to non-industrial uses. The Office of Planning is concerned with the continued loss of industrial uses throughout the City of Atlanta. These concerns are detailed in the 2011 CDP.

(5) **Suitability of proposed land use:** Due to the proximity to other viable industrial uses, a change in land use designation is not suitable for this area. In addition, with truck and train traffic, the 24 hour operation of other industrial users and the current industrial/commercial businesses that are still located in the area, changing the land use of this parcel is not recommended. Allowing a Residential development would continue to erode the Industrial base of the City of Atlanta.

(6) **Effect on adjacent property:** The construction of eighteen (18) townhomes would have a negative effect of the adjacent industrial zoned properties. The proposed residential development is not compatible with the surrounding and viable industrial uses. On one hand, residential uses are impacted 24 hours a day by noise, lighting, vibrations and truck and train traffic generated by industrial uses. On the other hand, industrial users might have limits placed on their ability to operate and expand due to their proximity to residential uses and or due to complaints generated by nearby residents.

(7) **Economic use of current zoning:** The existing zoning has economic use as an industrially zoned property within an existing industrial area of the City.

(8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

(9) **Other Considerations:** The applicant has filed for a special exception (V-15-012) to reduce the number of required loading spaces from 2 to 0.

STAFF RECOMMENDATION: DENIAL

cc: Charletta Wilson Jacks, Director

CITY OF ATLANTA

Kasim Reed
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **Z-15-003 for 300 17th Street, N.W.**

DATE: March 12, 2015

The applicant seeks to rezone the property from the **C-4-C (Central Area Commercial Residential)** district to the **C-4-C (Central Area Commercial Residential)** district **for a change in zoning conditions** to construct a new office development with ground floor commercial uses.

FINDINGS OF FACT:

- **Property location:** the subject property is located on the northwest corner of 17th Street and State Street in the mixed-use development known as "Atlantic Station" of NPU-E, Council District 3. It is located in land lot 148 of the 17th District, Fulton County, Georgia.

- **Property size and physical features:** The property is approximately 1.096 acres (47,480.4 square feet) and contains a surface parking lot. The parcel is relatively flat and contains no trees.

- **CDP land use map designation:** The current land use designation is Mixed-Use (MU). A CDP land use designation is not required to change the zoning.

- **Current/past use of property:** The current use of the property is a surface parking lot. The property was part of the former Atlantic Steel Mill property prior to the Mill's entire redevelopment into the present-day Atlantic Station neighborhood.

- **Surrounding zoning/land uses:** The subject property is surrounded by C-4-C (Central Area Commercial Residential) zoning on adjacent properties. Surrounding land uses include multi-family residential abutting to the west and south, commercial retail (Target Store) to the north, a park abutting to the east, and further east a mixture of retail, office, and multi-family residential uses.

- **Transportation:** 17th Street, 18th Street, and State Streets are all officially classified as local streets, although 17th Street functions as a collector/arterial corridor. MARTA bus service (#37) runs along 17th Street connecting Defoors Ferry Road to the Arts Center MARTA station with multiple bus stops located on 17th Street. Free Shuttle bus service is provided to and from the MARTA Arts Center Station. Access to Interstate I-75/85 is within a 5 minute drive of the subject property.

PROPOSAL:

The applicant seeks to rezone the property to amend the zoning conditions to allow an office building with ground floor commercial retail. The new development would consist of a seven story building comprised of approximately 210,000 square feet of office space with 10,000 square feet of retail/eating and drinking space on the ground floor. The proposed rezoning would change the subject property from the "Predominately Residential" area of the Atlantic Station adopted master plan "Use Diagram" to the "Mixed-Use: Lower Level Retail/Mid to Upper Level Office & Residential" area.

CONCLUSIONS:

1) **Compatibility with comprehensive development plan (CDP); timing of development**: The proposed development and rezoning to change the zoning conditions are consistent with the Comprehensive Development Plan designation for a mixed-use development.

2) **Availability of and effect on public facilities and services; referrals to other agencies:** The subject property is part of the Atlantic Station development that was designed as a higher-density, mixed-use development. New streets and sidewalks, water, sanitary sewer and storm sewer infrastructure were installed as part of the master plan redevelopment of Atlantic Station. At time of permitting the subject property plans will be submitted to other agencies for permit review for compliance with all applicable City codes.

3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The applicant does not own other properties in the "Mixed-Use" and "Predominately Retail/Entertainment" and Predominately Office" areas of the Atlantic Station development area that are undeveloped and thus ready for redevelopment. However, those parcels are much larger and not suitable for the size and type of office development proposed by the applicant. Furthermore, the redevelopment of the other parcels would require expansion of the existing Atlantic Station underground parking deck which does not appear to be economically feasible for the scale of the single office building proposed by the applicant. The existing Atlantic Station parking deck would appear to accommodate sufficient parking off-site for the proposed subject property. At time of permitting, however, applicant must demonstrate compliance with applicable parking requirements or seek approval of either a special administrative permit (SAP) for off-site parking or a special exception for a parking reduction from the Board of Zoning Adjustment. The proposed development is consistent with the master plan concept for Atlantic Station to provide for a mixture of uses that enable a live, work, play environment within walking distance of each other. Furthermore, free shuttle bus service between Atlantic Station and the MARTA Arts Center Station is provided daily. Staff,

however, recommends limiting the building height to maintain a building scale compatible with adjacent properties.

4) **Effect on character of the neighborhood:** The change in zoning conditions would benefit the overall neighborhood by allowing additional office and ground floor retail/eating and drinking establishments adjacent to nearby residential uses and the existing parking to create a live, work, play environment.

5) **Suitability of proposed land use:** Staff is of the opinion that the proposed change in zoning conditions to allow office and commercial uses as well as residential would be compatible with surrounding zoning and land uses.

6) **Effect on adjacent property:** The property is located between a 4-story multi-family development and a 75ft wide linear park extending the block length from 17th Street to 18th Street that will remain. Across the street to the north is Target (retail store) and to the south is Millennium Gate Museum. Replacing the existing surface parking lot with mid-rise office building with ground floor retail and eating and drinking establishments will have positive impact on the adjacent properties. Additional office space creates employment opportunities within walking distance for nearby residents. Furthermore, the office and ground floor commercial would enhance the adjacent linear park with additional 'eyes' on the park.

7) **Economic use of current zoning:** Staff is of the opinion that the property currently has economic value, however, redevelopment of the property for office and accessory ground floor commercial uses will likely increase its economic value and that of adjacent properties.

8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

STAFF RECOMMENDATION: APPROVAL SUBJECT TO THE FOLLOWING:

1) The subject property shall change from the "Predominately Residential" subarea to the "Mixed-use Lower Level–Retail and Mid to Upper Level Office/Residential" subarea identified in the "Atlantic Station Use Diagram" and the "Atlantic Steel Redevelopment Conceptual Master Plan". Said property shall be more clearly identified in the "Conceptual Site Plan" from the Hines DLR Group, dated January 22, 2015, received by the Office of Planning on March 4, 2015.

2) The subject property shall be developed substantially in accordance with the "Conceptual Site Plan" from the Hines DLR Group, dated January 22, 2015 and stamped "received" by the Office of Planning on March 4, 2015. The Foundary Park identified on the Conceptual Site Plan is not part of the zoning change and shall remain in place and additional access points from the proposed building to the park may be provided.

3) Building height shall not exceed seven stories and 100 feet.

Cc. Charletta Wilson Jacks, Director

CITY OF ATLANTA

KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **Z-14-68 for 2862 Lenox Road, N.E.**

DATE: March 12, 2015 (deferred February 5, 2015)

An Ordinance to rezone from **the PD-H (Planned Development Housing) District** to the **PD-H (Planned Development Housing) District** for a change of conditions.

The applicant submitted a request to withdraw this application as they are no longer seeking a rezoning for a change of conditions.

STAFF RECOMMENDATION: FILE

cc: Charletta Wilson Jacks, Director, Office of Planning

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KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy Crawford, Zoning Administrator, Interim

SUBJECT: **U-14-033 for 2041 Joseph E. Boone Boulevard, N.W.**

DATE: March 12, 2015

The applicant seeks a Special Use Permit (SUP) for a personal care home for property located at 2041 Joseph E. Boone Boulevard.

The applicant has requested a 30-day deferral to allow time to meet with NPU-J.

STAFF RECOMMENDATION: DAY DEFERRAL—APRIL 2015

cc: Charletta Wilson Jacks, Director, Office of Planning

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CHARLETTA JACKS
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MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **Z-14-041 for 1791 Piedmont Road, N.E.**

DATE: March 12, 2015

An Ordinance to rezone from the **RG-2 (Residential General – Sector 2) / Beltline Overlay** District to the **MR-4A (Multifamily Residential) / Beltline Overlay** District, property located at 1763-1791 (aka 1797) Piedmont Road, N.E.

The applicant has indicated they are continuing to work with the neighborhood and have modified plans that necessitates a requested a 60 day deferral which Staff is agreeable.

STAFF RECOMMENDATION: Deferral to the May 7th or 14th public hearing.

cc: Charletta Wilson Jacks, Director, Office of Planning

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CHARLETTA JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **U-14-031 for 1791 Piedmont Road N.E. - Transfer of Development Rights**

DATE: March 12, 2015

An Ordinance granting a Special Use Permit for the transfer of excess development density from property located at 641 (aka) 665 North Avenue (Sending Parcels) to property located at 1763-1791 (aka 1791) Piedmont Avenue (Receiving Parcels); and for other purposes.

The applicant has made written request that this case be filed. Planning Staff is supportive of the request for filing.

STAFF RECOMMENDATION: FILE

cc: Charletta Wilson Jacks, Director, Office of Planning

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MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **Z-14-042 for 3537, 3541, 3545, 3549, 3555 Roxboro Road, N.E.**

DATE: March 12, 2015

The applicant seeks a rezoning of the property, from **R-3** to **MR-3**, in view of a new development composed of 21-unit townhouse for the property located at **3537, 3541, 3545, 3549, 3555 Roxboro Road, N.E.**

In order to allow the applicant for additional time to revise the proposed site plan, at the request of the applicant, Staff has recommended a 30 days deferral, before disposition on the rezoning request.

STAFF RECOMMENDATION: DEFERRAL to the April 2 or 9, 2015 public hearing

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Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy Crawford, Zoning Administrator, Interim

SUBJECT: **U-14-032 for 678 Joseph E. Boone Boulevard, N.W.**

DATE: March 12, 2015

The applicant seeks a Special Use Permit (SUP) for a Not-for-Profit Community Health Club for property located at 678 Joseph E. Boone Boulevard.

The applicant requests a 60-day deferral to continue working with the NPU.

STAFF RECOMMENDATION: DAY DEFERRAL—MAY 2015

cc: Charletta Wilson Jacks, Director, Office of Planning

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MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim

SUBJECT: **Z-14-74 for 2620 Buford Highway, N.E.**

DATE: March 12, 2015

The applicant seeks to rezone the subject property **from R-3 (Single Family Residential) district to C-1 (Community Business) district** for conversion of a lodge (assembly) to office use.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 304 feet on the northwest side of Buford Highway approximately 579 feet North of the northwest intersection of Buford Highway and Shady Valley Drive in the Pine Hills neighborhood of NPU-B, Council District 7. A portion of the property, specifically the northeast corner at Buford Highway, is located in the City of Brookhaven.

- property size and physical features: The subject property consists of 1.6 acres and is developed with a one story block and brick building and associated surface parking area. The topography begins to slope down approximately 40 feet from Buford Highway to North Fork Peachtree Creek which is located along the rear property line of the site. An asphalt driveway circles the building and a retaining wall approximately 4 to 5 feet in height is found along a portion of the driveway.

- CDP land use map designation: The subject property has a land use designation of Single Family Residential

- current/past use of property: To Staff's knowledge the property has always been used for non-residential purposes.

- surrounding zoning/land uses: Property adjacent on the north is zoned PD-H (Planned Development Housing) and is designated as Medium Density land use; adjacent on the south C-1 (Community Business) zoning is found and is designated as Office Institutional land use; to the northwest R-3 (Single Family Residential) zoned property is found and is designated as Single

Family land use. Property across Buford Highway, to the east, although not in the City of Atlanta is developed for non-residential purposes.

- transportation system: Buford Highway is a major north/south arterial and is served by MARTA Bus Route 39 that connects to the Lindberg Transit Station. Lenox Road, southwest of the site is a north/south collector. All other streets in the nearby area are local streets. Sidewalks are present along both sides of Buford Highway.

PROPOSAL

The applicant, working with the impacted neighborhood, has amended the request to rezone to the OI (Office Institutional) district rather C-1 (Community Business) district. This zoning category will allow the conversion as originally proposed while eliminating certain uses that were concerns of the surrounding community. The existing building contains approximately 9,082SF and no enlargement of the building is proposed at this time. The O-I district requires one parking space for every 300SF of floor area therefore a total of 31 parking spaces will be required for the office use. The site plan filed with the applicant indicates the existing parking area can more than accommodate 31 parking spaces.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The comprehensive development plan designates the subject property as Single Family Residential therefore an amendment to the 15-year land use map would be required to facilitate this proposal. Staff is supportive of an amendment to the Office Institution land use designation which is found to the south adjacent to the subject property.

There are no public projects or programs with which the timing of the project would conflict.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**
Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicates this consideration is optional. The applicant has not indicated they own other property in the City that would be better suited for office use other than the subject property. The conversion of the property from that of assembly to office should not have a negative impact on the balance of land uses in the area.

(4) **Effect on character of the neighborhood:** The conversion to office use should not have a negative effect of the character of the neighborhood. The rezoning would allow a use that is currently found in the area.

(5) **Suitability of proposed land use:** Amending the land use designation to Office Institutional is suitable for the subject property as it is adjacent to the same land use on the south.

(6) **Effect on adjacent property:** The conversion from assembly to office use should not have a negative effect of adjacent property. Other office uses are found in the nearby area.

(7) **Economic use of current zoning:** Although the existing zoning has some economic use the proposed zoning would be a better use of the land and complement other developments in the area.

(8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

STAFF RECOMMENDATION: APPROVAL of a substitute ordinance to rezone the subject property to O-I (Office-Institutional) conditioned upon:

1. Use of the property shall be limited to office;
2. The building shall be limited to two stories with no more than one level of subterranean parking;
3. No residential use shall be permitted;
4. Ancillary uses shall be limited to food service not to exceed the lesser of 10% of the building area or 2,000 square foot maximum, and;

cc: Charletta Wilson Jacks, Director