




KASIM REED  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF CITY PLANNING  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303  
404-330-6145 – FAX: 404-658-7491  
<http://www.atlantaga.gov/Government/Planning.aspx>

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-17-08 for 550 North Highland, N.E.  
**DATE:** September 14, 2017 (*Deferred from May 2017*)

---

An Ordinance by Zoning Committee to rezone from the PD-MU (Planned Development Mixed Use) to PD-MU (Planned Development Mixed Use) for a change in conditions, for property located at **550 North Highland Avenue, N.E.**; and for other purposes.

The applicant has requested deferral for 60 days for additional time to work with the neighborhood and NPU. Staff is supportive of this request.

**STAFF RECOMMENDATION: 60-DAY DEFERRAL- NOVEMBER 2017**

cc: Charletta Wilson Jacks, Director



KASIM REED  
MAYOR


**CITY OF ATLANTA**  
DEPARTMENT OF CITY PLANNING  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303  
404-330-6145 – FAX: 404-658-7491  
<http://www.atlantaga.gov/Government/Planning.aspx>

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-17-44 for 535 and 550 Mitchell Street, 536 Martin L. King, Jr. Dr. and 35 and 99 Northside Drive, S.W.

**DATE:** September 14, 2017

---

The applicant seeks an ordinance by Zoning Committee to rezone from **RG-3 (Residential General Sector 3)**, **RG-4 (Residential General Sector 4)** and **O-I (Office Institutional)** to **PDMU (Planned Development Mixed Use)** for property located at **535 and 550 Mitchell Street, 536 Martin L. King, Jr. Dr. and 35 and 99 Northside Drive, S.W.**

### FINDINGS OF FACT:

- **Property location.** The site fronts approximately 302 feet on the north side of Mitchell Street, beginning approximately 478 feet from the southwest intersection of Northside Drive and 0 feet from the southwest intersection of Beckwith Court and 382 feet on the east side of Walnut Street, beginning approximately 0 feet from the southeast intersection of Beckwith Court. The property is located in Land Lot 84 of the 14<sup>th</sup> District of Fulton County, Georgia within the Atlanta University Center neighborhood of NPU-T in Council District 3.
- **Property size and physical features.** The site is approximately 17.49 acres in size and currently, is developed with multiple dilapidated structures in various stages of disrepair. The lot topography varies across the site. The site is vegetated with several mature trees and shrubs located throughout the site.
- **CDP land use map designation:** The land use designations found on the site are Very High-Density Residential (VHDR), Medium Density Residential (MDR), and Office-Institutional (O-I) within the 2016 Comprehensive Development Plan (CDP).

- **Current/past use of property:** Historically, the subject property was an occupied by a multi family residential development with an office-institutional component for a private university. Staff is unaware of any other uses for the property.
- **Surrounding zoning/land use:** The surrounding properties are zoned MRC-3-C (Mixed Residential Commercial Conditional) District with a Mixed Use land use designation to the east, MRC-2-C (Mixed Residential Commercial Conditional) District with a Mixed Use land use designation to the southeast, C-3 (Commercial Residential) District with an Office-Institutional land use designation to the northeast, O-I (Office-Institutional) District with Office-Institutional and Community Facility land use designations to the west, and SPI-11 SA8 (Vine City & Ashby Station Special Public Interest District, Subarea 8) with a Mixed Use land use designation to the north.
- **Transportation system:** Northside and Martin Luther King, Jr. Drives are classified as arterial streets, Mitchell Street is classified as a collector street, and Beckwith Court and Walnut Street are local roads. There are sidewalks along the north and south sides of Martin Luther King, Jr. Drive, and present along the east side of Walnut Street, and along both sides of Northside Drive, Mitchell Street, and Beckwith Court. MARTA provides service via bus route #3 along Mitchell Street and #94 along Northside Drive, and via the Vine City Transit Station located within ¼ mile of the site.

### **PROPOSAL:**

This applicant is requesting to rezone the site from the RG-3 (Residential General Sector 3), RG-4 (Residential General Sector 4), and O-I (Office Institutional) zoning districts to the PD-MU (Planned Development Mixed Use) district to construct a mixed-use development of approximately 1,713,300 square feet of residential with approximately 1,637 units, and approximately 320,300 square feet of non-residential uses including 134,700 square feet of commercial floor area and 185,600 square feet of office floor area.

### **Project Specifications:**

Net Lot Area:	761,864 sq. ft. (17.49 acres)
Gross Lot Area:	915,017 sq. ft. (21.0 acres)
Maximum Floor Area allowed (non-residential):	3.0 x 761,864 = 2,285,592 sq. ft.
Proposed Floor Area (non-residential):	320,300 sq. ft.
Maximum F.A.R. allowed (residential):	3.2 x 915,107 = 2,928,342 sq. ft.
Proposed F.A.R. (residential):	1,713,300 square feet (1.8)
Open Space:	683,890 square feet
Parking Required:	1,790 spaces
Parking Provided:	1,884 spaces

## **CONCLUSIONS:**

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**  
The proposed PD-MU zoning is not consistent with the existing Very High-Density Residential, Medium Density Residential, and Office-Institutional land uses designations. Therefore, a Comprehensive Development Plan (CDP) amendment is required.
- (2) **Availability of and affect of public facilities and services; referral to other agencies:** The location of the site and surrounding uses indicate there are public facilities and services available to the subject property.
- (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. Therefore, Staff is of the opinion that this proposal would not have a negative impact on the balance of land uses.
- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood's character. The proposed development will allow for the creation of an urban, mixed use development which may benefit the Downtown commercial development to the east and provide a transition into the Atlanta University Center neighborhood to the west. Furthermore, the proposal would revitalize a vacant formerly multi-family residential and office-institutional site. The development would also improve the overall aesthetics of the area and improve the pedestrian infrastructure while adding needed commercial and residential components to the Atlanta University Center neighborhood. Therefore, Staff considers this proposal as an improvement over the existing conditions of the site.
- (5) **Suitability of proposed land use:** A change in land use is necessary for the proposed planned development. The proposal is to add residential, office, and retail components to the area, while transitioning towards the Atlanta University Center neighborhood to the west.
- (6) **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties. Presently, the site consists of various structures in disrepair. The proposed development would have a positive effect on adjacent properties through the redevelopment of a site that currently devalues all adjacent properties. Further, through this development, the street grid is re-established and provides ease of use for pedestrians and vehicular traffic reconnecting formerly disjointed portions of town. The site is surrounded by land zoned for industrial to the north, east, and west and multifamily residential to the south.

- (7) **Economic use of current zoning:** The subject property has limited economic use under the existing RG-3 (Residential General Sector 3), RG-4 (Residential General Sector 4), and O-I (Office Institutional) zoning designations. The proposed PD-MU (Planned Development Mixed Use) designation would provide a more effective economic use of the subject property for the purpose of redeveloping into a mixed use development.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.
- (9) The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:
- a. **The suitability of the tract for the general type of PD zoning proposed.**  
This application is a request for a rezoning. Staff is of the opinion that the request is suitable for a PD-MU (Planned Development Mixed Use) zoning classification. Location, the zoning of surrounding properties, and availability of public utilities are appropriate elements considered by Staff as satisfactory. The land use will need to be amended from the current Very High Density Residential (VHDR), Medium Density Residential (MDR), and Office-Institutional (O-I) land use designation to a more compatible designation for the site. Also, Staff is of the opinion that the proposed project would be compatible with the general area and neighborhoods and would enhance the character of the area.
  - b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** The site is within ¼ mile of the Vine City MARTA Transit Station as well as bus route #3 along Mitchell Street, a collector street, and bus route #94 along Northside Drive, an arterial street. Therefore, public transit and mobility would be available.
  - c. **The evidence of unified control.** The revised rezoning site plan submitted by the applicant does not provide for a report to regulate maintenance of all proposed common areas within the development. However, since this is a conceptual rezoning site plan and not all the details of the future development are yet in place, Staff finds that criteria can be evaluated at a later time, during the review of the required building permits.
  - d. **The suitability of proposed plans.** The conceptual site plan dated March 16, 2017, and stamped received by the Office of Planning on June 13, 2017, is considered to be suitable for a PD-MU (Planned Development Mixed Use) type of development.
  - e. **Specific modifications.** There have not been any modifications submitted referencing this development.
  - f. **The suitability of a maintenance program.** The applicant has provided no information related to a maintenance program for the common areas. Staff finds that the site plan identifies certain elements and improvements proposed for common use. Staff will require that the development is governed by private covenants to provide for ownership/maintenance of the common areas.

**STAFF RECOMMENDATION: APPROVAL, conditioned on the following:**

1. Conceptually, the site shall be developed in accordance with the conceptual site plan titled "Friendship Village" dated March 16, 2017, by Edwards Engineering Consultants, LLC and stamped received by the Office of Planning on June 13, 2017. This site plan is not meant to prohibit the full application of the development regulations for the PD-MU (Planned Development Mixed Use) zoning district.
2. The following uses are prohibited:
  1. Adult businesses as defined in section 16-29.001(3). See section 16-28.016 for locational requirements.
  2. Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications as contemplated by Section 16-25.002(3)i(iv)(i).
  3. Supportive housing with a special use permit.
  4. Shelter with a special use permit.
3. The building types, building footprints, lot lines, open space calculations and parking calculations that are shown on this site plan are for illustrative purposes only. Any unused development permission on one block may be transferred to other blocks within the development. The total square footages for each use category on the site plan and not the floor area ratios identified on the site plan shall control with respect to allowable density within the development. The required open space and parking shall be calculated based on the applicable code requirements in the PD-MU zoning district for the density and uses developed.

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](http://www.atlantaga.gov)

**TIM KEANE**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-17-50 Briarcliff Plaza Landmark District

**DATE:** September 14, 2017

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW CHAPTER TO BE ENTITLED 20S, BRIARCLIFF PLAZA LANDMARK DISTRICT; TO ESTABLISH REGULATIONS FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT; AND TO DESIGNATE AND ZONE ALL PROPERTIES LYING WITHIN THE BOUNDARIES OF SAID DISTRICT TO THE ZONING CATEGORY OF LANDMARK DISTRICT (LD) PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA, REZONING FROM C-1 TO LANDMARK DISTRICT (LD), TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.**

#### **FINDINGS OF FACT:**

The Briarcliff Plaza Landmark District contains two one-story buildings and one associated off-street surface parking lot on two separate parcels located at 1027 Ponce de Leon Avenue and 1061 Ponce de Leon Avenue, at the southwest corner of the intersection of North Highland Avenue. Cleburne Terrace bisects the District near the western end, providing pedestrian and vehicular access and access to Ponce de Leon Avenue and Blue Ridge Avenue. Sidewalks line the front and sides of each building within the District and a sidewalk is also present behind the 1061 Ponce de Leon Avenue building. The public sidewalks along Ponce de Leon Avenue, North Highland Avenue, and Cleburne Terrace also feature planting strips and medium-height street trees.

The general urban setting of the District along Ponce de Leon and North Highland Avenues consists of a mix of low-to-medium density commercial, institutional, and multi-family residential development that mainly dates from the early-to-mid-twentieth century. Near the site is a 1943 non-contributing one-story multiple retail commercial building (674-676 North Highland Avenue) with no identified style and a non-contributing surface parking lot occupy the same parcel as 1061 Ponce de Leon Avenue and are located to the immediate south, behind, the 1940 building. The Poncey-Highland neighborhood, an early-twentieth century bungalow residential area, is just south of the District on the other side of Blue Ridge Avenue. Major landmarks in the nearby vicinity include the National Register-listed Briarcliff Hotel at 1050 Ponce de Leon Avenue, just north of the District, the Druid Hills Baptist Church (1928) at 1065 Ponce de Leon to the immediate south, and a Publix grocery store is located on the adjacent lot to the west.

#### 1027 Ponce de Leon Avenue

1027 Ponce de Leon Avenue is a horizontally-massed, one-story, commercial strip building erected in 1939. It is constructed with 12-inch brick masonry walls and designed in the Art Deco Style. The 13,000 square-foot building has a rectangular plan, continuous brick foundation and flat built-up roof with a parapet. The building contains approximately five retail spaces and is located on a .3-acre lot at the southwest corner of the intersection of Ponce de Leon Avenue and Cleburne Terrace. The Majestic Restaurant, a tenant of the shopping plaza since its 1939 opening, occupies the prominent northern end of the building fronting Ponce de Leon Avenue. Two smaller storefronts face Cleburne Terrace to the east with a larger commercial space (originally occupied by Blick's Bowling Palace) at the southern end of the building.

#### 1061 Ponce de Leon Avenue

1061 Ponce de Leon Avenue consists of a one-story commercial strip front and rear, two-story theater auditorium. It was completed in 1940. 1061 Ponce de Leon Avenue has a larger, irregular plan than its counterpart and contains approximately 24,000-square feet of retail space along with a 15,000-square foot theater. It appears to have a continuous masonry foundation and a built-up roof with parapet.

Like 1027 Ponce de Leon Avenue, it features similar brick masonry construction and Art Deco Style detailing along the façade and east side. The prominent entrance to the Plaza Theater with its illuminated zigzag vertical fan occupies the center of the building. Flanking the theater on the west are three storefronts while on the east are three storefronts and the larger commercial retail space that was originally occupied by the Big Star Supermarket and was followed by Plaza Drugs, a longtime tenant in the Briarcliff Shopping Plaza (the Urban Outfitters clothing store currently resides in the space). A continuous, curving awning with metal cladding extends along the entire width of the building and painted Art Deco fluted features with central fins are also present on the east and west corners of the cornice.

Behind the store, a short service drive on the west side provides delineation between the one-story retail section and the two-story theater. Service bay openings line the rear of the building and a non-historic metal stairway provides exterior egress from the second story of the theater. Three retail storefronts originally fronted North Highland Avenue at the southeast corner of the building.



The significance of the Briarcliff Plaza Landmark District is fully described in the Nomination Designation Report adopted by the Atlanta Urban Design Commission (UDC) N-17-240/D-17-240.

**PROPOSAL:**

The proposal is to amend the 1982 Zoning Ordinance of the City of Atlanta to create a new chapter entitled 20S, Briarcliff Plaza Landmark District, to establish regulations for said district and to reference a map establishing the boundaries of said district.

In May 2017, UDC initiated the nomination process by mailing the appropriate Notice of Intent to the property owners of the Briarcliff Plaza Landmark District and publishing a notice pursuant to Subsection (b) of the City of Atlanta Code of Ordinances, Section 16-20.005. The Executive Director of the UDC conducted research regarding this proposed nomination and has compiled a written designation report stating the findings and recommendations regarding the historic, architectural and cultural significance of said nomination pursuant to (d) of said code section, which report, Attachment "A."

**Statement of Intent**

The Statement of Intent is to preserve the architectural history of the district, which includes the two, multiple tenant commercial buildings constructed between 1939-1940; preserve the historic spatial relationships of the district, including between buildings and the parking lot and the buildings, the parking lot and the street; to ensure that new construction is complementary to and compatible with the existing historic buildings in the district; to ensure that the original material and design features of the historic commercial buildings serve as the basis to determine the compatibility and appropriateness of all future rehabilitation and new construction plans; to promote pedestrian convenience and to connect buildings to the public life of the streets; and to preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare of the citizens of the City of Atlanta.

**District Boundaries**

The proposed boundary of the designation includes the two 1939-1940 commercial buildings and surface parking lot fronting Ponce de Leon Avenue on the parcels addressed 1027 Ponce de Leon Avenue, NE and 1061 Ponce de Leon Avenue, N.E. These two buildings and the parking lot define the District as the City's first automobile shopping center with dedicated off-street parking. The rear, or southern, boundary line extends to the furthest line at the rear of the 1061 Ponce de Leon Avenue building. The 674-676 North Highland Avenue commercial building and rear surface parking lot located on the 1061 Ponce de Leon Avenue parcel both postdate the original construction of the 1940 shopping center and are not included within the Briarcliff Plaza Landmark District (LD) boundary. See Attachment "B" to Nomination Resolution General Plat Map.

### General Regulations

Below are some of the general regulations that should apply to all properties within the Briarcliff Plaza Landmark District, except where otherwise stated. All of the general regulations may be referenced in the Briarcliff Plaza Landmark District Regulations dated August 23, 2017.

- A property shall be used for its historic purpose, in this case, a neighborhood shopping center inclusive of commercial, retail, restaurant, service and entertainment establishments, or be placed in a new use authorized in Section 16-20S.005 using minimal change to the defining characteristics of the building and its site and environment.
- The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and exterior spaces that characterize a property shall be avoided.
- Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

### Permitted Principal Uses and Structures

A wide variety of uses are permitted including, but not limited to: places of worship, museums, retail establishments, and eating and drinking establishments.

### Lot Controls and Building Heights

- Maximum combined building square footage in the District shall not exceed 55,000 square feet.
- Maximum building height shall be 35 feet exclusive of rooftop patios structures. Excluding structures housing elevator and stairwell landings and equipment, rooftop patio structures shall not exceed an additional 15 feet in height as measured from the roof plane and shall not occupy more than 25 percent of the total roof area.
- The minimum setback on the 1061 Ponce de Leon Avenue building shall be 75 feet from Ponce de Leon Avenue, not including canopies or marques. Outdoor dining shall be permitted within the Ponce de Leon Avenue setback of the 1061 Ponce de Leon Avenue building. All other building setbacks in the District shall be zero (0) feet.

### Sidewalks

- Sidewalk-level development without fenestration shall not exceed a maximum length of 10 feet of façade, except for the frontages along Cleburne Terrace and North Highland Avenue.

### Design Standards

1. The following Design Standard provisions shall apply to the district.
  - a. Building Compatibility.
    - i. Alterations and additions to existing contributing buildings shall be consistent with its architecture and meet the requirements set forth in 16-20S.004(1).
    - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form and pitch, materials, and other architectural details.

- b. Fenestration.
  - i. The compatibility rule shall apply to the following aspects of fenestration:
    - (1) The style and material of the individual windows or doors.
    - (2) The size and shape of the individual window and door openings.
    - (3) The overall pattern of fenestration as it relates to the building façade.
    - (4) The size and shape of storefront openings.
    - (5) The materials for exterior framing, casing, and trim for windows and doors.
    - (6) The use of tile and glass block for bulkheads, door surrounds, and transoms.
  - ii. Storefront glass shall not be painted or reflective.
- c. Facades.
  - i. Building materials for the façades of principal structures shall be determined by the compatibility rule. Corrugated metal, exposed concrete block, cementitious, wood, and vinyl siding are not permitted on any façade.
  - ii. Covering of the original façade shall not be permitted.
  - iii. Painting of unpainted building materials and masonry is prohibited.
  - iv. All cleaning of stone, ceramic tile, and brick shall be done with mild detergents. Pressure washing is an approved method of physical treatment.
  - v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color, and texture. Original mortar joints shall be duplicated in width and in joint profile.
  - vi. All building facades shall have coping.
- d. Ground floor sidewalk level active uses shall be provided for a minimum depth of 20 feet, as measured from the sidewalk level building facade in the following locations:
  - i. On the 1027 Ponce de Leon Avenue building façade facing Cleburne Terrace; and
  - ii. On the 1027 Ponce de Leon Avenue and 1061 Ponce de Leon Avenue building façades facing Ponce de Leon Avenue.
  - iii. Active uses shall be serviced by plumbing, heating, and electricity and are limited to the uses permitted by Section 16-20S.005.
- a. Fences, walls and retaining walls.
  - i. New barbed wire, razor wire, wood and chain link or similar elements are prohibited.
  - ii. Fences and walls are not permitted between the façade of the building and the street.
  - iii. Where permitted, fences and walls shall only to a total combined height of six (6) feet.
- b. No loading areas or dumpsters shall be located between the building façade and Ponce de Leon Avenue.
- c. Illumination and Security Features.
  - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The Commission may also require other elements to reduce light spillage.
  - ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight (8) feet above the sidewalk, drive, or pedestrian area.
  - iii. External storefront security grilles, gates, and security doors must be fully retractable during business hours. Such devices shall provide visibility into the interior of protected space when in use, and shall be prohibited from being opaque.
  - iv. Any external security grills, gates, and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.

- d. Canopies.
  - i. Original canopies shall be retained where possible.
  - ii. Replacement canopies, or portions thereof, are permitted only when original canopies cannot be rehabilitated.
  - iii. Installation of new canopies, where none previously existed, shall be permitted only when they adhere to the characteristics of the original structure’s architectural style.
  - iv. Canopies may be externally illuminated.
- e. All exterior stairs shall be metal and shall not be located between the existing building façades and the Ponce de Leon Avenue frontage.
- f. The existing pedestrian hardscaped walkway located between the 1061 Ponce de Leon Avenue building and the parking lot shall be retained.

Off-Street Parking, Parking Structures and Curb Cuts

**Sec. 16-20S.008. Off-Street Parking, Driveways and Curb Cuts.**

- 1. The following Off-Street Parking regulations shall apply to the District:
  - a. Parking Requirements. Off-street parking and bicycle parking requirements shall be as specified in the Briarcliff Plaza Landmark District Parking Table and subject to the following:

<b>BRIARCLIFF PLAZA LANDMARK DISTRICT PARKING TABLE</b>	<b>MINIMUM PARKING: BICYCLES</b>	<b>MINIMUM PARKING: AUTOMOBILES</b>	<b>MAXIMUM PARKING: BICYCLES</b>	<b>MAXIMUM PARKING: AUTOMOBILES</b>
Commercial Uses	The greater of: 2 spaces or 1 space for every 4,000 square feet of floor area	50 existing on site spaces shall be required for 55,000 square feet of floor area provided, however, no more than 25,000 square feet shall be eating and drinking establishments unless a shared parking arrangement is approved pursuant to subsection (2).	No more than 50 spaces required	2.5 spaces for every 1,000 square feet of floor area

- 2. Off-Street Parking Changes
  - a. Changes in the parking requirements may be approved by the Director subject to a shared parking arrangement under the following criteria:
    - i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and
    - ii. All shared parking spaces shall be clearly marked and signed as reserved as contemplated in the shared parking arrangement;

- iii. The ratio of off-site parking required for eating and drinking establishments to be included a shared parking arrangement shall be 1 space per 600 square feet; and
- b. The applicant requesting the shared parking arrangement shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
  - i. A to-scale map indicating location of proposed parking spaces;
  - ii. Indicate hours of business operation;
  - iii. Written consent of property owners agreeing to the shared parking arrangements; and
  - iv. Copies of any parking leases. Renewed leases shall be provided to the Director. Lapse of a required lease agreement shall terminate the permit.
3. No loading spaces shall be required in this District.
4. No new curb cuts shall be permitted and existing curb cuts shall not be widened.

### **SIGN REGULATIONS:**

Utilize existing language in Sign Ordinance for Historic and Landmark Districts, with the following specific requirements added for this particular district:

- (55) Briarcliff Plaza Landmark District. The sign regulations for the Briarcliff Plaza Landmark District shall be the same as the C-1 zoning regulations, provided that:
- 1) No sign shall be permitted except after approval by the Director of a Certificate of Appropriateness as specified in Chapter 20S of this part;
  - 2) Signs provided for contributing buildings shall be designed in a manner that is compatible with the design, materials, location, and general character of signage from the time-period of historical significance for the building;
  - 3) Sign location on a contributing building shall correspond with that portion of the building owned or leased by the person erecting the sign;
  - 4) All regulations in Chapter 20S of this part are met;
  - 5) Neon lighting or similar tubular lighting mechanisms shall be permitted;
  - 6) The following signs shall be prohibited:
    - i) General advertising signs and billboards;
    - ii) Freestanding signs;
    - iii) Monument signs;
    - iv) LSVD signs;
    - v) Changing signs on contributing buildings; and
    - vi) Internally illuminated signs on contributing buildings, except for signs utilizing neon lighting or similar tubular lighting mechanisms.

### Land Use

- A land use change would not be required for the Landmark District.

## CONCLUSIONS:

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

The designation of the Briarcliff Plaza Landmark District would constitute a standalone district. As such, the Staff finds that no CDP land use changes are necessary. The CDP includes the following goals which support the protection of the properties within and designation of the Briarcliff Plaza Landmark District:

#### *4.1.2.4.2. Cultural Resources -Policies of the Historic Preservation Ordinance. Policies of the City of Atlanta Historic Preservation Ordinance are:*

1. Effect and accomplish the protection, enhancement, and perpetuation of such buildings, sites, and district, which represent or reflect special elements of the City's cultural, social, economic and architectural history.
2. Safeguard the City's historic aesthetic and cultural heritage, as embodied and reflected in such buildings, sites, and districts.
3. Stabilize and improve property values of such buildings, sites, and districts.
4. Foster civic pride in the beauty and noble accomplishments of the past.
5. Protect and enhance the City's attractions to tourists and visitors and thereby support and stimulate business and industry.
6. Strengthen the economy of the City.
7. Promote the use of such buildings, sites, and districts for the education, pleasure and general welfare of the people of the City.
8. Promote attention to sound design principals in areas of new development and redevelopment.
9. Raise the level of community understanding and expectation for quality in the built environment.
10. Implement the City's Comprehensive Development Plan.

#### *4.1.2.6.2. Urban Design - Preservation of Cultural/Historic and Natural Resources. Policies to promote the goal of such preservation includes the following:*

1. Preserve and protect the City's historic buildings and sites.
2. Preserve historic, cultural and natural resources by integrating them into new and existing developments, parks, greenways and special-event sites while protecting their distinctive qualities.
3. Discourage land speculation and disinvestment that lead to neighborhood buy-outs, demolition of significant buildings (historic or otherwise) or land vacancy (including surface parking lots).

Also, the Staff finds that there are no known public projects or programs with which the timing of the designation of the Briarcliff Plaza Landmark District would conflict.

### **(2) Availability of and effect on public facilities and services: referrals to other agencies:**

The designation of the Briarcliff Plaza Landmark District will have no effect on public facilities or services.

(3) **Availability of other appropriate land zoned for proposed use: effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)):** The Briarcliff Plaza Landmark District represents a specific area of historic, cultural and architectural significance. No other land is subject to the specific regulations or is considered for inclusion in the Briarcliff Plaza Landmark District. The Staff finds that the designation of Briarcliff Plaza Landmark District is not expected to impact other land uses with regard to the public need.

(4) **Effect on character of the neighborhood:** The designation of the Briarcliff Plaza Landmark District would provide protection for a specific community which has been determined by the UDC to have significant cultural, architectural and historic value to the City. The Briarcliff Plaza Landmark District is intended to preserve the architectural history of the district, including the spatial relationships between buildings, and the spatial relationships between buildings and the street; to promote pedestrian and cycling convenience and connect buildings to the public life of the street; and to preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

(5) **Suitability of proposed land use:** The allowable uses of properties within the Briarcliff Plaza Landmark District would be similar to their current allowed uses. The regulations would establish formal procedures for determining the type of certificate of appropriateness which would be required and allow for variances and special exceptions from these regulations to be heard before the UDC. The intent of the Briarcliff Plaza Landmark District is to preserve the architectural history of the district including commercial buildings that were constructed from 1939-1940 and to ensure that new development materials are compatible with and sensitive to the historic character of the Briarcliff Plaza Landmark District.

(6) **Effect on adjacent property:** The Briarcliff Plaza Landmark District is intended to have a stabilizing effect on the land uses and properties within the district. Because the boundaries of this district are clearly defined and these regulations would apply specifically to properties within these boundaries, the Staff does not anticipate that properties adjacent to these boundaries would be negatively impacted.

(7) **Economic use of current zoning:** The current zoning category of C-1 (Community Business) District allows for the economic use of the land. Staff does not anticipate that the approval of the Briarcliff Plaza Landmark District will have any negative economic impacts.

(8) **Compatibility with policies related to tree preservation:** The Staff finds that designation of the Briarcliff Plaza Landmark District will have no impact on policies related to tree preservation.

(9) **Other considerations:** Section 16-20.006 (c)(2) of the Zoning Ordinance states the Department of City Planning, through the Office of Zoning and Development, shall evaluate each such proposed designation and shall consider the following matters:

a. City goals and policies as are contained in the Comprehensive Development Plan (CDP);

- b. Impact on proposal on transportation, urban design and other planning and development goals and objectives of the City;
- c. Potential impacts of tax abatements and other financial incentives which may be available to the property owner to assist in preservation;
- d. Potential impacts of tax abatements and other financial incentives in the City budget.

*Regarding part a:*

Within the CDP, the Staff finds that the designation of the Briarcliff Plaza Landmark District fully meets the goals and objectives of the City as outlined in the City's Historic Preservation Ordinance, which is also found within the CDP in Chapter 5 Historic Resources - Policies of the Historic Preservation Ordinance, as follows:

- 1. Safeguard the City's historic aesthetic and cultural heritage, as embodied and reflected in such buildings, sites, and districts.
- 2. Stabilize and improve property values of such buildings, sites, and districts.
- 3. Strengthen the economy of the City.
- 4. Promote attention to sound design principals in areas of new development and redevelopment.
- 5. Raise the level of community understanding and expectation for quality in the built environment.
- 6. Implement the City's Comprehensive Development Plan.

*Regarding part b:*

Within the CDP, the Staff finds that the designation of the Briarcliff Plaza Landmark District fully meets the goals and objectives of the City as outlined in Chapter 8. Urban Design- Preservation of Cultural, Historic and Natural resources:

- 1. Preserve and protect the City's historic buildings and sites.
- 2. Preserve historic, cultural and natural resources by integrating them into new and existing developments, parks, greenways and special-event sites while protecting their distinctive qualities.
- 3. Discourage land speculation and disinvestment that lead to neighborhood buy-outs, demolition of significant buildings (historic or otherwise) or land vacancy (including surface parking lots).

*Regarding part c:*

Staff finds that the designation of the Briarcliff Plaza Landmark District by the City of Atlanta would make one additional financial incentive available to property owners. This incentive is the Landmark Historic Property Tax Abatement Program:

Landmark Historic Property Tax Abatement Program - The owner of an income-producing building, which is listed in the National or Georgia Register of Historic Places and has been designated by the City of Atlanta as a Landmark District or a contributing building in a Landmark District, may obtain preferential property tax treatment. The building must be in standard condition. For purposes of tax assessment for City of Atlanta taxes, excluding bonded



indebtedness, the fair market value of the building and up to two acres of land surrounding it, is frozen for eight years at the level existing at the time of application and certification. In the ninth year, the fair market value is fixed at one-half the difference between the frozen value and the current fair market value. The application for this tax freeze must be filed with the county tax assessor's office by December 31<sup>st</sup> of the year before the freeze will go into effect.

Regarding part d:

The Staff anticipates minimal impact.

**STAFF RECOMMENDATION: APPROVAL**

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](http://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 *KMH*

**SUBJECT:** Z-17-54 for 87, 91 and 99 West Paces Ferry Road, N.W., and 3188, 3198 and 3202 Paces Ferry Place, N.W.

**DATE:** September 14, 2017

---

An Ordinance by Zoning Committee to rezone from SPI-9 SA 2 (Buckhead Village Special Public Interest District, Subarea 2) and SPI-9 SA 3 (Buckhead Village Special Public Interest District, Subarea 3) to SPI-9 SA 2 (Buckhead Village Special Public Interest District, Subarea 2), for property located at property located at 87, 91 and 99 West Paces Ferry Road, N.W., and 3188, 3198 and 3202 Paces Ferry Place, N.W.

The applicant has requested deferral for 30 days for additional time to work with the neighborhood and NPU. Staff is supportive of this request.

**STAFF RECOMMENDATION: 30-DAY DEFERRAL-OCTOBER 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](http://www.atlantaga.gov)

TIM KEANE  
COMMISSIONER  
CHARLETTA WILSON  
JACKS  
Director

### MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-55 for 749 9<sup>th</sup> Street, 748 10<sup>th</sup> Street, 954, 962, and 980 Howell Mill Road, N.W., and 17 01500005014 and 17 015000056016.

DATE: September 14, 2017

An Ordinance by Zoning Committee to rezone property located at 749 9<sup>th</sup> Street, N.W., 748 10<sup>th</sup> Street, N.W., 954, 962, and 980 Howell Mill Road N.W., and 17 01500005014 and 17 015000056016 from MR-4A (Multi-Family Residential) and I-1 (Light Industrial) to MRC-3 (Mixed Residential Commercial), and for other purposes.

#### FINDINGS OF FACT:

- **Property Location:** The subject property consists of several vacant lots fronting 285 feet on the south side of 10th Street, N.W. and beginning at the intersection of 10th Street, N.W. and Howell Mill Road, N.W. The subject property is located in Land Lot 150 of District 17 in NPU E, in the Home Park neighborhood of Council District 3.
- **Property Size and Physical Features:** The subject property consists of several vacant lots with concrete and small to mature, scattered shrubbery. There are two remaining commercial properties on the southeastern lots along Howell Mill Road and 9<sup>th</sup> Street. The topography of the lot has a steady incline northward west of the intersection of Howell Mill Road and 10<sup>th</sup> Street. Vehicular access to the property is currently restricted as the lots are gated.
- **CDP Land Use Map Designation:** The current land use category for the site is Mixed-Use.
- **Current/Past Use of Property:** The subject property is mostly vacant with two parcels containing a commercial loft and a machine shop. Staff is unaware of any previous uses.
- **Surrounding Zoning/Land Uses:** The current land use for this parcel is Mixed-Use and the zoning designation is MR-4A (Mixed-Family Residential) and I-1 (Light Industrial) District. Other zoning districts in the immediate area are PD-MU (Planned Development Mixed Use), I-2 (Heavy

Industrial), C-2 (Commercial Residential), and MRC-3 (Mixed Residential Commercial), and the land use designation is Mixed Use.

- **Transportation System:** This portion of 10<sup>th</sup> Street and 9<sup>th</sup> Street are both local streets, while Howell Mill Road is an arterial road. The MARTA bus routes #1 and #12 stop in front of the subject property.

## **PROPOSAL:**

This application seeks to rezone the site from the I-1 (Light Industrial), I-2 (Heavy Industrial) and MR-4A (Multi-Family Residential) zoning to the MRC-3 (Mixed Residential Commercial) zoning for a development of 324 multi-family units and up to 19,000 square feet of sidewalk-level commercial use, including retail and restaurants.

### **Development Specifications:**

Net Lot Area:	90,858 square feet
Residential F.A.R. Proposed:	3.55 (321,145 square feet)
Residential Units Provided:	324
Total F.A.R. Allowed (Non-residential):	4.0 (361,432 square feet)
Non-residential F.A.R. Proposed:	0.22 (19,500 square feet)
Building Height Max Allowed:	225 feet
Building Height Proposed:	180 feet
Minimum Useable Open Space Required:	75,462 square feet
Useable Open Space Proposed:	75,600 square feet
Parking Required (Residential):	169 spaces (0.52 per unit)
Parking Proposed (Residential):	455 spaces
Parking Required (Non-Residential):	27 spaces (1 space per 600 square feet)
Parking Proposed (Non-Residential):	165 spaces
Bicycle Spaces Required:	50 spaces
Bicycle Spaces Provided:	50 spaces
Loading Required:	5 spaces (12'x35')
Loading Proposed:	5 spaces (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. Staff approves of these findings as fact.
- **Availability of and effect of public facilities and services; referral to other agencies:**  
All necessary public facilities and services are available to this property. Staff approves of these facilities.

- **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 existing Mixed Use land use category suggests the property has been targeted for redevelopment with a mix of uses. The balance of land uses is enhanced by the replacement of the former underutilized industrial uses with the proposed mixed use project. Staff approves of this suitable land use and its effect on the surrounding environs.
- **Effect on character of the neighborhood:** The character of the neighborhood will not be adversely impacted by the zoning proposal. Staff is of the opinion the proposed zoning will allow for the appropriate redevelopment of a vacant lot and contribute to the continued redevelopment of an increasingly less industrial corridor.
- **Suitability of proposed land use:** The proposed development will revitalize a currently underdeveloped portion of Howell Mill Road and 10<sup>th</sup> Street, two major corridors in the West Midtown area. Further, the change in use and the streetscape required by the zoning district will activate a block that is currently not contributing to the active pedestrian grid currently under development in the area.
- **Effect on adjacent property:** The project will definitely be a great transitional use from the post office and the Westside Cultural Arts Center. The addition of the mixed-use development will definitely activate a long time vacant block into a vibrant, urban block with different uses.
- **Economic use of current zoning:** The existing zoning does have an economic use as a mixed-use development, which fits perfectly with the continued growth and infill of the West Midtown area.
- **Tree Preservation:** Upon application of building permit the applicant must comply with all regulations found in the City of Atlanta Tree Ordinance.

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. There shall be only one (1) curb cut from the 9<sup>th</sup> Street frontage.

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](http://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-17-57 for 900 Joseph E. Lowery Boulevard, N.W. (*Beltline Overlay*)

**DATE:** September 14, 2017

---

The applicant seeks to rezone property located at **900 Joseph E. Lowery Boulevard** from **I-2 (Heavy Industrial/Beltline Overlay)** to **MRC-3 (Mixed Residential Commercial/Beltline Overlay)**.

### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 358 feet on the west side of Joseph E. Lowery Boulevard, N.W. and begins 1,135 feet from the southwest corner of Joseph E. Lowery Boulevard, N.W. and West Marietta Street, N.W. The property is located in the Knight Park/Howell Station, Subarea 9 of the Beltline Overlay District, in Land Lot 113 and 189 of the 17<sup>th</sup> District in NPU K, Council District 3, Fulton County, Georgia.
- **Property size and physical features:** The property consists of approximately 220,416 square feet (5.06 acres) of net lot area (229,360 square feet/5.27 acres gross lot area). The lot is currently undeveloped. The topography of the lot is level. Vehicular access to the property is currently available via a gravel driveway located on the east side of the parcel fronting the right-of-way of Joseph E. Lowery Boulevard. The lot only contains a few trees along the northern and eastern property lines while the majority of the lot is covered in grass and gravel. Staff would like to note, that the submitted sites plans depict a creek just west of the property including state and city buffer zones. GIS does not show this geographical feature on the City's database.
- **CDP land use map designation:** The Future Land Use designation for this property is Mixed Use (MU). An amendment to the Comprehensive Development Plan will not be needed to accommodate the proposed development.

- **Current/past use of property:** Staff is not aware of any previous uses.
- **Surrounding zoning/land uses:** Land use and zoning designations in the immediate area varies. The subject property is adjacent to the south by parcels zoned I-2 (Heavy Industrial/Beltline Overlay) and LW-C (Live Work Conditional) with a Mixed-Use (MU) land use designation. Parcels to the immediate west all contain I-2 (Heavy Industrial) zoning with Industrial (I), Medium Density Residential (MDR), and Transportation/Communications/Utilities (TCU) land use designations. Northern parcels include I-1 (Light Industrial) and C-2 (Commercial Service) zonings with the same Mixed-Use land use designation as the subject property. Lastly, properties located to the east are zoned MR-4A (Multi-Family Residential) and I-2 (Heavy Industrial) with a High-Density Residential (HDR) land use.
- **Transportation:** Joseph E. Lowery Boulevard and West Marietta Street to the north is classified as a Minor Arterial. Donald Lee Hollowell Parkway to the south is classified as a Principal Arterial road and contains the only connection point for MARTA (Route #26 Perry Boulevard/North Avenue) bus service in the area. Hollowell Parkway also includes plans for the Atlanta StreetCar Orange Line to the north. There are plans from the Connect Atlanta Plan for a core connection bicycle corridor along Joseph E. Lowery Boulevard and an Atlanta Beltline Multi-Use Trail to be built along the rail corridor to the west of the subject parcel. Joseph E. Lowery Boulevard is also designated as City Truck Route.

**PROPOSAL:**

The applicant seeks the rezoning of a 5.06-acre lot from I-2 (Heavy Industrial/Beltline Overlay) to MRC-3 (Mixed Residential Commercial/Beltline Overlay) to construct a 156 unit 65 foot story multi-family development with street level office space. This would include 110 one (1) bedroom units and 46 two (2) bedroom units. Access to the property will be via a single 24-foot curb cut on Joseph E. Lowery Boulevard. Per the zoning code, *sec. 16-34.028(1)(a)*, maximum permitted Floor-to-Area Ratio (F.A.R.) for developments combining residential and commercial uses zoned MRC-3 (Mixed Residential Commercial) are calculated at 7.20 of the lot area. Each component cannot exceed a FAR. of 3.20 for residential use and 4.0 for commercial use. The applicant has chosen to utilize gross lot area of 229,360 square feet to calculate their maximum allowable FAR., required usable open space and required parking.

**Project Specifications:**

Gross Lot Area:		<u>229,360 sq. ft.</u>
Maximum Residential F.A.R. (allowed of gross area):		
MRC-3:	3.20 x 229,360 sq. ft =	<u>733,952 sq. ft.</u>
Maximum Commercial F.A.R. (allowed of gross area):		
MRC-3:	4.00 x 229,360 sq. ft. =	<u>917,440 sq. ft.</u>
Maximum Total F.A.R. (allowed of gross area):		
MRC-3:	<u>7.20 x 229,360 sq. ft. =</u>	<u>1,651,392 sq. ft.</u>
Proposed F.A.R.:		
Residential:	0.697 x 229,360 sq. ft.=	<u>159,908 sq. ft.</u>
Proposed F.A.R.:		
Commercial:	=	<u>3,998 sq. ft.</u>

Proposed F.A.R.:

Amenity Area (Leasing Off., Gym, Lobby, etc.): = 7,920 sq. ft.

Proposed F.A.R.:

TOTAL BUILDING AREA: @ 0.749 = 171,826 sq. ft.

Minimum U.O.S.R. (Usable Open Space Required)

*Based on F.A.R. of 0.800 on Land Use Intensity (LUI) Ratios Table (Sec.16-08.010)*

Sector 4: 0.40 x 229,360 sq. ft. = 91,744 sq. ft.

Proposed U.O.S.R

*Gross Lot Area – Structure Foot Print – Paved Surfaces for Vehicle Use + Outdoor living Areas (1/2 Balconies & Arcade)*

229,36 – 41,325 – 75,609 + 10,577 = 101,849 sq. ft.

Number of Parking Required:

*Based on Beltline Overlay*

Minimum Number of Residential Spaces Required: 1 \* 156 = 156 spaces

Minimum Number of Commercial Spaces Required: 1/300 sq. ft. = 13 spaces

Minimum Total Number of Spaces Required: = 169 spaces

Maximum Number of Residential Spaces Required: 1.25/1 BR unit = 138 spaces

Maximum Number of Residential Spaces Required: 2.00/2 BR unit = 92 spaces

Maximum Number of Commercial Spaces Required: 10>min = 23 spaces

Maximum Total Number of Spaces Required: = 253 spaces

Proposed Number Parking Spaces: = 194 spaces

Required and Proposed Number of Loading Spaces (12' x 35') = 3 spaces

**CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates the property as Mixed Use. The proposed rezoning to MRC-3 (Mixed Residential Commercial) District is consistent with the existing land use, thus a land use amendment will not be required to accommodate the proposed 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-4A (Multifamily Residential) and C-3-C (Commercial Residential Conditional) zoned parcels that contain multi-family structures northeast of the subject lot along West Marietta Street and contribute to the redevelopment of the neighborhood.
- 4) **Effect on character of the neighborhood:** Staff is of the opinion the proposed zoning will allow for the appropriate redevelopment of a vacant lot and contribute to the continued redevelopment of an increasingly less industrial corridor.
- 5) **Suitability of proposed land use:** The proposed use reflects the mixed residential commercial character of the underlying land use designation and reflects other multi-family properties in the area. The proposed MRC-3 (Multifamily Residential Commercial) zoning would also transition to and support the medium-density residential and single family residential parcels to the northwest.
- 6) **Effect on adjacent property:** The adjacent properties located along Joseph E. Lowery Boulevard are mostly low density industrial and commercial uses. 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 I-2 (Heavy Industrial), which may be subject to future redevelopment.
- 7) **Economic use of current zoning:** While the current zoning conditions would allow for some economic use of the land, a change in zoning to a higher intense use to allow dense residential and commercial use 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](http://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-17-69 Settlement Agreement with Trilogy Outdoor Group/Action  
Outdoor/Boardworks

---

**DATE:** September 14, 2017

#### FINDINGS OF FACT:

In 2015, the Office of Buildings denied sixty-five sign permit application(s) submitted by Boardworks Outdoor Advertising Company, Inc. (“Boardworks”). As a result, Boardworks requested an appeal of the decision to City of Atlanta’s Office of Planning (City) - (renamed to the Office of Zoning and Development in 2017) Board of Zoning Adjustment. Boardworks claim is the City improperly denied the company sign permits pursuant to Chapter 28A (Sign Ordinance) of the 1982 Zoning Ordinance; and therefore, violated the free speech clause of the First Amendment to the United States Constitution, made applicable to the City by the Fourteenth Amendment, and the free speech clause of Article I, Section I, Paragraph V of the Georgia Constitution.

The City of Atlanta has entered into a settlement agreement with Trilogy Outdoor Group/Action Outdoor/Boardworks (an entity created by Action and Boardworks as a joint owned venture) for sign permits submitted to the City in 2015. The City and Trilogy Outdoor Group/Action Outdoor/Boardworks (Boardworks) have negotiated a proposed resolution to authorize the issuance of five (5) sign permits at specific locations within the City. As resolved, each location will install security camera’s that will connect to the City’s Video Integration Center to offer public service announcements and to expand public safety.

- **Property location:** The five subject locations vary within the City of Atlanta. One proposed location is located within the boundaries of Neighborhood Planning Units (NPU) E, Council District 8; Three proposed locations are within NPU M, Council District 2 and 4; and the other proposed location is within NPU X, Council District 12.

- Property size and physical features: The size and physical attributes of each proposed sign vary.
- CDP land use map designation: A Comprehensive Development Plan amendment is not required to change the land use designation. The proposal is compatible with the City of Atlanta's land use classification.
- Current/past use of property: The existing use of the subject properties will not change. Staff is unaware of any previous use of the proposed sites.
- Surrounding zoning/land uses: The subject properties is surrounded by varies land uses and zoning districts.
- Transportation system: The subject locations are serviced by Interstates 75 and/or Interstate/85, Centennial Olympic Park Drive and Marietta Street.

## **PROPOSAL:**

After the June 2015 United States Supreme court decision in Reed v. Town of Gilbert, Arizona, Action Outdoor Advertising JV, LLC ("Action") and Boardworks Outdoor Advertising Company, Inc. ("Boardworks") submitted a total of sixty-five (65) sign permit applications seeking to install billboards in various locations in the City. The City denied permits for 51 of the 65 locations. However, since the denial of the permits, the City of Atlanta has entered into a settlement agreement with Trilogly Outdoor Group/Action Outdoor/Boardworks for five (5) sign permits to be installed at the following NPU locations:

### **NPU X:**

- **One (1) proposed sign authorized at the location of 1802 Harden Road, SW.**
  - The property is zoned Community Business District (C-1).
  - The proposal is for a new freestanding multi-message, LED sign.
  - The sign will have two faces and will be visible from I-75/85.
  - By agreement, the BZA hearing on four additional locations in NPU X remain for resolution discussion.
  - Council District 12.

### **NPU E:**

- **One (1) proposed sign authorized at the location of 1575 Northside Circle, NW.**
  - The property is zoned Light Industrial District (I-1).
  - The proposal is for a new free standing multi-message, LED sign.
  - The sign will have two faces and will be visible from I-75.
  - By agreement, the BZA hearing on eight additional locations in NPU X remain for resolution discussion.
  - Council District 8.

**NPU M:**

- **Three (3) proposed signs authorized at the below locations:**
- **By agreement, the BZA hearing on thirteen (13) additional locations in NPU X remain for resolution discussion.**
- **These Downtown locations will be the only permitted locations to participate in the “Clean Zone.”**
  - **Location 1:**
    - **75 Third Street, NW**
    - **The property is zoned Special Public Interest District 16, Subarea 1 (SPI-16, SA 1).**
    - **The proposal is for a new, free-standing sign multi-message, LED sign.**
    - **The sign will have two faces and will be visible going both directions on from I-75/I-85.**
    - **Council District 2.**
  - **Location 2:**
    - **The “Gulch” (tax identification parcel number: 14-0078-000090413) Norfolk Railroad adjacent to the south side of Centennial Park Drive.**
    - **The property is zoned Special Public Interest District 1, Subarea 1 (SPI-1, SA 1).**
    - **The proposal is for a new, free-standing sign multi-message, LED sign.**
    - **The sign will have two faces and will be visible going both directions on Centennial Olympic Park Drive.**
    - **Council District 4.**
  - **Location 3:**
    - **394 Marietta Street, NW**
    - **The property is zoned Special Public Interest District 1, Subarea 5 (SPI-1, SA 5).**
    - **The proposal is for a new, free-standing sign multi-message, LED sign.**
    - **The sign will have two faces visible from Marietta Street and Ivan Allen Drive.**
    - **Council District 4.**

**CONCLUSIONS:**

- (1) Compatibility with comprehensive development plan (CDP); timing of development:**  
These proposed signs will be compatible with the existing zoning classifications.
- (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.
- (3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Since these are LED signs and no further development project is being proposed, these considerations are not applicable.
- (4) Effect on character of the neighborhood:** The proposed multi-media signage, as proposed, should expand public safety.

- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed sign settlement agreement is suitable given the current use(s) of the land and the nature of the surrounding areas.
- (6) **Effect on adjacent property:** The proposed sign settlement agreement should not have a negative effect on adjacent properties 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 proposed multi-media signs should not result in a request for redevelopment of the varies properties.

**STAFF RECOMMENDATION: APPROVAL**

cc: Charletta Wilson Jacks, Director

---



**KASIM REED  
MAYOR**

## **CITY OF ATLANTA**

**DEPARTMENT OF CITY PLANNING**  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303  
404-330-6145 – FAX: 404-658-7491  
<http://www.atlantaga.gov/Government/Planning.aspx>

**TIM KEANE**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director  
Office of Zoning and Development

### **MEMORANDUM**

**TO:** Zoning Review Board

**FROM:** Keyetta M. Holmes, AICP, Zoning Administrator *KA 10*

**SUBJECT:** U-17-21 for 155 West Paces Ferry Road N.W.

**DATE:** September 14, 2017

---

**An Ordinance by Zoning Committee granting a Special Use Permit for a private club pursuant to 16-05.005(1) (d), for property located at 155 West Paces Ferry Road, N.W., and for other purposes.**

The applicant has requested deferral for 30 days for additional time to meet with the community for various concerns. Staff is supportive of this request.

**STAFF RECOMMENDATION: 30-DAY DEFERRAL- OCTOBER 2017**

cc: Charletta Wilson Jacks, Director



**KASIM REED  
MAYOR**

**CITY OF ATLANTA**  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303  
404-330-6145 – FAX: 404-658-7491  
<http://www.atlantaga.gov/Government/Planning.aspx>

**TIM KEANE  
Commissioner**  
**CHARLETTA WILSON JACKS  
Director**  
Office of Zoning and Development

**MEMORANDUM**

**TO:** Zoning Review Board  
**FROM:** Keyetta M. Holmes, AICP, Zoning Administrator *KMP*  
**SUBJECT:** **Z-16-79 for 1824 Piedmont Avenue, N.E.**  
**DATE:** September 14, 2017 (*Deferred from January 2017*)

---

An Ordinance to rezone from R-4 (Single Family Residential) District to the PD-H (Planned Development Housing)/LBS District, for property located at **1824 Piedmont Avenue, N.E.**; and for other purposes.

The applicant has requested deferral for 30 days for additional time to work with the neighborhood and NPU. Staff is supportive of this request.

**STAFF RECOMMENDATION: 30-DAY DEFERRAL- OCTOBER 2017**

cc: Charletta Wilson Jacks, Director