



CITY OF ATLANTA

KASIM REED
MAYOR


DEPARTMENT OF CITY PLANNING
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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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-17-80 for 70 Branham Street, N.E.

DATE: December 7, 2017

An Ordinance by Zoning Committee to rezone from **R-4 (Single Family Residential) District** to **PD-H (Planned Development Housing) District** for property located at **70 Branham Street, N.E.**

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-FEBRUARY 2018

cc: Charletta Wilson Jacks, Director



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Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-17-82 for 1312 George W. Brumley Way S.E.

DATE: December 7, 2017

An Ordinance by Zoning Committee to rezone property located at **1312 George W. Brumley Way, S.E.** from R-4A (Single Family Residential) to R-4B (Single Family Residential)

FINDINGS OF FACT:

- **Property location.** The subject property fronts approximately 90 feet on the north side of George W. Brumley Way, S.E. beginning approximately 297 feet from the intersection of Leslie Street, N.E. and George W. Brumley Way, S.E. The parcel is located in Land Lots 208, 15th District, DeKalb County, Georgia within the Edgewood neighborhood of NPU-O in Council District 5.
- **Property size and physical features.** The site is a rectangular shape of approximately 0.3 acres in size. The lot is developed with a one-story brick structure. The eastern half of the site is vacant. There is a retaining wall on the south and partially built retaining wall on the west side of the property. There are a couple of mature trees on site. The topography of the site inclines in a southerly direction.
- **CDP land use map designation:** The parcel is currently zoned as R-4A (Single-family Residential) zoning district. The land use designation is Single-Family Residential in the 2016 Comprehensive Development Plan.
- **Current/past use of property:** The property is used for single-family residential use. Staff is not aware of any previous uses of the site.
- **Surrounding zoning/land use:** The surrounding parcels are zoned R-4A (Single Family Residential) District with a Single Family Residential land use designation.

- **Transportation system:** George W. Brumley road is classified as a local road which connects to Leslie Street and Hosea Williams Drive which are classified as collector streets. These collector streets then connect to a major arterial road, Moreland Avenue. MARTA provides bus service along Moreland Avenue. The distance between the subject property and the closest bus station is 0.5 miles. The nearest train station is Edgewood-Candler Park Transit Station which is a mile from the subject property. Sidewalks are present on George W. Brumley, Leslie Street, and Hosea L. William Drive.

PROPOSAL:

This application seeks a rezoning from the R-4A (Single Family Residential) District to R-4B (Single Family Residential) District 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:**
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 the 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 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. Most of the lots on the block have less than 60 feet of lot frontage. The subject property has 90 feet of lot frontage. Staff believes that subdivision of this lot will create lots that are more compatible with the surrounding properties. Single family homes currently exist in the Edgewood neighborhood and the rezoning proposes the continuation of that use. Therefore, the infill development will help to maintain the character 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 (Single Family Residential) 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 Moreland LCI anticipate increased residential density with a recommendation to encourage redevelopment of underutilized residential parcels. Therefore, rezoning of the subject property is consistent with the Moreland LCI

and will have a positive effect on adjacent property 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-4A zoning designation because the requirements of the existing zoning district will not allow to the subdivision of the lot and construction of a new single-family dwelling, without creating a nonconforming lot. The proposed zoning district has a smaller frontage and lot area requirement which will facilitate the desired development and will allow 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



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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-17-83 for 864 Huff Road, N.W.

DATE: December 7, 2017

The applicant seeks to rezone property located at **864 Huff Road** from I-2 (Heavy Industrial/Beltline Overlay) to MR-4A (Multi-Family Residential/Beltline Overlay).

FINDINGS OF FACT:

- **Property location:** The subject property fronts on two roads with approximately 267 feet on the south side of Huff Road, N.W. and begins at the southwest intersection of Huff Road, N.W. and Ernest Street, N.W. The property is located in the Blandtown neighborhood, Subarea 8 of the Beltline Overlay District, in Land Lot 151 of the 17th District in NPU D, Council District 9, Fulton County, Georgia.
- **Property size and physical features:** The property consists of approximately 34,492 square feet (0.79 acres) of net lot area (49,416 square feet 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 curb cut located on the north side of the parcel fronting the right-of-way of Huff Road. The lot only contains a few trees along the perimeter while the majority of the lot is covered in grass and gravel.
- **CDP land use map designation:** The Future Land Use designation for this property is Mixed Use (MU). An amendment to the Comprehensive Development Plan has been submitted to request a land use change to the High-Density Residential Land Use designation.
- **Current/past use of property:** Staff is not aware of any previous uses.

- **Surrounding zoning/land uses:** Zoning and Land Use designations in the immediate area varies. To the south David T. Howard School is located within the O-I (Office Institutional) zoning district and the Mixed-Use land use designation. East and west of the subject lot there are parcels within the I-1 (Light Industrial), I-2 (Heavy Industrial), PD-MU (Planned Development Mixed Use) and MR-4A-C (Multi-Family Residential Conditional) zoning districts and all contain a Mixed-Use land use designation. To the north, parcels have a High-Density Residential land use designation with an MR-4A-C (Multifamily Residential Conditional) zoning and Office Institutional land use designation with an I-2 (Heavy Industrial) zoning. Located northeast of the subject property is the Atlanta Hemphill Water Treatment Plant. The proposed Atlanta Beltline corridor is located approximately 600 feet to the west and has a Transportation/Communications/Utilities land use designation.
- **Transportation:** Huff Road is classified as a collector road and Ernest Street is classified as a local road. Currently, MARTA transit route #1, Centennial Olympic Park/Coronet Way, serves the immediate area. There is transit stops located on the north and south sides of Huff Road in close proximity to the subject lot. There are plans for the Atlantic Station Multi-Use Trail to be built around the Hemphill Water Treatment Plant to the north and connect to the proposed Atlanta Beltline corridor to the West.

PROPOSAL:

The applicant seeks the rezoning of a 0.79-acre lot from I-2 (Heavy Industrial/Beltline Overlay) to MR-4A (Multi-Family Residential /Beltline Overlay) to construct a 36-unit multi-family development with 2,800 square feet of street-level office/gallery space. This would include 32 two (2) bedroom units and 4 three (3) bedroom units. Access to the property will be via two 24-foot curb cuts, one on Huff Road and the other on Ernest Street. Per the zoning code, *sec. 16-35.010(Table A)*, maximum permitted floor-to-area Ratio (F.A.R.) for developments combining residential and commercial uses zoned MR-4A (Multi-Family Residential) are calculated at 1.49 of the lot area with 5% of that sum allowed for commercial space. The applicant has chosen to utilize gross lot area of 49,416 square feet to calculate their maximum allowable F.A.R., required usable open space and required parking.

Project Specifications:

Gross Lot Area: 49,416 sq. ft.

Maximum Residential F.A.R. (allowed of gross area):

MR-4A: $1.49 \times 49,416 \text{ sq. ft.} = \underline{73,630 \text{ sq. ft.}}$

Maximum Commercial F.A.R. (allowed of total floor area):

MR-4A: $0.05 \times 73,630 \text{ sq. ft.} = \underline{3,681 \text{ sq. ft.}}$

Proposed F.A.R.:

Residential: = 73,600 sq. ft.

Proposed F.A.R.:

Commercial: = 2,800 sq. ft.

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

Based on F.A.R. of 1.49 on Land Use Intensity (LUI) Ratios Table (Sec.16-08.010)

Sector 4: 0.43 x 49,416 sq. ft. = 21,249 sq. ft.

Number of Parking Required:

Based on Beltline Overlay

Minimum Number of Residential Spaces Required: 1 * 36 = 36 spaces

Minimum Number of Commercial Spaces Required: 1/600 sq. ft. = 5 spaces

(Sec.16-35.021(7)(d))

Minimum Total Number of Spaces Required: = 41 spaces

Max. Number of Residential Spaces Required: 2 x 32 (2-BR units)= 64 spaces

Max. Number of Residential Spaces Required: 2 x 4 (3-BR units) = 8 spaces

Maximum Number of Commercial Spaces Required: 10>min = 15 spaces

Maximum Total Number of Spaces Required: = 87 spaces

Proposed Number Parking Spaces: = 73 spaces

Residential Spaces: = 68 spaces

Commercial Spaces: = 5 spaces

Required / Proposed Number of Loading Spaces (12' x 35') = 2 / 1 spaces

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates the property as Mixed Use. Most of the parcels in the immediate area are designated Mixed Use with an I-2 (Heavy Industrial) zoning. The proposed MR-4A (Multi-Family Residential) zoning and use are compatible with the Mixed-Use land use designation along Huff Road. The proposed development is similar to other existing multifamily developments nearby, namely 903 Huff Road which underwent a similar rezoning and land use amendment in 2012 (Z-12-02) to MR-4A-C (Multifamily Residential Conditional). Therefore, Staff believes this use is compatible with the surrounding land uses and development of the area.
- 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-C (Multifamily Residential Conditional) and C-3-C (Commercial Residential Conditional) zoned parcels that contain multi-family structures southeast of the subject lot along Huff Road 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 MR-4A (Multi-Family Residential) zoning is compatible with the current multi-family developments along Huff Road. The proposed rezoning is consistent with the redevelopment of the area from industrial to high-density residential uses with a mix of residential and commercial uses.
- 6) **Effect on adjacent property:** The proposed land use and zoning changes are consistent with the development of the surrounding area. The proposed adjacent Atlanta Beltline corridor would benefit from additional residential and commercial uses because it would result in the redevelopment of abandoned and underutilized property. The proposed land use designation would have a positive effect on the surrounding neighborhood. The potential impact of increased traffic to nearby properties due to ingress and egress to the development should be taken into consideration during development.
- 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 some 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 conditioned upon the following:

1. A minimum of five (5) parking spaces for general use (excluding carpool or handicap) shall be dedicated to serve the 2,800 sq. feet of proposed commercial space (@ required ratio of 1/600) and shall be placed near the parking entrance off Huff Road outside of any gated, secured parking area.
2. Any commercial use shall be limited to office and gallery only.

cc: Charletta Wilson Jacks, Director



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TIM KEANE
COMMISSIONER

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-84 for 1475 West Paces Ferry Road, N.W.

DATE: December 7, 2017

An Ordinance by Zoning Committee to rezone from **R-1 (Single Family Residential) District** to **PD-H (Planned Development Housing) District** for property located at **1475 West Paces Ferry Road, N.W.**

FINDINGS OF FACT:

- **Property Location:** The subject property fronts approximately 476 feet on the north side of West Paces Ferry Road, N.W. beginning approximately 796 feet from the intersection of Old Plantation Road, N.W. and West Paces Ferry Road, N.W. The property is located in Land Lot 197 and 217, 17th District of Fulton County, Georgia in the Paces neighborhood of NPU A, Council District 8.
- **Property Size and Physical Features:** The subject property of approximately 3.05 acres is currently developed with a dilapidated residential structure. The lot topography changes grade by approximately 70 feet from a southwest to northeasterly direction across the property. Vehicular access to the property is provided by a gravel driveway from West Paces Ferry Road.
- **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 has been used for single-family residential purposes. Staff is not aware of any previous uses.
- **Surrounding Zoning/Land Uses:** The subject property and surrounding parcels are zoned R-1 (Single-Family Residential) with a Single Family Residential land use designation.

- **Transportation System:** West Paces Ferry Road is classified as a collector street. MARTA does not service the immediate area. The closest bus route is route #12 along Northside Parkway, which is approximately ½ mile from the subject property.

PROPOSAL: This application seeks to rezone the site from the R-1 (Single Family Residential) District to PD-H (Planned Development Housing) District for the construction of six (6) single-family residential lots.

Development Specifications:

Total Lot Area:	3.05 acres
Proposed Developed Area:	0.65 acres
Proposed Residential Floor Area Ratio:	0.35
Lot size:	10,140 square feet to 29,933 square feet
Lot width:	Varies
Maximum building height:	35 feet
Minimum yard setbacks:	Front yard: 20 feet; side yard: 10 feet; rear yard: 25 feet

CONCLUSION:

- **Compatibility with comprehensive development plan (CDP); timing of development:** The existing City of Atlanta Comprehensive Development Plan designates the property as Single-Family Residential. The proposed development would not require a land use amendment to the 2016 Comprehensive Development Plan.
- **Availability of and effect of public facilities and services; referral to other agencies:** 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 the proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
- **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 Paces neighborhood is a low density single-family residential area as characterized by the existing R-1 (Single Family Residential) zoning designation. Staff notes that this planned development would not match this conformity given the layout of the lot within the fabric of the neighborhood. The existing Single-Family Residential land use category suggests the property has been targeted for the preservation of single-family residential uses within this area.
- **Effect on character of the neighborhood:** The character of the neighborhood will be adversely impacted by the zoning proposal. Currently, the neighborhood is developed with single-family homes on large residential parcels with a direct connection to the existing infrastructure. Although there is a single-family residential planned development to the east of the subject property, the subject property is not an appropriate site for the proposal due to the much smaller land area. Furthermore, the proposed development would have a higher density and is not compatible with the surrounding

properties. Therefore, Staff notes that the proposed development will not fully integrate within the existing character of the development patterns of the Paces neighborhood.

- **Suitability of proposed land use:** The project is not consistent with the mixture of uses in the immediate area and will adversely affect the adjacent property. Staff notes that the proposal of a Planned Development would contrast starkly with the lower density single-family residential areas that predominate the Paces neighborhood.
- **Effect on adjacent property:** Although the applicant has indicated the planned development will be of similar scale to the development of surrounding properties, Staff notes the design and scale are incompatible with the surrounding neighborhood. The planned development scale of higher density could result in increased traffic congestion, noise, and light pollution to the surrounding neighborhood. Furthermore, the planned development would be a disruption to the natural vegetative screening for the surrounding residential areas.
- **Economic use of current zoning:** The site is currently under-utilized, however, the proposed change of rezoning from R-1 (Single Family Residential) to PD-H (Planned Development Housing) would not make a reasonable economic use. The most economic use of the subject property would be a development that is of similar scale and design to the low density single-family residential pattern of the Paces neighborhood.
- **Tree Preservation:** The applicant specifies the compliance with the City of Atlanta Tree Ordinance at time of permitting.
- **Other considerations:** Staff is not supportive of this proposal as it would not conform to the neighborhood developmental pattern of low density, single-family residences with direct access to the public rights-of-way in the Paces neighborhood. The planned development would be an increase in impervious surfaces on the irregularly shaped residential lots, which could lead to additional environmental threats to the surrounding properties.

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 to rezone for a planned housing development. The location and zoning of the proposal are not compatible with the surrounding properties of the general area and could potentially disrupt the character of the neighborhood. Furthermore, the proposed density of the development could potentially result in negative impacts on the existing infrastructure in the form of increased traffic congestion on West Paces Ferry Road, and the overall scale of the development does not adhere to the layout of the Paces neighborhood. Staff is of the opinion that the request is not suitable for the PD-H (Planned Development-Housing) District zoning classification.
- b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** The site of the proposed planned development is along West Paces Ferry

Road, a collector street. MARTA does not directly service the immediate area. The closest MARTA bus routes to the site are along Northside Parkway with bus route #12.

- c. **The evidence of unified control.** The request appears to not have any documentation supporting the creation of a unified control mechanism for the development. Staff finds that the proposed development is not going to be developed in a cohesive or unified fashion.
- d. **The suitability of proposed plans.** The applicant submitted a revised conceptual site plan associated with this proposal stamped received on October 3, 2017, by the Office of Zoning and Development.
- e. **Specific modifications.** Staff notes that the applicant has not submitted any revised site plans for the proposal.
- f. **The suitability of a maintenance program.** The applicant has not provided any information related to a maintenance program for any possible common areas. Staff requires that the development is governed by private covenants to provide for ownership/maintenance of future common areas. Therefore, Staff is of the opinion that the request does not satisfactorily meet this requirement.

STAFF RECOMMENDATION: DENIAL

cc: Charletta Wilson Jacks, Director



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TIM KEANE
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CHARLETTA WILSON JACKS
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Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-86 for 499 Irwin Street, N.E.

DATE: December 7, 2017

An Ordinance by Zoning Committee to rezone property located at **499 Irwin Street, N.E.** from HC-20C SA2/BL (Martin Luther King, Jr. Landmark District Sub Area 2/BeltLine Overlay) to HC-20C SA 3/BL (Martin Luther King, Jr. Landmark District Sub Area 3/BeltLine Overlay) fronting approximately 133.5 feet on the south side of Irwin Street, N.E. beginning at the intersection of Irwin Street, N.E. and Hogue Street, N.E. Depth: 196.94 feet; Area: .50 acres. Land Lot 46, 16th District, Fulton County, Georgia.

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-JANUARY 2018

cc: Charletta Wilson Jacks, Director



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-17-91 for 1280 and 1296 Moreland Avenue and 1263 Custer Avenue, S.E.

DATE: December 7, 2017

An Ordinance to zone property located at **1280 and 1296 Moreland Avenue and 1263 Custer Avenue, S.E.** to the C-1 (Community Business) Zoning District; 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-FEBRUARY 2018

cc: Charletta Wilson Jacks, Director



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: **Z-17-38 for 770 Shadowridge Drive S.E.**

DATE: December 7, 2017 (Deferred from November 2, 2017)
An Ordinance by Zoning Committee to rezone property located at 770 Shadowridge Drive, S.E., from R-4 to PD-H.

The applicant has requested a deferral in order to have more time to work with the neighborhood and NPU. Staff is supportive of this request.

RECOMMENDATION: 30-DAY DEFERRAL TO JANUARY 2018

cc: Charletta Wilson Jacks, Director



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-17-59 for 320 North Highland Avenue, N.E.

DATE: December 7, 2017

An Ordinance by Zoning Committee to rezone from **RG-2/HC20L SA1/BL (Residential General Sector 2/Inman Park Historic District Subarea 1/BeltLine Overlay) District** to **C-1/HC20L SA1/BL (Neighborhood Commercial/Inman Park Historic District/BeltLine Overlay) District** for property located at **320 North Highland Avenue, N.E.**

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-FEBRUARY 2018

cc: Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
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Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-17-70 Martin Luther King, Jr. Landmark District

DATE: December 7, 2017 (*deferred from November 9, 2017*)

An Ordinance to amend the 1982 City of Atlanta Zoning Ordinance Section 16-20C.005(3)(c) provisions relating to park-for-hire surface parking lots regulations to allow Special Use Permits with a maximum operational term limit of two years to be extended to a maximum operational term limit of three years and to allow expired Special Use Permits to be renewed for an operational term limit of three years within the Martin Luther King, Jr. Landmark Historic District; and for other purposes.

FINDINGS OF FACT:

Legislation has been introduced to amend the provisions for park-for-hire surface parking lots in the Martin Luther King, Jr. Landmark District ("District") to extend the term limits and to allow Special Use Permits to be renewable. The intent of the Martin Luther King, Jr. Landmark District is to ensure that redevelopment and rehabilitation of the Landmark District will contribute to and enhance the significance of the area in which one of Atlanta's most renowned citizens, Martin Luther King, Jr., was born and grew to international prominence. In addition, the intent of the Martin Luther King, Jr. Landmark District is to promote pedestrian safety by ensuring and revitalizing pedestrian-oriented buildings which create a sense of activity and liveliness along their sidewalk-level facades. Moreover, the intent of the Martin Luther King, Jr. Landmark District is to encourage the use of the Atlanta Streetcar, MARTA, and other public transit facilities.

The Martin Luther King, Jr. Landmark District is so significant that in 2014 the Martin Luther King, Jr. Landmark District regulations were completely revised through a collaborative process which engaged residents, business owners and property owners in the District to provide for review of

changes to lot patterns to achieve substantial consistency with the historic character of the landmark district while encouraging compatibility with new development.

Currently, the Martin Luther King, Jr. Landmark District consists of five subareas. These subareas are 1) Auburn Avenue Residential District; 2) Residential District; 3) Institutional District; 4) Auburn and Edgewood Avenues Commercial District, and 5) Transitional Zone District. Although there are five subareas, only Subarea 4 is directly impacted by the proposed legislation.

PROPOSAL:

The legislation proposes to amend Part 16 of the Land Development Code, Chapter 20C, Martin Luther King, Jr. Historic District, Section 16-20C.005(3)(c) to allow 1) Special Use Permits with a maximum operational term limit of two years to be extended to a maximum operational term limit of three years; and 2) to allow expired Special Use Permits to be renewed for an operational term limit of three years within said District.

Existing Regulations of the Martin Luther King, Jr. Landmark District, Section 005(3)(c):

Park-for-hire surface parking lots. All park-for-hire surface parking lots shall require a special use permit that meets the following requirements:

- i. All requirements of section 16-20C.009(1);
- ii. All requirements of section 16-25.001 et seq.;
- iii. All special use permits granted for such use shall expire two years after the issuance of said permit. No property interests of any kind related to such use shall extend beyond said two-year permit period. All infrastructure related to the park for hire use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, shall be removed by the former SUP holder or owner within 30 days of the expiration of said SUP;
- iv. Properties that have been granted a special use permit for park-for-hire surface parking lots shall be prohibited from obtaining additional subsequent special use permits for such use following the expiration of the initial permit; and
- v. Applicants shall submit an area parking analysis to document the need for such use. The area parking analysis shall demonstrate that the current inventory of publicly-accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.

Proposed Amendment to the Regulations of the Martin Luther King, Jr. Landmark District, Section 005(3)(c):

Park-for-hire surface parking lots. All park-for-hire surface parking lots shall require a special use permit that meets the following requirements:

- i. All requirements of section 16-20C.009(1);
- ii. All requirements of section 16-25.001 et seq.;

- iii. All special use permits granted for such use shall expire *three* years after the issuance of said permit. No property interests of any kind related to such use shall extend beyond said *three*-year permit period. ***Expired special use permits in this district shall not be renewed.*** All infrastructure related to the park for hire use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, shall be removed by the former SUP holder or owner within 30 days of the expiration of said SUP; and
- iv. Applicants shall submit an area parking analysis to document the need for such use. The area parking analysis shall demonstrate that the current inventory of publicly-accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.

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 proposed amendments to the Martin Luther King, Jr. Landmark District would not constitute a land use change, therefore, the goals of the CDP will continue to support the preservation and protection of the Martin Luther King, Jr. Landmark District:
- (2) **Availability of and effect on public facilities and services:** Staff is concerned that the proposed amendments to the Martin Luther King, Jr. Landmark District could change the intent of the current regulations and that this amendment would essentially make these surface parking lots a permanent part of the District's built pattern and streetscape. The intent of the current regulations was to provide a short-term response to the potential lack of parking options for businesses in the Auburn and Edgewood Avenue commercial corridors. Therefore, staff is in support of allowing two-year special use permits to be extended to a three-year special use permit. However, after the initial 3-year period, the use permit would expire.
- (3) **Availability of other appropriate land zoned for proposed use: effect on balance of land uses** The Martin Luther King, Jr. Landmark District represents a specific area of historic, cultural and architectural significance. Staff finds that the District should continue to be protected since it is one of the few (and was one of the first) zoning districts in the City to not require on-site, off-street parking to reduce pressure on empty lots to become parking lots and/or buildings to be threatened with demolition to become parking lots. Therefore, Staff finds that this District may be suitable to allow a one-year extension to the initial use permit.
- (4) **Effect on character of the neighborhood:** The regulations for the Martin Luther King, Jr. Landmark District was completely revised in 2014 through a collaborative process with the residents, business owners and property owners in the District. The proposed amendment as an extension of the initial use permit term should not provide a negative effect on the character of the neighborhood since the regulations were created to assist in transitioning the District to having less surface parking lots, increased alternative modes of transportation and more compatible in-fill new

construction on the vacant lots. To allow special use permits to be extended in duration under the proposed text amendment should not create a development pattern where the parking surface lots become a permanent structure and would be contrary to the stated intent of the district. Therefore, staff is in support of the proposed amendment to allow special use permits to be extended from a two-year time period to a three-year time period in this District.

(5) **Suitability of proposed land use:** The allowable use of park-for-hire surface parking lot properties within the Martin Luther King, Jr. Landmark District is equivalent to the proposed land use. However, the proposed amendments to the park-for-hire parking lot regulations may be compatible with the intent of the District. The proposed amendment would allow special use permits with a maximum operational term limit of two years to be extended to a maximum term limit of three years. An extension of the use permit would not be allowed. Staff believes that extending the special use permit operational term limits would be compatible and sensitive to the intent and goals of the District.

(6) **Effect on adjacent property:** The Martin Luther King, Jr. Landmark District is intended to have a stabilizing effect on the land uses and properties within the District. Staff does not anticipate that properties adjacent to these boundaries would be negatively impacted since the District's intent is to promote pedestrian safety by ensuring and revitalizing pedestrian-oriented buildings which create a sense of activity and liveliness along their sidewalk-level facades.

(7) **Economic use of current zoning:** The cost to develop a park-for-hire surface parking lot can have a substantial impact on the financial aspect of a project. To both allow a special use permit to be in operation for a three-year period and to allow an initial use period to be extended for an additional three years may be sufficient to allow developers time to financially benefit from the investment placed in the design phase of a surface parking lot.

(8) **Compatibility with policies related to tree preservation:** The proposed amendments will have no impact on policies related to tree preservation.

STAFF RECOMMENDATION: APPROVAL of the Substitute

cc: Charletta Wilson Jacks, Director