



CITY OF ATLANTA

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
www.atlantaga.gov

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-17-19 for 128 and 130 Terrace Drive, N.E.

DATE: September 7, 2017

An Ordinance by Zoning Committee to rezone from **R-4 (Single Family) District** to **PD-H (Planned Development Housing) District** for property located at **128 and 130 Terrace Drive, N.E.**

FINDINGS OF FACT:

- **Property location:** The site fronts approximately 148.59 feet from the west side of Terrace Drive and beginning 200 feet from the northwest corner of Terrace Drive. The property is located in Land Lot 101 of the 17th District of Fulton County, Georgia in the Peachtree Hills neighborhood of NPU-B in Council District 7.
- **Property size and physical features:** The site consists of two (2) irregular shaped lots that are 0.28 acres in land area. The site is currently developed with a residential structure that occupies both lots. Both lots are vegetated with a number of mature trees and shrubs throughout. The site is accessed by a concrete driveway terminating at a concrete pad located south of the residential structure from Terrace Drive. Both lots are encumbered by multiple grade changes of approximately 20 feet along the western portion of the site.
- **CDP land use map designation:** The current land use category for the site is Single-Family Residential.
- **Current/past use of property:** The properties have been used for residential purposes. Staff is unaware of any prior uses for the site.
- **Surrounding zoning/land use:** The subject properties are adjacent to properties zoned for single-family residential purposes with the R-4 (Single-Family Residential) district zoning category and the Single-Family Residential land use designation.

- **Transportation system:** Terrace Drive is a local road. MARTA does not provide bus service to the immediate area; however, the nearest public transit bus route #110 along Peachtree Road within a ¼ mile of the site.

PROPOSAL: The applicant seeks to rezone the property to construct two (2) single-family detached residential dwellings.

Project Specifications:

Total Lot Area:	0.28 acres
Lot size:	5,330 square feet to 6,890 square feet
Lot width:	Varies
Maximum building height:	35 feet
Minimum yard setbacks:	Front yard: 18 feet; Side yard; varies; Rear yard: varies

CONCLUSIONS:

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject property as Single-Family Residential land use; no amendment to the CDP will be required. Staff is not aware of any public projects or programs to conflict with the proposed timing of development.
- **Availability of and affect of public facilities and services; referral to other agencies:** The location of the site and surrounding uses indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location. At the time of permitting the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- **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 proposed rezoning would have a positive impact on the neighborhood's character. The proposal would be a reasonable addition to the single family residential uses surrounding the site. Developing the property under the PD-H zoning district regulations will enable the development in a configuration that is more sensitive to the site conditions.
- **Suitability of proposed land use:** A change in the Comprehensive Development Plan (CDP) is not required.
- **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties. The proposed site plan provides for buffering along the rear and side of the site with proposed vegetative screening.

- **Economic use of current zoning:** The subject property has some economic use under the existing conditions. However, should the property be developed under the guidelines of existing R-4 zoning category it would result in unusually large yards and buildable area for a single-family lot. Furthermore, the parcels would be incompatible with the surrounding lots and homes negatively impacting the economic use of adjacent properties. The proposed development of two (2) new houses would certainly represent an economic improvement by creating the lots in a manner that is consistent with adjacent properties.
- **Tree Preservation:** Development of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

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

- a. **The suitability of the tract for the general type of PD zoning proposed.**
Staff is of the opinion that the land is suitable for a PD-H zoning classification. The property presents certain particularities that Staff considers as hardship conditions: significant topographic grade changes in the rear and side yards. Given the site location, between PD-H and single family uses, the development would be appropriate by retaining the same overall unit density as in the current R-4 zoning. Moreover, Staff is of the opinion that the proposed project would be compatible with the surrounding neighborhood and would enhance the character of the area.
- b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** The development is located in an area that would be within ¼ mile of MARTA. There is public transportation available along Peachtree Road via MARTA bus route #110.
- c. **The evidence of unified control.**
Staff finds that the criteria can be evaluated at a later time, during the review of the required building permits.
- d. **The suitability of proposed plans.**
The site plan, dated February 25, 2017, and stamped received by the Office of Planning on April 4, 2017, is considered to be suitable for a PD-H type of development.
- e. **Specific modifications.**
A revised conceptual site plan has been submitted to the Office of Planning on September 7, 2017.
- f. **The suitability of a maintenance program.**
The applicant has provided no information related to a maintenance program for any possible common areas. Staff will require that the development is governed by private covenants to provide for ownership/maintenance of future common areas.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon the following:

1. Development is subject to the revised conceptual site plan titled "128 & 130 Terrace Drive, Atlanta, GA" by Preston & Reed, LLC, dated September 4, 2017, and stamped received by the Office of Planning on September 7, 2017.
2. Developer shall obtain Final Plat or Final Plan approval from Office of Zoning and Development before making application for building permit for the housing units. As a condition of approval of the final plat/plan, the developer shall provide the Office of Zoning and Development with recorded private covenants. The document must contain details on the ownership and the maintenance program for the private street/drive and all other common areas/conservation easement.
3. Any street lighting system for the private drive shall be designed to allow no light spillage onto any adjoining property.
4. The maximum height of each house shall be 35 feet or adhere to the requirements of code Section 16-19A.006(5).
5. All work to be undertaken by the applicant within the City of Atlanta right-of-way shall be permitted by the Department of Public Works prior to construction.
6. Development of the property shall be subject to all City of Atlanta development regulations including but not limited to, Watershed Management Department, Fire Safety Engineer, Public Works Department as well as City of Atlanta Tree Ordinance.

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA


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
www.atlantaga.gov

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-17-47 for 2930 Glenwood Avenue S.E.

DATE: September 7, 2017

An Ordinance by Zoning Committee to rezone property located at **2930 Glenwood Avenue, S.E.** from R-LC-C (Residential Limited Commercial Conditional) to R-LC-C (Residential Limited Commercial Conditional) for a change in conditions, and for other purposes.

FINDINGS OF FACT:

- **Property Location:** The subject property consists of a vacant lot with overgrown grass. The subject property fronts approximately 57.6 feet on the north side of Glenwood Avenue, S.E. beginning at the intersection of Hooper Street, S.E., and Glenwood Avenue. The subject property is located in Land Lot 182 of District 15 in NPU O, in the East Lake neighborhood of Council District 5.
- **Property Size and Physical Features:** The subject property consists of a level vacant lot with overgrown grass and mature trees along the side and rear setbacks. Vehicular access to the property is currently gained through the curb cut along Hooper Street.
- **CDP Land Use Map Designation:** The current land use category for the site is Single-Family Residential.
- **Current/Past Use of Property:** The subject property was formerly used as a law office. The subject property has been vacant for the past 36 years.
- **Surrounding Zoning/Land Uses:** The current land use for this parcel is Single Family Residential and the zoning designation is R-LC-C (Residential Limited Commercial Conditional) District. Other zoning districts in the immediate area are R-4 (Single Family Residential) District, with a Single Family land use designation.

- **Transportation System:** Glenwood Avenue is classified as an arterial road. The MARTA bus route #107 stops in front of the subject property.

PROPOSAL:

This application seeks to rezone the site from the R-LC-C zoning to the R-LC-C zoning for a change of conditions to allow a residential duplex to be constructed.

Development Specifications:

Net Lot Area:	6,917 square feet
Total F.A.R. Allowed (Non-residential):	0.348 (2,406 square feet)
Non-residential F.A.R. Proposed:	0.347 (2,400 square feet)
Total Open Space Required:	5,049 square feet
Total Open Space Proposed:	5,365 square feet
Total Usable Open Space Required:	3,112 square feet
Useable Open Space Provided:	4,421 square feet
Parking Required (Office):	1.3 spaces per unit
Parking Proposed (Office):	2 spaces per unit

CONCLUSIONS:

- **Compatibility with comprehensive development plan (CDP); timing of development:** There is no request to amend the current zoning classification of the subject property, but only a request to change or eliminate an existing condition limiting the use of the property to that of office use. Therefore, no change in the 2016 Land Use Map should be required. Staff approves of such request.
- **Availability of and effect of public facilities and services; referral to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. When the proposed development plans are filed with the Office of Buildings, other agencies reviewing such requests will ensure compliance with all applicable city codes. Staff approves of these findings.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The owner of the property has not provided any information that they own any other property in the area for development. Furthermore, the request to construct a residential product will be more in keeping with the surrounding residential uses in the nearby area. Staff has no objections to this finding.
- **Effect on character of the neighborhood:** The development of a duplex would add a residential product to a transitioning part of the East Lake neighborhood and the Glenwood Avenue corridor. Staff approves of this finding.
- **Suitability of proposed land use:** The proposed change of condition to allow the construction of a residential use in an area developed for residential purposes is more suitable than allowing

a non-residential use to be constructed based on the current condition placed on the property. Staff finds this suitability appropriate for the lot.

- **Effect on adjacent property:** The proposed duplex will definitely serve as infill for what has long been a blighted, empty lot. The duplex will also line up with the transition to the mostly single-family residential adjacent to the lot. Staff approves of such uses.
- **Economic use of current zoning:** There is current economic use under the current zoning. However, the request to amend the current zoning conditions on the property and allow a residential use will balance the economic value of the subject property and the nearby and adjacent residential properties. Staff approves of this request.
- **Tree Preservation:** The applicant shall comply with the policies related to tree preservation as outlined in the City of Atlanta tree Ordinance.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

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
www.atlantaga.gov

TIM KEANE
COMMISSIONER

CHARLETTA WILSON JACKS
Director
Office of Zoning and
Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-17-51 for 26 Airline St. N.E

DATE: September 7, 2017

An Ordinance by Zoning Committee to rezone property located at **0 Airline Street, N.E. (14 00190010098 and 14 00190010064)** from R-5/BL (Two Family Residential/BeltLine Overlay) and MRC-3-C/BL (Mixed Residential Commercial/BeltLine Overlay) to MR-4A/BL (Multi-Family Residential/BeltLine Overlay).

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 160 feet on the west side of Airline Street, N.E. beginning 113 feet from the intersection of Old Wheat Street, N.E., and Airline Street, N.E. The site is located in Land Lot 14, 19th District of Fulton County, Georgia and within the Old Fourth Ward neighborhood of NPU-M and Council District 2.
- **Property size and physical features:** The site is an irregularly shaped polygon of approximately 0.58 acres in land area. The subject property has two parcels. Currently, the property is vacant, covered with grass and surrounded by trees on the south and west side. The topography of the site is level.
- **CDP land use map designation:** The current land use designation for the two parcels is Low-Density Residential (LDR) and Low-Density Commercial (LDC). The applicant has requested an amendment to the 2016 Atlanta Comprehensive Development Plan (CDP) to change the land use to High-Density Residential.
- **Current/past use of property:** The site is currently a vacant lot and is surrounded by trees. Staff is unaware of any other previous uses.
- **Surrounding zoning/land uses:** The subject property is adjacent to properties zoned MRC-3-C (Mixed Residential and Commercial-Conditional) with the a Low Density Commercial

land use designation to the south, PD-MU (Planned Development Mixed Use) District with a Mixed Use land use designation on the east and HC-20C SA2 (Martin Luther King, Jr. Landmark District Subarea 2) with Low Density Residential land use designation on the west and north.

- **Transportation system:** Airline Street is a collector street which connects to Edgewood Avenue, an arterial street. There are no sidewalks on Airline street. The area is serviced by the #4 Auburn Ave - Helene Mills, Sr. MARTA bus route.

PROPOSAL

The applicant has proposed to rezone from R-5 (Two-family Residential) and MRC-3-C/BL (Mixed Residential Commercial Conditional/Beltline Overlay) District to the MR-4A/BL (Multifamily Residential/Beltline Overlay) District to allow for the development of a new multi-family building.

Development Specifications:

Total dwelling units proposed:	30
Net Lot Area:	25,269 square feet (0.58 acres)
Gross Lot Area:	27,639 square feet (0.63 acres)
Total F.A.R. Allowed:	1.49 (MR-4A)
Residential F.A.R. Proposed:	1.37
Building Height Max Allowed:	80' feet
Building Height Proposed:	approx. 51 feet to top of parapet, approx. 62 feet to top of elevator headhouse
Useable Open Space Required:	10613 square feet (0.42)
Useable Open Space Proposed:	12,055 square feet
Setbacks Required:	Side Yard: 15' Rear Yard: 20' Transitional Yard: 20'
Setbacks Proposed:	27 feet (north), 24 feet (west), 23-93 (south), 15-36 (east)
Min. Parking Required:	30 spaces (1.0/unit for Residential and 1/300 s.f for nonresidential)
Parking Proposed:	41 spaces
Bicycle Parking Proposed:	6 spaces

CONCLUSIONS:

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

The proposed rezoning to MR-4A is not compatible with the Single Family Residential and Low-Density Commercial land use designations. Therefore, an amendment to the Comprehensive Development Plan (CDP) to the High-Density Residential designation is required.

- (2) **Availability of and effect of public facilities and services; referral to other agencies:** The surrounding area is an established residential and mixed-use neighborhood and as such the 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:** 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. Staff is of the opinion that the request to rezone the subject property would not create any issues that 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 site into a use that is better aligned with the current and future uses of adjacent and surrounding properties. Furthermore, the proposal provides an opportunity for infill residential development in an established residential neighborhood. The proposal is consistent with the character of the surrounding neighborhood.
- (5) **Suitability of proposed land use:** The proposal would align with the BeltLine Subarea 5 Master Plan and the Old Fourth Ward Master Plan. Staff believes rezoning the subject property to the MR-4A (Multifamily Residential) zoning classification, which has a stated purpose to *"provide for multi-family residential housing types that are compatible with single-family neighborhoods and commercial nodes."* 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 redevelopment on the site is appropriate.
- (6) **Effect on the adjacent property:** Staff is of the opinion that the rezoning of the subject site to the MR-4A (Multifamily Residential) zoning designation would not pose negative impacts to the adjacent properties. The rezoning of the property to MR-4A (Multifamily Residential) District is consistent with residential and commercial development on Airline Street and the adjacent neighborhood. Therefore, the rezoning of the subject properties to MR-4A (Multifamily Residential) District would provide an appropriate addition to this low density residential and commercial and mixed use portion of the Old Fourth Ward neighborhood.
- (7) **Economic use of current zoning:** The current zoning would not allow the proposed use of the land. However, the proposed change to the MR-4A (Multifamily Residential) District would allow the redevelopment of the subject site to a more economical use and scale. Furthermore, the proposed rezoning provides the opportunity to infill an underutilized space with higher density residential development that may use adjacent commercial and mixed-use establishments.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

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
www.atlantaga.gov

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-17-52 for 575 Eloise Street SE

DATE: September 14, 2017

The applicant seeks to rezone property located at 575 Eloise Street from RG-2 (Residential General) to MR-3 (Multifamily Residential).

FINDINGS OF FACT:

- **Property location:** The subject properties front approximately 163 feet on the west side of Eloise Street at the southwest corner of Killian Street and Eloise Street. Depth along Killian Street is 276 feet. The property is located in the Historic Grant Park Neighborhood District, Subarea 5 and the Beltline Overlay District, in Land Lot 22 of the 14th District in NPU W, Council District 1.
- **Property size and physical features:** The properties consist of approximately 44,753 square feet (1.03 acres) of net lot area (56,333 square feet/1.29 acres gross lot area). The lot is currently developed with four two-story multi-family structures consisting of 26 dwelling units. The topography of the lot is extremely steep, ascending approximately 30 feet from the southeastern portion of the parcel that fronts Eloise Street to the northwestern corner that fronts Killian Street. Vehicular access to the property is currently available via a concrete driveway located north of the structures. The lot is overgrown with vegetation and large mature trees can be found along the northern and southern property lines. Staff would like to note, that the subject property is located at the intersection of Eloise Street and Killian Street but the right-of-way does not converge at the northeast corner of the property. Killian Street is gated and does not allow through traffic. Both Eloise Street and Killian Street have not been maintained and are overgrown with vegetation.

- **CDP land use map designation:** The Future Land Use designation for this property is Low-Density Residential (LDR) with a designated density of 0-8 units per acre. An amendment to the Comprehensive Development Plan will be needed to accommodate the proposed development.
- **Current/past use of property:** Staff is not aware of any previous uses other than residential.
- **Surrounding zoning/land uses:** Land use and zoning designations in the immediate area varies. The subject property is surrounded by R-5 (Two-Family Residential) with mostly Low-Density Residential land use. Parcels designated with RG-3-C (Residential General Conditional) zoning, with Medium Density Residential (MDR) land use, can be found adjacent to the property to the north where the former Girls High School was converted into lofts, apartments, and town homes. Northeast of the property is Maynard H. Jackson High School, which is zoned R-5 (Two-Family Residential) with a Community Facility (CF) land use designation. West of the subject property the adjacent parcel is zoned O-I (Office Institutional) also with a Low-Density Residential (LDR) land use designation.
- **Transportation:** Eloise Street is classified as a local road as is Killian Street to the north. Berne Street to the south is classified as a collector road. Berne Street also contains an existing bike lane. Currently, MARTA does not serve the immediate area. There are plans for the Atlanta BeltLine Southside Trail to be built to run under Berne Street to the south as well as the Atlanta Streetcar.

PROPOSAL:

The applicant seeks the rezoning of a 1.03-acre lot from RG-2 (Residential General) to MR-3 (Multi-Family Residential) to construct a 14 unit 3-story townhomes development. Access to the property will be via a single curb cut on Eloise Street. Per the zoning code, *sec. 16-35.010 (a)(iii)*, maximum permitted floor area for properties zoned MR-3 (Multifamily Residential) are calculated at .696 of the lot area. The applicant has chosen to utilize gross lot area of 56,333 square feet to calculate their maximum allowable floor area, required usable open space and required parking.

Project Specifications:

Gross Lot Area: 56,333 sq. ft.

Maximum F.A.R. (allowed of gross area):
 MR-3: $0.696 \times 56,333 \text{ sq. ft.} =$ 39,207 sq. ft.

Proposed F.A.R.:
 Residential: $14 \text{ units} \times 2,425 \text{ sq. ft.} =$ 33,950 sq. ft.

Minimum U.O.S.R. (Usable Open Space Required)
Based on Land Use Intensity (LUI) Ratios Table
 Sector 3: $0.40 \times 56,333 \text{ sq. ft.} =$ 22,533 sq. ft.

Proposed U.O.S.R
Gross Lot Area – Structure Foot Print – Paved Surfaces for Vehicle Use
 $56,333 - 13,083 - 15,790 =$ 27,460 sq. ft.

Number of Parking Required:
Based on Land Use Intensity (LUI) Ratios Table

Number of Units Proposed:	.99 * 14 =	<u>13.99 spaces</u>
Proposed Parking Spaces:		<u>14 spaces</u>

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates the property as Low-Density Residential. The proposed rezoning to MR-3 (Multifamily Residential) District is not consistent with the existing land use, thus a land use amendment will be required to accommodate the proposed development. This application will be followed by a land use amendment (CDP-17-25). Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The zoning regulation indicates 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. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses. In fact, this project would complement the adjacent MR-3 (Multifamily Residential) development north of the parcel along Killian Street and contribute to the redevelopment of the neighborhood.
- 4) **Effect on character of the neighborhood:** The property is located in the Grant Park Historic District and there are specific requirements that must be vetted by the Urban Design Commission via application RC-17-379. Zoning staff is of the opinion the proposed zoning will allow for an appropriate transition to the current single-family homes to the south and west from the large multi-family structure and Maynard Jackson High School to the north.
- 5) **Suitability of proposed land use:** The proposed use reflects the multi-family residential character of other properties in the area. The proposed MR-3 (Multifamily Residential) zoning would transition to and support the low-density residential parcels to its immediate west and south.
- 6) **Effect on adjacent property:** The adjacent properties located to the west along Killian Street are zoned R-5 (Two-Family Residential) and the potential impact of increased traffic to nearby properties due to ingress and egress to the development should be taken into consideration during development. This rezoning could set a precedent for existing adjacent properties, also currently zoned RG-2, which may be subject to future redevelopment.

- 7) **Economic use of current zoning:** While the current zoning conditions allow for some economic use of the land, a change in zoning to a higher intense use to allow dense residential would allow a more effective economic use of the subject property.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

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
www.atlantaga.gov

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director
Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-56 for 701 Memorial Drive, S.E.

DATE: September 7, 2017

An Ordinance by Zoning Committee to rezone property located at **701 Memorial Drive, S.E.** from R-5/BL(Two Family Residential/Beltline Overlay) to R-4B/BL (Single Family Residential/Beltline Overlay).

FINDINGS OF FACT:

- **Property location.** The subject property is a part of larger parcel fronting approximately 305 feet on the south side of Memorial Street, S.E. and beginning at the intersection of Memorial Drive, S.E. and Cameron Street, S.E. The parcel is located in Land Lots 21, 14th District, Fulton County, Georgia within the Grant Park neighborhood of NPU-W in Council District 5. The subject property lies in the south west corner of the entire parcel with McDonald Street on the south and Cameron Street on the west.
- **Property size and physical features.** 701 Memorial Drive has one parcel which is approximately 28,749.6 square feet (0.66 acres) and the subject property is a part of that parcel and is approximately 3,880 square feet (0.09 acres). The subject property is currently developed with a surface parking lot. Ingress and egress are provided by a single paved driveway in the middle of the property from Cameron Street on the west. Topography falls toward the south side of the property. There are a few trees on the west and south side of the property.
- **CDP land use map designation:** The entire parcel has a split zoning on it. The subject portion of the land has a current land use category of Medium-Density Residential in the 2016 Comprehensive Development Plan.
- **Current/past use of property:** The property is currently developed as a parking lot. Staff is not aware of any previous uses of the site.

- **Surrounding zoning/land use:** The surrounding parcels are zoned R-5/ BL/HD20KSA1 (Two Family Residential/ Beltline/ Grant Park Historic District) District with a Medium-Density Residential land use designation to the east, west and south, and SPI-22 SA 4 (Special Public Interest- Subarea Four) District with a Mixed Use land use designation to the north side.
- **Transportation system:** Memorial Drive is classified as a major arterial street and Cameron street is classified as a collector street. MARTA provides service via bus Route #21 at the intersection of Memorial Drive and Powell Street. The nearest train station is King Memorial Transit Station which is a mile from the subject property. Sidewalks are present along the north and south side of Memorial Drive; east side of Cameron Street but are discontinuous along the north side of McDonald Street.

PROPOSAL:

This application seeks to rezone the site from the from R-5 to R4-B to construct a single-family dwelling.

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The proposed zoning is consistent with the existing Single Family Residential land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment is not required.
- (2) **Availability of and affect of public facilities and services; referral to other agencies:** Since the area is an established residential area, water and sewage facilities serving the property are assumed to be adequate.
- (3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development.
- (4) **Effect on character of the neighborhood:** Staff believes the proposed rezoning has the potential to add value to the character of the neighborhood. Single family homes currently exist in the Grant Park neighborhood and the rezoning proposes the continuation of that land use. Any new house in this historic district would be subject to the setback and design regulations of the Grant Park Historic District as opposed to the new underlying zoning. Therefore, application of Grant Park regulations will help to maintain the character and historical context of this community for future generations.
- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed use is allowed in the Single-family residential land use designation. Staff is of the opinion that the proposed request to rezone the property to the R-4B zoning district is suitable given the current residential nature of the surrounding area

- (6) **Effect on adjacent property:** Long-range planning efforts, such as the Memorial Drive LCI anticipate increased residential density with a recommendation to encourage redevelopment of underutilized residential parcels. Therefore, rezoning of the subject property will have a positive effect on adjacent property by creating a diversity of residential neighborhoods and by creating mixed-income neighborhoods that support the concept of “aging in place”.
- (7) **Economic use of current zoning:** The economic opportunity of the subject property is limited under the existing R-5 zoning designation because the R-5 zoning requires a minimum 7,500 square feet of lot area. The R-4B classification allows for the development of single-family detached homes on smaller lots that are in keeping with the existing neighborhood.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta’s Tree Ordinance.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

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
www.atlantaga.gov

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-17-58 for 750 Ralph McGill Boulevard, N.E.

DATE: September 7, 2017

The applicant seeks to rezone the property from the I-2-/Beltline Overlay (Heavy Industrial/Beltline Overlay) District to MRC-3-C/Beltline Overlay (Mixed Residential Commercial-Conditional/Beltline Overlay) District to allow for the construction of an 85-unit, 12-story multi-family development over podium parking with 180 parking spaces and ground floor commercial uses.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 217 feet on the south side of Ralph McGill Boulevard, N.E and has a depth of approximately 268 feet. The property is located at 750 Ralph McGill Boulevard, N.E. (parcel identification number 14 00180006014) within Land Lot 18 of the 14th District of Fulton County, Georgia in the Old Fourth Ward Neighborhood of NPU-M in Council District 2.
- **Property size and physical features:** The subject property consists of an approximately 1.026 acres (44,712 square feet) irregularly shaped tract of land. The property is developed with an industrial building and a surface parking lot. The topography slopes gently downward in a southwesterly direction from the Ralph McGill Boulevard frontage of approximately 5 feet. There are few trees along the property's perimeter. The Atlanta BeltLine Eastside Trail is within (0.10 miles) walking distance of the subject property.
- **CDP land use map designation:** The current land use designation for the subject property is Mixed-Use.

- **Current/past use of property:** The subject property is currently developed with a two-story office building with adjacent warehousing and a surface parking lot. According to the Fulton County Tax Assessors Office, the buildings were constructed in 1949 and since then have both been occupied with office and warehouse uses.
- **Surrounding zoning/land uses:** Properties to the north are zoned I-2-C (Heavy Industrial Conditional) and RG-4-C (Residential General-Sector 4-Conditional) with a land use designation of Industrial and High-Density Residential; properties to the south are zoned I-2 (Heavy Industrial) with a land use designation of mixed-use; properties to the east are zoned MRC-3-C (Mixed Residential Commercial-Sector 3-Conditional) with a land use designation of mixed-use, and properties to the west are zoned I-2 and C-3-C with a land use designation of mixed-use). Mixed-use developments surround the area including industrial, residential, offices, commercial, and drinking and eating establishments.
- **Transportation:** Ralph McGill Boulevard street functional classification is defined as a minor arterial street. The subject property is currently served by MARTA bus line #19 along Ralph McGill Boulevard. The Atlanta BeltLine trail is located to the west of the property.

PROPOSAL:

The applicant seeks to rezone the subject property to construct a 12-story multi-family development over podium parking with ground floor commercial uses. The proposed development for the property includes 85 residential units with 143,078 square feet and 12,500 square feet of non-residential uses (ground floor commercial space) with 138 residential parking spaces and 42 non-residential parking spaces (which totals $138 + 42 = 180$ spaces). The proposed building height for the proposed development would not exceed 200 feet.

Project Specifications:

Net Lot Area:	44,712 square feet (1.026 acres)
Gross Lot Area:	58,156 square feet (217' X 268')
Maximum Residential F.A.R. (allowed of net area):	3.2 (143,078 sq. ft.)
Proposed Residential F.A.R.:	3.2 (143,078 sq. ft.)
Maximum Commercial F.A.R. (allowed of net area):	4.0 (178,848 sq. ft.)
Proposed Commercial F.A.R.:	0.09 (12,500 sq. ft.)
Number of units:	85 units
Parking Required:	1/300 square feet - nonresidential 1 space per residential unit
Parking Provided:	180 parking spaces
Loading Spaces Required:	3 spaces required for residential and 1 space for non-residential at 12'X35'
Loading Spaces Provided:	2 shared spaces at 12' X 35'

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed rezoning to MRC-3-C/BeltLine Overlay (Mixed Residential Commercial Conditional/BeltLine Overlay) zoning district is compatible with the Comprehensive Development Plan Mixed-Use designation for the property. The proposed rezoning will achieve one of the land use objectives of the City by rezoning the zoning district from an incompatible land use classification (I-2, Heavy Industrial) to a compatible land use designation (MU, Mixed-Use) for the property (as demonstrated by the City's CDP Table 9-3: Land Use and Zoning Compatibility document). There are no known public projects or programs identified in the CDP in 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 infers that there are sufficient public facilities and services available to support the proposed use of the subject property. There has been no indication from review agencies or other departments that there would not be adequate public facilities and services to accommodate the proposed development. At the time of permitting, the applicant's proposed development plans will be submitted to review agencies for compliance with all applicable City codes.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Although Staff finds that there might be other nearby sites available for the proposed use this location is reasonable in that it would support the Atlanta BeltLine transit component, the Eastside Trail, and the Freedom Parkway corridor. Further, Staff believes the proposed development would be a compliment to the current redevelopment of the area. 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 proposed rezoning from I-2/BL Overlay to MRC-3-C/BL Overlay for the redevelopment of the proposed site located at 750 Ralph McGill Boulevard, N.E. allows for an improved and reasonable transition from industrial uses existing on the subject property, as well as, to the east of the property. In addition, commercial uses on the west and east of the subject property and the residential use just north of the property support the transition from an industrial use to a mixed use. The development would complement the mixture of uses along the Ralph McGill Boulevard corridor. The property would be more in-line with new surrounding developments and it would continue in diversifying the character of the area in accordance with the Atlanta BeltLine Master Plan Subarea Five: Freedom Parkway Historic Fourth Ward Park Master Plan as adopted by Atlanta City Council on March 16, 2009. The Plan includes a phasing element to establish the order of property acquisition and build-out. The proposed project supports key features of the Plan in that it encourages mixed-use activity and promotes the Eastside Trail and the Freedom Parkway corridor. Both the Plan, as well as, the proposed development promotes higher densities and mixes of uses to support transit and to create a new neighborhood street grid. Therefore, Staff supports the proposal based upon the positive effect the project will have on the character of the neighborhood.

- 5) **Suitability of proposed land use:** Currently, the 15-year land use map designates this property as Mixed-Use. The proposed MRC-3 zoning classification would be compatible with the existing land use designation. Therefore, a land use change would not be required. Although the proposed development meets most of the development control standards for an MRC-3 zoning classification, the loading and unloading parking standards are deficient. The MRC-3 zoning code requires three loading spaces for residential use and 1 loading space for non-residential use. The applicant is proposing a total of two parking spaces where four would be required; therefore, the applicant should seek a variance to vary for the requirements of the MRC-3 zoning regulations.
- 6) **Effect on adjacent property:** The redevelopment of the property is expected to have a positive impact on adjacent properties. Currently, a mixture of uses and new developments surround the subject site. The site is located within several planning study areas, the Atlanta BeltLine Master Plan Subarea Five, Old Fourth Ward Master Plan and Connect Atlanta Plan which envisioned the area to provide a wide variety of land uses and a pedestrian friendly corridor. The proposed development would fit within this framework with its mixed-use building.
- 7) **Economic use of current zoning:** The subject property has certain economic use under the existing conditions. However, under the context of the redevelopment trend in the area, the land uses permissible by the current I-2/BL Overlay seem to be outdated and no longer a viable solution for the future growth and development of the neighborhood and prime tract of land.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

- 1) Conceptually, the site shall be developed in accordance with the site plan titled "750 Ralph McGill" prepared by Brock Hudgins Architects dated June 30, 2017, and stamped "received" by the Office of Zoning and Development on July 5, 2017.

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA


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
www.atlantaga.gov

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: U-17-20 for 1581 Fairburn Road, S.W.

DATE: September 7, 2014

The applicant seeks a Special Use Permit for a private school, in accordance with section 16-05.005(1)(l), for property located at 1581 Fairburn RD S.W.

FINDINGS OF FACT:

Property location: The subject property is located at 1581 Fairburn Road, S.W. fronting 100 feet on the west side of Fairburn Road and beginning 760 feet from the northeast intersection of Garrison Drive, S.W. and Fairburn Road, S.W. in the Old Fairburn Village Neighborhood, Land Lot 8, 14F District, Fulton County, Georgia, NPU P, Council District 11.

Property size and physical features: The site is irregularly shaped consisting of approximately 232,723 square feet (5.34 acres) in land area. The lot is developed with one two-story brick building. Vehicular access is provided from the east side on Fairburn Road. The entire lot is surrounded by forest and has one entrance through the parking lot on the east side. There are two playgrounds on the rear. The topography of the site appears to be level.

Current/past use of property: The site is utilized for childcare and educational services by the Seeds of Faith Christian Academy. Staff is unaware of any previous uses.

Surrounding zoning/land uses: The subject property is adjacent to properties zoned for residential purposes and are categorized as RG-3 (Residential General – Sector 3).

Transportation: Fairburn Road, S.W. is a major arterial street. Sidewalks run along all street fronting sides of the subject property. The area is serviced by MARTA bus route #165 Fairburn Road/Barge Road Park and Ride.

PROPOSAL: The applicant seeks a Special Use Permit for a private school, in accordance with section 16-05.005(1)(1), for property located at 1581 Fairburn Road, S.W.

- **Ingress and egress:** The subject property has a single street frontage along a major arterial road – Fairburn Road. Vehicular access to the property is provided through two curb cuts from Fairburn Road leading to a parking lot on the site. Primary pedestrian access is provided in front of the site from the sidewalk. Each point of ingress and egress allows for two-way traffic.
- **Parking and loading:** Employees and clients will enter and leave the property from existing curb cuts on Fairburn Road. Eighty-two (82) parking spaces are provided on site in front of the building.
- **Refuse and service areas:** A garbage disposal is managed by the solid waste and recycling company Republic Services. The property is currently using the City of Atlanta to dispose of refuse weekly. Products and supplies will be delivered to the facility using the existing point of ingress. Additionally, electrical, gas and mechanical equipment service personnel will utilize the current point of ingress.
- **Buffering and screening:** Adjoining properties are buffered and screened by natural, thick tree lines and habitat.
- **Hours and manner of operation:** The hours of operation cover daycare and after school services.
- **Duration:** Applicant requests that the use permit is allowed indefinitely.
- **Required yards and open space:** All required yards and open space requirements will be satisfied and maintained.
- **Tree Preservation and Replacement:** No trees will be impacted.

CONCLUSIONS:

- **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:** Primary pedestrian access is provided from the sidewalk on Fairburn Road. Based on the submitted survey there appears to be adequate vehicular access to the property by way of the curb cuts on Fairburn Road. Furthermore, emergency vehicles will enter the property through said curb cuts. Staff is of the opinion that the proposed ingress and egress is sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- **Off-street parking and loading:** Based on the submitted survey provided, the off-street parking and loading appear to be adequate therefore staff is in support of the proposed parking and loading.

- **Refuse and service areas:** The refuse and service area appears to be adequate for the facility.
- **Buffering and screening:** Based on the submitted site plan, staff is of the opinion that screening and buffering measures for the property will be sufficient.
- **Hours and manner of operation:** Staff is of the opinion that the hours and manner of operation will not have a negative impact on surrounding properties.
- **Duration:** Staff is supportive of a proposed duration.
- **Required yards and open space:** The site meets the minimum required open space and yards.
- **Compatibility with policies related to tree preservation:** No trees will be impacted. Staff finds this acceptable.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

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
www.atlantaga.gov

TIM KEANE
COMMISSIONER
CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator *(KH)*

SUBJECT: U-17-22 for 1529 Lakewood Avenue, S.E.

DATE: September 7, 2017

An Ordinance by Zoning Committee granting a Special Use Permit for a personal care home pursuant to 16-06A.005(1)(g), for property located at **1529 Lakewood Avenue, S.E.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 50 feet on the west side of Lakewood Avenue, S.E. and begins 166 feet from the intersection of Anne Street, S.E., and Lakewood Avenue, S.E. in Land Lot 57 of the 14th District, Fulton County, Georgia within the South Atlanta Neighborhood of NPU-Y in Council District 1.
- **Property size and physical features:** The subject property is approximately 0.2009 acres in land size and is developed with a one-story single family residential structure. The lot topography slopes slightly toward a northeast direction. There are a few of trees in the front and back yard of the property.
- **CDP land use map designation:** The subject property has a Single Family Residential land use designation within the Comprehensive Development Plan (CDP).
- **Current/past use of property:** The subject property has been of residential use. Staff is unaware of any other uses of the property.
- **Surrounding zoning/land uses:** The subject property is surrounded by the properties zoned R-4A (Single Family Residential) with a Single Family Residential land use designation on the north and south side and O-I-C (Office-Institutional-Conditional) with a Mixed Use land

use designation on the west side and I-2 (Heavy Industrial) with a High Density Residential land use designation on the east side.

- **Transportation system:** The subject property is located along Lakewood Avenue, which is classified as a major arterial road. MARTA provides service via bus route #155 (Windsor Street/Lakewood) to the immediate area along Lakewood Avenue. A bus stop is located directly across the street from the subject property.

PROPOSAL:

The applicant is requesting to operate a 7-bedroom personal care home for seniors ranging in age from 65 to 100 years old. The applicant proposes to operate a home for 8 clients in an existing 2,517 sq. ft. single family structure. The proposed personal care home would be in operation 24 hours per day, 7 days per week.

- **Ingress and egress:** Vehicles, emergency vehicles, and pedestrians will access the property using the existing 15 feet wide driveway from Lakewood Avenue. The driveway is shared with an adjacent property.
- **Parking and loading:** Employees and visitors will use the single driveway for on-site parking on the existing subject lot. Loading and delivery vehicles will have access using the same driveway.
- **Refuse and service areas:** Refuse will be handled through city services and receptacles. The applicant has not proposed changes to the property.
- **Buffering and screening:** The applicant has indicated that there are no changes proposed to the subject property for buffering and screening and 'necessary' measures has been taken to prevent any light fixtures to be installed directly or in the manner that causes any discomfort to the neighbors.
- **Hours and manner of operation:** The applicant has indicated the facility would be in operation 24 hours, 7 days per week Sunday through Saturday for the residents. The facility would provide services for up to 8 clients, ages 65 to 100 with a total of 7 bedrooms. The applicant has specified there will be breakfast, lunch, and dinner served at the facility and there will be 2 employees on any given day working at the facility.
- **Duration:** The applicant is requesting a permanent duration.
- **Required yards and open space:** The applicant has indicated there are no structural changes proposed for the subject property, but will meet the requirements for yards and setbacks.
- **Tree Preservation and replacement:** The applicant has indicated that there are no changes proposed for the subject property involving tree removal.

CONCLUSIONS:

- **Ingress and egress:** Based on the surveys/site plans submitted by the applicant and an on-site review conducted by staff, there is one 15 feet wide and slightly steep driveway which is used for three parking spaces. This driveway is also shared by the adjacent property. The existing ingress and egress, which also functions as three parking spaces and shared driveway, does not ensure automotive and pedestrian safety and avoid traffic congestion. More specifically, since the applicant intends to operate an elderly personal care home on the property, the nature of service may require free mobility of emergency vehicles. Therefore, Staff is of the opinion that the applicant has not met ingress and egress requirements.
- **Off-street parking and loading:** The parking requirements for personal care homes are not specifically listed in the R-4A (Single Family Residential) District regulations. Therefore, all other uses “not listed” specifically in the ordinance are required to have one parking space per 300 sq. ft. of floor area. As per the survey site plan, the total floor area for living quarters is 2,517 square feet. Therefore, this location would require 9 parking spaces to accommodate the 2,517 sq. ft. facility. The site has one driveway which can accommodate 3 cars and one emergency vehicle parking space in the rear. The driveway is shared with the adjacent property. All employees, clients, visitors, service personnel, and emergency vehicles accessing the facility must utilize the driveway for parking and loading purposes. The applicant has not specified that they would provide any additional space for on-site parking. Therefore, Staff is of the opinion that the applicant has not met the off-street parking and loading requirements.
- **Refuse and service areas:** The applicant has indicated that city services will be utilized for waste removal. This appears to be adequate for the operations of the personal care home.
- **Buffering and screening:** The applicant has not indicated any plans for installing fences in the side and rear yards for the purpose of buffering. There are few trees on the west and north side of the property. Trees and shrubs, that can provide as natural buffering to adjacent properties do not seem to be sufficient. Therefore, Staff is of the opinion that the applicant has not met the buffering and screening requirements.
- **Hours and manner of operation:** The applicant has indicated the proposed use for the subject property would have adequate spacing for the proposed supportive services along with the clients-to employee ratio. However, the applicant has not provided a clear indication how the supervision of self-administered medication, assistance with ambulation and transfer is conducted or how the essential activities of daily living such as eating, bathing, grooming, dressing, and toileting will be conducted. Further, the applicant has provided no information with regard to social or recreational activities for the residents. The applicant has indicated that there will be two (2) staff members per a twelve-hour shift. However, no allowances have been made for staff whose job duties include cooking and cleaning. In addition, at least one administrator must be on staff 24 hours per day to respond to residents and the applicant has made no indication that an administrator will be on site. Further, there are seven (7) bedrooms indicated on the floor plan provided by the applicant.

However, the applicant is requesting to house eight (8) residents. Under this scenario, the applicant has no space for at least one resident or the staff person that is required to be on site 24-hours per day. Staff is of the opinion that the hours and manner of operation do not appear adequate.

- **Duration:** The nature of service mandates a periodic inspection of infrastructure and services. Therefore, Staff is not supportive of a permanent duration.
- **Compatibility with policies related to tree preservation:** The applicant has indicated there are no changes proposed for the subject property. Therefore, these considerations are not applicable.
- **Required yards and other open spaces:** The applicant has indicated there are no structural changes proposed for the subject property. Therefore, these considerations are not applicable.
- **Other consideration:** The floor plan submitted by the applicant indicates that there are seven bedrooms in the house and that there will be up to eight clients. Personal Care Homes are required to provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater. This requirement eliminates one room from being considered as a bedroom for PCH, which is only approximately 56 square foot. As such, effectively, there are only 6 rooms that can be used as bedrooms. Consequently, two (2) of the bedrooms must be shared. For a bedroom shared by two (2) people, the minimum requirement is 160 sq. ft. However, there is only one bedroom that is larger than 160 sq. ft. Staff is of the opinion that the application does not meet the requirement for personal care homes.

STAFF RECOMMENDATION: DENIAL

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

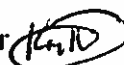
KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

TIM KEANE
Commissioner
CHARLETTA JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-36 Text Amendment to SPI-16 Midtown Special Public Interest District (SPI) Regulations

DATE: September 7, 2017 (*deferred from August 10, 2017*)

An Ordinance by Zoning Committee to amend Section 16-18P (SPI 16 Midtown Special Public Interest District) of the 1982 Zoning Ordinance for the purpose of simplifying the format of the document for ease of use, to address unnecessary recurring issues in the review process and to establish use performance-based incentives and for other purposes.

FINDINGS OF FACT:

- **Property location:** The Midtown Special Public Interest (SPI-16) area includes land bounded by I-85/Spring/Buford Connector to the north, I-75/I-85 to the west and North Avenue to the south. Meanwhile, properties fronting West Peachtree Street, Beverly Road, fronting Peachtree Street from Beverly Road to 14th Street, one parcel removed to the west of Piedmont Avenue from 14th St. to 3rd St. and parcels fronting Piedmont Avenue from 3rd Street to Ponce de Leon Avenue and parcels west of Piedmont Avenue from 3rd Street to North Avenue taken together form the eastern boundary. The land falls entirely within the Midtown neighborhood. The area is located in Land Lots 49 and 80 of the 14th District and Land Lots 104, 105, 106, 107, 108 and 109 of the 17th District within NPU E (and adjacent to NPU-M to the south), Council Districts 2 and 6.
- **Property size and physical features:** Currently, the approximately 1.2 square mile area is developed with a wide mix of uses including high and medium density mixed uses. Topography is varied but generally, falls east and west from the Peachtree Street corridor. Sidewalks are consistently provided throughout the district while vegetation is limited other than street trees.
- **CDP land use map designation:** The current land use designation in the 2016 Comprehensive Development Plan is High-Density Commercial (HDC).

- **Current/past use of property:** The current land uses are widely varied; but most primarily includes office, residential, institutional, retail, restaurants, and personal services; among others.
- **Surrounding zoning/land uses:** The subject site is surrounded by a variety of zoning classifications. The Ansley Park neighborhood is zoned R-4 (Single Family Residential) to the northeast, the predominant medium density residential portion of the Midtown neighborhood is zoned SPI-17 (Piedmont Avenue Special Public Interest District) to the southeast. The high-density mixed-use district of SPI-1 (Downtown Special Public Interest District) is to the south. Across I-75/I-85 Georgia Tech is zoned O-I (Office Institutional) to the southwest while a mix of C-3(Commercial Residential District) (including Turner Companies), I-1 (Light Industrial) and C-4-C (Central Area Commercial Residential) (including Atlantic Station) is to the northwest.
- **Transportation:** The SPI-16 (Midtown Special Public Interest District) has several major streets including Peachtree Street, and portions of state and arterial routes of Williams Street, Spring Street, West Peachtree Street, Ponce de Leon Avenue, North Avenue and 14th Street plus defined collector streets including 10th Street and Beverly Road. The district is by public transit including three MARTA rail stations and numerous local and regional bus routes.

PROPOSAL: This text amendment improves upon the existing SPI-16 (Midtown Special Public Interest) district which was originally adopted in 2001. Since that time the Midtown area has seen significant development requiring a number of zoning refinements which were identified by the joint work of Midtown Alliance and the City's Office of Zoning and Development. Also, during that time a number of planning studies have been conducted in the area including Blueprint Midtown II, Greenprint Midtown, Midtown Parking Study and Action Plan, Midtown Transportation Plan and Blueprint Midtown 3.0. which also inform this text amendment. These modifications have been vetted through numerous stakeholder meetings, defining three general categories including:

- **Simplifying and Clarifying:** such as improving definitions, utilizing consistent language with other city districts, and employing a combination of tables and text with updated SPI-16 (Midtown Special Public Interest) district maps.
- **Promoting Transit Oriented Development (TOD) Principals:** Midtown is considered transit oriented; however, only certain parcels are allowed a greater density in their proximity to MARTA stations. This inequity is addressed by a varied menu of performance based options including nine possible density bonuses: ground floor retail, affordable housing, buried parking, public parking, significantly reduced parking, 'green' building, new connectivity, building re-use, and new public park space.
- **Reinforcing Priorities (including Connectivity, Balancing Uses, Quality Public Space and Public Safety):** such as the creation of a comprehensive street typology map, minimizing pedestrian and bike vehicular conflict, providing additional design criteria for parking structures, promoting utility line burial, increasing the transparency of sidewalk level windows, creating lower parking caps and shared parking opportunities, incentivizing affordable housing and public art, restraining incompatible uses, allowing the transfer of development rights for amenities such as public parks and public parking, lessening

setbacks and loading requirements, prioritizing open space that is readily accessible and supporting outdoor merchandising.

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:**
Currently, the proposed rezoning is compatible with the existing land use designations of High-Density Commercial. Therefore, a Comprehensive Development Plan (CDP) amendment is not required.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:**
The location of the site and current use of surrounding properties indicate there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services in the area. When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Since no development project is being proposed, these considerations are not applicable. The proposed text amendment would not change zoning, allowed density or balance of uses of the district. In fact, the zoning text is part of an effort in the area to refine the balance of uses in a well-designed, hospitable and aesthetically pleasing manner. Therefore, staff is of the opinion that this amendment could only improve the balance of land uses in the area.
- 4) **Effect on character of the neighborhood:** Since no development project is being proposed, these considerations are not applicable. However, this text amendment is expected to improve the character of the district and surrounding neighborhood. The reasons for this include allowing for a variety of performance based options, more connectivity, additional criteria for improved urban design, more accessible open spaces and standards to support safe transportation alternatives being proposed.
- 5) **Suitability of proposed land use:** Since no development project is being proposed, this consideration is not applicable. The proposed text amendment would not change land uses either existing or proposed in the district.
- 6) **Effect on adjacent property:** Since no development project is being proposed, this consideration is not applicable. Staff does not anticipate any negative effects on adjacent properties from the proposed text amendment. The boundaries of the district would not change nor would the protection afforded to immediately adjacent neighborhoods of Ansley Park and Midtown be affected. In fact, the expected improved balance of uses with higher urban design standards should serve to meet the evolving needs of the community.
- 7) **Economic use of current zoning:** Since no development project is being proposed, this consideration is not applicable. Although Staff is aware the current zoning has substantial economic uses, this ordinance allows for a more unified pedestrian-oriented built environment with additional incentives and bonuses. Therefore, it is expected that the market

value of properties in the district could only increase because of improved aesthetics and the opportunity for convenient and accessible goods and services.

- 8) **Compatibility with policies related to tree preservation:** Since no development project is being proposed, this consideration is not applicable. Upon application of a building permit, the applicant will have to comply with the City of Atlanta Tree Ordinance.

STAFF RECOMMENDATION: APPROVAL of a Substitute Ordinance.

cc: Charletta Wilson Jacks, Director