



CITY OF ATLANTA

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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 *KMH*

SUBJECT: Z-17-88 for Buckhead Parking Overlay District

DATE: February 8, 2018

An Ordinance to amend the 1982 Atlanta Zoning Ordinance, as amended, City of Atlanta Code of Ordinances Part 16, so as to add a new Chapter 39 entitled "**Buckhead Parking Overlay District**"; to define certain terms; and for other purposes.

Pursuant to Ordinance 17-O-1568, the City imposed a one-hundred twenty (120) day moratorium on the acceptance of any special administrative permit, or building permit application for new construction that includes parking except for eating and drinking establishments in the area that is defined as the geographic boundaries of the Buckhead Parking Overlay District. The legislation proposes to create a new Chapter 38 entitled the Buckhead Parking Overlay District which establishes minimum parking, if any, that may be provided onsite and the maximum parking that may be provided onsite in the district.

The 2016 Comprehensive Development Plan identifies solving traffic congestion among the highest community ranked needs among all needs. The proposed text establishes the Buckhead Parking Overlay District Table that sets parking minimums and maximums for two categories:

1. Residential Dwellings/Lodgings
2. Non-residential uses.

Parking caps are proposed to benefit the residents of Buckhead by decreasing the allowed parking spaces in order to manage traffic and congestion and stop spillover parking into residential neighborhoods.

FINDINGS OF FACT:

- **Property location:** The area includes land bounded by I-85/Spring/Buford Connector to the south, and the Atlanta city limit to the north. The land falls within various neighborhoods along Peachtree Road in the Buckhead area. The area is located in Land Lots 9, 10, 44, 45, 46, 61, 62, 98, 99, 100, 101, 102, 109, 110, 111, 112, and 113 of the 17th District within NPU B, and portions of NPU C, and NPU E, Council Districts 6, 7, and 8.
- **Property size and physical features:** The properties within the subject site varies in size, shape, and typography.
- **CDP land use map designation:** The existing land uses in the proposed Buckhead Parking Overlay District have various designations including Mixed Use (MU), High Density Mixed Use (HDMU), Community Facility (CF), Very High Density Residential (VHDR), High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), High Density Commercial (HDC), Low Density Commercial (LDC), Transportation/Communication/Utilities (TCU), Open Space (OS), and Single Family Residential (SFR).
- **Current/past use of property:** The current land uses are widely varied; but primarily includes office, residential, institutional, retail, restaurants, and personal services; among others.
- **Surrounding zoning/land uses:** The subject site is surrounded by a variety of zoning classifications and land uses. The current land use designations in the Buckhead area vary. The 2016 Comprehensive Development Plan promotes compatible zoning and land use adjacent to existing neighborhoods.
- **Transportation:** The Buckhead area has several major streets including Peachtree Road, Piedmont Road, Roswell Road, West Paces Ferry Road, Lenox Road, Pharr Road, Wieuca Road, West Wesley Road, East Wesley Road, and Deering Road. The district is served by public transit including two MARTA rail stations and numerous local and regional bus routes.

PROPOSAL: This text amendment creates Chapter 38 entitled “Buckhead Parking Overlay District” with a map attachment of said district. The scope of these regulations are as follows:

Sec. 16-38.001. - Scope of regulations.

1. The existing zoning map and underlying zoning regulations governing all properties within the Buckhead Parking Overlay District shall remain in full force and effect. The regulations contained within this chapter shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this chapter shall apply.
2. Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall apply so as not to impact designated historic structures or buildings.
3. Whenever the following regulations are at variance with the Beltline Overlay District regulations of Part 16, Chapter 36, the more stringent regulations shall apply.

Sec. 16-37.002. Findings and statement of intent.

The intent of this chapter and of the regulations herein is to set forth the minimum parking, if any, that may be provided onsite and the maximum parking that may be provided onsite within the Buckhead Parking Overlay District.

Sec. 16-36A.003. Off-street parking requirement.

Parking requirements: The minimum number of parking spaces required and maximum number allowed shall be in accordance with the following Buckhead Parking Overlay District Table:

Buckhead Parking Overlay District Table

	Parking Spaces	
	Minimum	Maximum
Residential Dwellings/Lodgings		
Hotels and motels (spaces per lodging unit)	None	1.0
Residential Dwellings	Underlying zoning controls	Underlying zoning controls
Non-Residential Uses (Spaces per 1,000 sq. ft. of floor area)		
Eating and Drinking Establishments	Underlying zoning controls	Underlying zoning controls
Commercial/Retail (not Eating and Drinking Establishments)	None	2.5
Institutional	None	2.5
Office	None	2.5
Recreation/Entertainment	None	1.5
All Other Uses	None	2.0

If the underlying zoning of the property is within a special public interest district, any variation to increase the maximum allowable parking requirement of this chapter, if any, shall be based upon the following criteria:

- a. Tenant demand based for on-site uses; and
- b. Parking efficiency and utilization for on-site uses; and
- c. Parking available off-site within one-quarter-mile radius.

CONCLUSIONS:

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

would only increase because of the additional requirements and the opportunity for convenient and accessible goods and services.

- 8) **Compatibility with policies related to tree preservation:** Since no development project is being proposed, this consideration is not applicable.
- 9) **Other considerations:** A large amount of vehicular traffic drawn to the activity centers and the spillover effects of accessory parking in commercial and office developments has led to increased congestion in the Buckhead area. The objective of this legislation places caps on the maximum and minimum amount of parking allowed for residential and some non-residential uses within the said district boundaries.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



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MEMORANDUM
amended

TO: Zoning Review Board

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

SUBJECT: Z-17-90 for 1115 Howell Mill Road, N.W., 720 Fourteenth Street, N.W., 0 Fourteenth Street, N.W. (17 15000090615), and 673 Ethel Street, N.W.

DATE: February 8, 2018

The applicant seeks an ordinance by Zoning Committee to rezone from I-1 (Light Industrial) to PD-MU (Planned Development Mixed Use) for property located at 1115 Howell Mill Road, N.W., 720 Fourteenth Street, N.W., 673 Ethel Street, N.W. and Fourteenth Street, N.W. (17 15000090615)

FINDINGS OF FACT:

- **Property location.** The subject site fronts approximately 351.73 feet on the east side of Howell Mill Road, beginning at the southeast intersection of Howell Mill Road and Fourteenth Street. The property is located in Land Lot 150 of the 17th District of Fulton County, Georgia within the Home Park neighborhood of NPU-E in Council District 3.
- **Property size and physical features.** The site is approximately 8.82 acres (384,111 square feet) in land area and is currently developed with multiple structures, some in various stages of disrepair. The warehouse located at 673 Ethel Street has an active use. The lot topography varies across the site and decreases in slope approximately forty (40) feet from the western most point of the parcel fronting Howell Mill Road to the eastern parcel at Ethel Street. A 6-foot chain-link fence surrounds the majority of the property. Existing asphalt pavement can be found on most of the property. The site is vegetated with several mature trees and shrubs located throughout the site.
- **CDP land use map designation:** The subject properties have a Mixed Use land use designation within the 2016 Comprehensive Development Plan (CDP).

- **Current/past use of property:** Historically, the subject properties were occupied by various industrial and manufacturing uses. Staff is unaware of any other uses for the property.
- **Surrounding zoning/land use:** The surrounding properties vary in zoning classification although most of the parcels have a Mixed Used land use designation. Adjacent parcels are zoned MRC-3 (Mixed Residential Commercial) District to the west and north. MRC-2-C (Mixed Residential Commercial-Conditional) Districts can be found further west and to the south. All other parcels in the immediate area are zoned I-1 (Light Industrial).
- **Transportation system:** The subject property has frontage along Howell Mill Road which is classified as a minor arterial road. Fourteenth Street is categorized as a major collector and Ethel Street as a local road. Sidewalks are provided along the west side of Howell Mill Road and the north side of Fourteenth Street. Ethel Street has sidewalks near the intersection of Ethel and Northside Drive. MARTA provides public transportation service to this area via bus routes #1 and #12 along Howell Mill Road. Multiple bus stops are located along Howell Mill Road with one located directly adjacent to the subject lot on the east side of Howell Mill Road. Howell Mill Road has also been identified for a planned shared bikeway.

PROPOSAL:

The applicant is requesting to rezone an 8.818 acre site that includes four (4) parcels from the I-1 (Light Industrial) zoning district to the PD-MU (Planned Development Mixed Use) district to construct a mixed-use development of approximately 990,800 square feet of floor area that will be split between two lots after consolidation of four original lots. Lot A will be located at the corner of Howell Mill road and fourteenth Street and will consist of 45,000 square feet of residential space and 415,000 square feet of non-residential space. Lot B will be an interior lot accessible via private streets from Howell Mill Road, Fourteenth Street, and Ethel Street which currently terminates at a dead end at the parcels eastern most boundary line. This lot will contain 520,000 square feet of residential space and 10,800 square feet of non-residential space. The applicant proposes a maximum of 450 dwelling units with 100 for sale and the remaining 350 for rental. The plan provides for eighteen (18) three (3) bedroom townhomes and eighty-two (82) 1-3 bedroom flats. Off-street parking will be provided via parking decks and attached garages for the townhomes.

Project Specifications:

Net Lot Area: 384,111 sq. ft. (8.82 acres)
Lot A: 155,357 sq. ft.
Lot B: 228,754 sq. ft.

Gross Lot Area: 405,866 sq. ft. (9.32 acres)
Lot A: 175,287 sq. ft.
Lot B: 230,579 sq. ft.

Maximum Floor Area allowed (non-residential):
Lot A: 3.0 x 155,357 sq. ft. = 466,071 sq. ft.
Lot B: 3.0 x 228,754 sq. ft. = 668,262 sq. ft.

Proposed Floor Area (non-residential):
Lot A: 415,000 sq. ft.
Lot B: 10,800 sq. ft.

Maximum Floor Area allowed (residential):
Lot A: 3.2 x 155,357 sq. ft. = 497,142 sq. ft.
Lot B: 3.2 x 228,754 sq. ft. = 732,013 sq. ft.

Proposed Floor Area (residential):
Lot A: 45,000 sq. ft.
Lot B: 520,000 sq. ft.

Minimum Parking Required: 1,351 spaces

Proposed Parking: 1,365 spaces

CONCLUSIONS:

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

The Comprehensive Development Plan (CDP) designates the subject properties as Mixed Use. The proposed rezoning to PD-MU (Planned Development-Mixed Use) 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 affect of public facilities and services; referral to other agencies:

The location of the site and current use of surrounding properties indicate there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services 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. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses.
- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive effect on the surrounding neighborhood by redeveloping an underutilized lot. The proposed development will allow for the creation of an urban, mixed-use development which is consistent with the mixed-use development pattern of the area and the 2002 Home Park Master Plan that recommended creating a Mixed Use/Live-Work District west of Northside Drive. The development would also improve the overall aesthetics of the area and improve the pedestrian infrastructure while adding needed office and residential components to the Home Park neighborhood. Therefore, Staff considers this proposal as an improvement over the existing conditions of the site.
- (5) **Suitability of proposed land use:** The proposed use reflects the Mixed-Use land use designation of the parcel. This proposal also reflects the higher density of the multi-family and mixed-use developments to the north and 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 the City. Adjacent properties located along Howell Mill Road are mostly mixed-use multi-family residential and commercial/retail developments. The potential impact of increased traffic to nearby properties due to ingress and egress to the development should be taken into consideration. Also, because this is a Planned Development rezoning criteria such as open space requirements, transitional and side yard setbacks, and streetscapes will be reviewed by the appropriate governing bodies.
- (7) **Economic use of current zoning:** While the current zoning conditions would allow for sufficient economic use of the land, a change in zoning will allow for denser residential and commercial uses as the neighborhood and area at large continues to redevelop and see an increase in new residents. The proposed PD-MU (Planned Development Mixed Use) designation allows for 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.

(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.**
Staff is of the opinion that the proposed lot and development is suitable for a PD-MU (Planned Development Mixed Use) zoning classification. The location of the parcel, the zoning of surrounding properties, and availability of public utilities are considered by Staff as appropriate. 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 approximately 1.4 miles from the nearest mass transit stations, MARTA's Bankhead Transit Station as well as the Arts Center Transit Station. Bus routes #1 and #12 service the area along Howell Mill Road. Therefore, public transit would be limited but 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 Special Administrative Permit process.
- d. **The suitability of proposed plans.** The conceptual site plan dated November 27, 2017, and stamped received by the Office of Zoning and Development on December 29, 2017, is considered to be suitable for a PD-MU (Planned Development Mixed Use) type of development.
- e. **Specific modifications.** An amended site plan, legal description, and impact analysis were submitted to the Office of Zoning and Development on December 5, 2017 to reflect a change in total acreage of the subject lots from 8.836 acres to 8.818 acres.
- 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 site plan entitled "The Interlock 1115 Howell Mill Road, N.W." prepared by Kimley Horn dated November 27, 2017 and stamped "received" by the Office of Zoning and Development December 5, 2017.
2. No sidewalk zone or area fronting Howell Mill Road or Fourteenth Street shall be less than fifteen feet (15') in width which includes a street furniture and tree planting zone and a clear zone. The development shall provide a minimum of twenty feet (20') between the building and the back of curb on Howell Mill Road and Fourteenth Street for streetscape improvements.
3. The developer will construct a protected bike lane and coordinate with the City of Atlanta through its Renew Atlanta program on specifications so that it is consistent with their planned bike facilities in the Howell Mill Complete Street from Marietta Street to Collier Road project. This bike lane proposed on the east side of Howell Mill Road shall be counted toward the twenty-foot (20') dimension required in condition #2 regardless of placement within or outside the curb.
4. The street network within the development on the subject property shall provide a streetscape consisting of a four-foot (4') street furniture and planting zone and a six foot (6') clear zone. Planters may be utilized for the landscaping in the street furniture and planting zone. The streetscape shall be provided on both sides of the internal street network except on the external boundary lines of the subject property. Stair access to the townhomes on the southern portion of the subject property may encroach up to two feet into the streetscape. No streetscape shall be required on the alley accessing the rear of the townhomes on the southern portion of the subject property.
5. Compliance with applicable zoning requirements calculated for separate lots within the PDMU zoned property may be satisfied through use of the improvements contained on the entire PDMU zoned property regardless of internal lot lines within the boundaries of the PDMU zoned property.
6. The developer shall construct one entering and one exiting lane for Site Driveway #1.
7. The driveway (closest to 14th Street) to the parking deck off site driveway #2 shall be right-in/right-out.
8. The developer shall construct a physical separation to prevent left turns out of Ethel Street.
9. Compliance with condition #8 shall not preclude the issuance of impact fee credits for work performed to the extent such work is a system improvement or otherwise eligible for impact fee credits.

cc: Charletta Wilson Jacks, Director



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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-17-92 for 2832 Lenox Road, N.E.

DATE: February 8, 2018

The applicant seeks an ordinance to rezone from property from **PD-H2 (Planned Development Housing)** and **R-3 (Single Family Residential)** to **MR-2 (Multifamily Residential)** located at **2832 Lenox Road, N.E.**

The applicant has requested deferral for 90 days for additional time to work on the application. Staff is supportive of this request.

STAFF RECOMMENDATION: 60-DAY DEFERRAL-APRIL 2018

cc: Charletta Wilson Jacks, Director



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TIM KEANE
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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: U-17-33 for 264 Ponce de Leon Avenue, N.E.

DATE: February 8, 2018

An Ordinance granting a Special Use Permit for a park-for-hire facility pursuant to 16-12.005 (1) (j) for property located at **264 Ponce de Leon Avenue, N.E.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 100 feet on the north side of Ponce de Leon Avenue, N.E. beginning at the intersection of Ponce de Leon Avenue, N.E. and Penn Avenue, N.E. The property is located in Land Lot 49 of the 14th District in NPU E, Council District 2.
- **Property size and physical features:** The subject property width is approximately 48,483 square feet (1.1130 acres) in area. It is an undeveloped lot used for parking. The lot topography is level.
- **Current/past use of property:** The parking lot has been used as a surface parking lot by various parking operators since 2005. Staff is unaware of any other uses.
- **Surrounding zoning/land uses:** Zoning designations in the immediate area are C-2 (Commercial Service District), PD-MU (Planned Development Mixed Use), MRC-1-C (Mixed Residential Commercial Conditional) and MRC-2 (Mixed Residential Commercial) with a Mixed Use land use designation.
- **Transportation system:** Ponce de Leon Avenue is classified as an arterial road. The subject property is served by MARTA bus route #2. The North Avenue MARTA Station is also 0.5 miles west of the subject property.

PROPOSAL: An Ordinance granting a Special Use Permit for a park-for-hire facility pursuant to 16-12.005 (1) (j).

- **Ingress and egress:** Customer vehicles will enter and exit the property via the driveway located on Ponce de Leon Avenue. Emergency vehicles will also enter and leave the property via the driveway. The ingress and egress will not cause traffic congestions because the nearest traffic light is over 100 yards away.
- **Refuse and service areas:** No trash container will be put on the property and no City or private disposal service will be required.
- **Buffering and screening:** Adjoining properties will not be affected by noise and light glare because this lot is for parking only, and the lights only are directed towards the parking lot. No road improvements will be made. There are roughly 25-50 cars per day that utilize the parking lot.
- **Hours and manner of operation:** The lot is only used for parking vehicles for the nearby businesses. The lot is open 24 hours per day, seven days per week. There will only be one employee on the lot on Friday and Saturday evenings from 8 pm to 2 am.
- **Duration:** The applicant seeks an indefinite duration.
- **Required yards and open space:** There will be no additions to the existing facility.
- **Tree Preservation and Replacement:** There will be no trees removed, damaged or cut down.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Ingress and egress to the subject property is provided via curb cuts on Ponce de Leon Avenue. There are also sufficient sidewalks fronting the property for clients to walk to and from the property. No road improvements will be made, and the lot will not be a hindrance to traffic flow as the traffic counts of 25-50 are not be high enough to disrupt the flow of normal traffic. Staff finds ingress and egress to be of sufficient use.
- b) **Refuse and service areas:** The applicant has made no provisions for refuse or waste removal. Staff find that should the special use permit be approved the applicant provide for waste removal.
- c) **Buffering and Screening:** The subject property is at a higher elevation than the neighboring properties behind it; thus, light pollution will not be an issue. The site will continue as surface parking no additional buffering or screening is proposed. Staff is of the opinion that the applicant has met the buffering and screening requirements.

- d) **Hours and manner of operation:** The site will operate as a paid parking lot for nearby businesses. One employee will be on site during Friday and Saturday evenings from 8pm to 2am. Staff approves of the hours and manner of operations.
- e) **Duration:** The applicant requests an indefinite duration. Staff is supportive of a limited duration.
- f) **Required yards and open space:** The applicant has indicated there are no structural changes proposed for the subject property. Therefore, these considerations are not applicable.
- g) **Compatibility with policies related to tree preservation:** No trees will be impacted. Therefore, these considerations are not applicable.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit for a park-for-hire lot shall be valid only as long as Keith Hunter is the owner and operator and shall have a limited duration of two (2) years and is not transferable.
2. The applicant shall provide onsite receptacles and a commercial hauler to remove waste.
3. The applicant shall be required to provide minimum landscape requirements for surface parking lots as required in the City of Atlanta Code of Ordinances, Chapter 158 Vegetation, Section 158.30.

cc: Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-17-34 for 122 Howell Drive S.W.

DATE: February 8, 2018

An Ordinance granting a Special Use Permit for a day care center pursuant to 16-06.005 (1)(b) for property located at **122 Howell Drive, S.W.**

The applicant has requested to withdraw their application. Staff is supportive of this request.

STAFF RECOMMENDATION: FILE

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-17-63 Metropolitan Parkway Phase IV Rezoning for Capitol View and Capitol View Manor neighborhoods

DATE: February 8, 2018

AN ORDINANCE BY COUNCILMEMBER JOYCE SHEPHERD TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING CERTAIN PROPERTIES ALONG THE METROPOLITAN PARKWAY CORRIDOR IN THE CAPITOL VIEW AND CAPITOL VIEW MANOR NEIGHBORHOODS (BETWEEN CASPLAN STREET, S.W. AND THE CSX RAILROAD/ATLANTA BELTLINE) FROM NC-9 (NEIGHBORHOOD COMMERCIAL-9)/BELTLINE OVERLAY DISTRICT TO NC-9 AND FROM R-4 (SINGLE-FAMILY RESIDENTIAL)/BELTLINE OVERLAY DISTRICT TO NC-9; AND FOR OTHER PURPOSES.

Staff is requesting a 30-day deferral because the affected Neighborhood Planning Unit (NPU), X regularly scheduled January 2018 meeting was canceled due to inclement weather. As a result, the NPU was unable to vote on the proposed rezoning project. Therefore, Staff is requesting that case number Z-17-63 be deferred for 30-days to allow the NPU efficient time to review and vote on the proposed rezoning of the Metropolitan Parkway corridor, Phase IV project.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-MARCH 2018

cc: Charletta Wilson Jacks, Director



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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-17-94 for 969 Moreland Avenue, S.E.

DATE: February 8, 2018

An Ordinance by Zoning Committee to rezone property from R-4 (Single Family Residential) to R-4A (Single Family Residential) for property located at **969 Moreland Avenue, S.E.**

FINDINGS OF FACT:

- **Property location.** The subject property fronts 100 feet on the west side of Mercer Street, S.E. and begins 50 feet from the intersection of Lyndale Drive, S.E. and Moreland Avenue S.E. The parcel is located in Land Lot 10, of the 14th District, Fulton County, Georgia within the Ormewood Park neighborhood of NPU-W in Council District 1.
- **Property size and physical features.** The site is a rectangular shape of approximately .459 acres in size. The lot is developed with a two-story single-family structure. The southern half of the site is vacant. There is one curb cut from Moreland Avenue without a vehicular access to the property. There are a few trees, shrubs and grass on site. The topography has approximately 10 feet inclination towards the rear property line.
- **CDP land use map designation:** The parcel is currently zoned R-4 (Single-family Residential). 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-4 (Single Family Residential) District with a Single Family Residential land use designation.

- **Transportation system:** Moreland Avenue is classified as an arterial street. U.S. Route 23 runs north along Moreland Avenue to combine with U.S. Route 29-78-278 (Ponce De Leon Avenue) east to Decatur. MARTA provides bus service along Moreland Avenue. The distance between the subject property and the closest bus station is approximately 100 feet at the intersection of Moreland Avenue and Lyndale Drive. The nearest train station is Georgia State Transit Station which is 4 miles from the subject property. Sidewalks are present on both sides of Moreland Avenue.

PROPOSAL:

This application seeks a rezoning from the R-4 (Single Family Residential) District to R-4A (Single Family Residential) District to construct two single-family dwellings.

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 100 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 neighborhood and the rezoning proposes the continuation of that use. Therefore, the infill development will help to maintain the character of this community.
- (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-4A (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 supporting neighborhoods that sustain 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-4 (Single Family) zoning designation because the requirements of the existing zoning district will not allow 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



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
MAYOR

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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 *fmh*

SUBJECT: **Z-17-96 for 947 Mercer Street S.E.**

DATE: February 8, 2018

An Ordinance by Zoning Committee to rezone property from R-4 (Single Family Residential) to R-4A (Single Family Residential) for property located at **947 Mercer Street, S.E.**, and for other purposes.

FINDINGS OF FACT:

- **Property Location:** The subject property fronts 100 feet on the south side of Mercer Street, S.E. and beginning 247.9 feet from the intersection of Vernon Avenue, S.E. and Mercer Street, S.E. The property is located in Land Lot 11 of District 14 in NPU W, in the Ormewood Park neighborhood of Council District 1.
- **Property Size and Physical Features:** The subject property consists of a one-story single family home. The topography of the lot drops towards the rear of the subject property. Vehicular access to the property is gained through the ingress and egress at Mercer Street, which is classified as a local street. There are two mature shrubs at the front of the property, as well as a mature tree along the eastern side setback.
- **CDP Land Use Map Designation:** The current land use category for the site is Single-Family Residential in the 2016 Comprehensive Development Plan.
- **Current/Past Use of Property:** The subject property is currently developed with a one-story single-family residence. Staff is not aware of any previous uses.
- **Surrounding Zoning/Land Uses:** The current land use for this parcel is Single-Family Residential and the zoning designation is R-4 (Single-Family Residential) District. Adjacent parcels are also zoned R-4 (Single Family Residential) with a Single-Family Residential land use designation.

- **Transportation System:** Mercer Street is classified as a local street. The closest bus stop is MARTA route #74 at Glenwood Avenue and Glenwood Place approximately 0.4 miles from the subject property.

PROPOSAL:

This application seeks to rezone the site from the R-4 zoning to the R-4A zoning for the construction of two (2) single-family homes.

CONCLUSIONS:

- **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 proposal to change the zoning category to R-4A will not require changing the CDP. Staff approves of these findings.
- **Availability of and effect of public facilities and services; referral to other agencies:**
The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. 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:** 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.
- **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 100 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 neighborhood and the rezoning proposes the continuation of that use. Therefore, the infill development will help to maintain the character of this community.
- **Suitability of proposed land use:** Staff finds the proposed land use is suitable. Adjacent and nearby lots have the same lot frontage as the proposed zoning request.
- **Effect on adjacent property:** The redevelopment of the property with two (2) single-family homes would have no negative impact on the adjacent properties. The addition of more housing will allow a seamless continuation of single-family homes within Ormewood Park. Staff approves of such effects.

- **Economic use of current zoning:** Staff finds that the current zoning has a reasonable economic use. However, the rezoning would not have a negative effect on the economic use as the proposed zoning is compatible with existing lot pattern and reestablishes the pattern in this portion of the block of Mercer Street.
- **Tree Preservation:** Development of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting. Staff approves of the compliance.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

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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-17-97 for 3715 Northside Parkway, N.W.

DATE: February 8, 2018

An Ordinance by Zoning Committee to rezone property from **O-I-C (Office Institutional Conditional)** to **C-1 (Community Business District)** for property located on a portion of 3715 Northside Parkway.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 29.19 feet on the east side of Northside Parkway, N.W. beginning at the intersection of Northside Parkway, N.W. and East Beechwood Drive, N.W. The property is located in Land Lot 199, of the 17th District in Fulton County, Georgia within the Mount Paran/Northside neighborhood of NPU-A, Council District 8.
- **Property size and physical features:** The subject property of approximately 0.941 acres is currently developed with a surface parking lot for an established professional office development. Lot topography varies across the property.
- **CDP land use map designation:** The current land use designation is Office-Institutional in the 2016 Comprehensive Development Plan.
- **Current/past use of property:** The site has been used for office-institutional uses. Staff is not aware of any other prior uses of the site.
- **Surrounding zoning/land uses:** The subject properties are adjacent to properties zoned for single-family residential, office-institutional, and multifamily residential purposes and are categorized as follows: O-I (Office-Institutional) District with an Office Institutional land use designation to the south, RG-2 (Residential General-Sector 2) with a Low Density Residential land use designations to the southwest, R-2 (Single-Family Residential) with a Single Family Residential land use to the north, east, southeast, and west.

- **Transportation system:** The subject property is located along Northside Parkway, which is classified as an arterial street. MARTA does service the immediate area via bus route #12 along Northside Parkway.

PROPOSAL: The applicant requests to rezone a 0.941 acre portion of a property from the O-I-C (Office-Institutional-Conditional) to C-1 (Community Business District) for the development of approximately two restaurant establishments (approximately 9,530 square feet for restaurant space with approximately 2,600 square feet for outdoor dining areas). The applicant will be providing parking via a shared parking agreement with the existing office development.

Development Specifications:

Net Lot Area:	0.941 acres (40,970 square feet)
F.A.R. Allowed:	2.0
F.A.R. Proposed:	0.23 (9,530 square feet)
Parking Required:	109 spaces
Parking Proposed:	0 spaces*
Loading Required:	1 space
Loading Provided:	1 space

*Applicant is applying for a special exception to achieve on-site parking requirements

CONCLUSIONS:

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

The proposed rezoning does impact the current land use designation of Office Institutional (OI). Therefore, a Comprehensive Development Plan (CDP) amendment is not required.

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

Since the area has been an established development, water and sewage facilities serving the property are assumed to be adequate. The Fulton County Department of Health and Wellness requires submittal of plans for review and approval and must obtain permits for the outside refuse containers, and the pad and approach area for the refuse containers.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:

Staff is of the opinion that the request to rezone the subject property would not create any issues that would negatively affect the balance of land uses in the area. The subject site is currently developed as a parking area for an existing office park. The site will be redeveloped for two on-site restaurant establishments which would be in alignment with the sustaining of the balance of uses without further encroachment into the surrounding residential neighborhoods. The proposed use would not be suitable for any other properties without rezoning due to the non-residential land uses surrounding the site.

- (4) **Effect on character of the neighborhood:** The proposal would have a positive effect on the surrounding neighborhood by converting the underutilized surface parking area into a multifamily residential development. Furthermore, the proposal will be beneficial, better conforming to the Town Center character area recommendation of the 2016 Comprehensive Development Plan for the area, and encourages more of a mixture of uses for the Mount Paran/Northside neighborhood. Only positive effects can result from the improvements to the property.
- (5) **Suitability of proposed land use:** Staff is of the opinion that the request to rezone the property for the purpose of constructing the two proposed restaurants would be suitable. The proposed restaurants would be fully enclosed within the existing office park development and would not further encroach into the surrounding residential portions of the Mount Paran/Northside neighborhood. The proposal also would be compatible with the 2016 Comprehensive Development Plan recommendations for the area.
- (6) **Effect on adjacent property:** Staff is of the opinion that the rezoning of the subject site to the C-1 (Community Business District) zoning designation would not pose negative impacts to the adjacent properties. The Town Center character area recommendation expresses the need for providing services and facilities that serve the surrounding areas. The proposed two restaurant establishments would be providing convenient dining options to the surrounding residential neighborhoods and complement the established commercial nodes along Northside Parkway.
- (7) **Economic use of current zoning:** While the current zoning conditions allow for the economic use of the land, a change to the C-1 (Community Business District) zoning designation would allow a more effective economic use of the subject property.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
MAYOR


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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: U-17-36 for 3715 Northside Parkway, N.W.

DATE: February 8, 2018

An Ordinance granting a Special Use Permit for outdoor dining at an eating and drinking establishment within 1,000 feet of property that is zoned R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B or R-5 pursuant to 16.11.005(1)(i) for a portion of a property located at 3715 Northside Parkway, N.W.

FINDINGS OF FACT:

- **Property location:** The subject property fronts 29.19 feet on the east side of Northside Parkway, N.W. beginning at the intersection of Northside Parkway, N.W. and East Beechwood Drive, N.W. The property is located in Land Lot 199, of the 17th District in Fulton County, Georgia within the Mount Paran/Northside neighborhood of NPU-A, Council District 8.
- **Property size and physical features:** The subject property is approximately 0.941 acres and is currently developed with a surface parking lot for an established professional office development. Lot topography varies across the property.
- **CDP land use map designation:** The current land use designation is Office-Institutional in the 2016 Comprehensive Development Plan.
- **Current/past use of property:** The site has been used for office-institutional uses. Staff is not aware of any other prior uses of the site.

- **Surrounding zoning/land uses:** The subject properties are adjacent to properties zoned for single-family residential, office-institutional, and multifamily residential purposes and are categorized as follows: O-1 (Office-Institutional) District with an Office Institutional land use designation to the south, RG-2 (Residential General-Sector 2) with a Low Density Residential land use designations to the southwest, R-2 (Single-Family Residential) with a Single Family Residential land use to the north, east, southeast, and west.
- **Transportation system:** The subject property is located along Northside Parkway, which is classified as an arterial street. MARTA does service the immediate area via bus route #12 along Northside Parkway.

PROPOSAL: The applicant is requesting to operate two restaurants (an approximately 2,000 square feet coffee shop and an approximately 7,500 square feet full-service restaurant) with an approximately 2,600 square foot outdoor dining component within 1,000-feet of a residentially zoned area. The outdoor patio areas will be located on the western end of the structures adjacent to the parking areas separated by a 3-foot high removable railing or other barrier separation. The applicant has proposed the patio areas will have a total of approximately 20 tables with 50 seats. The applicant will be providing on-site parking via a shared parking agreement with the existing office development pending a rezoning to the C-1 (Community Business) zoning district.

CONCLUSIONS:

- **Ingress and egress:** Vehicles and emergency vehicles access the property using the two existing driveways from Northside Parkway. Pedestrian access will be provided via a proposed sidewalk connection to the existing sidewalk infrastructure on-site.
- **Parking and loading:** Employees and visitors will use the existing on-site parking spaces on the adjacent property via a shared parking agreement on the surrounding office development property. Loading and deliveries are provided by the two existing driveways from Northside Drive to the proposed 12x35 loading area to the southwest of the restaurant structures.
- **Refuse and service areas:** Refuse is handled through two dumpsters within a proposed enclosure to the northeast of the structures and there will be approximately 2-3 pickups per week. Service personnel will access the site through the proposed 12x35 loading space to the southwest of the structures.
- **Buffering and screening:** The applicant has indicated the proposed restaurants will be oriented in a manner in the direction of the existing office park where the lighting, glare, and noise will have limited spillover towards the surrounding residential areas. Furthermore, the outdoor dining patios are proposed to be located between the structures to the northwest and southwest. The applicant has indicated there would be approximately 80 vehicles coming to the property daily. Additionally, the restaurants will have pedestrian foot traffic from the nearby office park development.

- **Hours and manner of operation:** The applicant has indicated the restaurant establishments would be in operation Sunday through Thursday from 7:00 a.m. to 11:00 p.m., Friday through Saturday from 7:00 a.m. to 12:00 a.m. The establishments would have approximately 20-25 employees during 2-3 shifts. The applicant has specified there will be meals served during the hours of operation, and will service approximately 350-500 clients per day.
- **Duration:** The applicant is requesting a permanent duration.
- **Required yards and open space:** The applicant has indicated the proposal will comply with the rear and side yard setbacks per the proposed C-1 (Community Business) zoning district.
- **Tree Preservation and replacement:** The applicant has indicated there are changes proposed for the subject property involving tree removal. Furthermore, the applicant has specified the Land Disturbance Permit issued includes the review and compliance with the City's tree preservation ordinance.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. No amplified or live music will be allowed in any outdoor seating area, although background music not audible beyond the property boundary will be allowed.

cc: Charletta Wilson Jacks, Director



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KEISHA LANCE BOTTOMS
MAYOR

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM *amended*

TO: Zoning Review Board

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

SUBJECT: Z-17-98 for 1029 Donald Lee Hollowell Parkway, N.W.

DATE: February 8, 2018

The applicant seeks an ordinance by Zoning Committee to rezone from I-1/BL (Light Industrial/BeltLine Overlay) to PD-MU/BL (Planned Development Mixed Use/BeltLine Overlay) for property located at **1029 Donald Lee Hollowell Parkway, N.W.**

FINDINGS OF FACT:

- **Property location.** The subject site fronts approximately 357 feet on the north side of Donald Lee Hollowell Parkway, beginning 627 feet from the northeast intersection of Donald Lee Hollowell Parkway and Law Street. The property is located in Land Lot 114 of the 14th District, Fulton County, Georgia within the Bankhead neighborhood of NPU-K in Council District 3.
- **Property size and physical features.** The site is approximately 3.69 acres (161,041 square feet) in land area and is currently developed with two masonry commercial structures with an 8-foot metal clad wall surrounding the perimeter of the property. The site is actively used as an automotive service and storage yard. The lot topography varies across the site and is especially steep at its northern property line where it abuts a heavy rail corridor. At that point, the topography decreases ten (10) feet. Broken asphalt pavement and dirt can be found on most of the property. The site currently has very few mature trees or shrubs located on the site.
- **CDP land use map designation:** The subject properties have a Mixed-Use land use designation within the 2016 Comprehensive Development Plan (CDP).
- **Current/past use of property:** Historically, the subject properties were occupied by various industrial and manufacturing uses. Staff is unaware of any other uses for the property.

- **Surrounding zoning/land use:** The surrounding properties vary in zoning classification although most of the parcels have a Mixed Used land use designation. Adjacent parcels are zoned I-2 (Heavy Industrial) District to the west. C-1 (Community Business) District can be found east of the subject site along with additional I-1 (Light Industrial) zoned parcels. To the south I-1 (Light Industrial) and I-2 (Heavy Industrial) zoned parcels have High Density Residential and Very High Density Residential land use designations, respectively. As previously mentioned the subject lot's northern boundary abuts a heavy rail corridor. This area has a land use designation of Transportation/Communications/ Utilities (TCU) and a potential expansion line of the Atlanta Beltline multi-use trail corridor.
- **Transportation system:** The subject property has frontage along Donald Lee Hollowell Parkway corridor which is classified as a principal arterial road. Sidewalks are provided along the north and south side of Donald Lee Hollowell Parkway. MARTA provides public transportation service to this area via bus routes #26 along Donald Lee Hollowell Parkway. Multiple transit stops are located along Howell Mill Road with one located directly adjacent to the subject lot on the north side of Donald Lee Hollowell Parkway.

PROPOSAL:

The applicant is requesting to rezone a 3.679 acre site from the I-1 (Light Industrial) zoning district to the PD-MU (Planned Development Mixed Use) district to construct a mixed-use development of approximately 164,223 square feet of floor area that will be encompass 34 single-family attached dwellings and 25 live/work attached dwelling units. The applicant proposes a maximum of 62 dwelling units. The plan provides for 124 off-street parking spaces and 30 on-street parking spaces.

Project Specifications:

Net Lot Area: 161,041 sq. ft. (3.70 acres)

Gross Lot Area: 186,437 sq. ft. (4.28 acres)

Maximum Floor Area allowed (residential): 3.2 x 161,041 sq. ft. = 515,331 sq. ft.

Proposed Floor Area (residential): 164,223 sq. ft.

Minimum Parking Required: 61 spaces

Proposed Parking:

Off-Street	<u>124 spaces</u>
On-Street	<u>30 spaces</u>

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The Comprehensive Development Plan (CDP) designates the subject properties as Mixed Use. The proposed rezoning to PD-MU (Planned Development-Mixed Use) 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 affect of public facilities and services; referral to other agencies:**
The location of the site and current use of surrounding properties indicate there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services 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. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses.
- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive effect on the surrounding neighborhood by redeveloping an underutilized lot. The proposed development will allow for the creation of an urban, mixed-use development which is consistent with the mixed-use development proposed in the Atlanta Beltline Subarea 9 Master Plan that recommended creating a Medium Density Mixed Use District along Donald Lee Hollowell Parkway. The development would also improve the overall aesthetics of the area and improve the pedestrian infrastructure while adding needed residential and light commercial components to an area previously deprived of investment. Therefore, Staff considers this proposal as an improvement over the existing conditions of the site.
- (5) **Suitability of proposed land use:** The proposed use reflects the Mixed-Use land use designation of the parcel.
- (6) **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties. Presently, the site consists of two small commercial buildings and most of the parcel is used for the storage of wrecked automobiles. The proposed development would have a positive effect on adjacent properties because the redevelopment of the site would improve the aesthetics of the area and could possibly add value to the surrounding area. Further, through this development, Finley Street will be re-established and provide ease of use for pedestrians and vehicular traffic entering and leaving the proposed development. The potential impact of increased traffic to nearby properties due to ingress and egress to the development should be taken into consideration. Also, because this is a Planned Development rezoning criteria such as open space requirements, transitional and side yard setbacks, and streetscapes will be reviewed by the appropriate governing bodies.

- (7) **Economic use of current zoning:** While the current zoning conditions would allow for some economic use of the land, a change in zoning will allow for denser residential and commercial uses as the neighborhood and area at large continues to redevelop and see an increase in new residents. The proposed PD-MU (Planned Development Mixed Use) designation allows for 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.
- (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.**
Staff is of the opinion that the proposed lot and development is suitable for a PD-MU (Planned Development Mixed Use) zoning classification. The location of the parcel, the zoning of surrounding properties, and availability of public utilities are considered by Staff as appropriate. 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 directly adjacent to transit bus stops and within 0.5 mile is the nearest mass transit station, MARTA's Bankhead Transit Station located on Donald Lee Hollowell Parkway. Bus route #26 services the area along Donald Lee Hollowell Parkway. Therefore, public transit would not be limited.
 - 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 Special Administrative Permit process.
 - d. **The suitability of proposed plans.** The conceptual site plan dated December 5, 2017, and stamped received by the Office of Zoning and Development on December 5, 2017, is considered to be suitable for a PD-MU (Planned Development Mixed Use) type of development.
 - e. **Specific modifications.** No modified plans or material were submitted to the Office of Zoning and 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 upon the following:

1. Conceptually, the site shall be developed in accordance with the site plan entitled "The Finley" prepared by TSW dated December 5, 2017 and stamped "received" by the Office of Zoning and Development on December 5, 2017.

cc: Charletta Wilson Jacks, Director
