



CITY OF ATLANTA

KASIM REED
MAYOR


DEPARTMENT OF CITY PLANNING
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TIM KEANE
COMMISSIONER

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-12 for 629 Highland Avenue N.E.

DATE: June 12, 2017

An Ordinance by Zoning Committee to rezone from MRC-3-C (Mixed Residential Commercial-Conditional) District to MRC-3-C (Mixed Residential Commercial-Conditional) for property located at **629 Highland Avenue N.E.**, for a change in conditions and for other purposes.

FINDINGS OF FACT:

- **Property Location:** The subject property consists of a church and its surrounding parking lot fronting approximately 144 feet on the south side of Highland Avenue. The lot sits on the southwest corner of Highland Avenue and Corley Street. The property is located in Land Lot 19 of District 14 in NPU M, in the Old Fourth Ward neighborhood of Council District 2.
- **Property Size and Physical Features:** The subject property consists of a 39,657 square foot lot. The topography of the lot drops in grade in the rear yard. Vehicular access to the property is currently gained through Corley Street on the east side of the subject property. There are mature trees in the front of the property as well as some mature trees in the rear of the property.
- **CDP Land Use Map Designation:** The current land use category is for the site is Low-Density Mixed Use.
- **Current/Past Use of Property:** The subject property is currently developed with the Great St. Peter A.M.E Church. Staff is not aware of any previous uses.
- **Surrounding Zoning/Land Uses:** The current land use for this parcel is Low-Density Mixed-Use and the zoning designation is MRC-3-C (Mixed Residential Commercial)

District. Other zoning districts in the immediate area are C-2, R-5, and RG-1 and land use designations are Low Density Mixed Use.

- **Transportation System:** Highland Avenue is classified as a collector street, and Corley Street is classified as a local street. The closest MARTA bus stop is at the intersection of John Wesley Dobbs and Randolph Street, serviced by MARTA Bus Route #3. The Stone Mountain Freedom Park Trail also runs north of the subject property.

PROPOSAL:

The applicant requests to rezone from the MRC-3-C (Mixed Residential Commercial) District to MRC-3-C (Mixed Residential Commercial) District for a change of conditions.

Development Specifications:

Net Lot Area:	27,499 square feet
Gross Lot Area:	39,657 square feet
Total F.A.R. Allowed (Non-residential):	1.00
Non-residential F.A.R. Proposed:	0.85
Building Height Max Allowed:	225' feet
Building Height Proposed:	43' feet
Useable Open Space Required:	25,776 square feet
Useable Open Space Proposed:	29,248 square feet
Parking Required (Office):	0 spaces
Parking Proposed (Office):	27 spaces
Parking Required (Retail):	1 space per 600 square feet
Parking Proposed (Retail):	4 spaces
Parking Required (Residential):	1 space per unit
Parking Proposed (Residential):	5 spaces
Parking Required (Bike):	2 spaces (1 per 20 automobile spaces)
Parking Proposed (Bike):	4 spaces

CONCLUSION:

- **Compatibility with comprehensive development plan (CDP); timing of development:**
The proposed rezoning to MRC-3-C (Mixed Residential Commercial-Conditional) zoning district is compatible with the 2016 Comprehensive Development Plan Low-Density Mixed-Use designation for the property. There are no known public projects or programs with which the timing of the project would conflict.
- **Availability of and effect of public facilities and services; referral to other agencies:**
The location of the site and surrounding uses indicates there are public facilities and services available to the subject property. There has been no indication from reviewing agencies and departments indicating there would be inadequate public facilities and services at the subject location. At the time of permitting the development plans will be submitted to other agencies for permit review for compliance with applicable regulations.

- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. There is no negative impact on the balance of land uses.
- **Effect on character of the neighborhood:** Staff is of the opinion that the rezoning for the purpose of a change in conditions from a more intensive development to one that will adaptively reuse an existing church for office and retail uses will have a positive effect on the neighborhood. Staff finds that the proposed development would complement the current pattern in the area.
- **Suitability of proposed land use:** A change in the land use is not required. The balance of proposed office, retail, and residential is highly appropriate at this location. Staff approves the proposed land use.
- **Effect on adjacent property:** The site is in close proximity to the Atlanta BeltLine and is adjacent to properties that have a mix of uses. Staff finds that the proposed development would not adversely affect adjacent properties.
- **Economic use of current zoning:** The proposed development would provide a more sustainable economic use of the subject property for the purpose of a mixed use development with the MRC-3-C zoning.
- **Tree Preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



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Director, Office of Zoning &
Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-18 Text Amendment to Change Definition of a Conforming Lot

DATE: June 12, 2017

An Ordinance by Councilmember Howard Shook to amend zoning ordinance section 16-28.006(2) to change the definition and manner of calculating a conforming lot; and for other purposes.

The proposed text amendment will provide additional guidance to the public and permitting officials in the administration on how to properly define and calculate a conforming lot. Currently, the zoning ordinance defines the term “conforming lot” and the manner in which real property interests are included and excluded. Specifically, this proposed text amendment will offer more detail on how to define and calculate a lot based on square footage and the location of easements, leases, utilities, and licenses.

FINDINGS OF FACTS:

Property location: The proposed legislation is not tied to a specific parcel, rather it is proposed to impact properties in all zoning districts as described in the 1982 Atlanta Zoning Ordinance.

Property size and physical features: The proposed legislation is not tied to a specific parcel. However, when a parcel within the boundaries of the City are defined and calculated, the calculations will be determined based on square footage and location of easements. In the proposed legislation, underground utility easements and common driveways will be included when determining the conformity of a lot. Currently, the zoning ordinance defines the conformity of a lot by excluding underground utility easements and common driveways.

Surrounding zoning/land uses: The proposed legislation will not change the underlying zoning of any property located within the city limits nor will the legislation require any change in land use designations.

CDP land use map designation: The Comprehensive Development Plan currently suggests the appropriate areas for all commercial, residential, industrial, live work, neighborhood commercial, special public interest and mixed-use districts for all parcels located within the proposed text amendment. The proposed Ordinance does not seek to revise the land use designations within any geographical area within the city limits. This proposed text amendment seeks only to change the manner in which a conforming lot is defined and calculated.

PROPOSAL:

The proposal is to define the term “conforming lot” and the manner in which real property interests are included and excluded for purposes of calculating the square footage and access to such lot.

Currently, City Code Section 16-28.006(2) defines and calculates a “Lot Conforming” as follows:

(2) Lot, Conforming, Defined: A conforming lot is a parcel of land meeting the requirements of this part as to dimensions and access. In determining whether a lot is conforming, the area of any easement, lease, license or other similar instrument for transferring real property interests shall be excluded, except that easements serving the lot, such as utility easements and common driveways not serving any streets, shall be included. Unless otherwise indicated, the term “lot” as used in these regulations shall be construed to mean a conforming lot.

The proposal is to amend the text to read:

(2) Lot, Conforming, Defined: A conforming lot is a parcel of land meeting the lot requirements of this part as to minimum size and street frontage. In determining whether a lot is conforming, the area of any easement, lease, license or other similar instrument for transferring real property interests shall be excluded, except that underground utility easements and common driveways, shall be included. Unless otherwise indicated, the term “lot” as used in these regulations shall be construed to mean a conforming lot.

CONCLUSIONS:

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

Since no development project is being proposed, this consideration is not applicable.

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

Since no development projects are being proposed as part of the text amendment, these considerations are not applicable.

3. Effect on character of the neighborhood:

The proposed amendment should not have any negative effects on the character of neighborhoods. In fact, parcels that are currently defined and calculated as non-conforming

lots based on the location of certain easements and common driveways will now be included in the calculation of a conforming lot.

4. Suitability of proposed land use:

Since no development project is being proposed, this consideration is not applicable.

5. Effect on adjacent property:

The proposed text amendment will promote neighborhoods with legal non-conforming lots by defining a lot, based on square footage, to include underground utilities and common driveways thereby increasing available land for infill residential development. This proposed definition and calculation may offer existing parcels a stronger basis for being in compliance with the existing zoning regulations.

6. Economic use of current zoning:

Since no development projects are being proposed as part of this text amendment, these considerations are not applicable.

7. Compatibility with policies related to tree preservation:

The proposed legislation will not affect these requirements.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



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Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-020 for 1034 Howell Mill Road, N.W and 1055, 1077 Brady Avenue, N.W.

DATE: June 12, 2017

An Ordinance to rezone from MRC-3-C (Mixed Residential Commercial-Conditional) District to MRC-3-C (Mixed Residential Commercial-Conditional) District to increase residential square footage for property located at 1034 Howell Mill Road, N.W. and 1055, 1077 Brady Avenue, N.W.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 197 feet on the west side of Howell Mill Road, beginning at the northwest corner of the intersection of Howell Mill Road and 11th Street. The property also fronts approximately 560 feet on the north side of 11th Street and 526 feet on the south side of Brady Avenue. It is located in Land Lot 150 of the 17th District of Fulton County, Georgia in the Home Park Neighborhood of NPU-E in Council District 3. The property was included in the Upper Westside Livable Center Initiative (LCI) study.
- **Property size and physical features:** The subject property consists of a 2.979 acre (129,753 square feet) irregularly shaped parcel. The property is developed with several industrial and commercial buildings. The topography slopes upward in a southwesterly direction from the northeast boundary of the lot approximately 20 feet. There are few trees throughout the property.
- **CDP land use map designation:** The Land Use Map designates the subject property as Mixed-Use.
- **Current/past use of property:** The subject property is currently developed with several industrial and commercial buildings that are occupied and have been occupied by various uses that include a salvage outlet, a church and automobile repair and service facility.

- **Surrounding zoning/land uses:** Properties to the north, east, and west are zoned I-2 (Heavy Industrial) District with a land use designation of Mixed-Use. To the south, properties are zoned I-2 (Heavy Industrial) District and PD-MU (Planned Development-Mixed Use) District with a land use designation of Mixed-Use. They are occupied by a mixture of uses that include residential, office, eating and drinking establishments, and a MARTA bus facility.
- **Transportation:** Howell Mill Road is classified as an arterial street with narrow sidewalks. Brady Avenue and 11th Street are defined as local streets. The subject property is currently served by MARTA Bus Route #1 along Howell Mill Road and MARTA Bus Route #12 along Brady Avenue. A MARTA bus facility is located to the north across Brady Avenue.

PROPOSAL:

The applicant seeks to rezone the 2.979-acre site for a change in conditions to increase the proposed residential F.A.R. from 2.21 to 2.44 and to increase the proposed commercial F.A.R. from 0.09 to 1.10 to construct enclosed residential corridors and to increase the area for commercial uses.

Project Specifications:

Net Lot Area:	129,753 square feet
Gross Lot Area:	161,843 square feet
Maximum Residential F.A.R. (allowed of gross area):	3.20 (517,900 s.f.)
Proposed Residential F.A.R.:	2.44 (395,000 s.f.)
Maximum Commercial F.A.R. (allowed of gross area):	4.00 (519,012 s.f.)
Proposed Commercial F.A.R.:	1.10 (17,800 s.f.)
Number of residential units:	409 units
Parking Required:	1/450 s.f. nonresidential - 40 spaces 1/0.60 residential unit - 246 spaces
Parking Provided:	640 spaces

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The proposed rezoning to MRC-3-C (Mixed Residential Commercial-Conditional) zoning district is compatible with the 2016 Comprehensive Development Plan Mixed-Use designation for the property. There are no known public projects or programs with which the timing of the project would conflict.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:**
The location of the site and surrounding uses indicates there are public facilities and services available to the subject property. There has been no indication from reviewing agencies and departments indicating there would be inadequate public facilities and services at the subject location. At the time of permitting the development plans will be submitted to other agencies for permit review for compliance with applicable regulations.

- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Although Staff finds that there might be other nearby sites available for the proposed use this location is reasonable in that it would allow the cohesive redevelopment of the sites. Further, Staff feels the proposed mixed use would be a compliment to the current redevelopment trend of the area and the Howell Mill Road corridor. Therefore, this proposal is expected to only positively impact the balance of land uses in the surrounding area.
- 4) **Effect on character of the neighborhood:** The character of the neighborhood will not be adversely affected by the proposed rezoning. The proposed rezoning from MRC-3-C to the MRC-3-C for the purpose of changing conditions on a recently rezoned site allows for an improved product that would be more in-line with new surrounding developments and continue to diversify the character of the area in accordance with the Upper Westside Livable Center Initiative which encourages mixed use activity and promotes street oriented development. Therefore, Staff is of the opinion that the proposal will have a positive effect on the character of the neighborhood.
- 5) **Suitability of proposed land use:** A change in the land use map is not required. The existing land use category of Mixed-Use was adopted as part of the Upper Westside Livable Center Initiative.
- 6) **Effect on adjacent property:** The redevelopment of the property with compatible residential and non-residential uses would have a positive impact on adjacent properties. Currently, the subject site is surrounded by a mixed-use development and office/industrial/commercial sites. The proposed redevelopment of the parcel would further compliment an area that has benefited from the redevelopment of industrial parcels to more active uses.
- 7) **Economic use of current zoning:** The current and proposed zonings would not change the economic use of the properties. It is a change in conditions that would allow a slightly higher density which translates into architectural changes in the built product. The original proposal included open air residential corridors whereas the updated proposal includes air-conditioned corridors and an increase in commercial area. Approval of the requested rezoning for a change in conditions should not adversely impact adjacent parcels. In fact, the proposal may enhance the economy of the surrounding neighborhood.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

- 1) Conceptually, the property shall be developed in accordance with the site plan prepared by Dwell Design Studio dated March 30, 2017, and stamped "received" by the Office of Planning on April 4, 2017.

cc: Charletta Wilson Jacks, Director



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-22 for 800, 806, 808, 818 Marietta Street N.W., and 615 Means Street N.W. & 0 Means Street N.W. (14 008100070626)

DATE: June 12, 2017

An Ordinance by Zoning Committee to rezone from I-1 (Light Industrial) District to MRC-3 (Mixed Residential Commercial – Sector 3) for property located at 800, 806, 808, 818 Marietta Street, N.W., 615 Means Street and 0 Means Street (14 008100070626), and for other purposes.

FINDINGS OF FACT:

- **Property Location:** The subject property consists of several one-story commercial buildings and their back parking lots. The subject property fronts 176.39 feet east of Boss Avenue and 205 feet west of Boss Avenue beginning 0 feet from the southeast and southwest corner of Marietta Street. The properties are located in Land Lot 81 of District 14 in NPU E, in the Marietta Street Artery neighborhood of Council District 3.
- **Property Size and Physical Features:** The subject properties consist of a comedy club, a gentlemen's Club, a Japanese restaurant, a tire and rim shop, a book publishing company, and their respective back parking lots all in separate one-story commercial buildings. The topography of the lot is relatively flat in the front with a drop in topography in the rear yard. Vehicular access to the properties is currently gained through parking lots at the rear of every building. There are some mature shrubs and heavy vegetation and large mature trees in the rear of the property.
- **CDP Land Use Map Designation:** The current land use category for the site is Mixed-Use.
- **Current/Past Use of Property:** The subject properties consist of a comedy club, a gentlemen's Club, a Japanese restaurant, a tire and rim shop, a book publishing company, and their respective back parking lots all in separate one-story commercial buildings. Staff is not aware of any previous uses.

- **Surrounding Zoning/Land Uses:** The current land use for this parcel is Mixed-Use and the zoning designation is I-1 (Light Industrial) District. Other zoning districts in the immediate area are I-2 (Heavy Industrial) with a land use designations of Mixed Use.
- **Transportation System:** Marietta Street is classified as an arterial street, and Means Street is classified as a local street. The MARTA Bus Route #1 services the subject property, and the MARTA Bus Route #94 services the area at the intersection of Marietta Street and Northside Drive.

PROPOSAL:

This application seeks to rezone the site from the I-1 (Light Industrial) District to the MRC-3 (Mixed Residential Commercial) District for the construction of a mixed-use development with approximately 145,016 square feet of residential use with 105 units and approximately 5,187 square feet of commercial use for site A, and approximately 102,962 square feet of residential use with 73 units and approximately 4,972 square feet of commercial use for site B.

Site A

Development Specifications:

Net Lot Area:	50,954 square feet
Gross Lot Area:	69,813 square feet
Total F.A.R. Allowed (Residential):	3.2
Residential F.A.R. Proposed:	2.07
Total F.A.R. Allowed (Non-residential):	4.0
Non-residential F.A.R. Proposed:	0.07
Building Height Max Allowed:	225' feet
Building Height Proposed:	85' feet
Useable Open Space Required:	29,043 square feet
Useable Open Space Proposed:	29,043 square feet
Parking Required (Residential):	61 spaces
Parking Proposed (Residential):	139 spaces
Parking Required (Non-Residential):	17spaces
Parking Proposed (Non-Residential):	17 spaces
Loading Required:	4 spaces (4 - 12'x35')
Loading Proposed:	1 spaces (1 - 12'x35')

Site B

Development Specifications:

Net Lot Area:	38,188 square feet
Gross Lot Area:	52,192 square feet
Total F.A.R. Allowed (Residential):	3.2
Residential F.A.R. Proposed:	1.97
Total F.A.R. Allowed (Non-residential):	4.0
Non-residential F.A.R. Proposed:	0.09
Building Height Max Allowed:	225' feet
Building Height Proposed:	85' feet

Useable Open Space Required:	21,385 square feet
Useable Open Space Proposed:	21,698 square feet
Parking Required (Residential):	42 spaces
Parking Proposed (Residential):	71 spaces
Parking Required (Non-Residential):	10 spaces
Parking Proposed (Non-Residential):	12 spaces
Loading Required:	4 spaces (4 - 12'x35')
Loading Proposed:	1 spaces (1 - 12'x35')

CONCLUSION:

- **Compatibility with comprehensive development plan (CDP); timing of development:**
The existing City of Atlanta comprehensive development plan designates the property as Mixed Use. The proposal to change the zoning category to MRC-3 will bring the property into compliance with the current comprehensive development plan designation. Development of the site will commence promptly after approval of the rezoning.
- **Availability of and effect of public facilities and services; referral to other agencies:**
The location of the site and surrounding uses indicates there are public facilities and services available to the subject property. There has been no indication from reviewing agencies and departments indicating there would be inadequate public facilities and services at the subject location. At the time of permitting the development plans will be submitted to other agencies for permit review for compliance with applicable regulations.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** There are no other similarly situated properties available for acquisition and development as proposed by the applicant. The proximity of the property to the Georgia Tech campus makes it uniquely appropriate for the proposed use. Further, the Marietta Street corridor is an underutilized arterial connection to and from downtown Atlanta that warrants redevelopment. The existing Mixed Use land use category suggests the property has been targeted for redevelopment with a mix of uses. The balance of land uses will benefit the area by the replacement of the existing single tenant commercial uses with the proposed mixed-use project.
- **Effect on character of the neighborhood:** The character of the neighborhood will not be adversely impacted by the zoning proposal. Currently, the properties are developed with single story commercial uses that include a vacant commercial building, a tire and rim store, a gentleman's club and a comedy club. The proposed development will add a new vertically integrated mixed-use development to the development fabric in this corridor. The proposed development will improve the character of the neighborhood.
- **Suitability of proposed land use:** The proposed development will revitalize a currently underdeveloped portion of Marietta Street. Further, the change in use and the streetscape

required by the zoning will activate a block that is currently not contributing to the pedestrian experience in the area.

- **Effect on the adjacent property:** The project is consistent with the mix of uses in the immediate area and will not adversely affect the adjacent property. The majority of redevelopment activity in the area recently has been focused north of the site on Marietta Street and on Howell Mill Road. The rezoning proposal will provide a catalyst for development activity and provide a new residential presence in this area which will benefit adjacent properties.
- **Economic use of current zoning:** The existing zoning does have an economic use as commercial development; however, current uses are not aligned with the vision for this area, as demonstrated by the existing Mixed Use comprehensive plan designation. The proposed mixed-use development creates a viable use of the property commensurate with the development trends on Marietta Street and Howell Mill Road north of the site.
- **Tree Preservation:** Redevelopment of the property shall comply with the City of Atlanta Tree Ordinance at the time of permitting.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director




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TIM KEANE
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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-23 for 812, 816 and 822 Berne Street, S.E.

DATE: June 12, 2017

An Ordinance by Zoning Committee to rezone from R-5/BL (Two Family Residential/BeltLine Overlay) District to MR-4B-C/BL (Multifamily Residential, Sector 4B-Conditional/BeltLine Overlay) District for property located at **812, 816, and 822 Berne Street, S.E.**

FINDINGS OF FACT:

- **Property location:** The subject site fronts approximately 150 feet on the north side of Berne Street and beginning at the northeast corner of Marion Street. The site is located in Land Lot 22, 14th District of Fulton County, Georgia within the Grant Park neighborhood of NPU-W and Council District 1.
- **Property size and physical features:** The site is approximately 0.55 acres and is currently developed with three single-family residential structures. The site is landscaped with numerous mature trees and shrubs scattered throughout. The lot topography varies with multiple grade changes across the site.
- **CDP land use map designation:** The current land use designation is Low-Density Residential (LDR). The applicant has requested a change in the land use to High-Density Residential land use designation to ensure compatibility with the portion proposed to be rezoned to MR-4B.
- **Current/past use of property:** The site has been used for residential uses and staff is unaware of any other previous uses.
- **Surrounding zoning/land uses:** The subject properties are adjacent to properties zoned for two-family and multifamily residential purposes and are categorized as follows: R-5 (Two-Family Residential) District with Low Density Residential land use designation to the west and south, MR-4A-C (Multifamily Residential, Sector 4A-Conditional) District with High

Density Residential land use designation to the east and northeast, and the I-1 (Light Industrial) District with High Density Residential land use designation to the north.

- **Transportation system:** Berne Street is a collector street. Marion Street is a local road. There are sidewalks provided along the south side of Berne Street and the west side of Marion Street. MARTA does not directly service the immediate area.

PROPOSAL

The applicant has proposed to rezone the subject site from R-5 to MR-4B to allow for the development of an approximately 27,000 square feet, 12-unit townhouse residential development.

Development Specifications:

Net Lot Area:	24,046 s.f.
Gross Lot Area:	33,402 s.f.
Total F.A.R. Allowed:	1.49 (35,828.54 s.f.)
Residential F.A.R. Proposed:	1.12 (26,931.52 s.f.)
Building Height Max Allowed:	35' feet
Building Height Proposed:	30' feet
Useable Open Space Required:	14,363 s.f. (0.43)
Useable Open Space Proposed:	20,774 s.f. (0.62)
Setbacks Required:	Side Yard: Minimum depth of 15 feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard
	Rear Yard: 20'
Setbacks Proposed:	Side Yard: 7'
	Rear Yard: 20'
Parking Required:	10 spaces (0.81 spaces/unit)
Parking Proposed:	24 spaces

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The proposed rezoning is not compatible with the Low Residential land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment to the High-Density Residential designation is required.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:**
Since the area has been an established residential area, water and sewage facilities serving the property are assumed to be adequate.
- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** Staff is of the opinion that the request to rezone the subject property would not create any issues that would negatively affect the balance of land uses in the area.

- (4) **Effect on character of the neighborhood:** Staff is of the opinion that this proposal would have a positive effect on the surrounding neighborhood by redeveloping the unutilized site. Furthermore, the proposal provides an opportunity for infill residential development in an established residential neighborhood. The proposal is consistent with the development of the surrounding neighborhood.
- (5) **Suitability of proposed land use:** The proposal would be an adequate addition to the traditional character of the existing residential neighborhood. Staff believes rezoning the subject property to the MR-4B zoning classification, which has a stated purpose *"to preserve and restore existing, traditional neighborhoods, protect existing stable single-family neighborhoods from uses and building forms which are incompatible with their scale, character, and needs"*. Furthermore, the proposed land use would also preserve the lower density residential character of the traditional residential neighborhood from the encroachment by non-residential uses and incompatible scaled residential development in this area. The proposal implements the intent of both the proposed zoning classification and land use amendment. Staff is of the opinion that the request to rezone for the purpose of a redevelopment of the site would be appropriate.
- (6) **Effect on adjacent property:** Staff is of the opinion that the rezoning of the subject site to the MR-4B zoning designation would not pose negative impacts to the adjacent properties. The rezoning of the property to MR-4B would provide a buffer and transitional zone between the high-density multifamily residential developments to the north and the lower density, traditional residential neighborhood to the south. Therefore, the rezoning of the subject properties to MR-4B would provide an appropriate addition to this low-density residential portion of the Grant Park neighborhood.
- (7) **Economic use of current zoning:** The current zoning would allow the proposed use of the land. However, a change to the MR-4B district would allow the redevelopment of the subject site to a more economical use and scale while providing an opportunity for an infill low-density residential development.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. Conceptually, the site shall be developed in accordance with the revised site plan titled "812, 816, 822 Berne Street" prepared by Crescent View Engineering, LLC dated April 3, 2017, and marked received by the Office of Planning on April 4, 2017. None of these documents shall prohibit the full application of the MR-4B zoning district or Beltline Overlay regulations nor prohibit the approval of amendments to the plan by the Director of the Office of Zoning and Development.

cc: Charletta Wilson Jacks, Director



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KASIM REED
MAYOR


DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
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TIM KEANE
COMMISSIONER

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-025 for 1198 McLynn Avenue, N.E

DATE: January 12, 2017

An Ordinance to zone property located at **1198 McLynn Avenue** to the R-4 (Single Family Residential) District; and for other purposes.

FINDINGS OF FACT:

- **Property location:** The subject property is located dually inside the City of Atlanta limits for a portion of the property in the rear and also within unincorporated DeKalb County for the majority of the property and residential structure itself. The property to be annexed fronts the north side of McLynn Avenue within close proximity to City of Atlanta NPU F, Council District 6.
- **Property size and physical features:** The northwestern boundary of the subject property is located within the City of Atlanta. The remaining portion of the lot formed to the south and east of City of Atlanta boundaries are within unincorporated DeKalb County. The lot boundaries form an irregularly shaped polygon with five (5) sides. The site includes a single-story wood frame residential structure. Vehicular access to the property is provided on the west side of the yard and leads to a garage or shed structure in the rear. Several mature trees, shrubs, and grasses grow throughout the property. The topography of the lot slopes upward in a northerly direction.
- **CDP land use map designation:** A companion CDP amendment is pending to change the land use designation to a compatible City of Atlanta classification.
- **Current/past use of property:** The property is currently developed with a single family home. Staff is unaware of any previous uses of the site.
- **Surrounding zoning/land uses:** The subject property is located in a stable residential area. Surrounding properties within the City of Atlanta municipal boundaries are zoned R-4

(Single Family Residential) to the north, south and west. Other surrounding properties located in unincorporated DeKalb County are zoned R-75 (Residential Medium Lot) to the south and east.

- Transportation system: The subject property is located to the east of North Highland Avenue and to the west of Briarcliff Road which are classified as local roads. There are no sidewalks along frontages on McLynn Avenue. The nearest public transit route is MARTA Bus Route #36 on North Highland Avenue to the Midtown Station.

PROPOSAL:

The ordinance proposes to zone property located at 1198 McLynn Avenue to the R-4 zoning district, and for other purposes.

The intent of the R-4 district is as follows:

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

CONCLUSIONS:

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

A companion CDP amendment is pending to change the land use designation to the low-density residential (LDR) land use classification. The proposed land use designation is compatible with the proposed R-4 zoning.

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

There would be no predictable effect on public facilities and services since the rezoning would not result in a specific development project; because the subject property is within an established residential area, water and sewage facilities serving the property are assumed to be adequate. Infrastructure will be accessed and utilized in the event new structures are proposed and built. Due to existing development Staff believes existing public infrastructure and services are deemed adequate to serve current and future uses.

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

Since no development project is being proposed, these considerations are not applicable. The request to rezone the subject property should not create any issues that would negatively affect the balance of land uses in the area. The subject property has historically been used for residential purposes and this proposal will not alter the use.

(4) Effect on character of the neighborhood: The proposed rezoning will have no physical or noticeable impact on the neighborhood. The subject property has been and will remain part of an established community.

- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property to R-4 zoning district is suitable given the current use of the land and residential nature of the surrounding area.
- (6) **Effect on adjacent property:** The proposed request to zone the property to a category that reflects the existing conditions and the lot pattern should not have a negative effect on adjacent property but would be in keeping with long established zoning and land use policies of the area.
- (7) **Economic use of current zoning:** The economic use of the land will be maintained. The rezoning will not result in the redevelopment of the property but only the opportunity to prescribe the most compatible zoning category within the City of Atlanta to a neighborhood that was formerly within the boundaries of unincorporated DeKalb County.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



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Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: U-17-12 for 728 Monroe Drive N.E.

DATE: June 12, 2017

An Ordinance by Zoning Committee granting a Special Use Permit game room, pursuant to section 16-11.005(1)(d), for property located at **728 Monroe Drive, N.E.**, and for other purposes.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 100 feet on the west side of Monroe Drive and begins 147.4 feet from the northwest corner of Ponce de Leon Avenue. The property is located in Land Lot 48 of the 14th District in NPU E, within the Midtown neighborhood of Council District 2.
- **Property size and physical features:** The property consists of approximately 3,143 square feet of land. The lot is currently developed with a one-story three unit gray commercial building. Parking is available in front of the storefronts, as well as down a sloping hill behind the building.
- **Current/past use of property:** The current use of the property is an exercise studio, as well as a salon. A former tenant was a smoke shop.
- **Surrounding zoning/land uses:** The current land use for this parcel is Low Density Commercial and the zoning designation is C-1 (Commercial Business) District. Other zoning districts in the immediate area are C-2 and R-5 and land use designations are Mixed-Use.
- **Transportation system:** Monroe Drive is classified as a collector street. There are three MARTA bus routes in close proximity to the intersection of Monroe and Ponce de Leon Avenue. The MARTA Bus Route #109 stops directly in front of the subject property, and the

MARTA Bus Routes #2 and #102 stops at the intersection of Monroe and Ponce de Leon Avenue one-tenth of a mile from the subject property.

PROPOSAL: The applicant seeks to operate a virtual reality game room.

- **Ingress and egress:** Employees and client vehicles will enter and leave the property from one of the two existing curb cuts on Monroe Drive. Emergency vehicles will gain access to the property from Monroe Drive. Vehicles may find parking in front of the existing building or to the rear. Adequate maneuvering room is available on site for vehicles.
- **Off-Street Parking and loading:** Garbage disposal is managed by the property owner for the entire shopping center. The property is currently using the City of Atlanta to dispose of refuse weekly. Products and supplies will be delivered to the facility utilizing the existing curb cuts on Monroe Drive. Service personnel will park vehicles in the parking lot behind the building. Employees and clients will enter and leave the property from one of the two existing curb cuts on Monroe Drive. Parking is provided on site in front of the building and at the rear in existing surface lots.
- **Buffering and screening:** The property is an existing shopping center that has historically been utilized for commercial tenants. The proposal is not anticipated to generate any glare. The applicant will utilize sound panels within their leased area to mitigate any noise generated from the proposed use.
- **Hours and manner of operation:** This property is intended to be a cocktail lounge/bar with virtual reality games as an entertainment element. The hours of operation are proposed to be Monday-Thursday 2:00 p.m.-Midnight and Friday & Saturday 2:00 p.m.-2:30 a.m. About 10 employees will be employed with seven (7) employees on site during peak hours. The leased space has a 93 person capacity, however, the applicant anticipates approximately 30% capacity during the week (about 28 clients) and 55%-70% occupancy on the weekends. There will be no special programs offered at the facility.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** There will be no improvements to the existing yard.
- **Tree Preservation and Replacement:** No trees are to be impacted by this program.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Employees, emergency and client vehicles will enter and leave the property from one of the two existing curb cuts on Monroe Drive and proceed to the upfront parking spaces in front of the store or to the rear of the property. Staff finds ingress and egress to be of sufficient use.

- b) **Off-street parking and loading:** Employees and clients will enter and leave the property from one of the two existing curb cuts on Monroe Drive. Parking is provided on site in front of the building and to the rear in existing surface lots. Staff is of the opinion that these loading areas are sufficient for this use.
- c) **Refuse and service areas:** Garbage disposal is managed by the property owner for the entire shopping center. The property is currently using the City of Atlanta to dispose of refuse weekly. Products and supplies will be delivered to the facility utilizing the existing curb cuts on Monroe Drive. Rear access to the building is provided around back as needed. Staff finds refuse and service areas adequate.
- d) **Buffering and screening:** The proposal is not anticipated to generate any glare. The applicant will utilize sound panels within their leased area to mitigate any noise generated from the proposed use. Staff approves of these measures.
- e) **Hours and manner of operation:** The applicant has indicated the proposed hours for the virtual game bar will be from 2 pm to Midnight, Monday through Thursday, and 2 pm to 2 am, Friday to Saturday. About 10 employees will be employed with seven (7) employees on site during peak hours. The leased space has a 93 person capacity, however, the applicant anticipates approximately 30% capacity during the week (about 28 clients) and 55%-70% occupancy on the weekends. There will be no special programs offered at the facility. Staff approves of this hours and manner of operations.
- f) **Duration:** The applicant requests that the Special Use Permit last indefinitely. Staff has no objection to this request.
- g) **Required yards and open space:** There will be no improvements to the existing yard.
- h) **Compatibility with policies related to tree preservation:** No trees will be impacted.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



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Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: U-17-13 for 2372, 2384, 2390, 2400, 2410, 2426, 2436, 2448, 2460, 2470, 2480, and 2490 Glenwood Avenue, S.E.

DATE: June 12, 2017

The applicant seeks a Special Use Permit pursuant to Section 16-06.005(1)(D)(K) for a private club and golf course.

FINDINGS OF FACT:

- **Property location:** The subject site fronts approximately 1286 feet on the north side of Glenwood Avenue and beginning at the corner of Glenwood Avenue and 2nd Avenue. The site is located in Land Lot 181, 15th District of DeKalb County, Georgia in the East Lake neighborhood of NPU O in Council District 5.
- **Property size and physical features:** The subject properties are inclusive of twelve (12) parcels ranging in size from 0.21 acres to 0.95 acres totaling approximately 5.6 acres. It is currently undeveloped. Lot topography of the properties varies across the parcels.
- **Current/past use of property:** The current use of the properties is accessory areas for a private golf club. The subject properties are zoned R-4 (Single-Family Detached Residential) and C-1 (Commercial Business) Districts. The previous uses for the subject properties are unknown to Staff.
- **Surrounding zoning/land uses:** The subject properties are surrounded by a mixture of uses and adjacent properties are zoned as follows: R-4 (Single-Family Detached Residential) District to the north, northwest, and east, and C-1 (Commercial Business) District to the south, west, and southwest.

- **Transportation system:** Glenwood Avenue is an arterial street. 2nd Avenue is a local street. There are sidewalks along both sides of 2nd Avenue and Glenwood Avenue. MARTA services the area via Bus Routes #34 and #107 along 2nd Avenue and Glenwood Avenue.

PROPOSAL:

The applicant seeks a Special Use Permit to operate as temporary support facilities for events hosted by a private golf club at the East Lake Golf Club.

- **Ingress and egress:** Ingress and egress to the East Lake Golf Club are provided by an existing gate and driveway located off Alston Drive. The golf maintenance staff has a separate entrance on Glenwood Avenue. Major events at East Lake Golf Club requires the restriction of access to Club Place, Alston Drive, East Lake Drive, Memorial Drive, and Green Avenue to only local residents by the City of Atlanta Police Department for vehicular and pedestrian control. Emergency vehicles can access the parcels from the public streets.
- **Parking and loading:** Currently there is a total of two hundred and twenty (220) off-street parking spaces existing on the premises of the East Lake Golf Club. Visitors and employees, service personnel will enter through the existing curb cuts located off Club Place, Alston Drive, East Lake Drive, Memorial Drive, and Green Avenue and will utilize the existing parking areas. There are two (2) designated loading areas. The loading on the premises is located on the rear of the clubhouse with access directly from Alston Drive and a second loading area is located adjacent to the agronomy building with access directly from Glenwood Avenue. Deliveries are made through either the main office door or the overhead door to the mechanic shop. Loading/unloading will occur in the existing loading areas already on the site of the existing golf club. During major events at the East Lake Golf Club, the off-site parcels on East Lake Drive, Alston Drive, Memorial Drive, and Club Place are used only for temporary event parking and other support facilities.
- **Refuse and service areas:** The East Lake Golf Club site currently utilizes a private waste company. When the off-site parcels on Glenwood Avenue are used as support facilities, refuse will be collected in containers supplied by a private waste company for the removal of refuse and garbage on a daily or weekly basis as appropriate. The applicant has proposed to continue utilizing the aforementioned method.
- **Buffering and screening:** The applicant has not proposed any buffering or screening for the existing East Lake Golf Club. The applicant mentioned the off-site parcels will not create additional adverse effects beyond hosting temporary support facilities during major events. East Lake Golf Club has a 6-foot chain link and iron rod fence with a landscaping buffer around the perimeter of the property.
- **Hours and manner of operation:** The East Lake Golf Club is a private golf club that is open on a daily basis from early morning into the evening with 24 hours/7 days a week security on premises. Meals will be limited to lunch, but breakfast and dinner are provided occasionally. The off-site parcels on East Lake Drive, Alston Drive, Memorial Drive, and Club Place are used as support facilities during activities and events hosted at the East Lake Golf Club. Also, the hours and manner of operation may vary depending on the type of event.

The two facilities combined employ 200 full-time and part-time employees. Shifts are used as needed for events. The applicant has indicated the hours of the facilities will maintain these same hours and manner of operation.

- **Duration:** Applicant requests that the use permit has an indefinite duration.
- **Required yards and open space:** The development appears to meet the minimum yard setback and lot coverage requirements.
- **Tree Preservation and Replacement:** The applicant has expressed compliance with the City's tree ordinance will be met.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the surveys/site plans submitted by the applicant and an on-site review conducted by staff there appears to be adequate access to the sites. There are sidewalks along Alston Drive, 2nd Avenue, Glenwood Avenue, East Lake Boulevard, Lakeside Village Drive, Club Place, and East Lake Drive. Pedestrian access to the East Lake Golf Club is through the main entrance along Alston Drive. Therefore, Staff is of the opinion that the existing ingress and egress is sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- b) **Off-street parking and loading:** There is adequate room on site to accommodate off street parking. The parking requirement is one (1) space for each 300 square feet of floor area for other uses in the R-4 zoning district. The East Lake Golf Club has approximately 30,000 square feet of floor area. The East Lake Golf Club has two hundred and twenty (220) on-site spaces. Visitors of the East Lake Golf Club may utilize the parking located onsite. Furthermore, service personnel may utilize the existing parking as well. There are no specific loading requirements for the R-4 zoning district, but the applicant has specified that they would be meeting and providing adequate loading for the proposed uses on the properties. Therefore, Staff is of the opinion that the applicant has met the off-street parking and loading requirements.
- c) **Refuse and service areas:** The use of private waste removal service for refuse pick-up appears to be adequate for the operations of the private golf club.
- d) **Buffering and screening:** Staff is of the opinion that existing screening including a 6-foot chain link and iron rod fencing and landscaping buffer at the East Lake Golf Club is sufficient.
- e) **Hours and manner of operation:** No change in the hours and manner of operation are proposed. The current hours and manner of operation are reasonable. The East Lake Golf Club is open on a daily basis from early morning into the evening with 24 hours/7 days a

week security on premises. Staff is of the opinion that the hours of operation will not have a negative impact on surrounding properties.

- f) **Duration:** Applicant requests that the use permit has an indefinite duration.
- g) **Required yards and open space:** The property appears to comply with the required yards and lot coverage requirements.
- h) **Compatibility with policies related to tree preservation:** No trees are anticipated to be impacted by the proposal.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator *KMH*

SUBJECT: U-17-014 for 869 Joseph E. Boone Boulevard N.W.

DATE: June 12, 2017

An Ordinance by Zoning Committee granting a Special Use Permit for a park, pursuant to section 16-11.005(1)(n), 16-06A.005(1)(k) and 16-08.005(1)(j) for property located at **0 Proctor Street, 869 Joseph E Boone Boulevard, 865 Joseph E Boone Boulevard, 350 Oliver Street and 356 Oliver Street, N.W.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 100 feet on the north side of Joseph E Boone Boulevard, N.W. and (fronting 74 feet on the west Oliver Street) and (fronting 50 feet on south side of Proctor Street). The property is located in Land Lot 111 of the 14th District in NPU L, Council District 3.
- **Property size and physical features:** The property consists of approximately 5.40 acres of vacant land.
- **Current/past use of property:** There were formerly two apartment complex buildings in the center of the subject property. There also was formerly a single-family home on the corner of the subject property at the intersection Joseph E. Boone Boulevard and Oliver Street. Staff is unaware of any other uses.
- **Surrounding zoning/land uses:** The current land use for this parcel is Mixed-Use and the zoning designation is RG-3 (Residential General – Sector 3) District and C-1 (Community Business) District. Other zoning districts in the immediate area are R-4A and land use designations are Mixed-Use.

- **Transportation system:** Joseph E. Boone Boulevard is classified as a local Atlanta road. The MARTA Bus Route #51 passes in front of the subject property with service to the Five Points MARTA Station.

PROPOSAL: The applicant seeks a special use permit to operate a passive use public park in accordance with 16-11.005(1)(n), 16-06A.005(1)(k) and 16-08.005(1)(j).

- **Ingress and egress:** There will be no parking on the property. Emergency vehicles will gain access from the street edge. The use of a public passive park is not anticipated to generate vehicular traffic only pedestrian and bike.
- **Off-Street Parking and loading:** The Parks and Recreation Department will provide disposal service on their schedule. There will be no deliveries of supplies to the facility. Maintenance or service vehicles will park on the street. Employees and clients or visitors to the park will use on street parking on Proctor or Oliver Streets.
- **Buffering and screening:** The City of Atlanta standard pedestrian scale lights are only proposed in the park for security purposes. Trees will be planted throughout the park to mitigate glare to adjacent residential properties.
- **Hours and manner of operation:** Boone Park West will be a passive park in the English Avenue neighborhood. This park will consist of a playground, community gathering areas, an open lawn, a multi-use trail and sidewalks within and around the park, a rain garden, and infiltration areas will mitigate stormwater runoff to the community. Native large canopy trees and ornamental trees with seasonal interest will be planted with drought tolerant low maintenance landscape. The facility will be open 7 days a week, 6 a.m. to 11 p.m. (standard park hours). There will be no employees employed at this facility, and there will be no meals or special programs offered at this facility.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** A playground, walkways and a shade structure are proposed. No encroachments are proposed.
- **Tree Preservation and Replacement:** Trees will conform to the City of Atlanta Tree Ordinance for public property.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** There will be no parking on the property. Emergency vehicles will gain access from the street edge. Staff approves of these conditions.

- **Off-street parking and loading:** The Parks and Recreation Department will provide disposal service on their schedule. There will be no deliveries of supplies to the facility. Any maintenance or service vehicles will park on the street and bring service equipment in by hand. Employees and clients or visitors that drive to the park use on street parking on Proctor and Oliver Streets.
- **Buffering and screening:** The City of Atlanta standard pedestrian scale lights are proposed in the park for security purposes. Trees will be planted throughout the park to mitigate glare. Staff approves of these measures.
- **Hours and manner of operation:** The applicant has indicated the proposed hours for the child care program will be open 7 days a week, 6 a.m. to 11 p.m. (standard park hours). Staff approves of this hours and manner of operations.
- **Duration:** The applicant requests an indefinite duration. Staff has no objection to this request.
- **Required yards and open space:** A playground, walkways and a shade structure are proposed for this subject property. No encroachments are proposed. Staff approves of these conditions.
- **Compatibility with policies related to tree preservation:** Trees will conform to the City of Atlanta Tree Ordinance for public property. Staff finds this acceptable.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director