



## CITY OF ATLANTA

M. KASIM REED  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### STAFF REPORT February 26, 2014

**Agenda Item: Review and Comment (RC-14-028) on the National Register of Historic Places nomination of the Alberta Drive-Matheson Drive- West Shadowlawn Avenue Historic District.**

**At the Request of:** David Crass, Division Director  
Georgia State Historic Preservation Office  
254 Washington Street

**Facts:** In its capacity as a Certified Local Government, the City of Atlanta is given the opportunity to comment on nominations to the National Register of Historic Places. Listing on the National Register of Historic Places provides recognition by the federal government of a building's or districts architectural and historical significance. The nomination is sponsored by the Buckhead Forest Civic Association. The nomination materials were prepared by a consultant.

The proposed historic district is located within the Buckhead Forest Neighborhood in NPU B. The boundaries of the district are Alberta Drive, Matheson Drive and West Shadowlawn Avenue.

**Analysis:** The Buckhead Forest Neighborhood has a large concentration of homes that are fifty years or older centered around Alberta Drive, Matheson Drive and West Shadowlawn Avenue. According to the narrative, the proposed historic district is made up of four subdivisions that were primarily developed in 1911 and 1945. Additional infill homes were constructed through 1965. According to the narrative, this district is significant in community planning and development as a good example of a early20th century middle class garden suburb in Atlanta. The narrative also indicates the district is significant in the area of architecture for its collection of residential types that were popular in Georgia from the 1910's through the 1960's.

Staff agrees that this collection of streets is a good example of a middle class garden suburb and as a good representation of residential styles popular in Georgia. Given the district's proximity to higher density and newer development along Peachtree, Piedmont and Roswell Roads, Staff finds that recognizing the earlier history and development of the Buckhead Forest Neighborhood is important. Based on the information submitted, Staff finds the proposed nomination meets the criteria for listing on the National Register of Historic Places. Staff is in support of the proposed nomination.

**Staff Recommendation:** Based on the following:

- a) The nomination meets the National Register of Historic Places criteria;

Staff recommends that the Commission deliver comments in support of the National Register nomination.  
**RC-14-028 Alberta Drive-Matheson Drive- West Shadowlawn Avenue Historic District.**



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JAMES SHELBY  
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Director, Office of Planning

### STAFF REPORT February 26, 2014

#### **Agenda Item: Review and Comment (RC-14-029) on the National Register of Historic Places nomination of the Lindridge-Martin Manor Historic District.**

**At the Request of:** David Crass, Division Director  
Georgia State Historic Preservation Office  
254 Washington Street

**Facts:** In its capacity as a Certified Local Government, the City of Atlanta is given the opportunity to comment on nominations to the National Register of Historic Places. Listing on the National Register of Historic Places provides recognition by the federal government of a building's or districts architectural and historical significance. The nomination is sponsored by the Lindridge- Martin Manor Neighborhood Association. The nomination materials were prepared by a consultant.

The proposed historic district is located within the Lindridge-Martin Manor Neighborhood in NPU F. The proposed historic district lies southeast of Interstate 85, west of Cheshire Bridge Road and streets on both sides of Lindbergh Drive.

**Analysis:** The Lindridge-Martin Manor Neighborhood has a large concentration of homes that are fifty years or older. Staff would note that while there are additional buildings that are fifty years or older east of Cheshire Bridge Road, however the proposed district is west of Cheshire Bridge Road. According to the narrative, the proposed historic district is made up of four subdivisions that were primarily developed between the late 1940's and the early 1960's. According to the narrative, this district is significant in community planning and development as a good example of a middle class automobile suburb in Atlanta. The narrative also indicates the district is significant in the area of architecture for its good collection of mid 20<sup>th</sup> century houses that followed national trends.

Staff agrees the proposed district represents a good example of a middle class automobile suburb in Atlanta. Staff further agrees that the district represents a good example of mid 20<sup>th</sup> century houses that followed national trends. Based on the information submitted, Staff finds the proposed nomination meets the criteria for listing on the National Register of Historic Places. Staff is in support of the proposed nomination.

**Staff Recommendation:** Based on the following:

- a) The nomination meets the National Register of Historic Places criteria;

Staff recommends that the Commission deliver comments in support of the National Register nomination.

RC-14-029 Lindridge-Martin Manor Historic District.



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JAMES SHELBY  
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CHARLETTA WILSON JACKS  
Director, Office of Planning

### STAFF REPORT February 26, 2014

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-14-031) for a new single family house at **793 Cherokee Avenue (aka 773 Cherokee Avenue)** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1).

**Applicant:** Gail Glozier  
3763 Rogers Bridge Road, Duluth

**Facts:** In 2005, the property in question, along with the rest of the block fronting Cherokee Avenue between Grant Park Place and Augusta Avenue, was rezoned to the Planned Development – Mixed-use zoning classification (PD-MU), while retaining the Grant Park Historic District overlay (Z-05-128). This rezoning was site plan specific and included numerous conditions. In 2007, the conditions to the PD-MU rezoning were amended and reduced to 31 total conditions, with again retaining the previous site plan and Grant Park Historic District overlay (Z-07-119). (The site plan from both rezonings is attached to the Staff Report.)

Overall, the PD-MU property consists of several components. At the northeast corner is a proposed mixed-use and townhouse site, fronting Cherokee Avenue and Grant Park Place are five (5) single-family house lots, and internal to the property are nine (9) townhouse lots. The property is served by a system of access roads, with a large green space between the two east-west rows of townhouses. At the southeast corner of the property is an existing, one-story duplex that has been retained as part of the redevelopment of the site. The site previously consisted of a non-contributing commercial building (the former Taco Mac), associated parking, and vacant land / former house lots.

Before the commission now is a single family house fronting Cherokee Avenue on the west elevation of the property, next to the secondary access. The lot is known as “SF-5” on the site plan include with the PD-MU rezoning. Of the 31 conditions included in the revised PD-MU rezoning, the Staff finds that 14 conditions either directly relate to the construction of a single family house and the lot known as SF-5 or could affect the design of the house.

Given the organization and conditions of the PD-MU rezoning, the relationship between the PD-MU rezoning and the District overlay requirements is as follows: First, the site plan, setbacks, orientation, size, and arrangement of the property and SF-5 are fixed and as such are not subject to the District overlay regulations. Second, the PD-MU rezoning conditions expand the role of the existing District overlay regulations as they relate to architectural elements without generally adding more specifics or subject requirements. Thirdly, there are some topics that are in the District overlay regulations that are not covered by or dealt with in the PD-MU rezoning and as such remain as currently written in the District overlay.

**Analysis:** The following code sections apply to this application:

(Those District regulations that would otherwise apply, but are superseded by the PD-MU site plan or conditions have been removed from the listing of applicable District regulations set out below.)

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(2) Certificates of Appropriateness.

(B) Type III Certificates of Appropriateness shall be required for:

1. All new principal structures;

Per Section 16-20K.007:

(1) *Development Controls.*

D. *Off-street parking and driveway requirements:*

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two entrance step risers each of which shall be no less than six inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.  
Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.

14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
  - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
  - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
  - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
  - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
  - a. Paving materials for walks and drives: Black asphalt is prohibited.
  - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standards, unfinished concrete block and stacked stone is prohibited.
  - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
  - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
  - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
  - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

(E) *Site development, sidewalks and curbs:*

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

The PD-MU rezoning and conditions make the District overlay requirements, which normally only apply to the front façade of the house, apply to any façade that faces interior alleys, the primary access, the secondary access and the green space within the development. As such, Staff finds the north, east and west elevations within the purview of the Commission.

General Development Controls, Setbacks, and Parking

The lot in question fronts 45' on Cherokee Avenue and has a depth of 79.82' on its longest side. The lot frontage, depth, and shape match the PD-MU site plan. The PD-MU rezoning does not include any floor area ratio or lot coverage limitations.

Per the PD-MU site plan and conditions, the front yard setback shall be at least 10', the north side yard setback shall be at least 4', the south side yard setback shall be at least 4' and the rear yard setback can be 0'. Staff finds all of the setback requirements have been met.

The PD-MU rezoning and conditions require two (2) parking spaces for each single family house, either in attached or detached garages. The proposed house includes an attached garage with two parking spaces. Staff

finds the parking requirement has been met. Staff would note that the PD-MU rezoning allows for a two car garage with doors that face the street. Staff would further note that the proposed garage has a 0' setback as allowed by the regulations, therefore the underlying zoning requirement regarding parking in the half depth front yard does not apply. The underlying zoning does require that curb cuts be no wider than 10'. There is a construction entrance at the rear of the property, however the width of the curb cut is not clear. Staff recommends the site plan clearly indicate the proposed curb cut. Staff further recommends the curb cut be no wider than 10' as required by the district regulations.

#### Site Plan Features

Per district regulations, a walkway from the front entryway to the sidewalk is required. In looking at the site plan, a combination stair and walkway is provided. Staff has concerns as the stair and walkway is located to the side of the porch as opposed to having stairs centered on the front entryway. Staff would note that having stairs centered on the front entryway is one of the overall defining features of historic houses in the district. Staff recommends the stair is centered on the front entryway. Staff further recommends the site plan indicate appropriate materials for the stairs and walkway.

Condition #26 of Z-07-119 states: "Sidewalks shall be included throughout the interior of the development and along the entire frontage of the property. Existing sidewalks must be preserved to the extent possible." No sidewalk is shown on along the rear property boundary / "alley". In looking at the proposed site plan, there are no notes regarding the existing sidewalk along Cherokee Avenue and there are no proposed sidewalks along Harrison Walk and Harrison Place. Staff recommends the site plan include notes regarding that existing sidewalk along Cherokee Avenue regarding retention and repair or replacement in-kind. Staff recommends the site plan indicate appropriate sidewalks along Harrison Walk and Harrison Place.

There appear to be stone retaining walls indicated on the site plan. The exact height of the proposed retaining walls is not clear. Staff recommends the proposed retaining walls meet the requirements as outlined in the conditions of the PD-MU rezoning.

No replacement trees are shown on the site plan. Staff recommends the site plan reflect the proper tree replacement as outlined in the conditions of the PD-MU rezoning.

#### Massing, Style, Building Height, and Roof Plan

The proposed two story house is defined by a hipped roof, half width porch and a projecting bay. The most common house with a projecting bay in the district is a Gabled Ell. Gabled Ells typically have a gabled roof. Another type of house that has a similar massing and some similar architectural elements is the American Foursquare. The American Foursquare usually features a full width porch and can have either a hipped or gabled roof. Staff has a concern that the proposed house is a mixture of styles. Staff recommends the front façade be modified to be a Gabled Ell, an American Foursquare or the Applicant shall provide documentation the current design is consistent with the architectural style of the neighborhood.

Per the PD-MU rezoning and conditions, and District overlay regulations, the maximum height allowed is 35'. The proposed height is about 35' to the roof peak and therefore meets the maximum height requirement. The house is elevated above grade at least two entrance steps, which meets the District regulations.

#### **Windows and Doors**

A single front door is parallel and facing the street frontage as required.

The Grant Park regulations allow the proposed fenestration to be either consistent with other contributing houses in the District or meet the fenestration percentage requirement (15%-40%). The Staff would consider

this requirement to be further refined by Conditions #9 and #10 of the PD-MU rezoning require that the house “be designed to be consistent with the historic architectural style of the Grant Park neighborhood and to comply with Grant Park’s historic zoning regulations”.

Staff finds most of the windows are appropriate in regards to material, design and location. Staff has concerns with the with the three part windows on the front and north elevation. The proposed three part window is not at all consistent with the architectural style of the proposed house and is not typical of contributing houses in the district. Staff recommends the three part window on the front and north façade is replaced with an appropriate single or paired double hung window. Staff further recommends an additional single or paired double hung window is added to the first floor to the right of the entryway.

### **Porches**

The proposed dwelling has a half-width front porch with a depth of just 8’ in both sections, which meets the District regulations. Notwithstanding the concern regarding the placement of the stairs, Staff finds the overall architectural details are appropriate. In looking at the foundation, it is not clear if the porch is just built on brick piers or whether there is in-fill in between the piers. Staff recommends the Applicant clarify the material of the porch foundation.

The Applicant is also proposing an inset side porch. As required by the regulations, the porch depth is no less than 4’. The details regarding the porch are not clear. Staff recommends the plans clearly indicate all details of the proposed side porch.

### **Chimney**

The chimney located on the north façade of the house originates at grade.

### **Building Materials**

In the narrative, the siding material is indicated as smooth 8” siding. The reveal is not indicated and Staff has concerns the siding may be too large. Staff recommends the plans indicate a smooth cementitious siding with a 4”-6” reveal in order to be compatible with other contributing houses in the district. The first floor façade material is indicated as board and batten. Board and batten is not consistent or compatible with the siding on contributing houses in the district. Staff recommends the first floor face material is smooth horizontal cementitious siding with a 4’-6’ reveal.

In the narrative, the windows are indicated as wood and simulated divided lite. Staff has no concerns regarding the material of the proposed windows. The entire foundation and chimney are faced with brick, which meets the District regulations. In the narrative, the roofing material is indicated as architectural shingles. Staff has no concerns regarding the roofing material. Staff would note that while most of the materials are indicated in the narrative, not all material details are indicated on the plans. Staff recommends the plans indicate all material details.

**Staff Recommendation:** Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-14-031) for a new single family house at **793 Cherokee Avenue (aka 773 Cherokee Avenue)** – Property is zoned PD-MU/Grant Park Historic District (Subarea 1), with the following conditions:

1. The site plan shall clearly indicate the proposed curb cut, per Section 16-20K.007(1)(D);
2. The curb cut shall be no wider than 10’, per Section 16-20K.007(1)(D);

3. The stair shall be centered on the front entryway, per Section 16-20K.007(2)(B)(2);
4. The site plan shall indicate appropriate materials for the stairs and walkway, per Section 16-20K.007(2)(B)(15)(a);
5. The site plans shall include notes regarding that existing sidewalk along Cherokee Avenue regarding retention and repair or replacement in-kind, per PD-MU rezoning condition# 26;
6. The site plan shall indicate appropriate sidewalks along Harrison Walk and Harrison Place, per PD-MU rezoning condition# 26;
7. The proposed retaining walls shall meet the requirements, per PD-MU rezoning condition #29;
8. The site plan shall reflect the proper tree replacement, per PD-MU rezoning condition #30;
9. The front façade shall be modified to be a Gabled Ell, an American Foursquare or the Applicant shall provide documentation the current design is consistent with the architectural style of the neighborhood, per PD-MU rezoning condition #10;
10. The three part window on the front and north façade shall replaced with an appropriate single or paired double hung window, per PD-MU rezoning condition #10;
11. An additional single or paired double hung window shall added to the first floor to the right of the entryway, per PD-MU rezoning condition #10;
12. The Applicant shall clarify the material of the porch foundation;
13. The plans clearly indicate all details of the proposed side porch;
14. The plans shall indicate a smooth cementitious siding with a 4''-6'' reveal, per Section 16-20K.007(2)(B)(1);
15. The first floor facade material shall be smooth horizontal cementitious siding with a 4'-6' reveal, Section 16-20K.007(2)(B)(1);
16. The plans shall indicate all material details; and
17. Staff shall review and if appropriate, approve the final plans.





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JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### STAFF REPORT February 26, 2014

**Agenda Item:** Application for Type II Certificate of Appropriateness (CA2-14-033) for alterations at **1436 Fairview Road**– Property is zoned Druid Hills Historic District.

**Applicant:** Kent Ahrenhold  
6851 Roswell Road

**Facts:** The District inventory sheet indicates lists that the house was built in 1914, was designed by Neal Reid and is contributing to the District. At some point in the past, the first floor kitchen porch and second floor sleeping porch (one above the other) were enclosed with windows. The Applicant proposes to remove the all of the non-historic windows and install new, wood windows within the existing openings. All of the existing exterior trim will remain. A new cooper rear entry door roof will replace the existing canvas awning.

No site work or change in the footprint of the building is proposed.

**Analysis:** The following code sections apply to this application:  
Per Section 16-20.007 of the Atlanta Land Development Code:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
  - (3) Landmark buildings and sites:
    - (b) To change the exterior appearance of any structure within any Landmark District;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- (5) Minimum architectural controls: Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district. Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

Sec. 16-20B.005. Fairview Road regulations.

The following regulations shall apply to any proposed development on any property located on Fairview Road:

- (1) Permitted principal uses and structures:
  - a. Single-family dwellings.

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation REHABILITATION IS DEFINED as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

The Staff has no concern about the removal of the existing non-historic windows. The changes to the interior of the space are not subject to review by the Commission.

Regarding the proposed replacement windows on the first floor, the Staff would note that the original design of the kitchen porch included a lattice between the porch columns per the original design documents. That lattice does not exist today, though the original porch columns and trim work still exist. As that is the case, the Staff finds that having a multi-pane window system (casement or otherwise) is an appropriate, contemporary alteration to the space. Further, given that the replacement windows could also be removed in the future without causing significant damage to the original columns and trim (similar to what the Applicant is doing with the existing windows), the Staff finds that the first floor window alterations meet the District regulations.

Regarding the proposed replacement windows on the second floor, the Staff would note that the original design of the sleeping porch did not include any screening or glass. Today, the second floor is enclosed with contemporary window glass, though the original porch columns and trim work still exist. Further, given that the replacement windows could also be removed in the future without causing significant damage to the original columns and trim (similar to what the Applicant is doing with the existing windows), the Staff finds that the installation of a new window system would meet the District regulations. However, given that the second floor porch was completely open, the Staff is concerned that the use of what appear to be double hung windows could diminish the exterior porch characteristics of the space and unnecessarily divide up the "open" space between the columns. The Staff would recommend that single light casement windows be used on the second floor of the porch to decrease the number of light divisions and increase the amount of glass expanse.

The Staff would recommend that all existing, exterior, original features of the rear porch are retained and repaired in-kind as part of the renovation of the space.

The Staff has no concerns about the removal of the existing canvas awning or the installation of a new copper roof over the rear entry door.

**Staff Recommendation:** Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends approval of the application for Type II Certificate of Appropriateness (CA2-14-033) for alterations at **1436 Fairview Road**– Property is zoned Druid Hills Historic District, with the following conditions:

1. Single light casement windows shall be used on the second floor of the porch to decrease the number of light divisions and increase the amount of glass expanse, per Section 16-20B.003(5);
2. All existing, exterior, original features of the rear porch shall be retained and repaired in-kind as part of the renovation of the space, per Section 16-20B.003(5); and
3. Staff shall review and if appropriate, approve the final plans.



**KASIM REED**  
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**JAMES E. SHELBY**  
COMMISSIONER

**CHARLETTA WILSON JACKS**  
DIRECTOR  
Office of Planning

**STAFF REPORT**  
**February 26, 2014**

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-14-034) for a lot consolidation / aggregation; (CA3-14-002) for a variance / special exception to increase the lot coverage from 80% (allowed) to 88% (proposed), to reduce the number of on-site parking spaces from 38 (required) to 16 (proposed) and to use 22 off-site parking spaces through a shared parking agreement, reduction in the rear transitional yard from 20 feet (required) to 15 feet (proposed), reduction in the distance of a commercial dumpster from a residential subarea from 30 feet (required) to 0 feet (proposed), and the location of a building accessory feature (a dumpster) between the principal building and a public street; and (CA3-14-001) for site work, renovations and deck addition at **670 Memorial Dr. (aka 666 Memorial Dr.)** Property is zoned Cabbagetown Landmark District (Subarea 3 and Subarea 5) / Beltline.

**Applicant:** John Swiney  
1426 Golf Link Dr., Stone Mountain

**Facts:** The proposed project sits on the northeast corner of Memorial Drive and Powell Street in the southern portion of the District in Subarea 5. To the west across Powell Street is commercial property located in Subarea 5. To the south across Memorial Drive is SPI-22 zoning district and the Grant Park neighborhood. To the east is also commercial property located in Subarea 5. To the north of the subject property are single family houses which are located in Subarea 3 of the District. The northern edge of the project is the Subarea 5 / 3 boundary.

The lot has two street frontages and is generally flat, though Powell Street drops away from Memorial Drive along the western side of the property. The site is currently occupied by a large one-story building which is considered non-contributing to the District. The rear and east sides of the building are essentially located on the property lines recognized by the City. The remainder of the site is paved as parking.

Last year, the Staff learned that the previous tenant has been replaced by the current office tenant and that site, exterior and interior work had occurred for the current tenant without a building permit or a certificate of appropriateness.

At this time the Applicant is applying for approval of a lot consolidation / aggregation, the office tenant use, and all exterior renovations and site work (which includes a wood walkway along the

northern façade of the building, and placement of a commercial dumpster). To gain approval of these exterior renovations and site work, several variances from the District regulations have been applied for by the Applicant.

**Analysis:** The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended: The following general regulations shall apply to the Cabbagetown Landmark District.

Certificates of Appropriateness within this district shall be required as follows:

- (1) When required:
  - b) To erect a new structure or to make an addition to any structure within the district;
  - d) To construct off-street or off-site parking;

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
  - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
  - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
  - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
  - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (12) Aggregation of lots. No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission, and the commission shall not approve any aggregation of lots unless the commission shall make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots. The compatibility rule shall apply.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
  - a) General criteria:
    1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
    2. The general façade organization and proportions shall be subject to the compatibility rule.

3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
    - a. roofs, chimneys, and roofing materials;
    - b. siding;
    - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
    - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
    - e. doors and door transoms;
    - f. windows and window transoms;
    - g. porches, including supports, columns, balustrades, steps, and roofs; and
    - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
  4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
- b) Facades:
1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
  2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
  3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
  4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
  5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
- c) Roofs:
1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
  3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
  4. Boxed gable returns are not permitted.
  5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
- d) Dormers: When permitted, dormers shall be subject to design review by the commission and shall meet the following requirements:
1. Shall be gable or shed design as appropriate to the architectural style of the building and shall maintain the siding, roof materials, and trim consistent with the main portion of the building.
  2. Shall not engage the ridgeline of the main roof structure.
  3. The front edge of the dormer shall not interrupt the primary fascia or soffit line.
  4. Shall not occupy less than 15 percent nor more than 35 percent of the total surface area of the roof plane on which it is constructed.
- e) Porches:
1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
  2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
  3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
  4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.

- f) Site development, sidewalks and curbs:
  - 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
  - 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
  - 3. Curbing shall be granite; poured concrete shall not be used.
  - 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (15) Alterations and additions to non-contributing buildings. Alterations and additions to non-contributing buildings shall comply with one of the following:
  - a) Alterations and additions shall be consistent with the architectural style of the existing building and the height or width of any alteration or addition shall not exceed the height or width of the existing building, or:
  - b) Alterations and additions shall be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, shall comply, as applicable, with Design Standards and Criteria for New Principal Buildings, section 16-20A.006(13), and the height or width of any alteration or addition shall not exceed the height or width of the existing building.
- (19) Off-street and off-site parking.
  - a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
  - b) The number of required parking spaces is set out in each subarea.
  - c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
  - d) Off-street parking shall not be located or authorized between the principal building and the street.
  - e) Off-street parking may be located in a rear or side yard.
  - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
  - i) Off-street or off-site parking shall include landscape buffer strips placed along sidewalks and public rights of way. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.
  - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
  - k) Use of shared driveways and/or alleys is encouraged.
  - l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.011. Transitional Commercial (subarea 5).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the subarea. These regulations are intended to mitigate any nocuous effects that the commercial intrusion subarea may have on adjoining residential uses within the remainder of the Cabbagetown Landmark District. These regulations further intend to maintain compatibility between the existing and future uses of the area and the overall character of the district as a whole.

- (1) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
  - a) A building or premises shall be used for the principal uses specified within section 16-16.003 of this part, with the exception of paragraph (1) allowing adult business and paragraph (17) allowing signs, general advertising.
  - b) Multifamily dwelling units. Multifamily dwellings are permissible if a minimum of 25 percent of the total heated floor area of each building is constructed and used for non-residential uses as allowed in Section 16-20A.011(1), (2) or (3).
  - d) Any of the following uses provided that they do not exceed 10,000 square feet of floor area:
    - 1. Clubs and lodges.

2. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
3. Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar use.
4. Professional or service establishments.

Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the Cabbagetown Landmark District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.

(5) Site limitations.

- a) Minimum building façade heights: Buildings shall have a minimum façade height of 18 feet along each façade visible from any public right of way.
- b) Maximum building heights: Buildings that are between 0 and 50 feet of a Subarea 3 boundary shall have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary shall have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary shall have a maximum height of 52 feet. Mezzanines and lofts shall be considered a story.
- c) New development containing an entire block face greater than 600 feet in length shall be traversed by new streets that create block faces no larger than 400 feet. Such streets shall function as public streets, shall connect two other public streets, and shall meet all other requirements of this chapter.
- d) Transitional requirements:
  1. Transitional height planes: Where this district adjoins Subarea 3 without an intervening street, heights within this district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the nonresidential district at an angle of 45 degrees.
  2. Transitional uses: Where commercial or industrial uses in this subarea abut residential uses, 100 feet of the lot devoted to such commercial or industrial use and nearest to the residential use, shall not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.
  3. Transitional yards:
    - a. Side yards: Adjacent to residential use without an intervening street, 20 feet is required, that shall not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front set-back shall be provided.
    - b. Rear yard: There shall be a rear yard of 20 feet when adjacent to a residential use district that shall not be used for parking, paving or loading or servicing.
    - c. Screening: Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than six (6) feet in height shall be provided and maintained in slightly condition (see section 16-28.008).

(6) Lot coverage. The lot coverage shall not exceed 80%.

(7) Relationship of Buildings to Street.

- a) The delineation of building floors at the second story above sidewalk level shall be executed through windows, belt course, cornice lines, or similar architectural detailing.
- b) The primary pedestrian entrance to all uses and business establishments with sidewalk-level street frontage shall:
  1. Face and be visible from the street.
  2. Face and be visible to an arterial street when located adjacent to such arterial streets.
  3. Be directly accessible, visible, and adjacent to the sidewalk, supplemental zone, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
  4. Remain unlocked during normal business hours for nonresidential uses.
- c) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.
- d) Building façade lines:
  1. On arterial streets: Shall be no less than 20 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking.
  2. On all other streets: Shall be no less than 15 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas.



- e) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.
- (8) Storefront Fenestration. All street-fronting sidewalk level development, with the exception of churches and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk. Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.
  - a) Variances in fenestration requirements may be approved by the AUDC.
  - b) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.
- (9) Storefront illumination and lighting.
  - a) Security, decorative, parking deck, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaires that have a maximum 90-degree illumination. The AUDC may also require other elements to reduce light spillage.
  - b) Any security, decorative, parking deck, or other lighting luminaires shall be located a minimum height of eight feet above the sidewalk, drive or pedestrian area.
- (10) Loading areas, loading dock entrances and building mechanical and accessory features.
  - a) Commercial dumpsters and loading areas may not be located within thirty (30) feet of an adjoining residential subarea boundary, and shall be screened with opaque fences or walls six feet in height.
  - b) Residential dumpsters and loading areas shall be encircled with opaque fences or walls six feet in height. Walls may be smooth finish stucco or same material as the building.
  - c) Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right of way.
  - d) Building mechanical and accessory features shall be located to the side and rear of the principal building and shall be in the least visible location from the public right of way. Screening with appropriate plant and/or fence materials shall be required if the equipment is visible from the public right of way.
  - e) When located on rooftops, building mechanical and accessory features shall be incorporated in the design of the building and screened with materials similar to the building.
  - f) Building mechanical and accessory features shall not be permitted between the principal building and any public street.
- (11) Fences and Walls.
  - a) Chain link fencing or similar elements shall not be visible from any public plaza, outdoor dining area, or public right of way. Chain link, where permitted, shall be clad in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.
  - b) Fences and walls that are not located between the principal building and the sidewalk shall have a maximum height of six feet.
  - c) No fences are permitted between the principal building and the sidewalk.
  - d) No walls, except retaining walls, shall be located between a building and the sidewalk.
  - e) Walls shall be faced with stone, brick, or smooth stucco.
  - f) The AUDC may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.
- (12) Sidewalks.
  - a) Sidewalks along Tye, Powell, Estoria, Pearl and Gaskill streets shall be regulated as set out in Subarea 3.
  - b) Public sidewalks shall be located along all public streets. For new development, no sidewalk shall be less than 15 feet in width, unless otherwise indicated in this section. Sidewalks shall consist of a minimum of two zones: a "street furniture and tree-planting zone," which shall be located adjacent to the curb, and a "clear zone." The following regulations shall apply to all public sidewalks adjacent to Memorial Drive within Subarea 5 of the Cabbagetown Landmark District:
    - 1. The street furniture and tree-planting zone shall have a minimum width of five feet. The street furniture and tree-planting zone shall be located adjacent to the curb and shall be continuous. In addition to the planting of trees as required in this section, this zone is also intended for the placement of street furniture as approved by the AUDC including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public kiosks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as approved by the city.
    - 2. The clear zone shall be a minimum width of ten feet, shall be hardscape and located adjacent to the street furniture and tree-planting zone, and shall be unobstructed by any permanent or nonpermanent element for a minimum width of ten feet and a minimum height of eight feet.

3. Street tree-planting requirements. Street trees are required and shall be planted in the ground a maximum of 25 feet on center within the street furniture and tree-planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of 3.5 inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall also have a minimum planting area of 25 square feet. Where sidewalks meet the minimum requirements for this section, planting areas shall be permitted to be planted with evergreen ground cover such as mondo, liriope spicata, or ivy. All plantings, planting replacement, and planting removal shall be approved by the city arborist. Variances in street tree requirements may be granted by the AUDC subject to constraints such as overhead or underground utilities.
4. No awning or canopy shall encroach more than a maximum of five (5) feet over the sidewalk.
5. Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade pursuant to Sec. 16.28.008, Visibility at Intersections.
6. Pedestrian street lights shall be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the street furniture and tree-planting zone or the supplemental zone.
7. Sidewalks in this subarea within 20 feet of subarea 3 shall taper when necessary to provide a smooth transition to the existing sidewalk in an adjacent subarea. In the event that the abutting subarea has no existing sidewalk, the sidewalk shall taper to the width required by that subarea's regulations, a width of six feet (measured from the street curb), or as approved by the AUDC.
8. Every effort shall be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
9. Trash receptacles, where installed, shall be the Victor Stanley Model S-42 or similar looking standard trash receptacle and shall be placed within the street furniture and tree-planting zone.

(13) Supplemental Zones.

- a) Any area between the street-fronting building façade line and the required clear zone is a supplemental zone. Supplemental zones:
  1. Shall be permitted between the required sidewalk and the building façade.
  2. Shall be required along arterial streets at a minimum width of five feet, unless on-street parking is provided where there currently is none.
  3. Shall not exceed a maximum width of 15 feet.
  4. Shall be hardscaped.
- b) The following elements may be located within the supplemental zone so long as any proposed element is approved by the AUDC:
  1. Accessory outdoor dining that may be separated from the sidewalk only with planters, shrubs, or fencing which shall have a maximum height of 36 inches.
  2. Balconies, pedestrian walkways, porches, ramps for accessibility, and stoops.
  3. Terraces shall have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by permanent safety fencing with a maximum height of 42 inches. See subsection 16-29.001(25)b.
  4. Landscaping and water features.
  5. Lighting.

(14) Curb cuts and parking structures.

- a) All sidewalk-paving and curbing materials shall be continued across any intervening driveway.
- b) Driveways shall have a five-foot-wide band of textured concrete adjacent to the street and in-line with the street furniture zone.
- c) Driveway and curb cut widths shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances.
- d) Required driveways may be located outside the lot boundaries provided they directly connect to a public street, subject to approval by the AUDC.
- e) No circular drives shall be located between any buildings and any public street.
- f) Except as authorized above in this subsection parking areas or driveways are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens and special schools may be located between the sidewalk and the building if approved by the AUDC.

- g) One-third of all surface parking areas shall be constructed of pervious materials.
  - h) No more than one curb cut is permitted for each development. Developments with more than one street frontage, may have two curb cuts. Two curb cuts on properties with street frontage greater than 300 feet may be approved by the AUDC.
  - i) Garages and carports that serve a single or two-family residential structure shall be to the rear of the principal building. Garages that serve a multi-family structure may be attached to the principal building, but entrances to garages shall not be on the front façade or the half-depth façade of the principal building.
  - j) Parking deck facades shall conceal automobiles from visibility and shall have the appearance of a horizontal storied building.
  - k) Parking decks shall provide either continuous street frontage with sidewalk-level commercial, office, or residential uses, or a minimum five-foot landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, which shall also meet the tree requirements set out in Section 16-20A.011(16). The landscape strip shall also be planted with evergreen ground cover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches. All plantings, planting replacement, and planting removal shall be approved by the city arborist. All landscaping shall be kept in a slightly manner.
  - l) Notwithstanding the provisions of section 16-28.006(10), a common or joint driveway may be approved by the AUDC when adjacent lots have direct vehicular access to a street.
  - m) All developments shall have walkways with a minimum width of four feet provided along the edge of all sidewalk level parking and drive areas and shall be linked to the public sidewalks.
  - n) No drop-off lanes are permitted along public streets.
- (15) Lighting, security, and maintenance requirements for parking structures & surface parking lots. All surface parking lots and structures shall have the following minimum requirements:
- a) Lighting shall be provided throughout all parking facilities to equal a minimum of one-fifth foot-candle of light. A foot-candle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
  - b) Parking lots adjacent to residential areas shall minimize light spillage onto residential properties by providing cutoff luminaires that have a maximum 90-degree illumination and shall in all other ways be in compliance with Illuminated Engineering Society of North American Recommended Practice #33 – Lighting for Exterior Environments.
  - c) Parking deck lighting shall be a maximum of seven feet high and shall not be visible from any public right of way.
  - d) Parking facilities shall be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.
16. Minimum landscaping for parking lots and barrier requirements. Each of the provisions of the Code of Ordinances, chapter 158 Vegetation, article II Tree Protection, and section 30 Parking lot requirements shall apply to all lots of 10 spaces or more in this subarea. In addition to these regulations, the following requirements shall apply:
- a) All landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.
  - b) Landscape bugger strips as described in section 16-20A.006(19) (i) shall be required.
  - c) Variances in surface parking lot landscaping and barrier requirements may be approved by the commission per the criteria set out in Section 158-30(14).
- (17) Minimum Off-street parking requirements. The following parking requirements shall apply to all permitted uses, including those approved by special permits:
- b) Off-street parking for those uses set out in 16-16.003 shall be as provided for in section 16-16.009.
  - c) Banks and similar institutions: One space for each 200 square feet of floor area.
  - d) Childcare centers: One space for each 600 square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient facilities for loading and unloading children, as approved by the director of the bureau of traffic and transportation.
  - e) Clothing and tailor shops: One space for each 200 square feet of floor area.
  - f) Clubs and lodges: One space for each 100 square feet of floor area.

- g) Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One (1) space for each 100 square feet of floor area.
  - h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.
  - i) Laundry and dry cleaning establishments where customers operate equipment: One space for each 200 square feet of floor area.
  - j) Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
  - k) Accessory uses: One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
  - l) For all other nonresidential uses: One space for each 300 square feet of floor area.
- (18) Off-Street Parking Variances. Reductions in parking requirements may be approved by the AUDC subject to a shared parking arrangement under the following criteria:
- 1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and
  - 2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
- b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
- 1. A to-scale map indicating location of proposed parking spaces;
  - 2. Indicate hours of business operation;
  - 3. Written consent of property owners agreeing to the shared parking arrangements; and
  - 4. Copies of any parking leases. Renewed leases shall be provided to the AUDC. Lapse of a required lease agreement shall terminate the permit.
- (19) Electric vehicle charging stations. A building, commercial establishment, or other property, which provides automobile parking facilities shall provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations shall be required for a parking facility.

Per Section 16-20.009:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment;
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
  - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
  - (c) Such conditions are peculiar to the particular piece of property involved; and
  - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

### **Analysis of Relationships between District and Beltline Zoning Regulations**

The Staff has completed a general zoning analysis and reached the following conclusions about the relationship between the District regulations and the Beltline Overlay Zoning District:

1. In addition to its design requirements, the District regulations also address more basic, “standard” zoning requirements, including: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The Beltline Zoning Overlay District have requirements related to design, building articulation and fenestration, facades, design of parking, streetscapes, and site arrangement.
3. In some cases, the Beltline Zoning Overlay District has requirements that are stricter than the District regulations, and thus are the governing requirement for that topic.
4. The Beltline Zoning Overlay requirements will be addressed through a separate Beltline Special Administrative Permit (SAP) review process also administered by the Office of Planning.

The Staff would recommend that the Staff be allowed to approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations.

In addition, the Staff would note that Memorial Drive is a State of Georgia route and as such the Georgia Department of Transportation will have to be consulted prior to making any changes in or involving the Memorial Drive right-of-way. The Staff would recommend that the Staff be allowed to approve design changes to the proposed project due to any Georgia Department of Transportation design requirements that would be considered an alternative method for meeting the intent of the District regulations.

### **Analysis of Lot Aggregation / Consolidation (CA3-14-034)**

The proposed project occupies the southwest portion of the block bounded by Powell Street (on the west), Memorial Drive (south), Tye Street (east), and Gaskill Street (north).

Currently, there are four lots shown on the City’s plat / cadastral maps that would be affected by the consolidation. One lot is 66 ft. deep and 44 ft. wide at the actual northwest corner of Powell Street and Memorial Drive. The second lot wraps around the first and fronts 77 ft. on Memorial Drive and 74.4 ft. on Powell Street. The third lot is just north of the second lot and fronts 101 ft. on Powell Street and is known at 260/266 Powell Street in the City’s records. The consolidation would incorporate a strip 20 ft. wide at its southern boundary. The fourth lot affected is 267 Tye Street by inclusion of its southwest corner.

The other five blocks in the District and Subarea 5 with Memorial Drive frontage generally have much larger lots along Memorial Drive, with the smaller residential lots in the northern portion of the blocks facing the “side” streets. The proposed lot would have a frontage along Memorial Drive of about 118 ft. and would have a depth of about 160 ft., with about 160 ft. of frontage along Powell Street. This compares with other large lots along Memorial Drive that have dimensions such as 150 ft., 144 ft, 131 ft, 200 ft., and 260 ft. The proposed lot would be generally square in shape, as are three of the large lots along Memorial Drive.

In addition, while no new construction is proposed for the property, the Staff finds that the proposed lot would allow for buildings in the future that are compatible in design, proportion, scale, and general character to the subarea and the district as a whole that can be reasonably situated and constructed on the lot. The Staff would note that the existing building is non-contributing to the District and could be demolished without a Certificate of Appropriateness, facilitating such development. Further, the proposed lot would follow the historic platting pattern of Cabbagetown in that the large lot would be located along Memorial Drive, where the largest lots in the District tend to be, with the smaller, residential lots on the northern portion of the block still facing the “side” streets.

Regarding the compatibility rule assessment, the Staff finds that the compatibility rule does not fully address the circumstances of this situation. According to the compatibility rule “lot dimension” should be “no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face.” The proposed project (along Memorial Drive) is about half a block face. The proposed project has few points of comparison in the District even though it is fully contemplated by the requirements of Subarea 5 of the District. Looking farther afield in the District for somewhat similar types of buildings, one finds the former Salvation Army building along Carroll Street, which has been converted to a live-work use. It too sits on a lot that is considerably larger than those around it. There are several commercial or institutional buildings in the District that are on lots larger than their immediately adjacent or even nearby neighbors.

Notwithstanding the Staff conclusion that the consolidation generally meets the District regulations, the Staff is concerned about the incorporation of the 20 ft. wide strip from 260/266 Powell Street, just north of the second lot and the incorporation of the southwest corner of 267 Tye Street. The Applicant is not provided any documentation (warranty deeds, etc.) to support their consolidation request. Given that these two properties are currently considered entirely separate from the Applicant’s and the lots as recognized by the City today are owned by others, the Staff finds that this deed information would be critical to confirming details of the lot configuration.

The Staff would recommend that the Applicant provide warranty deed records supporting and confirming the proposed lot configuration.

The Staff would add that the Applicant must still complete the standard City of Atlanta / Office of Planning lot consolidation process which applies to all properties in the City of Atlanta whether or not they are in a Historic or Landmark District.

#### **Analysis of Variances (CA3-14-002)**

The Staff identified the following variances / special exceptions that would be needed to complete the project as currently proposed:

1. to increase the lot coverage from 80% (allowed) to 88% (proposed);
2. to reduce the number of on-site parking spaces from 38 (required) to 16 (proposed) and to use 22 off-site parking spaces through a shared parking agreement;
3. to reduce the rear transitional yard from 20 feet (required) to 15 feet (proposed);
4. to reduce the distance of a commercial dumpster from a residential subarea from 30 feet (required) to 0 feet (proposed); and

5. to allow the location of a building accessory feature (a dumpster) between the principal building and a public street.

The Applicant provided a brief narrative related to the reduction in the parking and the shared parking arrangement. However, this narrative did not actually address the variance criteria. No other information was provided by the Applicant regarding the four other variance / special exception requests. The Staff would recommend that the Applicant provide a response to the standard criteria for each variance / special exception request, as well as the District criteria for the parking reduction and shared parking arrangement.

In addition, the Staff has concerns about the parking calculations and shared parking arrangement. The floor plan provided with the application lists the spaces in the proposed office use for the purposes of life safety and exist path calculations. It is not clear if the square footages listed are inclusive of all the interior space for the office use, including interior dividing walls, hallways, etc., which is counted towards parking calculations. For example, the other space in the building (not proposed for the office use) is 45 ft. 9 1/16<sup>th</sup> in. by 19 ft. 8 in. This is about 900 sq. ft. but the space is listed as 1,000 sq. ft. on the floor plan. The Staff would recommend that the Applicant clarify the square footage calculations as necessary to provide for an accurate basis for the parking space calculations.

Regarding the location of the dumpster, the Staff would add that it is concerned that the proposed location might not be physically possible, given the slope of the property at that point.

#### **Analysis of Subarea Boundary Issues (CA3-14-001)**

In comparing the location of the building, the property lines as currently recognized by the City, and the subarea boundary line between Subarea 5 and Subarea 3 on the City's official zoning map, it is the Staff's conclusion that a small section of the very northern end of the existing building is located in Subarea 3. The Subarea 3 boundary line aligns with the southern, east-west side property line of the 267 Tye Street. Given that the building projects north of that extended line (according to the Applicant's site plan), the subarea boundary line would go through the building. The Staff finds that this section of the building can be occupied by an office use (notwithstanding any issues raised in this Staff Report about the square footage and parking count calculations of that use) as a continuation of the office / commercial non-conforming use of the building from its previous existence as a automobile-related business.

However, the location of the Subarea 3 boundary line creates other issues for the project as proposed. First, the proposed dumpster location (apart from its location between the building and the street, which is the subject of variance request)) is within the Subarea 3 boundary. Having a commercial dumpster for commercial property located in residential Subarea 3 does not meet the District regulations. Second, the already constructed wood walkway along the north side of the existing building is also in Subarea 3. In this case, this would be considered an expansion of a non-conforming commercial building into a residential Subarea 3.

Therefore the Staff would recommend that the dumpster and walkway be removed from their location in Subarea 3. The Staff acknowledges that this recommendation could substantially affect the project, the proposed site plan and related parking calculations.

**Analysis of Design Issues (CA3-14-001)**

It appears from the photographs provided by the Applicant that there are no significant, exterior renovations proposed for the existing building, except for the aforementioned wood walkway along the northern façade of the building. The previous tenant’s wall signage has been removed and the building has been painted. The parking lot has been repaired and restriped but not expanded or redesigned. No new curb cuts, driveways or similar features are proposed on the site.

The sign face of the existing freestanding, “pole” sign has been replaced with the current tenant’s sign logo. The Staff would note that the sign face can be replaced without requiring Commission approval. If the sign itself, its structure, its size, etc. is changed that must come before the Commission.

However, given the Staff’s recommendation regarding the lot consolidation, variances, effects of the subarea boundary location on the only two exterior changes (wood walkway and dumpster), it would recommend deferral of the renovations and site work review until such time as the other issues are resolved.

**STAFF RECOMMENDATIONS:**

**Lot Consolidation / Aggregation (CA3-14-034)**

Based on the following:

1. The aggregated lot will be compatible with the historic platting pattern of the Cabbagetown neighborhood, per Section 16-20A.006(12);
2. The aggregated lot will be laid out such that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots, per Section 16-20A.006(12);
3. The compatibility rule only partially addresses the circumstances of this particular situation; and
4. The lot consolidation incorporate portions of two other adjacent properties.

**Staff recommends deferral** of the application for a Application for a Type III Certificates of Appropriateness (CA3-14-034) for a lot consolidation / aggregation at **670 Memorial Dr. (aka 666 Memorial Dr.)** Property is zoned Cabbagetown Landmark District (Subarea 3 and Subarea 5) / Beltline, with the following condition:

1. The Applicant shall provide warranty deed records supporting and confirming the proposed lot configuration.

**Variances (CA3-14-002)**

Based on the following:

1. The Applicant has not provided any documentation that there are regarding extraordinary and exceptional conditions pertaining to the particular piece of property in question, per Section 16-26.003;
2. The Applicant has not provided any documentation at the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003



3. The Applicant has not provided any documentation that there are peculiar conditions pertaining to the particular piece of property in question, per Section 16-26.003;
4. The Applicant has not provided any documentation that relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003.

**Staff recommends deferral** of the application for a Type III Certificate of Appropriateness (CA3-14-002) for a variance / special exception to increase the lot coverage from 80% (allowed) to 88% (proposed), to reduce the number of on-site parking spaces from 38 (required) to 16 (proposed) and to use 22 off-site parking spaces through a shared parking agreement, reduction in the rear transitional yard from 20 feet (required) to 15 feet (proposed), reduction in the distance of a commercial dumpster from a residential subarea from 30 feet (required) to 0 feet (proposed), and the location of a building accessory feature (a dumpster) between the principal building and a public street at **670 Memorial Dr. (aka 666 Memorial Dr.)** Property is zoned Cabbagetown Landmark District (Subarea 3 and Subarea 5) / Beltline, to allow time for the Applicant to respond to the following issues:

1. The Applicant shall provide a response to the criteria for each variance / special exception request standard criteria for each variance / special exception request, as well as the District criteria for the parking reduction and shared parking arrangement, per Section 16-26.003 and Section 16-20A.011(18); and
2. The Applicant shall clarify the square footage calculations as necessary to provide for an accurate basis for the parking space calculations; and
3. The Applicant shall provide to the Staff the requested information and documentation (including the required number of copies) at least eight (8) days prior to the Commission meeting date to which this application is deferred.

### **Design Review (CA3-14-001)**

Staff Recommendation: Based on the following:

1. The Staff's recommendation regarding the lot consolidation request (CA3-14-034); and
2. The Staff's recommendation regarding the variance requests (CA3-14-002).

**Staff recommends deferral** of the application for a Type III Certificate of Appropriateness (CA3-14-001) for site work, renovations and deck addition at **670 Memorial Dr. (aka 666 Memorial Dr.)** Property is zoned Cabbagetown Landmark District (Subarea 3 and Subarea 5) / Beltline, to allow time for the Applicant to respond to the following issues:

1. The dumpster and walkway shall be removed from their location in Subarea 3; and
2. The Applicant shall provide to the Staff the requested information and documentation (including the required number of copies) at least eight (8) days prior to the Commission meeting date to which this application is deferred.



## CITY OF ATLANTA

M. KASIM REED  
MAYOR

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JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### STAFF REPORT February 26, 2014

**Agenda Item:** Review and Comment (RC-14-036) for sidewalk improvements, streetscape improvements, walking trails, and landscaping at **4001 Powers Ferry Road (Chastain Park – Property is zoned R-3.**

**Applicant:** Rosa McHugh, Chastain Park Conservancy  
4001 Powers Ferry Road

**Facts:** The enhanced Chastain Park walking trail makes almost a continuous loop around the perimeter of the park, except for a nearly 1 mile long section along Powers Ferry Road. In this section there is a 4 ft. wide sidewalk, little barrier between the vehicle travel lanes and the sidewalk, no crosswalks and periodic storm water issues.

In essence, the project before the Commission at this time would finish the enhanced walking trail loop, by adding a wider path, landscaping, barriers/distance between cars and path users, intersection improvements, and storm water management components.

**Analysis:** The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.

The Staff would recommend that if not already the case, all elements of the proposed work be consistent with already existing corresponding elements on the rest of the enhanced walking trail system.

The Staff does have comments about several elements of the proposal.

Regarding the separate walking path, it is not clear to the Staff if the renderings provided in the application represent the final design of the walking path separate from the sidewalk, given that the site plan provided in the application appears to show sections of boardwalk along this path. It could be that these sections of boardwalk would allow the path to pass by the mature trees

along the walking path route without unnecessarily disturbing their root zones. This would be the approach the Staff would recommend, given that the existing slopes between those trees and the existing sidewalk and granite wall would seem to suggest extensive grading work to achieve a reasonable side to side slope to the walking path.

Regarding the guard rail between the sidewalk and travel lanes, it is not clear to the Staff if the renderings provided in the application represent the final design of the guard rail, given that the narrative notes a metal guard rail and the renderings provided in the application appear to show a two-part wood railing system bolted into wooden posts. Given the architectural context and aesthetic of the park, the Staff would recommend that if possible that the heavy timber / wood guard rail system be used.

In reference to the landscaping, the Staff would recommend that where the landscaping beds are adjacent to any hardscape, a small curb and edging be used to contain the landscape bed and more importantly help control erosion within the bed. The Staff is particularly concerned that the long, downhill runs of the sidewalk will create a substantial amount of fast run off that will frequently scour away the landscaping beds.

Lastly, it is not clear what specific storm water management improvements are being made related to Nancy Creek.

**Staff Recommendation:** Staff recommends that the Commission confirm that it has delivered its comments at the Commission meeting on Review and Comment (RC-14-036) for sidewalk improvements, streetscape improvements, walking trails, and landscaping at **4001 Powers Ferry Road (Chastain Park)**.