



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
MAYOR


DEPARTMENT OF CITY PLANNING
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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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-17-85 for 952 North Avenue N.E.

DATE: February 15, 2018

An Ordinance by Zoning Committee to rezone property located at **952 North Avenue, N.E.** from R-4 (Single Family Residential) to R-5 (Two Family Residential).

The applicant has requested an additional deferral for 30 days for additional time to work on the application. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-MARCH 2018

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 Holmes, AICP, Zoning Administrator 

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

DATE: February 15, 2018

An Ordinance to zone property located at **1280 and 1296 Moreland Avenue and 1263 Custer Avenue** to the MRC-1 (Mixed Residential Commercial) Zoning District; and for other purposes.

FINDINGS OF FACT:

- **Property location:** The properties to be annexed are east of the City of Atlanta limits fronting the southeast intersection of Moreland Avenue, S.E. and Custer Avenue, S.E. within close proximity to City of Atlanta NPU-W, Council District 1.
- **Property size and physical features:** The western portion of the subject properties are located adjacent to the City of Atlanta within unincorporated DeKalb County. The lot boundaries form an irregular shape lot bound by Custer Avenue to the north, Moreland Avenue to the west, and Entrenchment Creek to the east. To the south parcels are zoned DeKalb County M (Light Industrial). The site includes two single-story concrete commercial retail buildings. Vehicular access to the surface parking lot on the property is provided by three curb cuts on the south side of Custer Avenue and two on the east side of Moreland Avenue. Sidewalks exist only along Moreland Avenue and along a portion of the frontage on Custer Avenue. Several mature trees and shrubs can be found along frontages adjacent to the right-of-ways. The topography of the lot slopes in a southeasterly direction toward Entrenchment Creek.
- **CDP land use map designation:** Recommendations for compatible land use designation in accordance with recommended zoning designation will be presented at a public hearing conducted by the Community Development/Human Services Committee (CD/HS) of the Atlanta City Council. Land use designation proposed for the subject site is Low-Density Commercial. The proposed land use designation is substantially comparable to the subject sites current land use designation in DeKalb County. The current land use designation in DeKalb County is CRC (Commercial Redevelopment Corridor).

- **Current/past use of property:** The parcel is currently developed with two commercial retail structures with active tenants. Staff is unaware of any other previous uses of the site.
- **Surrounding zoning/land uses:** In DeKalb County east of the subject site property is zoned MR-2 (Medium Density Residential) and R-75 (Residential Medium Lot) with a Traditional Neighborhood land use designation. Parcels north of the subject site are zoned C-1 (Local Commercial) with a CRC (Commercial Redevelopment Corridor) land use designation. Parcels to the south are zoned M (Light Industrial) with a Light Industrial land use designation.

In the City of Atlanta west of the subject site property is zoned MRC-1-C (Mixed Residential Commercial-Conditional) with a Low Density Mixed Use land use designation.

- **Transportation system:** The subject property is located at the intersection of Moreland and Custer Avenues which are classified as arterial and collector roads respectively. There are sidewalks along frontages on Moreland Avenue and partially on Custer Avenue. Public transit options are provided by MARTA bus route #32 that services Custer Avenue and route #4 on Moreland Avenue.

PROPOSAL:

The ordinance proposes to zone property MRC-1 (Mixed Residential Commercial) District.

The purpose and intent of the Mixed Residential Commercial Sector 1 (MRC-1) district, is as follows:

To create a diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play; to encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses; to encourage the development of multi-family housing within commercial areas; to alleviate development pressure on existing residential neighborhoods by placing reasonable controls on development and expansion of strip commercial areas within primarily single-family neighborhoods; to place reasonable controls on the development of larger scale highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city than a single neighborhood or a small group of neighborhoods; to improve the aesthetics of the built environment; to protect existing neighborhoods from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods; to ensure pedestrian-oriented building forms; to provide for a pedestrian-oriented environment on streets and sidewalks; to promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks; to ensure residents have convenient pedestrian access to nearby commercial uses; to provide stable single-family neighborhoods with nodal commercial areas which are such a size that all uses are within convenient walking distance of one another; to promote an appropriate balance and scale of commercial uses which meet the needs of nearby residents; to encourage a compatible mixture of residential, commercial, cultural and recreational uses; to provide a range of housing types and prices to meet different housing needs; to reserve the space between the building and the sidewalk for

pedestrian related uses; to provide appropriately scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs; to encourage a grid of connected streets to improve access and reduce congestion; to facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles; to facilitate safe and convenient bicycle usage; to prevent encroachment of incompatible commercial uses and minimize commercial parking into residential neighborhoods; to provide sufficient parking in an unobtrusive manner; to reduce parking requirements by encouraging shared parking and alternative modes of transportation; to maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art; to provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment; and to improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle parking and electric vehicle parking.

Similarly, to the MRC-1 zoning district, the DeKalb County C-1 (Local Commercial) District provides convenient local retail shopping and service areas within the county for all residents. Provides for auto-oriented needs outside of the Neighborhood Center, Town Center, and Regional Center character areas, but focuses on the pedestrian oriented development within these districts. Provides for quality control in development through materials and building placement and assures that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods

CONCLUSIONS:

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

A recommendation for compatible land use designation in accordance with a recommended zoning designation will be presented at a public hearing conducted by the Community Development/Human Services Committee (CD/HS) of the Atlanta City Council. Land Use Designation proposed for the subject site is Low-Density Commercial. The proposed land use designation is substantially comparable to the subject sites current CRC (Commercial Redevelopment Corridor) land use designation in DeKalb County.

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

There are available public facilities and services (i.e. water supply, sewerage, drainage, transportation, schools, fire and police protection and solid waste collection and disposal) for the proposed annexation area.

(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 in connection with the annexation, availability of other appropriate land already zoned for the proposed use is not applicable here. Because the property owners seek annexation, the City must zone the property upon annexation. The proposed zoning will not have an adverse environmental effect on the balance of land uses because it will retain the current zoning in DeKalb County.

(4) Effect on character of the neighborhood:

The uses permitted by the proposed zoning will have a positive impact on the surrounding neighborhoods because they are materially the same as the ones currently permitted in DeKalb County.

- (5) **Suitability of proposed land use:** The proposed request to rezone the property to MRC-1 (Mixed Residential Commercial) district is suitable given the current use of the land and commercial/retail nature of the surrounding area. The uses within this proposed district are compatible to the current zoning designation in the DeKalb County.
- (6) **Effect on adjacent property:** The proposed zoning district will have a positive impact on the surrounding neighborhoods because it is materially the same as the one currently permitted in DeKalb County.
- (7) **Economic use of current zoning:** The current zoning and the proposed zoning allow for reasonable economic use of the properties in the subject area.

STAFF RECOMMENDATION: APPROVAL

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 *(KMH)*

SUBJECT: Z-17-95 for 2195 Virginia Place, N.E.

DATE: February 15, 2018

An Ordinance by Zoning Committee to rezone property located at **2195 Virginia Place, N.E.** from R-4 (Single Family Residential) to R-4A (Single Family Residential).

The applicant has requested an additional deferral for 30 days for additional time to work on the application. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-MARCH 2018

cc: Charletta Wilson Jacks, Director



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TIM KEANE
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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-17-99 for 2650 Proctor Drive, N.W. and 0 Northwest Drive, N.W. (17 0258 LL1325)

DATE: February 15, 2018

The applicant seeks to rezone property located at **2650 Proctor Drive and 0 Northwest Drive (17 0258 LL1325)** from RG-3-C (Residential General Sector 3 Conditional) and RG-2-C (Residential General Sector 2 Conditional) to MR-3 (Multi Family Residential) and MR-2 (Multi Family Residential).

FINDINGS OF FACT:

- **Property location:** The subject properties front approximately 582 feet on the north side of Northwest Drive beginning 843 feet from the northeast corner of Northwest Drive and Mango Drive. The property area is located in the Monroe Heights neighborhood, in Land Lot 250 and 258 of the 17th District in NPU G, Council District 9, Fulton County, Georgia.
- **Property size and physical features:** The subject site consists of two parcels, 2650 Proctor Drive (Parcel A) and 0 Northwest Drive (Parcel B) approximately 1,213,538 square feet (27.859 acres) of net lot area. The lot is currently undeveloped. The topography of the lot varies greatly with a difference in elevation of approximately 170 feet. No vehicular access to the property is currently available. The lot is overgrown with vegetation and large mature trees and shrubs can be found on the property. Located adjacent to the northern property line is Proctor Creek.
- **CDP land use map designation:** The Future Land Use designation for Parcel A is Medium Density Residential (MDR) and Parcel B Low Density Residential (LDR).
- **Current/past use of property:** Staff is not aware of any previous uses.

- **Surrounding zoning/land uses:** Land use and zoning designations in the immediate area varies. To the east of the subject site property is zoned R-4A (Single-Family Residential) District with a Low Density Residential land use designation. To the west of the subject site property is zoned R-4A (Single Family Residential) with an Open Space land use designation. Property south of the subject site is zoned RG-3-C (Residential General Sector 3 Conditional) with a Medium Density Residential 0-16 units per acre land use designation. Property north of subject site is zoned C-1 (Community Business) District with a Medium Density Residential 0-16 units per acre land use designation.
- **Transportation:** James Jackson Parkway is classified as a minor arterial road. Northwest Drive is classified as a major collector. Currently, MARTA's #153 and #58 bus lines service this area along James Jackson Parkway and Northwest Drive respectively. The Proctor Creek Greenway Plan proposes a multi-use trail at the northern border on the subject lot along Proctor Creek.

PROPOSAL:

The applicant seeks the rezoning of a 27.859-acre lot from RG-2-C (Residential General Conditional) and RG-3-C (Residential General Sector 3 Conditional) to MR-3 (Multi-Family Residential) and MR-2 (Multi-Family Residential) to construct a 180-unit residential development with single-family attached and detached structures. Access to the property will be via a single curb cut on James Jackson Parkway. Per the zoning code, *sec. 16-35.010 (a)(iii)*, maximum permitted floor area for properties zoned MR-2 and MR-3 (Multifamily Residential) are calculated at .348 and .696, respectively, of the gross lot area.

Project Specifications:

Net Lot Area:			<u>1,213,538 sq. ft.</u>
Lot A:			973,653 sq. ft.
Lot B:			239,885 sq. ft.
Gross Lot Area:			<u>1,256,42 sq. ft</u>
Lot A:			1,016,543 sq. ft.
Lot B:			239,885 sq. ft.
Maximum Floor Area allowed (residential):			
Lot A:	.696 x 1,016,543 sq. ft.	=	<u>707,541 sq. ft.</u>
Lot B:	.348 x 228,754 sq. ft.	=	<u>83,480 sq. ft.</u>
Proposed Floor Area (residential):			
Lot A:			<u>446,000 sq. ft.</u>
Lot B:			<u>47,200 sq. ft.</u>
Minimum Parking Required:			<u>223 spaces</u>
Proposed Parking:			<u>428 spaces</u>

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates Parcel A as Medium Density Residential and Parcel B as Low Density Residential land use designations. The proposed rezoning to the MR-2 and MR-3 (Multifamily Residential) District is consistent with the existing land use, thus a land use amendment will not be required to accommodate the proposed development.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The 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 contribute to the redevelopment of the neighborhood.
- 4) **Effect on character of the neighborhood:** The development would have a positive effect on the surrounding neighborhood by redeveloping the vacant lot. The proposed townhomes and single-family homes would be an appropriate addition to the current single-family homes and multi-family developments in the area.
- 5) **Suitability of proposed land use:** The proposed use reflects the desired land uses that the community and City have designated for future redevelopment. The proposed MR-2 (Multifamily Residential) and MR-3 (Multifamily Residential) zonings would add to and support the single-family and multi-family residential parcels in the immediate area.
- 6) **Effect on adjacent property:** Some adjacent properties located to the west along Northwest Drive are vacant parcels zoned R-4 (Single-Family Residential). The MR-2 (Multifamily Residential) and MR-3 (Multifamily Residential) zoning designation would be an appropriate complement to the medium and low-density land uses along James Jackson Parkway. 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 possibly add value to the surrounding area.
- 7) **Economic use of current zoning:** While the current zoning conditions allow for some economic use of the land, a change in zoning to a higher intense use for dense residential development would allow 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.

STAFF RECOMMENDATION: APPROVAL

cc: Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-17-100 for Braeburn Circle

DATE: February 15, 2018

An Ordinance zone property known as **Braeburn Circle** to the corporate limits of the City of Atlanta, Georgia pursuant to the 60% method; to extend the boundaries of the Atlanta Independent School System; to notify the Georgia Department of Community Affairs of such annexation; and for other purposes.

FINDINGS OF FACT:

- **Property location:** The properties to be annexed are east of the City of Atlanta limits fronting Braeburn Circle, S.E. approximately 210 feet from the southeast intersection of Braeburn Circle, S.E. and Clifton Road, S.E. within close proximity to the City of Atlanta's East Atlanta neighborhood in NPU-W, Council District 5.
- **Property size and physical features:** The subject properties are inclusive of one hundred and twenty-one (121) parcels. Braeburn Circle begins at the intersection of Braeburn Drive, SE, Clifton Road, and Braeburn Circle. It forms a loop that ends on Clifton Road, SE nearly 1,000 feet south of the intersection. The western portion of the subject properties are located adjacent to the City of Atlanta within unincorporated DeKalb County. The lots are bound by Interstate 20 to the west. Some properties front Brown Avenue, Nash Avenue, and Josephine Avenue, all interior streets connect to Braeburn Circle. Sylvester Circle, which can be found in the southeastern most portion of the proposed annexation is a recently improved right-of-way that contains multiple new single-family structures in various stages of construction. To the south parcels are zoned DeKalb County R-75 (Residential Medium Lot) and MR-2 (Medium Density Residential). The topography of the sites varies.

- **CDP land use map designation:** Recommendations for compatible land use designation in accordance with recommended zoning designation will be presented at a public hearing conducted by the Community Development/Human Services Committee (CD/HS) of the Atlanta City Council. Land use designations proposed for the subject lots are Single-Family Residential and Medium-Density Residential. These land uses are substantially comparable to the subject area's current land use designations in DeKalb County.
- **Current/past use of property:** The parcels are currently used for single family residential purposes. Staff is not aware of any previous uses of the site.
- **Surrounding zoning/land uses:** In DeKalb County and south of the subject parcels property is zoned R-75 (Residential Medium Lot) and MR-2 (Medium Density Residential) with a land use designation of Traditional Neighborhood.

In the City of Atlanta west of the subject site property is zoned R-4 (Single-Family Residential) with a Single Family Residential land use designation.

- **Transportation system:** The subject area can be accessed by Braeburn Drive, Clifton Road and Braeburn Circle which are all classified as local roads. There are no sidewalks found along Braeburn Circle or any of the interior streets. Public transit options are provided by MARTA via bus route #74. A transit stop can be found at the intersection of Clifton Road and Flat Shoals Road south of the subject area.

PROPOSAL:

The ordinance proposes to zone properties R-4 (Single-Family Residential) and MR-1 (Multi-Family Residential) Districts.

The intent of the City of Atlanta R-4 (Single-Family Residential) District is as follows:

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

Similarly, the intent of the R-75 (Residential Medium Lot) zoning in DeKalb County is to provide for the protection of neighborhoods within the county where lots have a minimum area of 10,000 square feet. To provide for compatible infill development in neighborhoods. To provide protection for existing development as new subdivisions are created. To provide flexibility in design on the interior of new development while protecting surrounding development. To assure that the uses and structures authorized in the R-75 district are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for county residents and to implement the Future Development Map of the County's most current Comprehensive Plan.

The intent of the City of Atlanta MR-1 (Single-Family Residential) District includes, but is not limited to:

Creating a diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play. To provide for multi-family residential housing types that are compatible with single-family neighborhoods and commercial nodes. To encourage the development of multi-family housing, with limited neighborhood serving commercial uses. To encourage a range of housing types and prices to meet different housing needs. To improve the aesthetics of the built environment. To protect existing stable single-family neighborhoods from uses and building forms which are incompatible with their scale, character and needs. To ensure pedestrian-oriented building forms. To provide for a pedestrian-oriented environment on streets and sidewalks. To promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks. To reserve the space between the building and the sidewalk for pedestrian related uses. To provide appropriately-scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs. To encourage a grid of connected streets to improve access and reduce congestion. To facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles. To facilitate safe and convenient bicycle usage. To provide sufficient parking in an unobtrusive manner. To maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art. To provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment and to improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle parking and electric vehicle parking.

Similarly, the intent of the MR-1 (Medium Density Residential) zoning in DeKalb County is to encourage primarily residential, planned developments that allow accessory retail, office, institutional, and civic uses. To provide for residential neighborhoods with a mix of single family and multi-family housing types that maintain harmony of scale, intensity, and design with surrounding development. To provide for connectivity of streets and communities and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel. To implement the Future Development Map of the County's most current Comprehensive Plan and to provide districts that allow appropriate development within the edges and transitional areas of the Town Center and Regional Center character area.

CONCLUSIONS:

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

A recommendation for compatible land use designation in accordance with a recommended zoning designation will be presented at a public hearing conducted by the Community Development/Human Services Committee (CD/HS) of the Atlanta City Council. Land Use Designations proposed for the subject area includes Single-Family Residential and Low Density Residential. The proposed land use designation is substantially comparable to the subject sites current land use designation in DeKalb County.

- (2) **Availability of and effect of public facilities and services; referral to other agencies:** There are available public facilities and services (i.e. water supply, sewerage, drainage, transportation, schools, fire and police protection and solid waste collection and disposal) for the proposed annexation area. The proposed zoning for the area is based on staff's review of the current zoning in DeKalb County (i.e. R-4 (City) for R-75 (County) and MR-1 (City) for MR-2 (County)).
- (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 in connection with the annexation, availability of other appropriate land already zoned for the proposed use is not applicable here. Because the property owners seek annexation, the City must zone the property upon annexation. The proposed zoning will not have an adverse environmental effect on the balance of land uses because it will retain the current zoning in DeKalb County.
- (4) **Effect on character of the neighborhood:** The uses permitted by the proposed zoning will have a positive impact on the surrounding neighborhoods because they are materially the same as the ones currently permitted in DeKalb County and currently in existence in the subject area.
- (5) **Suitability of proposed land use:** The proposed request to rezone the property to R-4 (Single-Family Residential) and MR-1 (Multifamily Residential) district is suitable given the current use of the land and residential nature of the surrounding area. The uses within these proposed districts are compatible to the current zoning designations in the DeKalb County R-75 (Residential Medium Lot) and MR-2 (Medium Density Residential).
- (6) **Effect on adjacent property:** The proposed zoning district will have a positive impact on the surrounding neighborhoods because it is materially the same as the one currently permitted in DeKalb County.
- (7) **Economic use of current zoning:** The current zoning and the proposed zoning allow for reasonable economic use of the properties in the subject area.

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-18-01 for The Gulch Sign Overlay District

DATE: February 15, 2018

An Ordinance to amend the 1982 Zoning Ordinance of the City of Atlanta, as amended (Part 16 of the Land Development Code), so as to create the Gulch Sign Overlay District; to codify comprehensive signage regulations for said district; to amend the Official Zoning Map to delineate the boundaries of said district; and for other purposes.

The applicant has requested deferral for 30 days for additional time to work on the application. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-MARCH 2018

cc: Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
Director
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Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

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

DATE: February 15, 2018

An Ordinance by Zoning Committee to rezone property located at **770 Shadowridge Drive, S.E.** from R-4 (Single Family Residential) to PD-CS (Planned Development Conservation Subdivision)

FINDINGS OF FACT:

- **Property Location:** The subject property fronts 87 feet on the east side of Shadowridge Drive, S.E. and beginning 321 feet from the intersection of Shadowridge Drive, S.E., and Ormewood Avenue, S.E. The subject property also fronts on Ormewood Avenue. The subject property is in the East Atlanta neighborhood of Council District 5 and NPU W. Land Lot 176 of District 15.
- **Property Size and Physical Features:** The subject property is a trapezoidal parcel of approximately 6.111 acres (266, 201 sq. feet). It is undeveloped, largely forested land. The topography of the lot fluctuates throughout and rises towards the eastern flank of the property. There is a creek that runs along the northern portion of the subject property, creating a 75-foot buffer on both sides of the creek bank. Vehicular access to the property is currently gained through an overgrown street. There are many overgrown mature shrubs and heavy vegetation along the creek that traverses in a northeasterly direction.
- **CDP Land Use Map Designation:** The current land use category for the site is Single Family Residential in the 2016 Comprehensive Development Plan. The current R-4 zoning is compatible with this land use designation.
- **Current/Past Use of Property:** The subject property was the former home of the Beulah Church of Christ Holiness since the 1960's. As of 2007, the subject property was sold and vacated. Staff is not aware of any previous uses.

- **Surrounding Zoning/Land Uses:** Like the subject property, surrounding zoning is exclusively R-4. Like the subject property, the surrounding land use is single-family residential. These zoning and land use patterns extend in all directions for many blocks.
- **Transportation System:** Shadowridge Drive is classified as a local street. MARTA bus routes #9 and #74 are the closest routes servicing the subject property and make stops at the intersection of Flat Shoals Avenue and Ormewood Avenue.

PROPOSAL:

This application seeks to rezone the site from the R-4 (Single Family Residential) District to PD-CS (Planned Development Conservation Subdivision) District for the construction of a community of 20 cottage-style homes.

Development Specifications:

Net Lot Area Proposed:	6.111 acres (266,201 square feet)
Gross Lot Area:	277,763 square feet
Total F.A.R. Allowed (Residential):	0.141
Residential F.A.R. Proposed:	0.141 (37,600 square feet)
Total Required Open Space:	0.78 of Gross Lot Area (216,665 square feet)
Total Proposed Open Space:	251,585 square feet
Building Height Max Allowed:	35' feet
Building Height Proposed:	35' feet
Useable Open Space Required:	0.54 of Gross Lot Area (149,992 square feet)
Useable Open Space Proposed:	213,715 square feet
Parking Required (Residential):	0.73 per unit
Parking Proposed (Residential):	33 spaces

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 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 property. 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 is currently no property zoned PD-CS anywhere in the City. Created in 2009, Staff is unaware of any development that has applied to rezone to this district, let alone from property already zoned single-family residential. Rezoning the property from the R-4 district to PD-CS to develop the property, at the proposed density, would have an adverse environmental effect on the balance of land uses by more than doubling the allowed density under the current R-4 district that predominates the surrounding area. This is neither the intent of nor permitted by the PD-CS zoning regulations. The current R-4 zoning, which allows for the residential use desired by the Applicant, is better suited for the property and the public need than the proposed PD-CS zoning.
- **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 smaller residential parcels with a direct connection to the existing infrastructure. Although the East Atlanta Neighborhood is a traditional, densely developed intown residential area with a neighborhood commercial district, the proposed development has a higher density and is not compatible with the surrounding area. Furthermore, the proposed development will not match the existing development pattern and neighborhood identity (CDP, page 213) of the East Atlanta Neighborhood. At the proposed unit density, the clustering of the homes on a small portion of the subject property is not compatible with the NPU-W Policy W-1 (CDP, pg. 375) to preserve the single-family and low-density character of the East Atlanta neighborhood. Furthermore, developments should be discouraged that are physically and symbolically separated from the surrounding physical fabric. (CDP, pg. 216). Simply, this infill development, as proposed, is not in keeping with the character of the East Atlanta Neighborhood. (CDP, pg. 227).
- **Suitability of proposed land use:** The proposed residential use is not suitable at the proposed unit density. The 20-unit density proposal is not consistent with the requirements of the Planned Development Conservation Subdivision regulations, City Code Sec. 16-19E.001 et. seq. The Conventional Subdivision site plan submitted by the applicant must demonstrate the total number of feasible lots allowed on the property under the existing R-4 zoning requirements and *must be capable of being constructed given site features* and all applicable zoning requirements. Further, for a lot to be platted and feasible for construction, it must comply with the subdivision ordinance (chapter 15 of the Land Development Code) and all other applicable regulations, including but not limited to Chapter 74 of the Code of Ordinance (Environment) enforced by the Department of Watershed Management. As proposed, lots 1-4 and 12-19 do not qualify as feasible lots capable of being constructed under the zoning ordinance, the subdivision ordinance and Chapter 74 in that they completely ignore the creek and associated state and local stream buffers that run through each of these lots. Thus, proposed lots 1-4 and 12-19 cannot be considered toward the total number of feasible lots in the site plan. Therefore, the total number of feasible lots is eight (8). Consequently, eight (8) is the maximum number of lots that may be platted if rezoned to PD-CS, not twenty (20) as proposed by the applicant.

- **Effect on adjacent property:** Staff concludes that the proposed 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.
- **Economic use of current zoning:** The existing R-4 zoning allows for an economically viable residential use of the property. Applicant concurs. See, Applicant's Development Impact Analysis, B.7 submitted 1/2/2018 ("The property is currently economically viable under the R-4 zoning.")
- **Tree Preservation:** It cannot be determined whether the proposed development is in accord with the City's policies related to tree preservation contained in the Tree Ordinance. Staff has not received comments from the city arborist, as contemplated in Sec. 16-27.004(8).
- **Other considerations:** Staff is not supportive of this proposal as it would not conform to the Planned Development Conservation Subdivision regulations.

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.** Suitability must "be determined primarily by reference to the comprehensive development plan, with due consideration given to the existing and prospective character of surrounding development." City Code. Sec. 16-19.001. In light of the environmental features (e.g. creek) traversing the property, the tract is suitable for the general type of PD zoning proposed. However, the requirements of the PD-CS (Planned Development Conservation Subdivision) require the applicant to submit a site plan that is density neutral and contain a layout of lots and street configuration for a conventional subdivision allowed under the existing zoning. The site plan must also demonstrate the total number of feasible lots allowed on the parcel under the existing R-4 zoning requirements. Feasible lots are described as buildable lots within the City of Atlanta code of ordinances which are consistent with the requirements of Part 15 Land Subdivision; in conformance with the requirements of the Part 16 Zoning Ordinance; and in conformance with Chapter 38 governing the Department of Public Works; and any other applicable codes. The applicant proposes 20 lots. Lots 1-4 and 12-19 are not buildable lots because they are located with the 75' stream buffer and therefore subject to the regulations in City Code Article V11 – Sec. 74 – Riparian Buffer Requirements. The total number of feasible lots is eight (8).¹ Therefore, the application as proposed does not meet the intent or letter of the PD-CS district.
- 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 Shadowridge Drive, a local road. Furthermore, the development lacks direct vehicular access to an arterial or collector street.

¹ Staff Notes that opposition to the rezoning submitted the Affidavit of Caleb Racicot, a professional urban planner, into the record. The Racicot Affidavit concludes that the maximum density authorized by the PD-CS district for the property is nine (9) conforming lots. In support of this conclusion, the Racicot Affidavit attaches a conventional subdivision plan that in his professional opinion complies with the PD-CS requirements, including part 15 (subdivision ordinance) and 16 (zoning ordinance) of the Land Development Code.

MARTA does not directly service the immediate area. The closest MARTA bus route to the site is along Flat Shoals Avenue, approximately 0.3 miles away with bus routes #9 and #74.

- 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 Existing Condition Site Plan, Conventional Site Plan, and Conservation Subdivision Site Plan associated with this proposal stamped received on January 2, 2018, by the Office of Zoning and Development. The applicant has not provided an explanation as to how the number of proposed lots was obtained as required by 16-19E.007(4)(c). The applicant has not provided a proposed method of ownership, maintenance, and permanent protection of greenspace as required in 16-19E.007(4)(f).
- e. **Specific modifications.** As proposed, the public purposes for a PD-CS or other regulations would not be met because the development does establish the total number of dwellings in a density-neutral manner, and as designed does not provide adequate connectivity to public transportation to neighboring communities, business, and facilities.
- f. **The suitability of a maintenance program.** The applicant has not provided any information related to maintenance and ownership for the common areas in the proposed development, such as private covenants. Staff requires that the development is governed by private covenants to provide for ownership/maintenance of the common areas. Therefore, Staff concludes the request does not meet this requirement.

STAFF RECOMMENDATION: DENIAL

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 & Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

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

DATE: February 15, 2018

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)** to **C-1/HC20L SA1/BL (Neighborhood Commercial/Inman Park Historic District/BeltLine Overlay)** property located at **320 North Highland Avenue, N.E.**

The applicant has requested an additional deferral for 30 days for additional time to work on the application. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-MARCH 2018

cc: Charletta Wilson Jacks, Director



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
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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-17-67 for 156 Lakewood Way, S.W.

DATE: February 15, 2018

The applicant seeks to rezone property located at **156 Lakewood Way** from MR-2 (Multifamily Residential) to MR-3 (Multifamily Residential).

FINDINGS OF FACT:

- **Property location:** The subject properties front approximately 265 feet on the south side of Lakewood Way beginning 325 feet from the northeast corner of Lakewood Way and Hilltop Drive. The property area is located in the Lakewood Heights neighborhood, in Land Lot 71 of the 14th District in NPU Y, Council District 12, Fulton County, Georgia.
- **Property size and physical features:** The properties consist of approximately 65,917 square feet (1.51 acres) of net lot area (85,382 square feet/1.96 acres gross lot area). The lot is currently undeveloped. The topography of the lot is extremely steep, ascending approximately 35 feet from the northern portion of the parcel that fronts Lakewood Way to the southwestern rear of lot. No vehicular access to the property is currently available. The lot is overgrown with vegetation and large mature trees and shrubs can be found on the property.
- **CDP land use map designation:** The Future Land Use designation for this property is Medium Density Residential (MDR). An amendment to the Comprehensive Development Plan will not be needed to accommodate the proposed development.
- **Current/past use of property:** Staff is not aware of any previous uses.

- **Surrounding zoning/land uses:** Land use and zoning designations in the immediate area varies. The subject property is surrounded by R-4 (Single-Family Residential) with Single Family Residential land use to the east, west, and south. The parcels parallel to the subject lot along Lakewood Way are vacant single-family lots. Parcels designated with I-1-C (Light Industrial Conditional) zoning can be found to the north with an Open Space land use designation. These parcels consist of the John C. Burdine Community Center, Lakewood Fairgrounds & Amphitheater, and EUE Screen Gems Film Studios. Further to the southeast of the property, parcels are zoned C-1 (Community Business) and C-2 (Commercial Service) with a Low-Density Commercial land use designation.
- **Transportation:** Lakewood Way is classified as a local road. Lakewood Avenue to the south is classified as a principal arterial road. Currently, MARTA's #155 and #42 bus lines service this area along Lakewood Way. The Connect Atlanta Plan designates Lakewood Way as a secondary connection and there are plans for the Southtowne Trail to be built along this corridor.

PROPOSAL:

The applicant seeks the rezoning of a 1.51-acre lot from MR-2 (Multi-Family Residential) to MR-3 (Multi-Family Residential) to construct a 54 unit 4-story multi-family building with sixteen (16) 2-bedroom units, 38 1-bedroom units, and 2,412 square feet of commercial/retail space. Access to the property will be via a single curb cut on Lakewood Way. Per the zoning code, *sec. 16-35.010 (a)(iii)*, maximum permitted floor area for properties zoned MR-3 (Multifamily Residential) are calculated at .696 of the gross lot area.

Project Specifications:

Gross Lot Area:	<u>85,382 sq. ft.</u>
Maximum F.A.R. (allowed of gross area):	
MR-3:	0.696 x 85,382 sq. ft. = <u>59,245 sq. ft.</u>
Commercial:	0.05 x 85,382 sp. ft. = <u>4,269 sq. ft.</u>

Proposed F.A.R.:	
Residential:	<u>48,250 sq. ft.</u>
Commercial:	<u>2,412 sq. ft.</u>
TOTAL:	<u>50,662 sq. ft.</u>

Number of units:	
Units:	
- Residential:	54 units
- Commercial:	2000 square feet

Parking Provided:	
Commercial:	4 (required) / 4 (provided)
Residential:	70 (required) / 72 (provided)
12' x 35' Loading:	1 (required) / 1 (proposed)

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates the property as Medium Density Residential. The proposed rezoning to the MR-3 (Multifamily Residential) District is consistent with the existing land use, thus a land use amendment will not be required to accommodate the proposed development. The land use is compatible with Lakewood Livable Centers Initiative (2013) development plan that proposed a medium density residential land use designation for this parcel. The plan also proposed a mix of multi-family structures and townhomes for this corridor. It also supports the study's policy recommendations to ensure appropriate transitions between existing residences and more intense uses and encourage a mix of land uses.
- 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 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 contribute to the redevelopment of the neighborhood.
- 4) **Effect on character of the neighborhood:** The development would have a positive effect on the surrounding neighborhood by redeveloping the vacant lot. The proposed townhomes and 7-story mixed-use flats will allow for an appropriate transition to the current single-family homes to the south from the large commercial film studio and amphitheater to the north.
- 5) **Suitability of proposed land use:** The proposed use reflects the desired mix of land uses that the community and City have designated for future redevelopment. The proposed MR-3 (Multifamily Residential) zoning on Lakewood Way would transition to and support the single-family residential parcels to its immediate west and south.
- 6) **Effect on adjacent property:** The adjacent properties located to the west along Lakewood Way are vacant parcels zoned R-4 (Single-Family Residential). The MR-3 (Multifamily Residential) zoning designation would be an appropriate complement to the low-density commercial parcels located along Lakewood Avenue to the southeast and Pryor Road to the northwest as the area continues to redevelop.
- 7) **Economic use of current zoning:** While the current zoning conditions allow for some economic use of the land, a change in zoning to a higher intense use for dense residential and some commercial 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. Conceptually, the site shall be developed in accordance with the site plan titled "Lakewood Residences" dated February 2, 2018 and received and stamped by the Office of Zoning and Development February 7, 2018.
-




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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-17-80 for 70 Branham Street, N.E.
DATE: February 15, 2018

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

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

STAFF RECOMMENDATION: FILE

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 *(KMH)*

SUBJECT: Z-17-89 for 250 Arizona Avenue, N.E.

DATE: February 15, 2018

An Ordinance by Zoning Committee to rezone property located at **250 Arizona Avenue, N.E.** from I-2 (Heavy Industrial) to MR-4A (Multifamily Residential).

FINDINGS OF FACT:

- **Property location.** The subject property fronts approximately 250 feet on the south side of La France Street, N.E. beginning at the intersection of LaFrance Street, N.E. and Arizona Avenue, N.E. The property is located in Land Lot 210 of the 15th District of DeKalb County, Georgia within the Edgewood Neighborhood of NPU-O in Council District 5.
- **Property size and physical features.** The subject property is approximately 2.4 acres in land and is currently developed with an industrial structure. Lot topography is relatively level and several mature trees are located around the perimeter of the site.
- **CDP land use map designation:** The current land use category for the site is Industrial in the 2016 Comprehensive Development Plan.
- **Current/past use of property:** The property has been used as an industrial structure. Staff is unaware of any other prior uses for the property.
- **Surrounding zoning/land use:** The surrounding parcels are zoned C-2 (Commercial Service) District with a High Density Commercial land use designation to the west, C-2 (Commercial Service) District with a Low Density Commercial land use designation to the north, C-2-C (Commercial Service - Conditional) District with a Low Density Commercial land use designation to the northeast, I-1-C (Light Industrial-Conditional) District with a High Density Commercial land use designation to the southeast and I-2 (Heavy Industrial) with an Industrial land use designation to the south.

- **Transportation system:** Arizona Avenue is classified as a local street. MARTA provides service via Bus Route #102 within 0.6 miles of the site along LaFrance street. The nearest train station is the Edgewood-Candler Park Transit Station which is 0.6 miles from the subject property. Sidewalks are present along the east side of Arizona Avenue and LaFrance Street.

PROPOSAL:

This application seeks to rezone the site from the I-2 (Heavy Industrial) zoning to the MR-4A (Multifamily Residential) zoning to construct an approximately 117,700 square feet multifamily residential development with 73 dwelling units including 43 townhome units, 12 flat-townhome stack units and 18 units in the 3-story residential buildings.

Project Specifications:

Net Lot Area (NLA):	106,648 sq. ft. (2.4 acres)
Gross Land area (GLA):	137,378 sq. ft. (3.15 acres)
Maximum F.A.R. allowed (residential):	1.49 x 137,378 sq. ft. = 204,693 sq. ft.
Proposed F.A.R. (residential):	0.86 x 137,378 = 117,700 sq. ft.
Useable Open Space Required:	54,951 square feet (0.40 GLA)
Useable Open Space Provided:	59,696 square feet (0.43)
Parking Required:	73 spaces (1 spaces per dwelling unit)
Parking Provided:	128 spaces

CONCLUSIONS:

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

The proposed zoning district is not consistent with the existing Industrial land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment is required.

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

The location of the site and surrounding uses indicate there are public facilities and services available to the subject property. The Fulton County Department of Health and Wellness requires submittal of plans for review and approval and must obtain permits for the pool, outside refuse containers, and the pad and approach area for the refuse containers.

(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. There is no negative impact on the balance of land uses.

- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood's character. The area is transitioning as indicated by the development trend of surrounding area. There is an industrially zoned property to the west which is used for commercial purposes, industrially zoned property to the east across Arizona Avenue from the property is used for residential lofts.
- (5) **Suitability of proposed land use:** The proposal is consistent with existing developments in the area. In addition to the proposal providing a mix of housing options and preserving and expanding the building on site, it is also consistent with the Edgewood Redevelopment Plan (ERP) recommendations. ERP refers to the surrounding area as a live/work district at the corner of Edgewood and recommends zoning districts that also includes MR-4A (Multifamily Residential). Staff also considers this proposal as an improvement over the existing conditions of the site.
- (6) **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect adjacent properties. The property is currently underdeveloped and underutilized. The change in use from industrial to multifamily residential will provide residential options that will strengthen the stability and increase the quality of life of the surrounding neighborhood.
- (7) **Economic use of current zoning:** The subject property has limited economic use under the existing I-2 (Heavy Industrial) zoning designation. The proposed development would provide a more effective economic use of the subject property for the purpose of redeveloping into a multifamily residential development.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The development shall conform to the MR zoning conditions.
2. Along the Arizona Avenue right of way, decorative pedestrian lights must be installed per city standards.
3. Exterior walls may not be faced with the following: exposed pressure-treated wood; vinyl siding; vinyl railing; or exterior insulation finished systems.
4. Railings must be made of painted wood, ornamental metal, or glass.
5. Exterior columns must have a minimum width of 5 ½ inches.
6. Exterior stairs may not be constructed of wood.
7. For homes with stoops, they must be a minimum of 4 feet wide. This does not apply to stairs attached to the stoops.
8. Exterior stairs must have closed risers and ends.
9. Dog waste receptacles shall be installed within the development.
10. The development shall not be a gated.

cc: Charletta Wilson Jacks, Director